

2.2 Secondary Employment

Off-duty employment is employment outside the Office wherein the use of law enforcement powers is not anticipated. This section specifically applies to both sworn deputies and to civilian employees of the Office. While the Office itself does not engage in contractual law enforcement work, it does recognize the right of its employees, both sworn and civilian, to engage in off-duty employment. However, any employment which, in the opinion of the Office, would constitute a conflict of interest or would tend to bring discredit to the Office is prohibited.

2.2.1 Secondary Employment for Sworn Personnel

The remainder of this directive only applies to sworn deputies. The term "secondary employment", as used in the remainder of this directive, applies to both off-duty employment, as defined above, and to *extra-duty employment* -- meaning employment outside the Office by deputies, wherein the actual or potential use of law enforcement powers is anticipated.

Secondary employment may be disapproved or canceled at any time by the Sheriff or Chief Deputy whenever a deputy fails to comply with the requirements of this directive, or when continued secondary employment might constitute a conflict of interest or tend to bring discredit to the Office. Written justification will be provided to the deputy in such cases.

Employees who engage in secondary employment without approval are subject to disciplinary action. Secondary employment may be suspended for a period not to exceed one (1) year as a part of the disciplinary process.

Deputies shall not engage in secondary employment while on duty.

Deputies shall not engage in any outside employment which will adversely affect their ability to perform their duties or the quality of their work.

Deputies will not engage in secondary employment when in the following status without the express permission of the Sheriff or Chief Deputy: Light duty, limited duty, disability leave, sick leave, administrative leave, or leave without pay.

2.2.2 Use of Law Enforcement Powers and Office Equipment

Any request for secondary employment will be referred to the Chief Deputy. The Chief Deputy or designee may contact the private employer to make an evaluation of the request. When engaged in extra-duty assignments, all Office rules and regulations apply.

In situations where two or more deputies may be employed, the Chief Deputy may appoint an employee from the Office to coordinate scheduling.

2.2.3 Written Approval

All deputies desiring to engage in secondary employment must secure written permission through the chain of command. Their detailed request will be submitted on an Office "Request for Secondary Employment" form.

Supervisors in the requesting deputy's chain-of-command will endorse the request with appropriate written comments regarding their knowledge of the secondary employment.

The Sheriff or Chief Deputy is authorized to approve or disapprove requests. Written explanations will be provided on denied applications.

Requests for security related secondary employment will be valid for a period of one (1) year, and the employee will notify supervisors in writing upon termination of such employment.

Requests for non-security related secondary employment will remain in effect indefinitely, unless otherwise stated, or until the work is completed, the employee changes the status or nature of the work, or approval is rescinded by the Sheriff or Chief Deputy.

2.2.4 Review Criteria

When considering a request for secondary employment, the Sheriff/Chief Deputy will be guided by the following criteria. All requests for secondary employment will be examined on an individual basis to insure that no actual or potential conflict exists. The deputy will be advised of the possibility of that conflict and, if circumstances permit, certain conditions may be placed.

Requests for secondary employment or the continuation of such employment may be denied on the basis of poor job performance and/or excessive use of

leave. Decisions will be made on a case-by-case basis after reviewing all pertinent factors.

A request for secondary employment will be denied if the employment:

- May require access to office records, documents or files;
- Involves quasi-law enforcement functions such as serving civil documents, collecting bad checks or bad debts, or conducting private investigations; or
- May present a conflict of interest with the deputy's duties.

Secondary employment may be approved in businesses which sell or dispense alcoholic beverages, providing: the sale or dispensing of alcoholic beverages is not the primary service of the business; the employed deputy will not be required to perform security or law enforcement functions associated to the sale or dispensing of alcoholic beverages (i.e., checking identification or evicting intoxicated patrons / bouncer); or the deputy will not sell, serve, or handle alcoholic beverages in any fashion.

2.2.5 Short Notice / Temporary Opportunities

In cases of short notice/temporary opportunities, the Chief Deputy or Bureau Commander may verbally approval/authorize temporary employment that does not exceed a total of seven (7) days. A "Request for Secondary Employment" form must still be submitted as a follow-up to the verbal approval.

2.2.6 Personal Patrol Vehicle (PPV)

Unless otherwise approved by the Sheriff or Chief Deputy, a PPV will not be used to perform patrol duties while engaged in secondary employment, or used as a means of travel upon arriving at a secondary employment location.

2.2.7 Office Uniform, Insignia, Weapons

Office uniforms or insignia may be worn while engaged in secondary employment only upon the approval of the Sheriff or Chief Deputy. Deputies requesting approval for the use of the Office issued uniform or insignia will thoroughly describe the circumstances of employment in the secondary employment request.

The Office reserves the right to mandate the wearing of the uniform in certain secondary employment situations, exclusive of any request by the involved deputy.

All sworn personnel, from the rank of Sergeant and below, are **required** to wear their issued protective vest (body armor) while on-duty or while working law enforcement-related secondary employment. Exceptions to wearing the vest will be considered on a case-by-case basis upon the employee's presentation of a doctor's note stating the medical condition and duration of the condition. Exceptions will expire on the date designated by the doctor, but will not exceed one year. Conditions exceeding one year must be re-submitted annually for approval by the Sheriff. The Sheriff may request a "fitness for duty" evaluation for any deputy who repeatedly submits requests for exceptions to wearing the vest.

Refer to General Order 10.2.3 regarding approved weapons when working secondary employment in plain clothes, or when in an off-duty status.

2.2.8 Radio Communications

Deputies engaged in extra-duty employment will notify the Office communications unit when they arrive at and depart from secondary employment.

2.2.9 Incidents During Extra-Duty Assignments

Deputies will submit an *incident report* whenever any of the following conditions occurs as a result of secondary employment:

- Incidents involving the use of law enforcement powers;
- Incidents involving the use of force;
- Incidents resulting in the injury of the deputy or others;
- Incidents that will result in a court appearance by the deputy.

2.2.10 Special Conditions for Supervisors and Administrators

Absent an exception granted by the Sheriff or Chief Deputy, the Office chain-of-command cannot be superseded by private employer designations of responsibility (e.g., subordinates can not directly supervise superiors).

APPENDIX B: REQUEST FOR SECONDARY EMPLOYMENT
(Must be typed)

TO: Sheriff Ronald S. Bateman
VIA: Chain of Command
FROM: _____ ID# _____
ASSIGNMENT: _____

EMPLOYER'S NAME _____
PHONE# _____
ADDRESS _____

SITE/LOCATION OF PART-TIME EMPLOYMENT _____
TYPE OF EMPLOYMENT _____
JOB TO BE PERFORMED (Describe in detail and include office equipment to be used)

MAXIMUM NUMBER OF HOURS TO BE WORKED: PER DAY _____ PER WEEK _____
DATE(S) WORKING: _____ thru _____
(start date) (end date)

SIGNATURE DATE

SUPERVISOR'S COMMENTS OR REMARKS
(Use reverse side if necessary)

I RECOMMEND THIS APPLICATION BE (Approved_____) (Disapproved_____)

Supervisor Date

THIS APPLICATION HAS BEEN (Approved_____) (Disapproved_____)

ADDITIONAL RESTRICTIONS: _____

Sheriff Ronald S. Bateman Date

UNLESS REVOKED, THIS APPLICATION WILL EXPIRE ONE YEAR FROM ABOVE DATE
AACOSO FORM#027 (Rev. 03/01/2013)