

# Secondary & Extra-Duty Employment

**Index Code:** 708

**Effective Date:** 07/01/09

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## **I. Purpose**

The purpose of this directive is to provide guidelines for the conditions of secondary and extra-duty employment, and to establish procedures to maintain accountability for the welfare of the Office of the Sheriff.

## **II. Policy**

It is the policy of the Office of the Sheriff to recognize the right of its employees to engage in secondary and extra-duty employment while off-duty. However, any employment which in the opinion of the Sheriff would constitute a conflict of interest, or would tend to bring discredit to the agency, is strictly prohibited.

## **III. Definitions**

### **A. Secondary Employment**

For purposes of this directive, secondary employment is defined as employment conducted off-duty wherein actual or potential use of law enforcement powers are not anticipated, and payment for services performed is made directly to the employee from the employer. Examples of secondary employment include construction and home improvement, site security, surveying, and waitressing.

### **B. Extra-Duty Employment**

For purposes of this directive, extra-duty employment is defined as employment conducted off-duty wherein actual or potential use of law enforcement powers is anticipated, and payment for services performed is made through the Queen Anne's County Department of Finance. Examples of extra-duty employment include community and town patrols, DOT grant funded operations, and BOE authorized school security details. When engaged in extra-duty employment deputies will wear the uniform of the day, along with a ballistic vest and duty belt.

## **IV. Written Approval Required**

A. Deputies desiring to engage in secondary employment must secure written permission through their chain of command. Their request will be submitted on the agency's

Request for Secondary Employment form. The Request for Secondary Employment form does not have to be submitted for extra-duty employment as defined above. Authorization for extra-duty employment is provided through established sign-up sheets posted by the Administrative Services Division.

B. Supervisors in the requesting deputy's chain of command must endorse the secondary employment request and provide appropriate written comments if applicable. Any supervisor within the chain of command may deny the request, providing they explain the reason for the denial on the Request for Secondary Employment form. Supervisors may also include additional restrictions beyond the scope of this directive if applicable, but may not deviate from this directive unless exigent circumstances exist. Final approval will be made by the Sheriff or Chief Deputy.

C. After final disposition has been made, the original request form will be kept on file by the Chief Deputy, or his designee, with a copy returned to the originating deputy and one placed in his/her personnel file.

D. Requests for secondary employment will be valid for one year, commencing on the date of approval. Deputies will submit requests for renewal or continuation of secondary employment no later than July 1<sup>st</sup> of each year, and immediately make notification, via the chain of command, upon termination of such employment by submitting a Secondary Employment form indicating that the secondary employment has been terminated.

## **V. Conditions for Secondary Employment**

When considering a request for secondary employment, supervisors will be guided by the following criteria:

A. Deputies on probation will not participate in secondary or extra-duty

employment involving patrol activities or site security until successfully completing the field training program.

B. Deputies will not engage in secondary or extra-duty employment while on sick leave. This does not preclude a deputy from working secondary or extra-duty employment following the use of family sick leave. For example, if a deputy uses family sick leave during their regularly scheduled shift, the use of leave would not prohibit them from engaging in secondary or extra-duty employment once the regularly scheduled shift has concluded.

C. Requests for secondary employment, or continuation of such employment, may be denied on the basis of poor job performance and/or excessive use of sick leave. Decisions will be made on a case-by-case basis after reviewing all pertinent factors.

D. Requests for secondary employment will be denied if the employment:

1. Requires access to agency documents, files or records;
2. Involves quasi-law enforcement functions such as serving civil documents, collecting on bad checks or debts, or conducting private investigations; or
3. Has the potential of presenting a conflict of interest with the deputy's official duties.
4. Conflicts with the interest, purpose or mission of the Office of the Sheriff.

E. Secondary employment may be approved in businesses that sell or disperse alcoholic beverages providing:

1. The business is not a bar/pub/tavern;
2. If the business is a combination of a bar/pub/tavern and a restaurant the deputy may only work in the designated restaurant area;
3. The sale or dispersing of alcoholic beverages is not the primary purpose of the business;
4. The employed deputy is not required to perform security or law enforcement functions

associated with the sale or dispersing of alcoholic beverages); or

5. The deputy does not sell, serve, or handle alcoholic beverages unless served as part of a meal. Those deputies serving alcoholic beverages as part of a meal must successfully complete a TIPS/TAM training program prior to or within ninety (90) days of securing said employment.

F. It is recommended that deputies work no more than four (4) hours of secondary or extra-duty employment on a regularly scheduled work day. To ensure each deputy's own protection, and the protection of citizens and fellow employees, deputies will obtain sufficient rest prior to working secondary or extra-duty employment, and between that employment and their next regularly scheduled work day. Deputies will remain awake and alert while working secondary and extra-duty employment. In the event a supervisor observes a deputy who appears to have not gotten enough rest the incident will be documented and the deputy relieved from their assignment.

G. Approved secondary employment may be suspended at any time by a supervisor whenever a deputy fails to comply with the requirements of this directive, or when the continued secondary employment would, in a supervisor's opinion, constitute a conflict of interest or would tend to bring discredit to the Office of the Sheriff. Written justification will be provided to the deputy in such cases.

## **VI. Liability Considerations**

In certain circumstances, an injury or illness arising from secondary employment may not be compensable by the County, and the employee(s) affected may only have personal or work-related insurance and county sick and vacation leave on which to rely for income while injured or ill. Serious injury or illness caused by secondary employment may result in being disqualified to continue county employment. Circumstances surrounding each individual injury or illness will be considered on a case by case basis.

## **VII. PPV Use**

### **A. Secondary Employment**

1. In general, the Personal Patrol Vehicle (PPV) may be used for transportation to and from approved secondary employment, but not for patrol duties unless previously approved by

the Sheriff or Chief Deputy. Deputies requesting approval for use of the PPV in conjunction with secondary employment will describe the circumstances on the secondary employment request form. Deputies residing outside of Queen Anne's County are not allowed to drive their PPV into the County for secondary employment.

2. Deputies receiving approval to use their PPV to perform patrol type duties while engaged in secondary employment will reimburse Queen Anne's County based upon a per mile usage while performing such duties at the location of employment. This reimbursement will ensure that the taxpayers of Queen Anne's County are compensated for the use of a PPV. Such compensation will be based on the State of Maryland Privately Owned Vehicle Reimbursement Rate as provided by the Queen Anne's County Department of Finance. Reimbursement is not necessary for the mileage driven to and from their residence within Queen Anne's County and the location of secondary employment.

3. The procedures for PPV mileage reimbursement are as follows:

a. The involved deputy is required to keep track of the miles driven to allow for proper reimbursement.

b. Reimbursement will equal the number of miles driven times the monetary sum per mile determined by the Department of Finance.

c. Reimbursement for long-term use of the PPV (more than one month) will be made on a monthly basis.

d. Reimbursement for usage of less than one month will be made at the conclusion of the employment term.

e. Reimbursement will be in the form of a check made payable to the "Queen Anne's County Sheriff's Office," and forwarded to the Commander of the Administrative Services Division. Said monies will be deposited in compliance with Department of Finance procedures to compensate for fuel and maintenance.

4. Deputies who elect to drive their PPV to and from secondary employment locations are

required to use their PPV to transport prisoners who are taken into custody as a result of secondary employment duties. Unless previously approved by the Sheriff or Chief Deputy, the PPV will not be used as a means of travel upon arriving at a secondary employment location (i.e., as a delivery vehicle, to go from one job site to another, or any other activities connected with secondary employment.

5. Deputies will adhere to all regulations regarding use of agency vehicles as indicated in Index Codes 1400 ó 1403, as well as regulations regarding dress and use of agency owned equipment while operating a PPV off-duty.

6. When engaged in approved secondary employment deputies will park the PPV in a conspicuous location.

#### **B. Extra-Duty Employment**

1. The Personal Patrol Vehicle (PPV) may be used for transportation to and from approved extra-duty employment, as well as patrol duties and any other duties required for the approved extra-duty employment. Deputies residing outside of Queen Anne's County may drive their PPV into the County for extra-duty employment.

2. Due to the request for high visibility, deputies working extra-duty employment in communities and incorporated towns (i.e., Church Hill Patrol, Cloverfields, Queenstown, etc.) are required to utilize a marked patrol vehicle. In those situations where a deputy is assigned an unmarked vehicle as a PPV, they may drive to Headquarters and pick up a marked spare vehicle or borrow a marked vehicle from another deputy residing in Queen Anne's County.

#### **VIII. Agency Uniform and Insignia**

A. Agency 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 agency uniform or insignia will request such use on the secondary employment request form, describing the circumstances of the employment and identifying the usage of the uniform or insignia to be worn.

B. The Office of the Sheriff reserves the right to mandate the use of the uniform and/or insignia in certain secondary employment

situations, exclusive of any request by the involved deputy.

**IX. DES Notification**

Deputies engaged in security related secondary employment, where the employment is conditioned on the actual or potential use of law enforcement powers, will notify the Department of Emergency Services when they arrive at and depart from their place of secondary employment.

**X. Required Documentation**

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

- A. Incidents involving the use of law enforcement powers.
- B. Incidents involving the use of force (a Use of Force Report is also required).
- C. Incidents resulting in the injury of the deputy or others.
- D. Incidents that will most likely result in a court appearance by the deputy.

**XI. Proponent Unit: Sheriff**

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Sheriff R. Gery Hofmann III