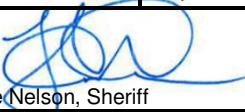




# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Off-Duty Employment</b>	Effective Date: June 2, 2016	Policy Number: <b>3.31</b>
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Attachments:	 L. Shane Nelson, Sheriff	

## I. PURPOSE

The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of the Deschutes County Sheriff's Office.

## II. POLICY

The nature of the law enforcement task requires Sheriff's Office Employees to have the ability to work irregular duty schedules that are subject to change to meet deployment needs. Additionally it is necessary that an employee have adequate rest to be alert during his tour of duty. For these reasons and because certain occupations inherently conflict with an employee's primary responsibility to the Sheriff's Office, the agency may impose conditions on outside employment or may prohibit it altogether.

Determination of the degree of limitation shall be based upon the interest of the agency in furthering professionalism, protecting the reputation of the employee and the Sheriff's Office, and ensuring that the agency receives full and faithful service in return for its expenditure of resources.

The policy of this agency is to provide guidelines to employees to inform them of the types of secondary employment that are appropriate and to establish procedures to maintain accountability for the welfare of the Sheriff's Office. These requirements are essential for the efficient operation of the agency and for the protection of the community.

## III. DEFINITIONS

*Employment* means the provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

*Extra-Duty Employment* is any employment that is conditioned on the actual or potential use of law enforcement powers by the deputy.

*Regular Off-Duty Employment* is any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

## IV. REQUESTS

### A. Consideration

No employee shall be allowed to perform secondary employment without the permission of the Sheriff. The Sheriff will not be arbitrary or capricious in making his decision. Denial of such permission shall be based

upon the detrimental effect or potential detrimental effect that the secondary employment would have on the employee's work performance or the risk or perception of impropriety.

#### **B. Request Process**

All agency personnel who wish to engage in off-duty employment shall submit in writing to the Sheriff a request for approval. If approval is given the employee's off-duty or extra-duty work will be monitored by the Sheriff or his designee.

#### **C. Request Requirements**

The request shall be completed as soon as possible after the employee has sufficient information to submit. The request shall include a work schedule of the secondary employment; the name, address and phone number of the secondary employer, address of where the employment will take place and the type of duties to be performed.

#### **D. Responsibility to the Sheriff's Office**

The primary duty, obligation, and responsibility of all personnel is to the Sheriff's Office at all times. Personnel directed to work overtime will do so regardless of their off-duty employment situation.

### **V. PROCEDURES**

There are two types of off-duty employment in which an employee may engage:

#### **A. Regular Off-Duty Employment**

Employees may apply for permission to engage in off-duty employment that meets the following criteria:

1. Employment complies with all federal, state and local laws, including income reporting and withholding requirements for off-duty wages, and any licensing requirements. The employee is solely responsible for knowing all federal, state and local legal requirements of the off-duty employment.
2. Employment of a non-law enforcement nature in which vested deputy powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
3. Employment that presents no potential conflict of interest between their duties as a deputy and their duties for their secondary employer. Some examples of employment representing a conflict of interest are:
  - a. As a process server, repossession, or bill collector, towing of vehicles, or in any other employment in which law enforcement authority might tend to be used to collect money or merchandise for private purposes.
  - b. Personnel investigations for the private sector or any employment that might require the deputy to have access to law enforcement information, files, records or services as a condition of employment.
  - c. In Sheriff's Office uniform in the performance of tasks other than that of a law enforcement nature.
  - d. Assisting (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
  - e. For a business or labor group that is on strike.
  - f. In occupations that are regulated by, or that must be licensed through the Sheriff's Office or its civilian board.
4. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment presenting a threat to the status or dignity of the law enforcement profession are:
  - a. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.

- b. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
- c. Any employment involving the sale, manufacture or transport of marijuana as the principal business.
- d. Any gambling establishment not exempted by law.

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

Deputies may apply for permission to engage in extra-duty employment as follows:

1. Where a government, profit-making or not-for-profit entity has a contract agreement with the Sheriff's Office for deputies in uniform who are able to exercise their peace officer duties.
2. Types of extra-duty services which may be considered for contracting are:
  - a. traffic control and pedestrian safety
  - b. crowd control
  - c. security and protection of life and property
  - d. routine law enforcement for public authorities
  - e. plainclothes assignments

## **C. Limitations on Regular Off-duty Employment and Extra-duty employment**

1. To be eligible for off-duty employment, a deputy must be in good standing with the agency. Continued agency approval of a deputy's off-duty employment is contingent on such good standing.
2. Those deputies who have not completed their probationary period, or who are on medical or other leave due to sickness; temporary disability or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.
3. Prior to obtaining off-duty employment, a deputy shall comply with agency procedures for granting approval of such employment, or registration for extra-duty employment.
4. A deputy may work a maximum of 24 hours of off-duty-regular or extra-duty employment or a total of 72 hours in combination with regular duty in each calendar week, whichever is less.
5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the deputy's performance of their regularly assigned duty.
6. A deputy engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.
7. Permission for a deputy to engage in outside employment may be revoked where it is determined pursuant to agency procedure that such outside employment is not in the best interests of the agency.