



WEBER COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURES

OFF-DUTY AND EXTRA-DUTY EMPLOYMENT

EFFECTIVE DATE: 08/28/09
 AMENDS/SUPERCEDES: 16.19-21; 16.22-23
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 APPROVED: _____

Sheriff Signature

16.19.1 Purpose

The purpose of this order is to set forth guidelines to govern off-duty or extra-duty employment by members of the Sheriff's Office.

16.19.2 Rationale

To ensure that any off-duty or extra-duty employment is not a detriment to the rest, revitalization and ability of Weber County deputies to perform their primary functions. To ensure off-duty or extra-duty employment does not cause a conflict of interest or discredit the integrity of the Weber County Sheriff's Office.

16.19.3 Definitions

Employment: The provision of service, whether or not in exchange for a fee or other service. Employment does not include volunteer/charity work unless in the capacity of a peace officer.

Extra-Duty Employment: Any outside employment under authority of the Sheriff's Office that is conditioned on the actual or potential use of law enforcement powers by the Deputy.

Off-Duty Non-Law Enforcement Employment: Any employment outside of the Sheriff's Office that will NOT require the use or potential use of law enforcement powers by the off-duty employee.

16.19.4 Policy

- A. The authority of the Sheriff to restrict off-duty or extra-duty employment is covered in the Weber County Personnel Policies and Procedures Manual, Chapter 6. There are three types of off-duty employment which a Sheriff's Office employee may engage:

1. Extra-Duty Employment: Employees may engage in extra-duty employment as follows:
 - a. When such employment is outside the authority of the Sheriff's Office but has the actual or potential use of law enforcement powers.
2. Off-Duty Employment: Employees may engage in off-duty employment wherein the use of law enforcement powers is not anticipated.
3. Employees may engage in non-law enforcement off-duty employment that meets the following criteria:
 - a. Employment of a non-law enforcement nature in which vested law enforcement powers are not a condition of employment. The work or service provides no real or implied law enforcement service to the employer and is not performed during the assigned hours of duty.
 - b. Employment that presents no potential conflict of interest between the duties as a member and the duties for the secondary employer. Some examples of employment representing a conflict of interest are:
 - i. As a process server, reposessor, or bill collector, towing vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
 - ii. Personal investigations for the private sector or any employment which might require the member to have access to law enforcement information, files, records or services as a condition of employment.
 - iii. Any use of the Sheriff's Office uniform in the performance of tasks other than that of a police nature.
 - iv. Assists (in any manner) the case preparation for a non-government lawyer in any criminal or civil action or proceeding unless approved by the Sheriff.
 - v. For a business or labor group that is on strike or potential of a strike exists.

- vi. Employment where liquor is consumed.
- c. Employment that does not constitute a threat to the status or dignity of a Sheriff's Deputy as a professional occupation. Examples of employment presenting a threat to the status or dignity of the law enforcement profession are:
 - i. Establishments which sell pornographic books, magazines, sexual devices, or videos; or that otherwise provide entertainment or services of a sexual nature.
 - ii. Any employment engaging in the sale, manufacture, or transport of alcoholic beverages as the principle duties or business.
 - iii. Any gambling or gaming establishment not exempted by law.
- B. In order to be eligible for off-duty/extra duty employment, an employee must be in good standing with the Sheriff Office. Continued Office approval of an employee's off-duty/extra duty employment is contingent on such good standing.
- C. Prior to obtaining off-duty/extra duty employment, sworn and non-sworn employees shall submit, through the chain of command, to the Sheriff, a letter requesting permission to engage in the specific off-duty/extra duty employment. After approval by the Sheriff, the original will be filed in the employee's office personnel file, a copy to the employee's Bureau Commander, and a copy will be returned to the employee. These applications will be required to be renewed annually.
- D. An employee may work a maximum of 24 hours of off-duty or extra-duty employment, or a total of 64 hours in combination with regular duty in each calendar week unless approved by the Sheriff. See also 16.1.7.
- E. Work hours for all off-duty members must be scheduled in a manner that does not conflict or interfere with the members Office duties.
- F. A Sheriff's member engaged in off-duty employment is subject to call-out in case of emergency, and may be expected to leave his/her off-duty employment in such situations.
 - 1. A member working off-duty employment may be requested to return to on-duty status when:

- a. Calls for service (CFS) in the business or general area of the off-duty employment are law enforcement in nature; and,
 - b. Such law enforcement (CFS) situations requires on-duty action; and,
 - c. Such action is approved by the shift supervisor or approved by a supervisor as soon as practical;
 - i. When possible, the approving supervisor will give time parameters for the situation to be completed or turned over to a regular-duty Sheriff's member.
- 2. The on-duty hours worked are subject to all Sheriff's Office and Weber County policies and procedures. While within the on-duty status, members will be supervised by the on-duty supervisor.
- 3. A member moving from an off-duty employment to an on-duty status will be paid by the County, based on FLSA standards for approved hours worked.
 - a. No member will be paid by the off-duty employer and Weber County for the same hours worked.
 - b. An overtime request will be submitted to the member's supervisor for the approved on-duty time worked. That document will include the approving supervisor's name, with a brief description of the on-duty situation handled.
 - c. As soon as practical, the member will move back to his/her off-duty status, being paid by the off-duty employer.
 - d. When practical, an off-duty employer may assist with the on-duty hourly rate of those member's moving from an off-duty status to an on-duty status.
- G. Permission for a Sheriff's Office employee to engage in outside employment may be revoked where it is determined that such outside employment is not in the best interest of the Office by the Sheriff.
- H. An employee shall not engage in outside employment while carried on sick or injured status except by special permission of the Sheriff.
- I. The Sheriff may stipulate any condition of approval he/she feels necessary for control of an employee's outside employment practices.

- J. Failure to comply with the above procedures may result in revocation of permission for off-duty and/or extra-duty employment, and could result in disciplinary action by the office and/or County.
- K. Security work authorized by the Sheriff is subject to the following regulations:
 - 1. Members will be familiar with and comply with the Security Licensing and Regulation Act (1979), as amended.
 - 2. Members are prohibited from using uniforms or office equipment.
 - 3. Members will provide and maintain in force an approved “Covenant of Indemnification and Insurance”, and submit a copy of the insurance certificate.
 - 4. Consistent with acting as security personnel, deputies will make any arrests as private citizens and remand custody of those arrested to on-duty deputy’s, and will not issue citations.
- L. The Undersheriff will ensure a process is in place to document the following data associated with extra-duty employment:
 - 1. Date, time, and place of employment.
 - 2. Incidents that involved use of law enforcement powers.
 - 3. Incidents of injury to Deputies or others.
 - 4. Complaints received as a result of the extra-duty or off-duty employment.
 - 5. Court appearances (scheduled and actually attended) resulting from extra-duty employment.
 - 6. Liability and indemnification concerns stemming from actions during extra-duty employment.
- M. Probationary members are prohibited from working extra-duty or regular off-duty employment.
- N. The Sheriff may grant exceptions to this policy.