

## Outside Employment

### 1039.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy and Utah Code 53-13-114.

#### 1039.1.1 DEFINITIONS

**Outside Employment** - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime and/or employment wages, including all deductions and withholdings, will be paid by the employing organization.

### 1039.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

#### 1039.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance.

#### 1039.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

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- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

#### **1039.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of UAC R477-9-2, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Department or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

##### **1039.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

Due to the potential conflict of interest no member of this department will generally be permitted to engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service.

- (a) The department member will be required to enter into an indemnification agreement, with the private organization, prior to approval by the Sheriff.
- (b) The private organization will be required to provide for the compensation and full benefits of all employees requested for such outside security services.

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- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
1. The deputy shall wear the Department uniform/identification.
  2. The deputy shall be subject to the rules and regulations of the Department.
  3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
  4. Compensation for such approved outside security services shall be provided by the private organization.
  5. Outside security services shall not be subject to the collective bargaining process.
  6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

#### 1039.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### 1039.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, deputies assigned to undercover or covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

#### 1039.4 DEPARTMENT RESOURCES

Employees may use, with approval from the Sheriff, Department equipment and resources for approved outside employment. However, Department members shall not use official records or databases of the Department or other agencies while working for a private organization. Department members assigned to Department shifts shall be utilized for investigative purposes.

#### 1039.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that a deputy provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work

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permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Status subsection of this policy.

#### **1039.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### **1039.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Summit County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.