

KANE COUNTY SHERIFF'S OFFICE SECONDARY EMPLOYMENT POLICY

SECONDARY EMPLOYMENT

Policy

It is the policy of the Kane County Sheriff's Office to permit secondary employment by members, consistent with the efficient operation of the Department and for the protection of the public. Where actual or potential conflicts of interest exist, the Department may act to limit or prohibit secondary employment. Members have a duty to ensure their secondary employment complies with this chapter.

Secondary Employment Definitions

- (1) Employment: The off-duty provision of service in exchange for a fee, discount, or other service.
- (2) Regular Secondary Employment: Any employment which will not require the use or potential use of law enforcement powers by the off-duty member.
- (3) Extra-Duty Secondary Employment: Any employment which is conditioned on the actual or potential use of law enforcement powers by the sworn member.

Utah Public Officers and Employees Ethics Act

Members will comply with Title 67 Chapter 16, UCA, the purpose of which is to set standards of conduct for members where there are actual or potential conflicts of interest between their public duties and their private interests.

Conflict of Interest

Members are prohibited from working any secondary employment for any law enforcement agency without the permission of the Sheriff.

Regular Secondary Employment

- (1) Members may engage in regular secondary employment which meets the following criteria:
 - (a) Such employment is of a non-law enforcement nature in which peace officer powers are not a condition of employment, the work provides no real or implied law enforcement service to the employer, and the work is not performed during duty hours.
 - (b) Such employment presents no actual or potential conflict of interest between their duties as a member of the Kane County Sheriff's Office and their duties for the secondary employer.

Extra-Duty Secondary Employment

- (1) Sworn members may engage in extra-duty secondary employment subject to approval and this policy.
- (2) Extra-duty services include:
 - (a) Traffic control and pedestrian safety,
 - (b) Crowd control,
 - (c) Protection of life and property,
 - (d) Law enforcement activities for governmental entities,
 - (e) Plain clothes assignments.
- (3) All extra-duty secondary employment will be coordinated through the Chief Deputy. The Kane County Sheriff's Office may authorize a representative to act as an administrator for long-term or on-going assignments. The representative, referred to as the Direct Contact Officer, will act as a liaison between the employer and the Kane County Sheriff's Office and may be responsible for assignment of personnel, scheduling, payroll, ensuring forms are submitted and up to date, and communication between the Department and the employer.
- (4) The Direct Contact Officer will inform the Kane County Sheriff's Office of the methods used for assignment of personnel and scheduling to assure fair and responsible staffing.
- (5) The Kane County Sheriff's Office will ensure employers submit a signed Secondary Employment Employer Agreement, or have an agreement on file, before assigning personnel to work the detail.
- (6) Sworn members working extra-duty secondary employment outside the jurisdiction of the Kane County Sheriff's Office will contact the appropriate law enforcement jurisdiction to document the detention and/or arrest of shoplifters, trespassers, etc. This ensures appropriate record keeping by the jurisdictional agency.
- (7) While engaged in extra-duty secondary employment within the Kane County Sheriff's Office's jurisdiction, officers will handle law enforcement functions which occur on the premises of the extra-duty employer to include:
 - (a) Preliminary investigation, initial report, evidence handling.
 - (b) Physical arrest or citation.
 - (c) Custodial transportation, when required, will be handled by on-duty personnel.

- (8) Department uniforms or insignia may be worn while engaged in extra-duty secondary employment. The Class B duty uniform will be the authorized uniform and will be worn in compliance with Department uniform policy. In limited circumstances, other Department approved uniforms may be authorized by the Chief Deputy upon request of the Kane County Sheriff's Office. Once the authorized uniform has been determined, all personnel working the assignment will wear the designated uniform in accordance with Department policy. The Department reserves the right to mandate the wearing of the uniform, or not allow the wearing of the uniform in certain secondary employment situations, exclusive of any request.
- (9) While engaged in extra-duty secondary employment, sworn members will act in accordance with Kane County Sheriff's Office policies and procedures.

Limitations on Secondary Employment

- (1) The Kane County Sheriff's Office will make every effort to equitably distribute secondary employment opportunities to all members. However, assignments may be based on other factors, as long as the assignment decision is not based on race, color, national origin, religion, sex, age, or any other protected class recognized by the Kane County Sheriff's Office. Some of these factors may include, but are not limited to; specialized training or skills, employer requests, equipment requests, and experience.
 - (a) Assignments of secondary employment opportunities that are made as a result of "other factors" will be reviewed by the Kane County Sheriff's Offices' chain of command.
- (2) Members will not engage in secondary employment during the hours the member is on sick leave or workers' compensation leave. With their immediate supervisor's authorization, members may engage in regular secondary employment outside their regular scheduled working hours while on sick leave or workers' compensation leave. Members will not engage in extra-duty secondary employment while on restricted duty.
- (3) Members will not engage in extra-duty secondary employment while on administrative leave, unless authorized by the Chief Deputy
- (4) Work hours for all secondary employment must be scheduled in a manner that does not conflict with or interfere with the member's performance of duty.
- (5) Members engaged in secondary employment are subject to call-out in case of Department need or emergency, and may be required to leave their secondary employment assignment in such situations.
- (6) Sworn members may only engage in extra-duty secondary employment outside Kane County with permission from the Sheriff or his designee.

- (7) Sworn members must successfully complete any probation prior to engaging in extra-duty secondary employment.
- (8) Employment that constitutes a threat to the status or dignity of the member as a member of the law enforcement profession is prohibited. Examples of employment presenting a threat to the status or dignity of the profession are:
 - (a) Establishments which primarily deal in providing goods, entertainment, or material of a sexual nature.
 - (b) Any employment where the sale, manufacture, consumption, or transport of alcoholic beverages is the principle activity. Exceptions to this prohibition include employment by the State Alcoholic Beverage Control Department as a security officer. Additionally, an officer may work for a store, motel, hotel, restaurant, country club, or similar establishment as a security person, desk clerk, or similar capacity, provided no part of the officer's specific duties are related to or involve the bar area where alcoholic beverages are sold or dispensed, the employment does not require "bouncer" duties, and the sale, dispensing, or handling of alcoholic beverages is not the primary business of the establishment.
 - (c) Any gambling or gaming establishment.
 - (d) Any pawn shop or second-hand store regulated by pawn statutes and/or ordinances.
 - (e) Constable, Deputy Constable, or Process Server.
 - (f) Any other statutorily prohibited employment.

Procedures

- (1) Members desiring to work regular or extra-duty secondary employment, which is not maintained and coordinated by the Kane County Sheriff's Office, must obtain prior authorization to work regular or extra-duty secondary employment by submitting a Secondary Employment Request Form through their chain of command, to the Chief Deputy.
- (2) Employers interested in hiring members to work extra-duty secondary employment will sign an approved Secondary Employment Employer Agreement. This agreement outlines the member's duty, as well as indemnification requirements.
 - (a) Members employed by the Federal Government are covered by the Federal Tort Claims Act and are exempted from the above requirement.

- (3) Secondary Employment Request Forms
 - (a) A Secondary Employment Request Form is required prior to a member beginning any secondary employment which is not coordinated and maintained by the Kane County Sheriff's Office. A Secondary Employment Request Form is not required for assignments which are received by the Kane County Sheriff's Office on behalf of the Department and schedules and payroll records are maintained in a database accessible to supervisors in the Department.
 - (b) When a Secondary Employment Request Form is required, an updated form must be submitted when a member changes employer, or the duties, nature of job, or working hours change substantially.
 - (c) Secondary Employment Request Forms will be reviewed annually by the Kane County Sheriff's Office to ensure information is current.
- (4) Distribution of Secondary Employment Request Form:
 - (a) Original to Kane County Sheriff's Office.
 - (b) Copy to personnel files (Kane County Human Resources).
 - (c) Copy to member's immediate supervisor.
 - (d) Copy to submitting member.

Revocation of Authorization to Work Secondary Employment

Authorization for a member to engage in secondary employment may be revoked at any time when it is determined that such employment is not in the best interest of the Kane County Sheriff's Office.

Secondary Employment Oversight Board

An oversight board, under the direction of the Chief Deputy, will review the secondary employment operations as needed, but no less than twice a year.

- (1) This board will consist of members chosen by the Chief Deputy.

Appeals

Appeals will be handled through the established grievance procedure.