

2-3-14.00 SECONDARY EMPLOYMENT

2-3-14.01 Policy

All secondary employment of Sheriff's Office employees may potentially impact the operation, efficiency, and public image of the Office. In cases of actual or potential conflicts of interest, the Sheriff will act to restrict secondary employment.

The purpose of restricting secondary employment is not to prohibit it as an end in and of itself, but to ensure the employees abide by state and federal law. In addition, the Sheriff seeks to ensure that the Office's public image is not tarnished by employees who engage in questionable moral or illegal enterprises (i.e. escort services, massage parlors). Furthermore, the Sheriff intends to ensure that an employee's secondary employment is consistent with the employee's primary duty and obligation to the Office (i.e. that the employee is not working back-to-back shifts which increase liability for the Office).

Employees have an affirmative responsibility to see that their secondary employment complies with the provisions of this Section and that they adhere to all pertinent laws while off-duty and engaged in secondary employment.

2-3-14.02 Authority to Restrict Employment

- (1) No County employee will engage in any secondary employment which violates state or federal law, or may impair the performance of his/her law enforcement duties. In addition, no employee will engage in secondary employment that may jeopardize the Office's public image, or that may be contrary to the law enforcement mission.
- (2) Deputy sheriffs are officers of the government by virtue of state statute, employment with the Office, and specialized training and certification. The Sheriff's control over his employees is, in many ways, not limited to times when they are "on-duty" because the Sheriff has a legitimate concern in ensuring that his deputies comply with the law both on and off-duty and do not behave in ways that may bring dispute on the Office.

2-3-14.03 Secondary Employment Defined

- (1) For the purposes of this section, "secondary employment" and "outside employment" are defined as:
 - (a) Any employment, other than that completed for Wasatch County, which provides remuneration for the employee;
 - (b) All forms of self-employment, regardless of whether the employee receives an increase in wage, salary, or benefits; and

- (c) Volunteer activities as a law enforcement officer (i.e. as a reserve officer for another agency).
- (2) For purposes of this policy, employment arraigned and/or scheduled by the Sheriff's Office (e.g. a special event shift wherein the deputy closes a roadway or controls traffic flow for a marathon, or foot-race, or bike race) is not considered outside employment.

Special event shifts are not considered outside employment because they are entirely arranged by the Office and the deputy is paid by the Office. In addition, the deputy is the employee of the Office the entire time s/he completes the special event shift and takes instruction and direction from his/her supervisors, not someone who employs him/her outside of County employment.

2-3-14.04 Secondary Employment Standards

- (1) All Office employees will notify the Sheriff of his/her desire to obtain secondary employment prior to initiating that secondary employment. Each employee making such notification will submit a written request, through the chain of command, to the Sheriff.
- (2) The Sheriff will review the request and either approve or deny the request.
- (3) If the Sheriff denies the request, he will provide a rational basis for restricting the secondary employment. A rational basis exists if, based on the information provided to the Sheriff at the time of his review, there is a reasonable belief the secondary employment may:
 - (a) Present an actual or potential conflict of interest (e.g. civil service processors, constables who serves arrest warrants, bounty hunters, or bondsmen);
 - (b) Impair the performance of the employee's duties at the Office;
 - (c) Violate state or federal law;
 - (d) Lead to misuse of law enforcement databases or confidential information; or
 - (e) Bring dispute or otherwise be detrimental to the County, the Office, or law enforcement in general.
- (4) In relation to Section 2-3-14.04(3)(c) above, an Office employee who requests secondary employment as a security officer will not be granted

approval of such unless and until s/he certifies that:

- (a) S/he has read over and is familiar the pertinent sections of the State of Utah's Security Personnel Licensing Act, (Title 58 Chapter 63 U.C.A.);
- (b) His/her secondary employer agrees to comply with all state and federal income tax reporting and withholding laws;
- (c) In the event s/he acts as a complainant, uses force, or arrests or detains another, s/he will do so as a private citizen, and not as a law enforcement officer, and that s/he will remand custody of the arrestee to on-duty officers; and
- (d) S/he will not issue citations while engaged in secondary employment; and
- (e) S/he will refrain from using Office uniforms, vehicles, and firearms in conjunction with outside employment.

2-3-14.05 Secondary Employment Restrictions

- (1) No Office employee will engage in secondary employment activities while on-duty at the Sheriff's Office.
- (2) No Office employee will minimize the adjustment of shifts to accommodate outside employment. In addition, Office employment will, in the employee's outward actions, give higher priority to his primary employer (the Office) than to his/her secondary employment.
- (3) No Office employee will, without permission from the Sheriff, show his/her badge, state s/he is a law enforcement or corrections officer, or otherwise pretend to act with official law enforcement authority while engaged in secondary employment. However, Office employees may defend themselves and others in the capacity of an ordinary citizen, although such action must be in accordance with state statute.
- (4) No certified law enforcement or corrections officers with primary employment with the Office will, without permission from the Sheriff, exercise the arrest powers available with such licensure while engaged in secondary employment.

2-3-14.07 Procedures

Secondary employment requests must be submitted to the Sheriff, via the chain of command when a member desires to initiate new employment, changes

employment, or when significant changes in the employee's duties or working hours are modified substantially.

2-3-14.08 Sheriff May Authorize Exceptions

The Sheriff may, at his discretion, grant exceptions to secondary employment regulations, but they will be documented and placed in the employee's personnel file.