

## Outside Employment and Outside Overtime

### 1021.1 PURPOSE AND SCOPE

This policy provides guidelines for office members who seek to engage in authorized outside employment or outside overtime.

#### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by members of this office for another employer, organization or individual who is not affiliated directly with this office when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

**Outside overtime** - Duties or services performed by members of this office for a private organization, entity or individual, that are requested and scheduled directly through the Office. Member compensation, benefits and costs for such outside services are reimbursed to the Office.

**Liability** - The state of being legally bound or obligated to make good for any losses or damages incurred as a result of one's activities.

**Employee** - Except where specific designation is made to "police employee" or to "civilian employee", "employee" should include all employees of the Talbot County Sheriff's Office.

### 1021.2 POLICY

Members of the Talbot County Sheriff's Office shall obtain written approval from the Sheriff or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Sheriff in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

### 1021.3 OUTSIDE EMPLOYMENT

#### 1021.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Sheriff for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

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#### 1021.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

#### 1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
  - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with office policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Office or County.

#### 1021.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Sheriff within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

#### **1021.3.5 LIABILITY**

##### **Generally**

Neither the Office nor Talbot County will assume any liability, including Worker's Compensation, for any injury, damages, or civil action incurred by personnel while they are performing secondary employment activities.

##### **Legal Defense**

Neither the Office nor Talbot County Government will provide a legal defense for legal claims arising from the secondary employment activities of personnel.

#### **1021.4 REQUIREMENTS**

##### 1021.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Office reserves the right to deny any request for outside employment that involves:

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- (a) The use of office time, facilities, equipment or supplies.
- (b) The use of the Talbot County Sheriff's Office badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this office.
- (e) Demands upon the member's time that would render the performance of his/her duties for this office deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Office.
- (g) Any entity that is (COMAR 19A.04.02.04):
  - 1. Subject to the authority of that member of the Office.
  - 2. A contractor or subcontractor with this office or that is negotiating a contract with the Office.
- (h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).
- (i) Employment prohibited by County local law enacted pursuant to COMAR 19A.04.01.03.

#### 1021.4.2 SECURITY AND OFFICER OUTSIDE EMPLOYMENT

No member of this office may engage in any outside employment as a law enforcement officer, private security guard, private investigator, or which requires investigative work for an insurance agency, private guard agency, collection agency, attorney, a bail bond agency, or other similar private security position. No police employee may directly or indirectly maintain any financial interest or ownership in any business performing security guard and/or private detective services.

#### 1021.4.3 OFFICE RESOURCES

Members are prohibited from using any office equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this office to gain access to official records or databases of this office or other agencies.

#### 1021.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Office may request that a member provide his/her personal financial records for review if the Sheriff determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment (Md. Code PS § 3-103(c)).

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If, after approving a request for outside employment, the Office obtains information that a financial conflict of interest exists, the Office may request that the member provide his/her personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the outside employment pursuant to this policy.

#### 1021.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members 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 the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

#### 1021.4.6 LEAVE OR RESTRICTED DUTY STATUS

Personnel shall not engage in secondary employment when their duty status is listed as sick leave. When on light duty status or restricted duty status, written permission must be granted by the Sheriff to begin or continue working secondary employment.

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Sheriff regarding whether such employment should continue.

In the event that the Sheriff determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability, as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Talbot County Sheriff's Office, a written request may be submitted to the Sheriff to approve the outside employment request.

#### **1021.5 OUTSIDE OVERTIME**

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#### 1021.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this office must submit a written request to the Sheriff in advance of the desired service. Such services will be assigned, monitored, and compensated through the Office as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.
- (b) The requestor will be required to enter into an agreement that includes indemnification with the Office prior to approval.
- (c) The requestor will be required to reimburse the Office for the member's compensation, benefits, and costs (e.g. court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
  - 1. The member shall wear the office uniform and carry office identification.
  - 2. The member shall be subject to the rules and regulations of this office.
  - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
  - 4. Outside overtime shall not be subject to the collective bargaining process.
- (e) Outside overtime shall be assigned at the discretion of the Sheriff or the authorized designee.

#### 1021.5.2 ARREST AND REPORTING PROCEDURE

Any deputy making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

#### 1021.5.3 SPECIAL RESTRICTIONS

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