

## Secondary Employment

### 1038.1 PURPOSE AND SCOPE

This policy governs secondary employment, delineates the types of secondary employment that are appropriate, and establishes procedures to maintain accountability of work outside regular assigned work shifts. These procedures ensure that secondary employment, which consists of part-time or off-duty employment, does not interfere with the primary responsibility of members to serve this agency.

In order to avoid actual or perceived conflicts of interest for departmental members engaging in outside employment, all members 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.

#### 1038.1.1 DEFINITIONS

**Outside Employment** - Any employment where an employee of this Office receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Office for services, product(s) or benefits rendered. Outside employment does not require the use, or potential use of law enforcement powers by the police officer employee, and is not performed during assigned hours of duty. An employee who owns or operates any private business, works on commission, or receives compensation in any form from any person, firm, or corporation other than the Kitsap County Sheriff's Office is considered to be engaged in outside employment. Examples include photography, property management, construction, marketing, retail sales, and other commercial pursuits.

**Off-Duty Employment** - Any employment that is conditioned on the actual or potential use of law enforcement powers by the off-duty police employee for an employer other than the Kitsap County Sheriff's Office is considered off-duty work. An employee may work off-duty where the entity has a contract agreement with the County for Deputy Sheriff's who are able to exercise their police duties. Examples include traffic control and pedestrian safety, crowd control, security, and protection of life and property, routine law enforcement for public authorities, sporting events, dances, construction projects, exhibitions, concerts, and plain clothes assignments. This also includes law enforcement services provided to other Kitsap County departments which the officers work on an overtime basis.

**Secondary Employment** - Refers to both Outside Employment and Off-Duty work. Commonly used when referring to the Secondary Employment Permit used to authorize both types of work.

### 1038.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to permit regulated secondary employment. The Office shall, however, impose reasonable limitations on such employment to ensure its integrity is maintained and the Office receives full and faithful service in return for expended resources. This policy applies to all employees.

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The Sheriff or his designee shall not unreasonably deny an employee's request for secondary employment.

### **1038.3 OBTAINING APPROVAL - SECONDARY WORK PERMIT**

(a) No employee of this Office may engage in any secondary employment without first obtaining prior written approval of the Sheriff or his designee. Failure to obtain prior written approval for secondary employment or engaging in employment prohibited by this policy may lead to disciplinary action.

(b) In order to be eligible for secondary employment, an employee must be in good standing with the Office. Continued agency approval of a Sheriff's Office employee's secondary employment is contingent on such good standing.

(c) In order to obtain approval for secondary employment, the employee must complete a Secondary Work Permit which shall be submitted for each separate activity through the chain-of-command to Division Chiefs for approval. Approval must be given prior to the employee engaging in secondary employment.

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 in which the permit is approved. Any employee seeking to renew a permit shall submit a new Secondary Work Permit 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.

(d) Members who are on probation and in the Field Training Officer Program (FTO) will be prohibited from off-duty work. During the remainder of the employee's probationary period, participation in off-duty employment will be reviewed on a case-by-case basis.

#### **1038.3.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

A Secondary Work Permit may be revoked or suspended under the following circumstances:

(a) When the secondary employment results in inefficient or reduced performance by the employee or an excessive use of sick leave.

(b) The employment is found to involve misuse of the police commission.

(c) As a term or condition of sustained discipline.

(d) As to off-duty employment, when an employee is unable to perform at a full duty capacity due to an injury or other condition until the employee has been cleared to return to full duty status.

(e) As to off-duty employment, significant or repeated violations of policies and procedures for outside or special events.

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(f) As to off-duty employment, establishing a pattern or failing to report for assignments or tardiness.

(g) As to off-duty employment, lack of proper equipment, unacceptable appearance, performance or conduct.

### **1038.4 PROHIBITED OUTSIDE EMPLOYMENT**

The Sheriff's Office expressly reserves the right to deny any Secondary Work Permit submitted by an employee seeking to engage in any activity which would:

(a) Involve the employee's use of Sheriff's Office time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involve time demands that would render performance of the employee's duties for this Office's less efficient or render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(c) Constitute a conflict of interest including, but not limited to:

1. Employment involving bail bond agencies.
2. Employment as a process server, bill collector or for any credit or collection agency or in any capacity involving repossession of motor vehicles or other property or eviction from premises.
3. Employment as an investigator for collection agencies, private investigators, or attorneys.
4. Employment as an investigator for an insurance company in any case where any Kitsap County law enforcement agency or the Washington State Patrol are listed as an involved party.
5. Employment as an investigator or in any capacity involving the use of police records for other than law enforcement purposes.
6. Employment for any business that provides private investigations, background checks, or administers deception detection exams, within Kitsap County or involving Kitsap County.
7. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil proceeding, within Kitsap County or involving Kitsap County.
8. Any employment which has any connection with towing vehicles for a company that operates within the county.
9. Employment at pawn shops.

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10. Employment as a private security guard or a security guard company, armored car service, or similar provider of armed or protective services or performing personal security or bodyguard services for any individual person, within Kitsap County or involving Kitsap County and never using a commission provided by the Sheriff.
11. Employment that involves the sale, manufacture or transport of alcoholic beverages as the principal business. This includes employment as doormen, bouncers or in similar security roles in any establishment that serves liquor. The Sheriff may grant special permission under certain circumstances such as community festivals and charitable functions wishing to hire off-duty officers. This section does not prohibit the home production of wine or malt beverages for personal consumption as may be allowed by law. This section also applies to any employment involving the sale, use or distribution of marijuana, in any form.
12. Employment in any gambling establishment.
13. Employment in any establishment characterized as an adult entertainment business or massage parlor.
14. Employment related to the protection of management, employees, or property during a strike or labor dispute.
15. Any employment by any other municipality or political subdivision of the State, except by express permission of the Sheriff.
16. Any employment which requires affiliation, membership, or allegiance, which would tend to interfere with the proper discharge of one's duties as an employee of the Office, or with their loyalty to the Office or the public trust.
17. Any employment which would involve the employee in a violation of any federal or state statutes, or in a violation of any rule, regulation, or written directives of this Office.
18. Any situation where the Sheriff reasonably determines that the proposed employment would not be in the best interest of the Sheriff's Office or might impair the operation or efficiency of the Office or Deputies.

The Sheriff may make exceptions to the above conditions of secondary employment if extenuating circumstances exist and there is no statute prohibiting an employee of the Office from engaging in such employment.

Engaging in secondary employment which is prohibited by this policy is cause for discipline.

### **1038.4.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

Any private organization, entity or individual seeking special services for security or traffic control from employees of this Office must submit a written request to the Sheriff in advance of the desired service. Such services will be assigned, monitored and paid through the Department.

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Should such a request be approved, any employees working such assignments shall be subject to the following conditions:

- (a) The Deputy shall wear the Department uniform/identification.
- (b) The Deputy shall be subject to the rules and regulations of this Department.
- (c) No Deputy may engage in such employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
- (d) No Deputy may engage in off-duty employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

### 1038.4.2 OFF-DUTY EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved off-duty employment assignment shall be required to complete all related reports in a timely manner pursuant to office policy.

### 1038.4.3 PROCEDURES / SPECIAL RESTRICTIONS

- (a) Except for emergency situations or with prior authorization from the Division Chief, undercover deputies or deputies assigned to covert operations shall not be eligible to work in a uniformed or other capacity which might reasonably disclose the deputy's status as a law enforcement officer.
- (b) Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
- (c) An employee engaged in any secondary employment is subject to call-out and may be expected to leave any secondary employment. Employees directed to report for overtime work will do so regardless of their secondary employment situation.
- (d) While engaged in off-duty employment, deputies shall adhere to all rules, regulations, and orders governing conduct or equipment used while on duty.
- (e) Upon reporting to off-duty employment, deputies will notify dispatch of location and duration of shift.
- (f) In any off-duty job, safety equipment, as required by the Washington Industrial Safety and Health Act, will be worn and provided by the employer and/or officer.
- (g) An employee who wishes to take leave to fulfill an off-duty job obligation will request leave in accordance with current leave procedures..
- (h) Employee's are responsible to find replacements when they are not able to attend off-duty employment that they previously committed to work.
- (i) No employee shall solicit any individual or business for the purpose of gaining off-duty employment.
- (j) Employees working off-duty police employment will be governed by the policies, procedures, general orders and code of conduct of the Office. Employees working off-duty

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police employment will notify an on-duty supervisor of all reportable incidents, accidents or injuries in accordance with Office policy.

### **1038.5 OFFICE RESOURCES**

Employees 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 of access to official records or databases of this Office or other agencies through the use of the employee's position with this Office. (See Policy Manual 1040.1.1 for definition of outside employment).

### **1038.6 SECONDARY EMPLOYMENT WHILE ON DISABILITY, SICK LEAVE OR LIGHT OR MODIFIED DUTY**

No member shall work off-duty employment while on disability, sick leave or modified/light duty without prior approval of a Division Chief.

Members shall inform their Division Lieutenant in writing within five days whether or not they intend to continue to engage in outside employment while on leave or light duty status. The Lieutenant shall review the duties of the outside employment along with any related doctor's orders and make a recommendation to the Division Chief whether such outside employment should continue. In the event the Division Chief determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member'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 member, as indicated by professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The members failure to make timely notice of their intentions to their supervisor.
- (d) Members who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in secondary employment unless authorized by the Sheriff or his designee.

When the member returns to full duty with the Kitsap County Sheriff's Office, a written request may be made to the Division Chief to restore the permit.

### **1038.7 APPROVING / COORDINATION / SCHEDULING**

Coordinating and scheduling of off-duty employment and establishing procedures will be the responsibility of the Sheriff, or designee. This includes approval of:

- (a) All off-duty work prior to being offered to employees.
- (b) Procedures for setting off-duty employment rates of pay.

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- (c) Procedures for coordinating approved work as to posting, equal opportunity to sign up for job opportunities, and billing and payment for work performed.
- (d) The number of officers, including supervisors, needed for assignment based on the type of event.
- (e) The Kitsap County Sheriff's Office does not assume responsibility for guaranteeing coverage of off-duty employment requests, with the possible exception of certain events sponsored by the County and/or located at County facilities.
- (f) When deputies are engaged in approved off-duty employment, they will be considered to be in the employment of the County for insurance purposes and will be insured under the same terms and conditions as apply when they are engaged in regular on-duty law enforcement duties.