



# GENERAL ORDER

Loudoun County Sheriff's Office

**Chapter:** Personnel Management

**Section:** 309

**Subject:** Off Duty Employment

**Topic:**

**Accreditation:** PER.04.01, 04.02

**Revised:**

**Reaffirmed:**

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## I. PURPOSE

The purpose of this General Order is to define policy and establish regulations pertaining to off-duty employment.

## II. POLICY

In order to ensure on-duty efficiency and eliminate possible conflicts of interest, it shall be the policy of the Loudoun County Sheriff's Office to exercise such control as deemed necessary over the recruitment, assignment and coordination of law enforcement-related off-duty employment.

## III. DEFINITIONS

- A. Employment: Any work performed or services provided for compensation, including self-employment.
- B. Law enforcement-related employment: Employment that may entail the use of law enforcement powers granted by the Commonwealth of Virginia or the County of Loudoun.
- C. Court security or corrections-related employment: Employment that may entail the use of law enforcement powers granted by the Commonwealth of Virginia or the County of Loudoun in a court security or corrections setting.
- D. Sheriff service area: The area located within the geographic boundaries of Loudoun County, including all incorporated towns not having a police force.
- E. Training period: That period of time that a deputy is attending the designated training academy or is working under the direct supervision of a Field Training Officer.
- F. Off-duty employment: Employment, whether law enforcement related or not, that is other than the regularly assigned duty shift.

- G. Reimbursable overtime: Off-duty law enforcement employment that is requested by an outside entity or vendor where the deputy's overtime wage is reimbursed to the county.

IV. REGULATIONS

All supervisors shall ensure that off-duty employment does not interfere with on-duty performance.

A. Non-law enforcement-related off-duty employment

- 1. Employment shall not constitute a conflict of interest as governed by Loudoun County Human Resources policy.

B. Law Enforcement-related off-duty employment

- 1. Deputy Sheriffs shall not engage in any law enforcement-related off-duty employment unless arrangements for such off-duty employment have been made through the administrative channels of the agency.
- 2. Deputy Sheriffs at the rank of Captain or above shall not engage in law enforcement-related off-duty employment for additional compensation.
- 3. A deputy who has not been certified by the Department of Criminal Justice Services as having completed the law enforcement minimum standard course may not engage in law enforcement-related off-duty employment unless authorized by the Sheriff. Employees who are currently enrolled in a criminal justice training academy for basic law enforcement training or participating in the Field Training Officer Program are prohibited from working off-duty events unless authorized by the Sheriff or his designee during an emergency situation.
- 4. The total number of regular duty hours, supplemental overtime, and off-duty employment shall not exceed 120 hours during any 14-day pay period.
- 5. Employees shall not work more than 12 consecutive days in a 14-day pay period, which shall include regular duty hours, supplemental overtime, and/or any combination of such hours.

6. No employee shall be scheduled to work more than 16 hours during any 24 hour period. The period shall begin when an employee reports for a regularly scheduled duty assignment to include overtime assignments.
7. No employee shall obligate him/herself to any off-duty assignment when the start time is at or close to the end time of his/her current assignment. i.e., the deputy goes off-duty at 0700 hours and signs up for an off-duty assignment that begins at 0700 hours. There must be sufficient time to report to the assignment, meet with the contact person, get a briefing (if needed) and get to the assigned area of responsibility by the start time.
8. No employee, having reached the 16 hour threshold, shall work a duty assignment prior to having spent at least eight hours in an off-duty status. The only exceptions to this requirement shall be assignments involving court, training, or mandatory duty.
9. Off-duty law enforcement employment is restricted to the Sheriff service area unless authorized by the Sheriff or his/her designee.
10. Organizations employing four or more deputies for off-duty employment at the same time and at the same site will be required to hire at least one first-line supervisor in addition to the four deputies in order to provide direct supervision of the assigned deputies.
11. The Sheriff or his/her designee reserves the right to dictate how many deputies may be provided for a particular event. This number will be based on the type of event and estimated crowd expected to attend.
12. Employees engaging in off-duty law-enforcement related employment are only authorized to conduct law enforcement related activities and not the personal interests of the vendor requesting said services.
13. The following types of off-duty law enforcement employment are prohibited unless specifically approved by the Sheriff or his/her designee:
  - a. Those that constitute a conflict of interest for the employee
  - b. When the employment is with an establishment engaged in the business of serving on-site alcoholic beverages, employees will be prohibited from:

1. Working in the interior of the licensed establishment
  2. Directly supervising the sale or consumption of alcoholic beverages
  3. Working in any capacity at the licensed establishment as a door person, bouncer, security officer or similar job not related to official law enforcement actions
  4. Assisting in or supervising the search of patrons for weapons prior to entry into the licensed establishment unless it is directly related to a criminal matter
- c. Personal protection/bodyguard
  - d. Process server, bill collector, or repossession agent
  - e. Private parties where alcohol is served
  - f. Those establishments that may reflect unfavorably upon the Sheriff's Office
  - g. Protection of management property during strikes, labor disputes, demonstrations, picketing, etc.
  - h. Private investigations
  - i. Investigative work for attorneys, insurance companies, or security firms for cases originating in Loudoun County or involving the Loudoun County Sheriff's Office in any manner
  - j. Law enforcement services that receive bartered compensation such as residential discounted housing, free housing or other bartered payment failing to meet all the requirements set forth in this directive
14. The wearing of plain clothes during any off-duty law enforcement-related assignment is prohibited without the direct approval of the Sheriff or his/her designee. Employees scheduled to work off-duty law enforcement-related assignments shall wear their uniform and be equipped in the same manner as they would for a regular patrol duty assignment. The Sheriff or Bureau

Commander(s) may grant approval to wear business attire at certain locations that do not pose a high degree of enforcement potential. Requests for approval shall be submitted in writing and forwarded through the appropriate division commanders.

15. Serving as an employment agency and/or receiving compensation for procurement of off-duty law enforcement assignments is prohibited and may constitute a violation of the Code of Virginia.

## V. ADMINISTRATION

### A. Non-law enforcement-related off-duty employment

1. Any deputy wishing to accept non-law enforcement-related off-duty employment shall submit his or her request for same, providing details regarding such employment, via memorandum up through the requesting deputy's specific chain of command to the Division Commander.
2. The requesting deputy's designated supervisor shall indicate his/her consent by initialing the memorandum and forwarding it to the appropriate Division Commander. The Division Commander shall conduct an initial review of the request to ensure that there is no conflict with the deputy's current duty assignment. The request shall then be forwarded to the appropriate Bureau Commander or Sheriff for approval.
3. The requesting deputy shall be notified in writing whether the request was approved or disapproved. A copy of the notification will be placed in the deputy's personnel file.

### B. Law enforcement-related off-duty employment (reimbursable to agency)

1. Outside entities requesting law enforcement-related services shall submit requests to the Special Events Coordinator. He/she shall be responsible for the organization, administration, and record keeping of law enforcement-related off-duty employment.
2. Once the Special Events Coordinator has accepted and approved the requested event, deputies may sign up utilizing the staffing management system.

3. Law enforcement-related off-duty employment shall be deemed either voluntary or mandatory. The Sheriff or his/her designee reserves sole authority to determine which types of law enforcement employment activities or events require mandatory coverage.
  - a. Examples of voluntary law enforcement-related off-duty employment include private parties and receptions, etc.
    1. Staff for voluntary law enforcement-related off-duty employment shall utilize the staffing management system.
  - b. Examples of mandatory law enforcement-related off-duty employment include, but are not limited to, school activities, and highly populated community events that may pose public safety concerns.
    1. Once a law enforcement-related off-duty employment request has been determined by the Sheriff or his/her designee to be mandatory, the Special Events Coordinator shall post the assignment on the staffing management system. The event details will reflect that the employment is a mandatory event.
    2. Events and/or activities requiring mandatory coverage will be staffed first by utilizing those deputies who have volunteered through the method listed above.
    3. If there are an insufficient number of volunteers for a mandatory assignment, staff shall be assigned through a predetermined rotational process.
4. In the above cases of law enforcement-related off-duty employment, compensation will be as follows:
  - a. Deputies shall be paid for a minimum of three (3) hours per event.
  - b. Non-exempt sworn staff will be compensated at time and one half for all hours worked in a law enforcement-related off-duty assignment, based upon the deputy's hourly rate. This applies only to those work hours that are coordinated through the Sheriff's Office.

- c. Hours worked in law enforcement-related off-duty employment are not included when determining hours worked for overtime under the Fair Labor Standards Act.
- C. Mandatory law enforcement-related off-duty employment (non-reimbursable to the county)
  1. The Sheriff or his/her designee reserves sole authority to determine which types of law enforcement assignments or events require mandatory coverage. Examples of these types of mandatory assignments include, but are not limited to:
    - a. Board of Supervisors public hearings
    - b. Court appearances, training, scheduled meetings, etc.
  2. Once a non-reimbursable law enforcement-related off-duty assignment has been determined to be mandatory, the Special Events Coordinator shall cause signup sheets to be posted on the staffing management system.
    - a. Events and/or activities requiring mandatory coverage will be staffed first by utilizing volunteers.
    - b. If there are an insufficient number of volunteers for a mandatory assignment, staff shall be assigned through a predetermined rotational process.
  3. Deputies who either volunteer or are ordered to work a non-reimbursable law enforcement-related off-duty assignment requiring mandatory coverage shall be paid through the County payroll system.
    - a. Those non-exempt sworn deputies who volunteer or are ordered to work mandatory law enforcement-related off-duty assignments will be compensated through their biweekly county payroll check based on their normal hourly wage.
    - b. These hours worked are included when determining hours worked for overtime under the Fair Labor Standards Act.

- D. Mandatory corrections and/or court services-related off-duty assignments (non-reimbursable to the county)
1. The Sheriff or his/her designee reserves sole authority to determine which types of corrections and/or court services-related assignments or events require mandatory coverage. Examples of these types of mandatory non-reimbursable overtime assignments include, but are not limited to:
    - a. Court appearances, training, scheduled meetings, etc.
  2. Initial requests for contractual court security or corrections-related off-duty employment shall be submitted to the Corrections and Court Services Assistant Division Commander. He/she will be responsible for the organization, administration, and record keeping of the court security or corrections-related off-shift contractual employment.
  3. Once a non-reimbursable off-duty assignment request has been determined to be mandatory, the Corrections and Court Services Assistant Division Commander shall have signup sheets posted in the various divisional workstations or through the county's Intranet.
  4. If assignments are not filled on a voluntary basis they shall be filled through mandatory overtime. For these types of assignments, deputies shall be assigned on a rotational basis throughout the various shifts of the Corrections and Court Services Division.
    - a. Events and/or activities requiring mandatory coverage will be staffed first by utilizing volunteers.
    - b. If there are an insufficient number of volunteers for a mandatory assignment, staff shall be assigned through a predetermined rotational process.
    - c. FLSA exempt senior staff are not eligible to work law enforcement-related off-duty employment for additional compensation.
  5. Deputies who either volunteer or are ordered to work an assignment requiring mandatory coverage shall be paid through the County payroll system.



- a. Those non-exempt sworn deputies who volunteer or are ordered to work mandatory law enforcement-related off-duty assignments will be compensated through their biweekly county payroll check based on their normal hourly wage.
  - b. These hours worked are included when determining hours worked for overtime under the Fair Labor Standards Act.
- E. General rules for all law enforcement-related off-duty assignments
- 1. All General Orders and rules of the Loudoun County Sheriff's Office will be adhered to by any employee working in a law enforcement, off-duty capacity.
  - 2. An employee who voluntarily signs up for, or is assigned to, an off-duty assignment and whose actions would have resulted in disciplinary action if on-duty, i.e. tardiness, absence, etc., will be subject to disciplinary action through the agency.
  - 3. Once a deputy volunteers for any type of law enforcement-related off-duty employment, the job becomes a duty assignment. The deputy will have total responsibility for finding a replacement in the event he or she is unable to report as assigned.