

## 1.423 SECONDARY EMPLOYMENT

(22.3.4)

Employees are permitted to work secondary employment while off-duty so long as it is requested and approved in writing consistent with this directive.

### 1.423.02 Restrictions and Limitations

- A. Secondary employment is not allowed for jobs or tasks that require, but are not limited to:
1. Wearing any identifiable portions of the agency's uniform or using any agency issued supplies or equipment;
  2. Causing employees to work, except for agency related duties;
    - a. More than 16 hours in combination of duty and cumulative secondary employment hours in any calendar day;
    - b. More than 30 cumulative secondary employment hours in any six day calendar work week or 24 hours secondary employment hours in any five day calendar work week; or
    - c. More than 12 cumulative hours in any calendar regular day off;
  3. Accident reconstruction, evaluation, and expert opinions or court testimony offered within this state;
  4. Private investigation;
  5. Civil process service;
  6. Bail bonding;
  7. Debt collection;
  8. Vehicle repossessions;
  9. Towing and impounding vehicles;
  10. Jobs where the employee's access to agency or other criminal justice system records, files, or information is a factor;
  11. In a sales capacity where the employee's position is known and may reasonably have the effect of appearing coercive or where the purchase of items may appear to be required in order for a favored attitude by the employee toward the purchaser;
  12. Employment where alcohol is dispensed for on-site consumption and duties involve;
    - a. Bartending or serving alcohol;
    - b. Dispensing package goods; or
    - c. Security or peacekeeping functions such as bouncer or doorman.
- B. Secondary employment will be denied, prohibited, or withdrawn when it involves:
1. Employees working when they are scheduled to be on-duty with the agency;
  2. Conduct inconsistent with the values, directives, ethics, or reputation of the agency;
  3. Creating real or potential conflicts of interest;
  4. Any secondary employment relationship that has the real or potential ability to impair the impartiality and independence of judgment of employees in their departmental duties or that has the real or potential ability to involve the misuse of the status, influence, or prestige of their position for personal gain or the gain of another;
  5. Employees in an initial or continued sick leave verification status;
  6. Evidence indicating that secondary employment might be, or is, impairing employees' ability to perform their primary duties; or
  7. Employees who have a "Needs Improvement" rating in one or more Employee Performance Review and Development (EPRD) category.
- C. Secondary employment as a police officer with other agencies may be approved when:
1. Officers are certified separately through the other agencies; and
  2. Liability waivers are executed by the other agencies.
- D. Secondary employment is:
1. Prohibited for officers attending entry-level training; and
  2. Generally precluded during employees' initial probationary periods.

- E. Secondary employment cannot be conditioned on the actual or potential use of the law enforcement powers conferred upon employees by virtue of their university employment. Employees must comply with **2.825.05 Authorized Handguns** relating to wearing or carrying their agency issued fire-arm, weapon, police identification, and badge while performing any secondary employment.
- F. Employees engaging in secondary employment act as agents for their secondary employers. As such, liability protection, Worker's Compensation coverage, and other civil protections provided during the course of their normal employment may not be available to employees working secondary employment.
- G. Employees on sick leave, accident leave, or modified duty status:
  - 1. May work secondary employment only with permission of their commanders; and
  - 2. May be required to undergo examinations by the university's contracted health care provider or submit documentation from health care practitioners certifying fitness for the duties, obligations, or responsibilities of secondary employment.
- H. Employees will not call in sick in order to work secondary employment.
- I. Employees appearing in court or administrative proceedings that result from secondary employment will do so on their own time.
  - 1. On-duty employees must take leave to appear for trials or hearings.
  - 2. Employees appearing in secondary employment related court or administrative proceedings will not appear in uniform or voluntarily identify themselves as employees of the agency unless requested to do so as part of the administrative or judicial proceeding.
- J. Employees may submit requests for exemptions to secondary employment restrictions through their chains of command to the Chief.
  - 1. Exemption requests must give good and sufficient reasons to support granting exemptions.
  - 2. Supervisors and commanders reviewing exemption requests must include their written explanations why they do or do not endorse exemption requests.

**1.423.04 Authorization** {Revised: 1/8/2019}

- A. Employees who want to work secondary employment must:
  - 1. Comply with **TU Policy 07-01.05 Secondary Employment for Regular Non-Faculty Employees**;
  - 2. Comply with **Public Ethics Law, GP § 5-502**;
  - 3. Receive approval from the agency, Office of Human Resources (OHR), and the State Ethics Commission (SEC); and
  - 4. Comply with the agency's related directives.
- B. Employees must obtain written authorization from the Chief, OHR, and the SEC before engaging in secondary employment. The Chief or designee may give contingent approval pending OHR and SEC review and recommendation.
- C. Although promptly processing requests is a goal of this directive, nothing will interfere with the agency's and the university's needs to ensure secondary employment is appropriate and compatible with the agency's and the university's mission and values.
- D. Requests should be submitted at least three weeks before the proposed start date of the secondary employment.
- E. **Secondary Employment Requests (UPO.029.D)** and **Ethics Commission Form #25 Request for Review of Secondary Employment (UPO.129.D)** will be completed and promptly staffed, along with a copy of the employee's job description, through employees' chains of command to the Chief and the OHR.
  - 1. SEC forms must be submitted with initial requests and at other times as ordered by the CHIEF, but are not required for secondary employment already approved by March 13, 2013.
  - 2. Requests for secondary employment in the military must also include:
    - a. Branch of the military;

- b. Length of commitment considered;
  - c. Proposed or new military job title or description;
  - d. Probable yearly schedule and service obligation.
3. Immediate supervisors will:
    - a. Review both forms and conduct inquiries to verify request information;
    - b. Review requesting employees' sick leave usage and most recent EPRDs;
    - c. Determine if the proposed secondary employment meets agency criteria consistent with **1.423.02 Restrictions and Limitations**;
    - d. Complete applicable sections on both forms; and
    - e. Forward requests to the appropriate commander.
  4. Commanders will:
    - a. Review requests and supervisors' comments and recommendations;
    - b. Determine if the proposed secondary employment meets agency criteria consistent with **1.423.02 Restrictions and Limitations**;
    - c. Complete applicable sections on both forms; and
    - d. Submit requests to the Chief who will in turn review and submit the request to OHR and SEC for final action.
  5. Requests that are denied will contain written, objective based explanations for the denials.
  6. The staffing of secondary employment requests will be conducted fairly and without favoritism or bias.
  7. The Chief will submit completed Secondary Employment Requests to the agency's commander responsible for human resource management.
  8. Employees must disclose any proposed third party business relationships so the agency can determine if the secondary employment meets published standards, is appropriate, or involves conflicts of interest.
- F. All secondary employment permissions expire at the end of each January. Employees who want to continue their secondary employment should submit renewal requests no later than the second week in January.
- G. Employees must promptly resubmit requests any time there are substantive changes in their secondary employment duties or responsibilities.
- H. Employees must notify the Chief in writing when secondary employment ends.
- I. The commander responsible for the agency's human resource function is responsible for ensuring:
1. Completed originals of both forms submitted to the Office of Human Resources for inclusion in employees' personnel files;
  2. Requesting employees are provided copies of their completed requests;
  3. Back-up copies of all completed secondary employment documents are retained by the agency at least three years before being destroyed; and
  4. Reviews of secondary employment authorizations are conducted by the end of each January to check for expired authorizations.

#### **1.423.06 Operations**

- A. Except for approved leave, supervisors will not knowingly rearrange schedules; allow late arrivals or early departures, etc. of subordinates to facilitate their secondary employment positions.
- B. Employees directed to work overtime or called in for emergencies or on days off will report as ordered even if they are working approved secondary employment.
- C. Employees should call upon the police agency of primary jurisdiction for the area when police services are needed during the course of their secondary employment.
- D. This agency's directives are applicable to all off-duty personnel. However, employees working secondary employment as officers with other agencies are governed by the directives of those secondary employing agencies when they are on-duty with those agencies.

- E. Employees who are injured during their secondary employment must:
  - 1. Promptly report, or cause to be reported through their chain of command, their injuries to the Chief; and
  - 2. Within 48 hours submit, or cause to be submitted through their chain of command, written reports of their injuries to the Chief.
- F. Approved secondary employment may be modified, suspended, or terminated to assure compliance with this directive and to assure that employees devote their full time and effort to the satisfactory and efficient performance of their primary employment.
  - 1. Supervisors or commanders who order emergency modifications, etc. to employees' secondary employment will:
    - a. Detail circumstances leading to secondary employment suspensions on **Confidential Statement of Incident (UPO.022.P)** for submission to the commander responsible for the internal affairs (IA) function; and
    - b. Notify the commander responsible for the IA function.
  - 2. Inquiries into emergency modifications, etc. to employees' secondary employment will be conducted consistent with **1.422 Grievances** and/or **1.720 Punitive Discipline** as applicable.