

Purpose

The purpose of this policy is to set forth guidelines to govern secondary employment by members of the Cecil County Sheriff's Office.

Policy

The policy of this agency is to provide guidelines to law enforcement employees to inform them of the types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency, and the community.

Definitions

Overtime - Means work for the Cecil County Sheriff's Office in excess of a normal work schedule for such instances as the extension of shifts caused by manpower shortages, crisis caused by the weather or public safety emergencies, etc.

Extra Duty Secondary Employment- Means overtime when sworn employees work under the auspices of the Cecil County Sheriff's Office performing such tasks as County school functions, Town contracted overtime and other reimbursable overtime projects when compensation for working is paid through the Cecil County Sheriff's Office.

Off Duty Secondary Employment- Means the rendering of any service or the sale of anything for pay or remuneration from any source other than the Cecil County Sheriff's Office, or participation in any activity for which such payment or remuneration is received.

a. This includes entrance and/or reenlistment into the military reserve components as well as any form of self-employment.

b. Generally, this does not include engaging in investments in real property or securities, or sale on isolated occasions of the employee's home, car or other personal property.

Procedure**A. Authorization for Off-Duty Secondary Employment**

1. Employees will have written authorization from the Cecil County Sheriff's Office before engaging in off-duty secondary employment.
2. Employees who wish to engage in off-duty secondary employment will complete CCSO Form #SO-96 Request to Engage in Secondary Employment. An original and one copy will be submitted to the employee's supervisor, for review then forward through the Chain of Command to the Chief Deputy.

3. All requests for off duty secondary employment will be examined on an individual basis to insure that no actual or potential conflict exists within these guidelines.
4. Upon receipt of the CCSO Form #SO-96 the Director of Law Enforcement or their designee will:
 - a. Research all such requests for off-duty secondary employment.
 - b. Personally contact the proposed off-duty secondary employer by site visit or telephone.
 - c. Determine, through reasonable and prudent investigative means, whether the proposed off-duty secondary employer is in the midst of or has the potential for becoming involved in a labor dispute.
 - d. Deny all requests for off-duty secondary employment when any of the prohibited employment conditions listed in Subsection F exists.
5. If the Cecil County Sheriff's Office rules that a conflict exists, the employee will be advised of the possibility of that conflict and, if circumstances permit, the Cecil County Sheriff's Office may place certain conditions, as appropriate, on the approval of off-duty secondary employment to alleviate the potential conflict.
6. Requests approved by Directors will be distributed as follows:
 - a. The original will be placed in the employee's personnel file.
 - b. One copy will be returned to the employee submitting the request.
7. Denied requests, must be reviewed by the Chief Deputy for concurrence.
8. Denied requests, after the employees acknowledgement, will be filed as follows:
 - a. The original will be placed in the employee's personnel file
 - b. One copy will be returned to the employee submitting the request

B. Policy

1. **Liability** – An injury or illness arising from off-duty secondary employment is not compensable by the County and employees have only secondary job insurance or personal, sick and vacation leave to rely on while ill or injured. Serious illness or injury might result in being disqualified to resume County employment.
2. **Revocation** – Directors may revoke official authorization for an employee to work off-duty secondary employment if such employment conflicts with his official duties or constitutes a conflict of interest with the Cecil County Sheriff's Office.

- a. Directors revoking approval will so indicate on the original approval request in the employee's personnel file.
 - (1) The employee will sign the form indicating he was informed the approval was revoked.
- b. Directors may make recommendation to the Chief Deputy that an employee's approval to work off-duty secondary employment be revoked when the performance of such work may adversely affect an injury or illness.

3. Light Duty

- a. When an employee is placed on light duty, any new requests and existing approvals for off-duty secondary employment will be reviewed by the Director.
- b. A recommendation as to whether the employee may start or continue to work will be forwarded, to the Chief Deputy.
- c. The Chief Deputy will notify the Director by way of return endorsement of his decision.
- d. Upon receipt of the Chief Deputy's decision, the Director will notify the employee and forward a copy of:
 - (1) the off-duty secondary employment requests to the employee.
 - (2) the endorsement to the employee's personnel file.

C. Conditions For Off-Duty Secondary Employment

1. The following types of employment may be approved if these businesses are not under Cecil County Sheriff's Office regulatory control.
2. Off-duty secondary employment may be approved for police employees to work in businesses, which sell and dispense alcoholic beverages so long as it is not the primary service of that business. Police employees are prohibited from either the direct selling or dispensing of alcoholic beverages.
3. Employment that involves driving a taxicab or other public vehicle may be approved.
4. Transporting children on a school bus within four (4) hours after working a normally scheduled CCSO shift, is prohibited.
5. Employees will not be permitted to engage in off-duty secondary employment while on sick leave.
6. Employees will not be permitted to engage in off-duty secondary employment if there is an indication that off-duty secondary employment will impair their ability to perform law enforcement duties.

- a. Approval shall not be given for employment that will interfere with the performance of an employee's official duties, including overtime assignments and response to emergency calls.
 - b. Police employees who do not receive a meets or exceeds expectations in all factors of the Employee Performance Appraisal, as judged by their Director shall not be permitted to engage in off-duty secondary employment.
7. Except when specifically authorized by the Sheriff, uniforms, or parts of the uniform and equipment (excluding issued sidearm and body armor) will not be used by any employee while engaged in off-duty secondary employment.
- D. Crimes Witnessed By Deputies While Engaged In Off-Duty Secondary Employment
1. If, during the course of off-duty secondary employment, a police employee finds it necessary to act in an official capacity, police functions shall be given priority.
 2. Any minor violations witnessed while a Deputy is working off-duty secondary employment as a security guard (e.g. shoplifting) will be handled in the capacity of a security guard, and employees will not identify themselves as law enforcement officers.
 - a. The offender will be detained and the local police agency will be called to effect the arrest.
 - b. Any court appearances stemming from these incidents will be on the Deputy's off-duty time and any compensation received for that time will be paid by the private employer.
 - c. Supervisors will make every effort, consistent with manpower requirements, to schedule time for their court commitments.
 3. If life threatening crimes such as serious felonies are witnessed while a Deputy is working as a security guard, appropriate enforcement action will be taken.
 - a. Police employees who take such enforcement action are considered to be on-duty from the time that such action was initiated.
 - b. In this on-duty status, they will be compensated by the Cecil County Sheriff's Office and not by the private employer.
 - c.
- E. Prohibited Employment
1. Applications for off-duty secondary employment shall not be approved in any of the following instances:

- a. Employment by any entity licensed by or under Cecil County Sheriff's Office regulatory control.
 - b. Off-duty secondary employment which would involve the use of Cecil County Sheriff's Office records, documents, or files shall not be approved for any employee.
 - c. No Cecil County Sheriff's Office police employee may directly or indirectly maintain any financial interest or ownership in any business dealing directly or indirectly with the manufacture, transportation or sale of alcoholic beverages.
 - d. No Cecil County Sheriff's Office police employee may directly or indirectly maintain any financial interest or ownership in any commercial business establishment engaged in legalized gambling operations, i.e. bingo, racetrack, etc.
 - e. No Cecil County Sheriff's Office police employee may directly or indirectly act as an employee or agent for a commercial business establishment engaged in legalized gambling operations, i.e. bingo racetrack, casino, etc.
 - f. The employment would require functions including, but not limited to collection of bad checks or debts, investigation of accidents, recovering motor vehicles in default of payment, conducting private investigations, claims adjustment, acting as a security guard at the scene of a labor dispute or if the employment requires the member to obtain a private detective's license.
 - g. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
 - h. Any type of off-duty secondary employment that may, because of its location or nature, bring disfavor, disrespect, or discredit to either the employee or the Cecil County Sheriff's Office shall not be approved for any employee.
2. Cecil County Sheriff's Office employees are prohibited from providing security, protection, escorts or any like activities in all off-duty secondary employment capacity, at any business within the State of Maryland, while a strike, labor unrest, contract dispute, work slow down, or any such activity exists or is pending. The Director will:
- a. Immediately rescind approval from employees who were granted prior approval to work for such a company. The employees will be notified by telephone to immediately cease off-duty secondary employment and will acknowledge receipt of the order to cease off-duty secondary employment via memo immediately upon return on the next scheduled Cecil County Sheriff's Office work day.
 - b. Notify, as soon as practical, the Chief Deputy of the following:
 - (1) The company name, address, phone number, contact person and incident location (if other than business location)

- (2) The employee requesting off-duty secondary employment.
- (3) The nature of the strike, labor unrest, contract dispute, etc. and whether it is in progress or predicted for the near future.
- (4) Any information regarding past, present, or predicted violence and the intensity of same.
- (5) Any additional pertinent information.

F. Military Reserve and National Guard Components

1. Department policy permits employees to be members of military reserve and National Guard components.
2. The following information is provided to avoid confusion concerning the Veteran's Reemployment Rights Statute and areas of possible conflict involving Cecil County Sheriff's Office work schedules, Cecil County Sheriff's Office manpower commitments, inactive duty training schedules and/or annual training requirements.
3. The established policy of the Maryland National Guard concerning members of Law Enforcement is as follows:
"In the event of a State emergency which would constitute a simultaneous and concurrent demand for services of the individual by both the Maryland National Guard and the law enforcement agency, it shall be the policy of the Military Department not to initially order into active service of the State, those who are members of the law enforcement agency of the jurisdiction where the emergency has occurred. Law enforcement of the jurisdiction concerned may subsequently be ordered into the active service of the State only after coordination with the law enforcement agency concerned or upon specific order of the Governor."
4. Other points affecting the Cecil County Sheriff's Office policy regarding employee membership in a reserve or guard component are as follows:
 - a. The Cecil County Sheriff's Office has the following rights:
 - (1) To know the Cecil County Sheriff's Office member's military training schedules as far in advance as possible.
 - (2) To receive the necessary paperwork (such as orders) verifying the military duties for which absences from work are requested. If possible, paperwork should be received by the Cecil County Sheriff's Office prior to the time being requested.
 - b. Cecil County Sheriff's Office members who are in a component have the following rights:
 - (1) To be released from their jobs, on request, to attend military training.

- (2) To receive other forms of leave in addition to military leave (15 days annually), if needed, after military leave has been exhausted.
 - (3) To receive their position back when training is complete, and be treated the same as if they had never been away from the agency.
 - c. Under Federal law, the Cecil County Sheriff's Office must fulfill the following obligations:
 - (1) To allow the member the necessary time off for training.
 - (2) To take the employee back when the military duties are completed.
 - (3) To not terminate, demote, or deny promotion or benefits to employees because of their membership in a component.
 - d. An employee in a reserve component has the following obligations to the Cecil County Sheriff's Office:
 - (1) To meet the existing Cecil County Sheriff's Office regulations for off-duty secondary employment.
 - (2) To request time off as far in advance as possible. An employee cannot simply fail to show up for duty, using the excuse that he was required to attend military training.
 - (3) To provide a copy of proper military orders, which authorize the training concerned, to include the specific beginning and ending dates.
 - (4) To report back to work on the next scheduled workday (shift) after drill or annual training.
 - (5) To consider the Cecil County Sheriff's Office needs, primarily manpower. Voluntary duty should be discussed between the individual and his Cecil County Sheriff's Office supervisor prior to requesting same, in order to gauge the impact the request would have on the local manpower demands.
- 5. In order to promote uniformity within the overall operation of the Cecil County Sheriff's Office with respect to interaction with the component, the following guidelines are hereby established. They are not intended to be all encompassing in nature. Good judgment and common sense should prevail in matters of conflict or misunderstanding between the parties involved or affected.
 - a. Annual Training Duty (limited to 15 days in one calendar year): Eligible employees are granted military leave with pay not to exceed 120 hours. Actual payment will be the amount of the employee's regular base salary for work time missed (up to 120 hours), less the gross military earnings. To ensure prompt payment for the leave, the employee must submit appropriate documentation on the military leave and earnings statement to Human Resources within 30 days of the leave.

- b. If an employee exhausts his military leave and requires additional leave for military training, other options may be considered by the Cecil County Sheriff's Office after consideration of staffing needs and overtime costs. These include:
 - (1) Granting accumulated annual, personal or compensatory leave.
 - (2) Granting leave of absence without pay (LAW) after authorization is obtained per established policy.
 - (3) Modifying the employee's work schedule so that leave days coincide with scheduled military training times.
- c. In those instances where Cecil County Sheriff's Office commitments conflict with military training, the employee should contact the military component and ask to make up the training at another time. If the military component refuses to allow this employee to make up the training, the employee will be given leave to attend the training.
- d. Work or leave groups should be designed to avoid having one or two shifts that are inundated with personnel with military commitments.
- e. Any adjustments to leave should generally be at the expense of the concerned individual.
- f. Employees requesting military leave for annual training will initiate a routing slip which contains the following information:
 - (1) "Request for Military Leave".
 - (2) Name, rank or classification and I.D. number or Social Security number.
 - (3) Assignment.
 - (4) Dates of training, as shown on military orders.
- g. The routing slip and military orders should be submitted through the Chain of Command to the Director.
- h. If military orders are not available at the time the leave is requested, the military orders must then follow as soon as they are received by the employee.
- i. Annual training may be staggered to reduce the impact on manpower losses, particularly during summer months. However, if the military component refuses to cooperate, leave will be granted.
- j. To minimize the impact on manpower needs, annual leave should not be taken consecutively with military leave.

G. Termination of Off-Duty Secondary Employment

- 1. When an employee terminates his off-duty secondary employment, he should immediately notify his supervisor of such termination by completing the withdrawal section on the copy of CCSO Form #SO-96 filed in his personnel file.
- 2. The Director will endorse this section.

H. Limitations On Off-Duty Secondary Employment/Extra Duty Overtime Hours

1. These limitations of all off-duty secondary employment / extra duty overtime hours are intended to reduce conflicts with regular scheduled duty assignments and to reduce instances of fatigue.
2. Sworn employees will report for duty fully rested and alert, capable of performing the essential functions of a Cecil County Deputy Sheriff.
3. Regardless of duty status the next day, employees will only work a maximum of 16 consecutive hours when combining a regularly scheduled shift, which includes all hours worked and all off-duty secondary employment / extra duty overtime hours. On off-duty days employees may work a maximum of 16 hours of off duty secondary employment / extra duty overtime.
4. Employees must be off-duty for at least 8 continuous hours prior to returning to work a regular Cecil County Sheriff's Office shift.
5. Only forty hours of total off-duty secondary employment / extra duty overtime will be permitted during a normal work week that includes at least two leave days.
6. In weeks that contain more than two leave days or vacation days, work hours can be adjusted accordingly i.e., an employee may work up to 16 hours of off-duty secondary employment / extra duty overtime on such leave or vacation days.
7. If circumstances beyond an employee's control (e.g., weather, traffic or road conditions) require the employee to work longer than the scheduled off-duty secondary employment / extra duty overtime no disciplinary action will be taken against an employee.
8. All secondary employment / extra duty overtime hours worked will be combined when compiling weekly totals of off-duty secondary employment hours. As needed refer to the CCSO Form #SO-96, Request to Engage in Secondary Employment for the number of off-duty secondary hours an employee works per week.
9. All off-duty secondary employment / extra duty overtime hours must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
10. An employee engaged in off-duty secondary employment / extra duty overtime is subject to call out in case of an emergency, and should expect to leave off-duty secondary employment / extra duty overtime in such situations.

11. Nothing in this section would prevent the use of Cecil County Sheriff's Office overtime which arises from a public safety emergency.
12. Those deputies who have not completed their field training or who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.