

Secondary Employment

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for office members who seek to engage in authorized off-duty employment or extra-duty employment.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Secondary employment - Any work, service, occupation, labor, or profession which is performed for compensation of any kind for individual, business, corporation, or entity other than the St. Mary's County Sheriff's Office or St. Mary's County Government. For the purposes of this policy, "Secondary Employment" refers to both off-duty and extra-duty employment. Military Reserves, National Guard, and/or active duty is not considered secondary employment for the purposes of this policy. Professional Staff may only engage in off-duty employment.

Off-Duty employment - Any secondary employment in which the actual or potential use of law enforcement powers by the off-duty employee is not anticipated. (i.e., sports coordinator/coach, photographer, etc.). Paid or volunteer fire/EMS service would be considered off-duty employment for the purposes of this policy.

Extra-Duty employment - Secondary employment in which the actual or potential use of law enforcement powers by the officer/employee are anticipated. (i.e., security duties, money escort, bodyguard, etc.).

1020.2 POLICY

- (a) The St. Mary's County Sheriff's Office does not discourage secondary employment by its personnel, so long as that employment does not conflict with the legitimate interests of the Sheriff's Office. By accepting a full-time paid position with the Sheriff's Office, an employee agrees that the Sheriff's Office is to be their primary job. Any supplement employment is considered to be secondary in importance and subject to the review and approval of the Sheriff's Office.
- (b) The Sheriff's Office will maintain a list of approved off-duty employment, approved extra-duty employment, and not approved secondary employment requests. Failure to obtain prior approval for secondary employment is prohibited by this policy and may lead to disciplinary action.

1020.3 SECONDARY EMPLOYMENT

1020.3.1 REQUEST AND APPROVAL

- (a) Prior approval for any secondary employment (either off-duty or extra-duty) shall be obtained. This process begins with the member reviewing the Approved Secondary Lists and Not Approved List to determine if the secondary employment has already been approved/not approved.

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- (b) For extra-duty employment, the Extra-Duty List is applicable to all sworn members of the agency. Once an extra-duty assignment has been approved and placed on the list, any eligible sworn member authorized to work secondary employment may work that assignment without submitting a separate request, consistent with the ECC notification and CAD documentation requirements in Procedure 1015.
- (c) For off-duty employment, the Off-Duty List serves only as a reference to determine whether a given employer has been previously approved or not approved. Placement of an employer on the Off-Duty List does not authorize any member other than the member who originally received approval to work for that employer. Each member seeking to work off-duty employment, including for an employer already appearing on the Off-Duty List, must submit an individual request via Blue Team for that specific employment.
- (d) Members seeking approval for new secondary employment must submit a Secondary Employment Request Report via Blue Team containing the details of the assignment. The request will be forwarded through the chain of command to the Assistant Sheriff or designee for approval.
- (e) If approved, the Sheriff or Assistant Sheriff will forward the Blue Team to the SOD Administrative Coordinator to be placed on the appropriate Secondary List (Off-Duty or Extra-Duty). The Secondary Lists will be maintained on the Sheriff's Office Dashboard under the "Special Operations Division" section. The Blue Team will then be forwarded to OPR upon completion to be placed in the IAPro database.

1020.3.2 DENIAL

- (a) Any member whose request for secondary employment is denied will be provided with a written notification of the reason at the time of the denial via Blue Team and/or EIPro.
- (b) If not approved, the Assistant Sheriff or designee will forward the Blue Team to the SOD Administrative Coordinator to be placed on the Not Approved list. The Not Approved list will be maintained in the "Special Operations Division" section on the Sheriff's Office Dashboard. The Blue Team will then be forwarded to OPR upon completion to be placed in the IAPro database. The employee's identifying information will not be included on any list.

1020.3.3 REVOCATION OR SUSPENSION

Any member whose approval for secondary employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension via an endorsement in the Secondary Request Blue Team Report or as a part of an administrative order. Approval for secondary employment may be revoked or suspended for the following reasons:

- (a) When a supervisor determines the member's performance is failing to meet standards and the secondary employment may be related to the deficient performance.
 - 1. Approval for the secondary employment may be re-established when the member's performance has reached a satisfactory level and with the Assistant Sheriff or designee's authorization.

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2. If a member's approval for secondary employment is reinstated, they will be notified by Detailed Report in Blue Team or as part of an administrative order.
- (b) When a member's conduct or secondary employment conflicts with the legitimate interests of the office, office policy or any law.
- (c) When the secondary employment creates an actual or apparent conflict of interest with the Office or County.
- (d) When updates are made to the approval status of a secondary employment, the SOD Administrative Coordinator will send an email to all members of the agency for notification. It will be the member's responsibility to ensure the approval status of the secondary employment.

1020.3.4 APPEAL

If a member's request for secondary employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal via Blue Team Detail Report to the Sheriff through their chain of command within 10 days of receiving notice of the denial, revocation or suspension.

1020.3.5 GENERAL SECONDARY EMPLOYMENT RESTRICTIONS

Employees must not engage in any secondary employment which is in conflict with the interest, purpose or mission of the St. Mary's County Sheriff's Office or the St. Mary's County Government.

- (a) Employees must not engage in any secondary employment which will adversely affect their ability to perform their regular duties or the quality of their work.
- (b) Employees will not engage in secondary employment during the actual hours for which they are scheduled to work for the Sheriff's Office.
- (c) Employees will not engage in secondary employment during workers compensation, administrative, military, suspension or sick leave (excluding family sick leave). When an employee is in an FMLA status to care for a spouse or family member or on family sick leave, secondary employment is authorized only outside the hours of the shift he/she was scheduled to work. (Refer to 1020.4.5 for further)
- (d) Employees may not solicit referrals for secondary employment during their regular scheduled work hours.
- (e) While on-duty with the Sheriff's Office, employees will show no preferential coverage to a place of secondary employment. An employee will not encourage visitation by on-duty deputies to a location that is a site of secondary employment.
- (f) Under the provisions of the CJIS, it is a violation to disseminate criminal records information to non-criminal justice agencies or to anyone when not in the scope of official business. The employee is prohibited from using CJIS resources for activities related to their secondary employment unless it involves a legitimate law enforcement purpose.
- (g) Employees may not use agency/CJIS information systems (e.g. CAD, RMS, agency MDB, Field Reporting, Linx, etc.) to conduct activities related solely to secondary

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employment. (Example: serving civil/legal process could not use agency databases to locate addresses)

- (h) Deputy Sheriffs working extra-duty employment will restrict their activities to security related duties and will not perform any of the day-to-day functions of the business that are not directly related to security or law enforcement. In addition, Deputy Sheriffs working off-duty employment will conceal their weapons (if armed) and badges while performing their off-duty employment duties.
- (i) Secondary employment may be approved for Deputy Sheriffs to work in businesses which sell or dispense alcoholic beverages if it is not the primary service of the business. If the primary service of the business is to sell or dispense alcoholic beverages, professional staff employees and correctional officers may be permitted to work there upon approval of the Assistant Sheriff. Deputy Sheriffs are prohibited from the direct selling, dispensing of alcoholic beverages, or acting in a "bouncer" capacity.
- (j) Secondary employment is prohibited during duty hours and is restricted to no more than six (6) hours on duty days for personnel scheduled to work a shift of less than 10 hours. Personnel scheduled to work a shift of 10 hours or more will not work ANY secondary employment prior to a duty shift without an eight (8) hour break between secondary employment and the beginning of the duty day. The term "duty day" will include any advanced scheduled overtime for court, special assignments or any other preplanned overtime/comp time assignment which is being worked before or after a duty day. No time restriction applies to off duty days.
- (k) An agency police vehicle can only be used for extra-duty assignments. Agency vehicles may be used while driving to and from off-duty employment however, transportation of any goods, signs or other items associated with the off-duty employment in an agency vehicle is strictly prohibited. The wearing of any attire associated with the off-duty employer while driving an agency vehicle is strictly prohibited. If the off-duty employer has a store front, the agency vehicle will be positioned away from the business.
- (l) Probationary deputies will not participate in secondary employment until successful completion of the field training program. This does not preclude authorized overtime assignments worked with a field training officer.
- (m) Employees shall not conduct any off-duty employment business, including completing a sale, delivery, exchange of goods, or collection of payment, during the actual hours for which they are scheduled to work, while in uniform, on County property, or using any County-owned or County-issued vehicle or equipment. This applies regardless of whether the transaction is incidental to otherwise authorized County business or travel, and regardless of the identity of the other party to the transaction. This restriction applies to off-duty employment; it does not apply to extra-duty employment conducted under Section 1020.5, which by its nature may involve the uniform, an agency vehicle, other agency equipment, and the collection of payment as part of an approved assignment.

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1020.4 REQUIREMENTS

For procedures related to Requirements, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Approved Attire](#)

1020.4.1 PROHIBITED OFF-DUTY EMPLOYMENT

The Sheriff's Office reserves the right to deny any request for off-duty employment that involves:

- (a) The use of office time, facilities, equipment, or supplies.
- (b) The use of the St. Mary's 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.

1020.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OFF-DUTY EMPLOYMENT

No member of this office may engage in any off-duty employment as a law enforcement officer, private security, guard, private investigator, or other similar private security position except as allowed by state law (Md. Code PS § 3-110).

1020.4.3 REVIEW OF FINANCIAL RECORDS

- (a) Prior to approving off-duty employment, the Office may request that a member provide personal financial records for review if the Sheriff determines that a conflict of interest may exist.
- (b) If, after approving a request for off-duty employment, the Office obtains information that a financial conflict of interest exists, the Office may request that the member provide personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the off-duty employment pursuant to this policy.

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1020.4.4 CHANGES IN OFF-DUTY EMPLOYMENT STATUS

Members shall promptly submit in writing to the Sheriff any material changes in any approved off-duty employment, including any change in the number of hours, type of duties or the demands of any approved off-duty employment. Members who are uncertain whether a change in off-duty employment is material are advised to report the change. Documentation will be performed using a new Secondary Request Form via Blue Team, submitted via the chain of command.

1020.4.5 RESTRICTED DUTY STATUS

- (a) Employees will not engage in secondary employment during workers compensation, administrative, military, suspension, or sick leave (excluding family sick leave). When an employee is in an FMLA status to care for a spouse or family member or on family sick leave, secondary employment is authorized only outside the hours of the shift he/she was scheduled to work.
- (b) Upon request from the member, the immediate supervisor shall review the duties of the off-duty employment, along with any related orders (e.g., administrative, medical), and make a recommendation through the chain of command to the Sheriff regarding whether such employment should continue.
- (c) When the member returns to full duty with the St. Mary's County Sheriff's Office, the approval for secondary employment resumes absent any other prohibition/restriction.

1020.5 EXTRA-DUTY EMPLOYMENT

1020.5.1 PROCEDURES

For procedures related to ECC notification and CAD documentation, see the St. Mary's County Sheriff's Office LE Procedures Manual: [ECC Notification/CAD Documentation](#)

Any Deputy Sheriff's issued a BWC will wear/utilize them according to policy as if on-duty.

For procedures related to arrests and reporting, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Arrest\(s\) and Reporting](#)

1020.5.2 LIABILITIES

In certain circumstances an injury or illness arising from secondary employment/extra duty employment (excluding St. Mary's County Public Schools, County Fairs, and Fire Department/Rescue Squad functions) is not compensable by the county, and the employees have only personal or job insurance and county sick and vacation leave on which to rely for income while ill or injured. Serious illness or injury caused by secondary employment may result in being disqualified to continue county employment. Circumstances surrounding each individual injury will be considered on a case-by-case basis.