

	Winchester City Sheriff's Office Manual of General Orders Personnel 203	Effective Date: May 1, 2014 Accreditation Standards: PER .04.01 PER .04.02
		Original Policy: May 1, 2014 Last Review Date: May 1, 2020 Next Review Date: May 1, 2023
		By Authority of: <hr/> Les R Taylor, Sheriff
Subject: Off Duty Employment/Extra-Duty		

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
11-22-16	IV C	Changed, "It is the policy of the Winchester city Sheriff's Office not to allow law enforcement off-duty employment with any other law enforcement agency as a sworn law enforcement officer. This policy does not prohibit Sheriff's Office appointees' from being sworn in other jurisdictions for temporary extra-duty law enforcement employment nor does it prohibit them from being members of joint law enforcement task forces." To "It is the policy of the Winchester city Sheriff's Office to allow law enforcement off-duty employment with other law enforcement agencies as sworn law enforcement officer, as long as it is not with another sheriff's office in the Commonwealth of Virginia."	EAS	LRT

I. PURPOSE

To provide policy governing extra-duty/off-duty employment for appointees of the Winchester City Sheriff's Office.

II. POLICY

The Sheriff must ensure the continued efficiency and effectiveness of the Sheriff's Office while simultaneously reducing or eliminating conflicts of interest. To this end, the Sheriff shall manage according to whatever reasonable controls he deems necessary to restrict or regulate the conduct of appointees. It is the policy of the Sheriff's Office, therefore, to prohibit extra-duty/off-duty employment of appointees when it may impair efficiency or conflict with their duties and responsibilities.

III. DEFINITIONS

A. Employment

Any work performed or services provided for compensation, including self-employment.

B. Law Enforcement Related Employment

Employment by Sheriff's Office personnel that may require the use of their law enforcement powers, which have been granted by the Commonwealth of Virginia/Winchester city Sheriff's Office.

C. Probationary Period

That period of time measured by one calendar year beginning with the date of employment. (Within the Sheriff's Office, the probationary period is for the purpose of evaluating an appointee's abilities and aptitude for the assigned work and does not imply tenure.)

D. Non Law Enforcement Related Off-Duty Employment

This employment shall not constitute a conflict of interest with the Sheriff's Office. A conflict of interest is determined by the Sheriff and shall include any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of law enforcement employment.

E. Off-Duty (Secondary) Employment

Any employment for an entity where the appointee formally accepts a position, (including self-employment/own business), where the appointee works a weekly scheduled time period, and where the appointee intends to remain in this position for an extended time period. Off-Duty employment does require the appointee to submit a Request for Off-Duty Employment form to the Sheriff for approval.

F. Extra-Duty Employment

Any employment by an appointee for a service that was submitted and approved through the Sheriff's Office administration requesting personnel for a short time period and a specific service, i.e. security for a specific event. Extra-Duty employment is sporadic and does not require the appointee to submit a Request for Off-Duty Employment form.

IV. PROCEDURES

A. Law Enforcement Related Extra-Duty Employment

1. Law enforcement related extra-duty employment shall not exceed 16-hours per day, including on-duty time; e.g., an appointee working a 10-hour work day may work six hours extra-duty employment on the same day and an appointee on a day off may work 16-hours. (This policy does not restrict the amount of time worked by an appointee on-duty for the Sheriff's Office.)
 - a. For the purpose of computing the allowable work time per day, court time shall constitute on-duty time.
2. Law enforcement related extra-duty temporary employment is restricted to the Winchester City and Frederick County Limits. Deputies may perform law enforcement duties beyond the city's boundaries if working in conjunction with another jurisdiction's regular law enforcement agency and after having been duly sworn as a law enforcement officer in that jurisdiction.
3. The minimum salary required for deputies employed in a law enforcement related extra-duty temporary capacity must be at least \$25 per hours unless otherwise approved by the Sheriff.
4. Serving as an employment agent and receiving compensation for procurement of law enforcement related temporary jobs for other Sheriff's Office appointees is prohibited. This does not prohibit supervisors from requesting personnel to work assignments that have been approved by the administration.

5. No appointee shall at any time solicit any person or business for the purpose of gaining law enforcement related extra-duty temporary employment.
6. Except for public school security activities, which have the Sheriff's standing approval, and other temporary employment specifically authorized by the Sheriff or his designee, the following regulations apply:
 - a. The sheriff's uniform shall not be worn while engaging in extra-duty employment.
 - b. City-owned vehicles, radio, or other equipment shall not be used while traveling to and from or engaging in extra-duty employment.
7. Deputies, while engaged in law enforcement related extra-duty temporary employment, will adhere to Sheriff's Office policy and be subject to the orders of the on-duty Sheriff's Office supervisor.
8. A deputy may be prohibited from working law enforcement extra-duty temporary employment for the following reasons:
 - a. The deputy's on-duty performance is affected by working the extra-duty hours;
 - b. The deputy does not satisfactory perform the extra-duty assignment;
 - c. The deputy has received disciplinary action from the Sheriff's Office.
9. The Sheriff or his designee may coordinate law enforcement related extra-duty temporary employment and law enforcement of-duty employment for the Sheriff's Office. The Major will also monitor policy compliance and review the process annually.

B. Non-Law Enforcement Off-Duty Employment

Section A1 above regarding hours worked during extra-duty employment, also applies to non-law enforcement off-duty employment. The following are jobs, which the Sheriff deems unacceptable, and permission to engage in secondary employment in these areas will be denied.

1. Jobs at establishments where alcoholic beverages are sold for consumption on the premises (bartenders, bouncers, etc.).
2. Deputies and appointees are prohibited from employment by any firm connected with the following:
 - a. Towing or storage of vehicles;
 - b. Bill/debt collector;
 - c. Bodyguard;
 - d. Private investigator;
 - e. Process server;
 - f. Taxi cab driver.
 - g. Bouncer
 - h. Any position that may bring disgrace upon the Law-Enforcement Profession

C. Law Enforcement Off-Duty Employment

It is the policy of the Winchester city Sheriff's Office to allow law enforcement off-duty employment with other law enforcement agencies as sworn law enforcement officer, as long as it is not with another sheriff's office in the Commonwealth of Virginia.

D. Arrests

Any arrests made, or summonses issued, while engaged in law enforcement related extra-duty and off-duty employment would follow the procedures set forth in ADM-105.

E. Law Enforcement Related Extra-Duty Employment

- a. The precise nature of the work to be performed;
 - b. The hours or schedule for the task;
 - c. The equipment the appointee(s) will need;
 - d. The contact persons phone number/address.
1. The Sheriff or his designee will make the final decision to approve/disapprove all requests for law enforcement related extra-duty employment.
 2. Only certified Law Enforcement Deputies may work in a Law Enforcement Capacity or in an Extra Duty capacity unless specifically authorized by the Sheriff.

F. Sheriff's Office Liability

1. Any approved law enforcement related extra-duty temporary employment is considered work related and all of the benefits provided to on-duty Sheriff's Office personnel would be provided to personnel working these assignments.
2. The Sheriff's Office shall not be responsible for any civil liability relating to any incident that occurred from secondary employment, nor will Sheriff's Office workman's compensation be provided to personnel injured while working any secondary employment.

G. Off-Duty employment requirements

1. Appointees must submit a written (Request for Secondary Employment) request to the Sheriff through the chain of command when requesting permission to obtain secondary employment or to start their own business. The completed request shall be filed in the appointee's personnel file.
2. Deputies shall submit a letter to the Sheriff advising of their resignation or termination from their secondary employment within 14 days of the resignation/termination. The letter will be attached to the original request form and filed in the appointee's personnel file.
3. If a Sheriff's Office appointee is terminated from his/her secondary employment, it shall be the right of the Sheriff's Office to ascertain the reason. If the reason is such as to have brought reproach upon the Sheriff's Office, then disciplinary action may also be taken by the Sheriff's Office.
4. Any action by the secondary employer or Sheriff's Office appointee while employed by the secondary appointee that conflicts with the Sheriff's Office rules of conduct, the law enforcement code of ethics, or this policy, will result in the revocation of the secondary employment request.

5. The Sheriff may revoke permission to work secondary employment anytime the secondary employment affects the Sheriff's Office appointee's job performance, or anytime the Sheriff's Office appointee receives disciplinary action.
6. Sheriff's Office appointees may not be allowed secondary employment during their probationary period. This may not apply to experienced newly hired deputies.

