



**WEBER COUNTY SHERIFF'S OFFICE**  
**POLICY AND PROCEDURES**  
**OFF-DUTY AND EXTRA-DUTY EMPLOYMENT**

EFFECTIVE DATE: 08/28/09 AMENDS/SUPERCEDES: 16.19-21; 16.22-23 STANDARD NUMBER: 22.3.4, 22.3.5	REVIEW DATE: 08/28/09 REVISION DATE: 12/07/09 APPROVED: _____ <div style="text-align: right;">Sheriff Signature</div>
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**16.19.1 Purpose**

The purpose of this order is to set forth guidelines to govern off-duty or extra-duty employment by members of the Sheriff's Office.

**16.19.2 Rationale**

To ensure that any off-duty or extra-duty employment is not a detriment to the rest, revitalization and ability of Weber County deputies to perform their primary functions. To ensure off-duty or extra-duty employment does not cause a conflict of interest or discredit the integrity of the Weber County Sheriff's Office.

**16.19.3 Definitions**

**Employment:** The provision of service, whether or not in exchange for a fee or other service. Employment does not include volunteer/charity work unless in the capacity of a peace officer.

**Extra-Duty Employment:** Any outside employment under authority of the Sheriff's Office that is conditioned on the actual or potential use of law enforcement powers by the Deputy.

**Off-Duty Non-Law Enforcement Employment:** Any employment outside of the Sheriff's Office that will NOT require the use or potential use of law enforcement powers by the off-duty employee.

**16.19.4 Policy**

- A. The authority of the Sheriff to restrict off-duty or extra-duty employment is covered in the Weber County Personnel Policies and Procedures Manual, Chapter 6. There are three types of off-duty employment which a Sheriff's Office employee may engage:

1. Extra-Duty Employment: Employees may engage in extra-duty employment as follows:
  - a. When such employment is outside the authority of the Sheriff's Office but has the actual or potential use of law enforcement powers.
2. Off-Duty Employment: Employees may engage in off-duty employment wherein the use of law enforcement powers is not anticipated.
3. Employees may engage in non-law enforcement off-duty employment that meets the following criteria:
  - a. Employment of a non-law enforcement nature in which vested law enforcement powers are not a condition of employment. The work or service provides no real or implied law enforcement service to the employer and is not performed during the assigned hours of duty.
  - b. Employment that presents no potential conflict of interest between the duties as a member and the duties for the secondary employer. Some examples of employment representing a conflict of interest are:
    - i. As a process server, reposessor, or bill collector, towing vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
    - ii. Personal investigations for the private sector or any employment which might require the member to have access to law enforcement information, files, records or services as a condition of employment.
    - iii. Any use of the Sheriff's Office uniform in the performance of tasks other than that of a police nature.
    - iv. Assists (in any manner) the case preparation for a non-government lawyer in any criminal or civil action or proceeding unless approved by the Sheriff.
    - v. For a business or labor group that is on strike or potential of a strike exists.

- vi. Employment where liquor is consumed.
- c. Employment that does not constitute a threat to the status or dignity of a Sheriff's Deputy as a professional occupation. Examples of employment presenting a threat to the status or dignity of the law enforcement profession are:
  - i. Establishments which sell pornographic books, magazines, sexual devices, or videos; or that otherwise provide entertainment or services of a sexual nature.
  - ii. Any employment engaging in the sale, manufacture, or transport of alcoholic beverages as the principle duties or business.
  - iii. Any gambling or gaming establishment not exempted by law.
- B. In order to be eligible for off-duty/extra duty employment, an employee must be in good standing with the Sheriff Office. Continued Office approval of an employee's off-duty/extra duty employment is contingent on such good standing.
- C. Prior to obtaining off-duty/extra duty employment, sworn and non-sworn employees shall submit, through the chain of command, to the Sheriff, a letter requesting permission to engage in the specific off-duty/extra duty employment. After approval by the Sheriff, the original will be filed in the employee's office personnel file, a copy to the employee's Bureau Commander, and a copy will be returned to the employee. These applications will be required to be renewed annually.
- D. An employee may work a maximum of 24 hours of off-duty or extra-duty employment, or a total of 64 hours in combination with regular duty in each calendar week unless approved by the Sheriff. See also 16.1.7.
- E. Work hours for all off-duty members must be scheduled in a manner that does not conflict or interfere with the members Office duties.
- F. A Sheriff's member engaged in off-duty employment is subject to call-out in case of emergency, and may be expected to leave his/her off-duty employment in such situations.
  - 1. A member working off-duty employment may be requested to return to on-duty status when:

- a. Calls for service (CFS) in the business or general area of the off-duty employment are law enforcement in nature; and,
  - b. Such law enforcement (CFS) situations requires on-duty action; and,
  - c. Such action is approved by the shift supervisor or approved by a supervisor as soon as practical;
    - i. When possible, the approving supervisor will give time parameters for the situation to be completed or turned over to a regular-duty Sheriff's member.
2. The on-duty hours worked are subject to all Sheriff's Office and Weber County policies and procedures. While within the on-duty status, members will be supervised by the on-duty supervisor.
  3. A member moving from an off-duty employment to an on-duty status will be paid by the County, based on FLSA standards for approved hours worked.
    - a. No member will be paid by the off-duty employer and Weber County for the same hours worked.
    - b. An overtime request will be submitted to the member's supervisor for the approved on-duty time worked. That document will include the approving supervisor's name, with a brief description of the on-duty situation handled.
    - c. As soon as practical, the member will move back to his/her off-duty status, being paid by the off-duty employer.
    - d. When practical, an off-duty employer may assist with the on-duty hourly rate of those member's moving from an off-duty status to an on-duty status.
- G. Permission for a Sheriff's Office employee to engage in outside employment may be revoked where it is determined that such outside employment is not in the best interest of the Office by the Sheriff.
- H. An employee shall not engage in outside employment while carried on sick or injured status except by special permission of the Sheriff.
- I. The Sheriff may stipulate any condition of approval he/she feels necessary for control of an employee's outside employment practices.

- J. Failure to comply with the above procedures may result in revocation of permission for off-duty and/or extra-duty employment, and could result in disciplinary action by the office and/or County.
- K. Security work authorized by the Sheriff is subject to the following regulations:
1. Members will be familiar with and comply with the Security Licensing and Regulation Act (1979), as amended.
  2. Members are prohibited from using uniforms or office equipment.
  3. Members will provide and maintain in force an approved "Covenant of Indemnification and Insurance", and submit a copy of the insurance certificate.
  4. Consistent with acting as security personnel, deputies will make any arrests as private citizens and remand custody of those arrested to on-duty deputy's, and will not issue citations.
- L. The Undersheriff will ensure a process is in place to document the following data associated with extra-duty employment:
1. Date, time, and place of employment.
  2. Incidents that involved use of law enforcement powers.
  3. Incidents of injury to Deputies or others.
  4. Complaints received as a result of the extra-duty or off-duty employment.
  5. Court appearances (scheduled and actually attended) resulting from extra-duty employment.
  6. Liability and indemnification concerns stemming from actions during extra-duty employment.
- M. Probationary members are prohibited from working extra-duty or regular off-duty employment.
- N. The Sheriff may grant exceptions to this policy.