

Secondary Employment

1040.1 PURPOSE AND SCOPE

All Members who wish to engage in secondary employment must recognize their primary duty and obligation is to the Department. In order to avoid actual or perceived conflicts of interest for Departmental Members engaging in secondary employment, all Members shall obtain written approval from the Department prior to engaging in any secondary employment. Approval of secondary employment shall be at the discretion of the Department in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Secondary Employment: Any act or instance in which any Member of this Department receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. For purposes of this section, the definition of secondary employment includes any act or instance in which Members are self-employed and the self-employed is not affiliated directly with this Department for services, product(s) or benefits rendered. This does not apply to union activities or elected officials.

Teaching assignments at the Sheriff's Training Division or authorized traffic school functions shall not be considered secondary employment for purposes of this section.

Contract services may be provided to public/private agencies at the direction and control of the Department. Approved contract services shall not be considered secondary employment.

Members seeking to engage in paid or unpaid Reserves for agencies other than the Department must submit a written request for secondary employment in compliance with the provisions of Policy 1040.2.

1040.2 OBTAINING APPROVAL

No Member may engage in any secondary employment without first obtaining prior written approval of the Department. Failure to obtain prior written approval for secondary employment or engaging in secondary employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for secondary employment, the Member wishing to engage in any secondary employment shall submit a secondary employment request form (located in the My18 Document Center) to the Member's Commander/Senior Director. The form will then be sent to the Professional Standards Division Commander.

The Professional Standards Division Commander shall review the request to verify that the secondary employment does not violate this policy and does not present a conflict of interest as defined in this manual. The request shall be forwarded to the Assistant Sheriff of Professional Services for approval or denial.

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If approved, the Member shall be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit shall be valid through the end of the calendar year in which the permit is approved. Any Member seeking to renew a permit shall submit a new form in a timely manner.

Secondary employment may be denied when it appears that it will impair or interfere with the Member's ability to efficiently discharge his/her Departmental duties and responsibilities.

Any Member seeking approval of secondary employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial Penal Code 70(e)(3).

1040.2.1 APPEAL OF DENIAL OF SECONDARY EMPLOYMENT

If a Member's secondary employment application is denied, the Member and his/her representative may meet with and/or file a written notice of appeal to the Assistant Sheriff of Professional Services within ten days of the date of denial.

1040.2.2 REVOCATION/SUSPENSION OF SECONDARY EMPLOYMENT PERMITS

Any secondary employment permit may be revoked or suspended under the following circumstances:

1. Should a Member's performance at this Department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Professional Standards Division may, at their discretion, revoke any previously approved secondary employment permit(s). That revocation shall stand until the Member's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the secondary employment permit.
2. If at any time during the term of a valid secondary employment permit a Member's secondary employment conflicts with the provisions of Department policy, then the permit may be suspended or revoked.
3. When a Member is unable to perform at a full duty capacity due to an injury or other condition, any previously approved secondary employment permit may be subject to similar restrictions as those applicable to the Member's full time duties until the Member has returned to a full duty status.

If a Member's secondary employment permit is revoked or suspended, the Member and his/her representative may meet with and/or file a written notice of appeal to the Assistant Sheriff of Professional Services within ten days of the date of revocation or suspension.

1040.3 SECONDARY EMPLOYMENT - EXPERT WITNESS

1. Members shall not engage in secondary employment as a consultant in any criminal proceeding, or in civil suits against any entity.
2. Consultant secondary employment, other than above, must comply with off duty procedures set forth under Section 1040.4 of this manual.

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1040.4 PROHIBITED SECONDARY EMPLOYMENT

The following types of secondary employment shall not be approved since these activities may cause a conflict of interest due to the nature of the Member's employment:

1. Where the secondary employment involves the services of legal process.
2. Where the nature of the secondary employment, or the place where it is to be performed is such as to bring either the Department or the member into disrespect, or degrade the dignity of law enforcement.
3. Where the secondary employment will involve the member in violations of the Rules, Regulations or Procedures of the Department, or violations of any ordinance or statute.
4. Where the secondary employment would assist any individual in any criminal proceeding.
5. Where the secondary employment is in any way connected with work of a private investigative nature or for a private investigation agency, bail bond agency, private patrol agency or for the collection of debts.
6. Where the secondary employment is directly or indirectly connected with the towing or storage of vehicles, or the operation of ambulances.
7. Where the secondary employment would or might require or cause the member to use or disclose official police records, documents, or files.
8. Where the secondary employment is directly or indirectly connected with the operation of a tavern or the transportation, distribution, or sale of intoxicating beverages, except where such activity is allowed by law.

By law, county Members shall not be financially interested in any contract awarded by this county (Gov. Code 1090).

By law, Members of this Department shall not participate as bidders in any property sale conducted by this Department (Gov. Code 1090).

Consistent with the provisions of Government Code Section 1126, the Department expressly reserves the right to deny any Secondary Employment Request submitted by a Member seeking to engage in any activity which:

- (a) Involves the Member's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the Member, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the Member's duties as a Member of this Department.
- (b) Involves the performance of an act in other than the Member's capacity as a Member of this Department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other Member of this Department.
- (c) Involves time demands that would render performance of the Member's duties for this Department less efficient.

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1040.4.1 SECONDARY SECURITY EMPLOYMENT

Consistent with the provisions of Penal Code Section 70, and because it would further create a potential conflict of interest, no Member of this Department may engage in any secondary employment as a private security guard, private investigator or other similar private security position.

1040.5 DEPARTMENT RESOURCES

Members are prohibited from using any Department time, equipment, facilities, supplies; or the badge, uniform, prestige, influence or any other Department resource in the course of or for the benefit of any secondary employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the Member's position with this Department.

1040.6 CHANGES IN SECONDARY EMPLOYMENT STATUS

If a Member terminates his or her secondary employment during the period of a valid permit, the Member shall promptly submit written notification of such termination to the Professional Standards Division. Any subsequent request for renewal or continued secondary employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members shall also promptly submit in writing to the Professional Standards Division any material changes in secondary employment including any change in the number of hours, type of duties, or demands of any approved secondary employment. Members who are uncertain whether a change in secondary employment is material are advised to report the change.

1040.7 SECONDARY EMPLOYMENT WHILE ON DISABILITY

The laws related to an employee's obligations while engaging in secondary employment and simultaneously being on light duty or disability are legally complex and accordingly, may be legally prohibited. Members should contact PSD or their workers compensation insurance provider if they have further questions.