

Outside Employment

1032.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside employment, all employees shall initially obtain written approval from the Marshal prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Marshal in accordance with the provisions of this policy and Utah Code 53-13-114.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - The employment of any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this office for services, products or benefits rendered.

Outside Overtime - Overtime involving any member of this office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Office. Such outside overtime shall be requested and scheduled directly through this office so that the Office may be reimbursed for the cost of wages and benefits.

1032.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior written approval of the Marshal. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action. The employee shall request in writing to the Marshal approval for outside employment. The request and approval or denial will be kept in the Marshals office for annual review.

1032.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Office, the employee may file a notice of appeal to the Marshal within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.

1032.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment approval may be revoked or suspended after the employee has received notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The

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Marshal may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permits. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

- (b) If, at any time during the term of a valid outside employment approval, an employee's conduct or outside employment conflicts with the provisions of Office policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Office or Town.

1032.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act that the employee, 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 employee's duties as a member of this office.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.
- (d) Involves time demands that would render performance of the employee's duties for this office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1032.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no member of this office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this office must submit a written request to the Marshal in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

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1. The deputy shall wear the Office uniform/identification.
2. The deputy shall be subject to all the rules and regulations of this office.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Marshal.

1032.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1032.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Supervisor, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

1032.3.4 UTAH PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of UAC R477-9-2, the Office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Office or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

1032.4 OFFICE RESOURCES

Employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with this office.

1032.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written

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approval for an outside employment position, the Office may request that an employee provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work approval may be revoked pursuant to this policy.

1032.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Marshal whether such outside employment should continue or the approval be suspended or revoked.

In the event the Marshal determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's approval will be forwarded to the involved employee and a copy attached to the original work request. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment approval while on disability status or administrative leave include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the Town's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to their supervisor.
- (d) The outside employment is not compatible with the reason the employee is on administrative leave.