

## Outside Employment

### 1023.1 PURPOSE AND SCOPE

The nature of the law enforcement task requires department employees to have the ability to work irregular duty schedules which are subject to change in meeting deployment needs. Additionally, it is necessary that employees have adequate rest to be alert during their tour of duty. For these reasons, and because certain occupations inherently conflict with an employee's primary responsibility to the department, the Sheriff/Undersheriff may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the department to further professionalization, protecting the reputation of the employee and the department, and ensuring that the department receives full and faithful service in return for its expenditure of resources. Other than that which is permitted under the Personnel Manual, pertaining to off-duty employment contracted with the department, department employees accepting outside employment should be aware that they may not be entitled to legal representation, payment of an adverse judgment, or other benefits from the county that are usually afforded an employee while working on duty. Members should realize that, when they accept off-duty employment, they are generally being hired to perform specific duties for an employer. Thus, members should have a firm commitment from the employer concerning any subsequent legal representation or other benefits that may become necessary as a result of the member's conduct in protecting the employer's interests. Officers shall devote their entire time and attention to the service of the department and they shall not accept any employment that is prohibited by law for a peace officer.

### 1023.2 OBTAINING APPROVAL

Prohibited activities include those which: \* Involve any employment, activity, or enterprise for compensation which is inconsistent, incompatible, or in conflict with his/her duties as an employee of the department or with the duties, functions, or responsibilities of the department. Some examples of employment representing a conflict of interest are:

- a. As a process server, reposessor, or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
  - b. Personnel investigations for the private sector or any employment which might require the police officer to have access to police information, files, records or services as a condition of employment
  - c. In police uniform in the performance of tasks other than that of a police nature.
  - d. Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
  - e. For a business or labor group that is on strike.
  - f. In occupations that are regulated by, or that must be licensed through the Sheriff's Office.
- Examples of employment presenting a threat to the status or dignity of the police profession are:

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- a. Establishments which sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
- b. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
- c. Any gambling establishment not exempted by law.
- d. Involve, for private gain, or advantage, the use of county time, facilities, equipment, supplies, or other resources; or the badge, uniform, prestige, or influence of his/her official position with the department.
- e. Involve receipt or acceptance by the employee of any money or other consideration from anyone other than the department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of hours of department employment or as part of his/her duties as a department employee.
- f. Involve such time demands as would render performance of his/her duties as a department employee less efficient. The department may take into consideration the medical condition of an employee and the effect outside employment would have on an employee's ability to perform the duties of his/her position. An employee shall not engage in outside employment while carried on sick or OJI status except by special written permission of the Sheriff. Employees on entry-level probation shall not engage in outside employment. Division commanding officers may recommend exception in special cases. Employees shall not engage in outside employment in a county other than Shasta County. Prior written approval shall be obtained from the Sheriff and/or Undersheriff prior to commencement of any outside employment activities.

### **1023.3 DEPARTMENT RESOURCES**

Employees are prohibited from using any department 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 department or other agencies through the use of the employee's position with this department.

#### **1023.3.1 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 (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/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 Department becomes concerned that a conflict of interest exists based on a financial reason, the Department 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 permit may be revoked pursuant to § 1040.2.2(c) of this policy.