


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 4.37</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: SECONDARY EMPLOYMENT</p>	<p>Amends:</p>		<p>Rescinds:</p>
<p>Index as: Extra-Duty Employment, Off-Duty Employment, Secondary Employment</p>	<p>State Certification Standards: 3.12</p>		

PURPOSE

To establish guidelines and procedures to govern secondary employment (both extra-duty and off-duty) by both sworn and non-sworn members of the Sheriff's Office.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to provide guidelines for employees to inform them of the types of off-duty employment that are appropriate; and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the Sheriff's Office and for the protection of the community.

DISCUSSION

Employees of the Rabun County Sheriff's Office are expected to place their employment emphasis on their full-time duties. Consequently, all secondary employment is subject to approval, must satisfy the conditions outlined below, and may be withdrawn at any time for cause. Employees may engage in secondary employment as long as the work does not present a conflict of interest with the various law enforcement activities and responsibilities of the Sheriff's Office; does not interfere with the employee's work schedule; does not interfere with training; does not prevent the employee from receiving sufficient rest to competently and safely perform their regular duties; does not impair or otherwise interfere with the employee's on-duty performance or ability to respond to emergency situations or otherwise detract from readiness; and does not damage the reputation of the Sheriff's Office or the community's perception of the integrity of the agency.

DEFINITIONS

EXTRA-DUTY EMPLOYMENT — Any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the deputy.

OFF-DUTY EMPLOYMENT — Any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee. This includes self-employment.

I. LEGAL REQUIREMENTS

The Criminal Code of Georgia requires that a law enforcement officer obtain approval, in writing, from the agency head for secondary employment. This law is as follows:

§16-10-3(c) (1):

(c) "Nothing contained within this Code section shall be deemed or construed so as to prohibit any law enforcement officer of the state or any political subdivision thereof:

From being employed by private persons, firms or corporations during his off-duty hours when such employment is approved in writing by the chief or head, or his duly designated agent of the law enforcement agency by which such law enforcement officer is employed; ..."

To comply with the above stated law, each employee of the Sheriff's Office shall be required to obtain prior approval from the Sheriff for every secondary employment he/she engages in.

II. PROCEDURES

A. The Chief Deputy or his designee is responsible for:

1. The coordination of all secondary (extra duty) employment opportunities;
2. Overseeing employee adherence to the secondary employment process; and
3. Maintaining the database and files related to secondary employment.

B. Each employee wishing to engage in secondary employment (extra-duty or off-duty) must comply with the following procedures:

1. Employees will comply with all applicable Rabun County Sheriff's Office policies and procedures.
2. Such employment shall not interfere with the employee's regular duties as a member of the Sheriff's Office.
3. Deputies will not be allowed to work any secondary employment when such employment presents a potential or actual conflict between their duties as a deputy sheriff and their duties for the secondary employer.
4. Each employee must receive written permission to engage in secondary employment by submitting a Secondary Employment Information form through the chain of command.
5. Each employee must list the responsibilities expected of him/her.

6. The employee must submit the completed forms through the chain of command to his division commander. The division commander will review the form, indicate approval by initials or reason for disapproval and forward the same to the Office of Professional Standards and then on to the Chief Deputy for his review.
 7. Once received by the Chief Deputy, he will review the form and either approve or disapprove the request. If approved, the original of the request will be filed in the personnel file of the employee and the information added to the database maintained by the Chief Deputy or designee. A copy of the request will be returned to the employee with approval or disapproval noted, date and signature of the Sheriff.
 8. In emergency situations, after hours, when there is no time for the above procedures, such as when a deputy is needed to protect an unsecured business, the highest ranking shift supervisor on duty may approve the secondary employment form.
- C. Each employee will be expected to comply with this General Order before accepting any secondary employment.
- D. Failure to comply with this General Order will result in disciplinary action for violation of policy as well as violation of the State law.

III. ELIGIBILITY

A. Extra Duty Employment

1. To be eligible for approval of extra-duty employment, which entails the actual or potential use of law enforcement powers or training:
 - a. Deputies must have completed Basic Mandate and completed their probationary period;
 - b. Deputies on medical leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in any extra-duty employment;
 - c. A maximum of 20 work hours per week is allowed for all secondary employment and said hours must be scheduled in a manner that does not conflict or interfere with the employee's performance of duties.
 - d. Any employee engaged in any secondary employment is subject to call-out in case of emergency, and will be expected to leave their secondary employment in such situations, if necessary. Emergency duty for Sheriff Office employees shall always have priority over secondary employment.
 - e. Permission for Sheriff's Office employees to engage in outside employment may be revoked when it is determined that such outside employment is not in the best interest of the Sheriff's Office.
 - f. Sworn and certified employees may only engage in extra-duty employment for government, profit-making, or non-profit organizations within the geographic boundaries of Rabun County; or outside the county when the employment is in support of legitimate public service functions that benefit the citizens of Rabun County and when the activities originate within Rabun County.

2. Sworn and certified employees while in a marked patrol vehicle will wear the complete Class A uniform to include full uniform gun belt with issued primary duty firearm when engaged in extra duty detail. Exceptions to this will be made on a case by case basis and must be approved by the Chief Deputy or designee.
3. Requests to perform such duties that may go outside the geographic boundaries of Rabun County or originate outside Rabun County and come into the county will be considered on a case-by-case and must be submitted through the chain of command to the Sheriff for final review and action.
4. The use of agency equipment (i.e. radios, vehicles, word-processing) may be authorized, when available, with the prior approval of the Division Commander. Uniforms and accessories shall not be considered equipment within the meaning of this provision.

B. Off-Duty Employment

To be eligible for approval of off-duty employment, which does not entail the actual or potential use of law enforcement powers or training:

1. Employees must be in good standing within the Sheriff's Office.
2. Employees on medical leave due to sickness, temporary disability or an on-duty injury shall **not** be eligible to engage in any off-duty employment.
3. A maximum of 20 work hours per week is allowed for all secondary employment and said hours must be scheduled in a manner that does not conflict or interfere with the employee's performance of duties.
4. Any employee engaged in any secondary employment is subject to call-out in case of emergency, and will be expected to leave their secondary employment in such situations, if necessary. Emergency duty for Sheriff's Office employees shall always have priority over secondary employment.
5. Permission for Sheriff's Office employees to engage in outside employment may be revoked at any time when it is determined that such outside employment is not in the best interest of the Sheriff's Office.

IV. PROHIBITED ACTIVITIES

A. Sheriff's Office personnel are prohibited from engaging in any of the following secondary employment:

1. A place of illegal operation;
2. For a proprietor or company previously convicted of illegal sale of liquor after hours, or for a non-licensed establishment;
3. For a proprietor or company previously convicted for the illegal sale of contraband or narcotics;
4. For a bail bond company;
5. Any establishment declared "Off Limits" to outside employment by the Sheriff;

6. Any establishment that sells pornographic books, magazines, sexual devices, videos or that otherwise provide entertainment or services of a sexual nature;
7. For insurance agencies, private guard services, private investigative services, or collection agencies;
8. As a process server, reposessor, or bill collector;
9. As an employee for any night club, bar, "honky-tonk," or dance hall;
10. As an employee for any establishment that is involved in the sale, manufacture, transport or dispensing of beer, alcohol or wine (extra-duty employment);
11. As a taxi cab driver or wrecker driver;
12. Any work that requires access to police records, files or information not normally available to the general public;
13. Activities that assist, in any manner, the case preparation for the defense in any criminal or civil action or proceeding within or against Rabun County;
14. For a business or labor group that is on strike (unless specifically approved by the Sheriff as a matter of public interest);
15. As an employee for any establishment where their job duties involve accepting tickets/monies for entrance into the business (extra-duty employment);
16. As an employee for any public facility where their job duties involve allowing/denying entrance into said facility (extra-duty employment);
17. Other employment in which law enforcement authority might be used to collect money or merchandise for private purposes;
18. Which detracts from the employee's efficiency in their normal on-duty functions;
19. Which creates a conflict of hours or availability for assigned duties;
20. In any capacity which may be construed as a conflict of interest or which damages the reputation of the Rabun County Sheriff's Office.

V. TERMINATION OF SECONDARY EMPLOYMENT

- A. Any supervisor may order an employee to cease working a secondary employment when the employee is observed in violation of this general order or the employee is physically, mentally, or otherwise unable to properly perform their full-time duties.
- B. In such instances, the supervisor will report the incident in writing to the employee's Division Commander who will, in turn, report the matter through the chain of command to the Chief Deputy for necessary follow-up action.

- C. When appropriate, the Sheriff or Chief Deputy may direct the Internal Affairs Officer to conduct an administrative review of the incident(s) and render a written report, upon which a determination for further action will be made.
- D. If, in the opinion of the Sheriff, secondary employment creates a conflict of interest or would bring discredit to the department, the employee will be expected to resign one of the positions he/she holds.

VI. HANDLING OF INCIDENTS

- A. Whether employed in a regular off-duty or extra-duty position, Rabun County Sheriff's Office sworn and certified employees shall respond to and take appropriate action when there is reasonable belief that the life or safety of another is threatened or when it is necessary to prevent the commission of a forcible felony.
 - 1. When the incident is not of a serious nature as described above, requires the employee to leave the scene of the outside employment, or when a vehicle accident occurs, the officer will request that an on-duty unit be dispatched to the scene to take charge of the incident.
 - 2. The on-duty officer who responds to the incident scene will then be responsible for conducting a thorough investigation and will assume responsibility for completing all necessary reports.
- B. All personnel engaged in secondary employment are subject to call-out in case of emergency, and may be expected to leave his/her secondary employment location in such situations.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County