

1.446 SECONDARY EMPLOYMENT

- A. The primary employment duty, obligation, and responsibility of employees of the UMDPS is to this agency.
- B. Employees are subject to recall at any time for emergencies and other special circumstances.
- C. Employees will not engage in other employment, in any private business, or the conduct of a profession during normally scheduled work hours with the agency unless the employee has supervisory approval.
- D. In order to work secondary employment during normally scheduled work hours, employees must be on pre-approved leave. Work hours cannot be adjusted in order to accommodate secondary employment unless pre-approved by an employee's supervisor.
- E. Employees will not engage in employment, private business, or the conduct of a profession outside the hours of employment with the agency in a manner likely to adversely affect their usefulness as employees of the agency.
- F. Within the parameters established by this directive, officers are allowed to participate in secondary employment that is considered off-duty employment. Off-duty employment is that secondary employment that is not conditioned on the actual or potential use of law enforcement powers by off-duty officers.
- G. Officers are not allowed to participate in secondary employment that is considered extra-duty employment. Extra-duty employment is that secondary employment that is conditioned on the actual or potential use of law enforcement powers by officers.
- H. The chief may expressly forbid employees from secondary employment at specific locations or performing specific job tasks.

1.446.10 Authorization

- A. Agency employees must obtain written authorization from the chief before engaging in secondary employment.
- B. Secondary employment requests will be staffed through employees' unit commanders, bureau commander, if applicable, and to the chief. Requests will contain the:
 - 1. Names, addresses, and telephone numbers of proposed employers;
 - 2. Job titles and descriptions of duties to be performed; and
 - 3. Anticipated duration of employment.
- C. Staffing of requests at each level will be accomplished in a timely and expeditious manner.
 - 1. Comments and recommendations will be provided at each level of staffing.
 - 2. Unit commanders, bureau commanders, and the chief may utilize designates in order to accomplish staffing of requests.
 - 3. In exigent circumstances, employees requesting secondary employment approval may bypass those staffing levels that are unavailable in order to obtain tentative approval.
- D. The chief will approve or reject requests for secondary employment and notify requesting employees of the action in a timely and expeditious manner.
 - 1. In the absence of the chief, the acting chief will act on requests for secondary employment.
 - 2. The approval or rejection of secondary employment by an acting chief is contingent pending the chief's action.
- E. Requests for secondary employment that are denied by the chief will contain written explanations of the objective based reasons for such denials.
- F. Approved requests for secondary employment will be valid for one year from dates of approval. Employees desiring continued secondary employment must resubmit requests to the chief no later than 30 days prior to expiration of approved periods.
- G. Employees must resubmit secondary employment requests any time there are substantive changes in their secondary employment duties or responsibilities.
- H. Copies of secondary employment requests will be maintained in

agency records by personnel assigned to the Office of the Chief.

- 1. Completed originals will be placed in employees' personnel files.
- 2. Employees submitting secondary employment requests will be given one copy of their completed requests.
- 3. A copy of each completed secondary employment request will be maintained in a secure location in the Office of the Chief. Expired requests may be purged and destroyed after the passage of three years.

1.446.20 Military Reserves and National Guard

- A. Employees who enlist or reenlist in the military reserves or National Guard will submit written notice through their chain of command to the chief. This notice must contain the:
 - 1. Branch of the military involved;
 - 2. Length of commitment under contract;
 - 3. Proposed or new MOS, if applicable; and
 - 4. Probable yearly schedule and obligation of service.
- 5. Submit copies of orders when required to serve on active duty or attend unscheduled training.
- B. Employees with approved military reserve or National Guard secondary employment must submit yearly notices (when not on active duty) for the duration of their enlistments to the chief containing the:
 - 1. Branch of the military involved;
 - 2. Length of commitment under contract;
 - 3. Proposed or new MOS, if applicable; and
 - 4. Probable yearly schedule and obligation of service.
- 5. Submit copies of orders when required to serve on active duty or attend unscheduled training.

1.446.30 Restrictions and Limitations

- A. Secondary employment authorization will be denied, prohibited, or withdrawn when they involve:
 - 1. Employees working during hours when they are employed to work for the agency except when working approved military reserve, active, or National Guard duty;
 - 2. Conduct inconsistent with the objectives, directives, ethics, or reputation of the agency;
 - 3. The creation of a real or potential conflict of interest; or
 - 4. Sick leave records or other evidence indicating that secondary employment might be, or is, impairing employees' ability to perform their duties, obligations, or responsibilities.
- B. Consistent with **2.825.10 Authorized Handguns**, officers may wear or carry their agency issued firearm, weapon, police identification, and badge while involved in secondary employment so long as the carrying of such equipment is not conditioned on the actual or potential use of law enforcement powers by officers.
- C. Employees engaging in secondary employment act as agents for their secondary employers. As such, employees' liability protection, Worker's Compensation claims, and other civil protections may not be applicable under CJ 5-309.2.
- D. Employees on sick leave, accident leave (Code 15), or limited duty status may be required to submit documentation from health care practitioner certifying fitness for the duties, obligations, or responsibilities of secondary employment.
- E. Employees required to appear in court or administrative proceedings resulting from actions taken during secondary employment will do so on their own time.
 - 1. When on-duty employees are summoned to court or administrative proceedings in reference to secondary employment incidents, the employees must take leave to appear for trials or hearings.
 - 2. Employees appearing in court or administrative proceedings as the result of secondary employment will not appear in uniform or identify themselves as employees of the agency unless requested to do so by an officer of the court or the de-

fense.

- F. Employees are prohibited from using any agency equipment while working secondary employment except as authorized in **1.446.30B**.

1.446.40 Suspension/Termination of Secondary Employment

- A. Supervisory ranked officers and above may order emergency suspensions of employees' secondary employment.
1. Suspending officers will detail circumstances leading secondary employment suspensions on agency complaint forms.
 2. Cases will be resolved consistent with **2.900 Complaints & Discipline**.
- B. Police Officers having their secondary employment authorizations suspended have the right to administrative reviews. Reviews will be conducted:
1. On the first business day following suspensions; and
 2. Consistent with **2.914.30 Emergency Suspension & Hearing Procedures**.
- C. Non-sworn employees having their secondary employment authorizations suspended have the right to administrative reviews. Reviews will be conducted consistent with **1.444 Grievances**.