



HOWARD COUNTY SHERIFF'S OFFICE

GENERAL ORDER ADM-05 SECONDARY EMPLOYMENT

EFFECTIVE AUGUST 27, 2015

This General Order contains the following numbered sections:

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I. POLICY

The nature of law enforcement requires Howard County Sheriff's Office (HCSO) personnel to work irregular duty schedules. Additionally, it is necessary that personnel have adequate rest so as to be alert and focused during their tours of duty. For these reasons and because certain occupations inherently conflict with the responsibility to the HCSO, the HCSO must impose certain limitations on secondary employment. The degree of limitation is based on protecting the reputation of the HCSO and ensuring it receives full and faithful service from its members in return for expended resources.

II. DEFINITIONS

- A. **Off-Duty Employer:** The "off-duty employer" is any person, partnership, corporation, professional association, or other entity that employs a member of the Howard County Sheriff's Office.
- B. **Liability:** The state of being legally bound or obligated to make good on any losses or damages incurred as a result of one's activities.
- C. **Secondary Employment:** Any work, occupation, labor or profession that results in payment of any kind to the employee in addition to that earned from the HCSO.
- D. **Non-Uniformed Secondary Employment:** Any employment when a deputy is hired directly by a business or organization for the purpose of protecting the personal or proprietary interests of the employer and the deputy is compensated directly by the employer.

III. RESPONSIBILITIES

- A. All members of the HCSO who desire to engage in secondary employment must recognize that their primary duty, obligation, and responsibility are to the Howard County Sheriff's Office. Personnel remain subject to calls at any time for emergencies, special assignments, or extra duty.
- B. It is the responsibility of the member's immediate supervisor to ensure the member's adherence to HCSO policies, procedures,¹ and all other rules and regulations while engaged in his/her secondary employment duties.
- C. The Chief Deputy, in consultation with the Sheriff, shall oversee the administration of secondary employment requests within the HCSO.²

¹ CALEA 22.3.5 d

IV. SECONDARY EMPLOYMENT

- A. No personnel shall engage in any other employment or in any private business or in the conduct of a profession during the hours in which they are employed to work for the County, or outside such hours in a manner or to an extent that it affects or is deemed likely to affect their usefulness as an employee of the County.³
- B. **A deputy is prohibited from using HCSO equipment, uniforms, resources, vehicles, or technology in the secondary employment assignment or for the benefit of the secondary employer. However, the deputy may carry the following specified County equipment or have it available for use only in the event the deputy must revert to an on-duty status – body armor worn under clothing, radio, handcuffs, and assigned weapons, such as OC spray, asp baton, and firearm. A deputy’s use of a HCSO vehicle is limited to driving to and from the secondary employment work site, sitting in the parked vehicle while at the work site, and using communications equipment located in the vehicle to call for assistance. The vehicle may also be used as appropriate in the event the deputy must revert to on-duty status. Radios and weapons shall either be concealed or must not have any symbol or wording that ties them to the HCSO. Passengers are prohibited from a HCSO vehicle.**
- C. These rules and procedures are intended to ensure that employment within the HCSO remains the prime responsibility of all personnel.
- D. Secondary employment is not permitted without the written approval of the Sheriff.⁴

V. SECONDARY EMPLOYMENT REQUESTS⁵

- A. Members wishing to engage in secondary employment must secure written approval of the Sheriff through the Chain of Command.⁶ A separate request must be made for each off-duty employer. Each request must be submitted on an HCSO Request for Secondary Employment form.
- B. The HCSO member must list all significant duties assigned during secondary employment. These duties will be detailed on the Request for Secondary Employment form.⁷
- C. All items on the forms must be completed and the requesting member’s signature must be affixed. If a section is not applicable, an “N/A” should be used.
- D. Approved requests shall be valid for one year, commencing on the date of approval by the Sheriff. It shall be the responsibility of the requesting member to renew the request at least fifteen business days before its expiration.
- E. If the requested secondary employment is security related, the prospective secondary employer must complete an Employer Agreement for Security Related Work form. This completed form must accompany the Request for Secondary Employment. Only one Employer Agreement form is necessary for any one employer.
- F. The Employer Agreement must be renewed on an annual basis and should contain any updated information, including additional duties and significant aspects of the extra-duty employment, if applicable.⁸

² CALEA 22.3.5 d

³ CALEA 22.3.4

⁴ CALEA 22.3.5 a

⁵ CALEA 22.3.5 c

⁶ CALEA 22.3.5 a

⁷ CALEA 22.3.5 e

⁸ CALEA 22.3.5 e

VI. LIABILITY

- A. Neither the HCSO, nor Howard County will assume any liability, including Worker's Compensation, for any injury, damages, or civil action incurred by personnel while they are performing secondary employment activities.
- B. Neither the HCSO, nor Howard County Government will provide a legal defense for legal claims arising from the secondary employment activities of HCSO personnel.

VII. RESTRICTIONS

- A. Secondary employment is subject to the conditions and limitations imposed by the Sheriff as a condition to his approval. The following restrictions automatically apply:
 - 1. If sick leave records or other available evidence indicates secondary employment might impair the requesting member's ability to discharge their HCSO duties, secondary employment will be denied or previous approval will be withdrawn.
 - 2. Secondary employment shall not be such as to bring disrespect or disfavor upon the HCSO or its personnel from the Community.
 - 3. Secondary employment shall not be such as to impair the employee's performance or capabilities.
 - 4. Secondary employment shall not involve the handling or dispensing of alcoholic beverages or any security/peace keeping function related to the handling or dispensing of alcoholic beverages in any facility licensed by any County or Baltimore City to dispense alcohol.⁹
 - 5. Secondary employment shall not exceed twenty (20) working hours within any five day period in which the member would be on duty with the HCSO.
- B. Personnel shall not engage in secondary employment when their duty status is listed as disability leave. When on light duty status, written permission must be granted by the Sheriff to begin or continue working secondary employment. If the nature of the light duty assignment would reasonably affect an off-duty employer's decision to provide medical and/or worker's compensation benefits to the member, the member must resubmit the secondary employment request and attendant information.

VIII. SPECIAL LIMITATIONS & EXPECTATIONS

- A. Personnel may engage generally in secondary employment if they comply with the preceding regulations and restrictions.
- B. The following limitations are imposed upon particular fields of employment:
 - 1. Sales: In the field of sales, the member's identify as an HCSO deputy or a member of the HCSO is not information that should enter into any sales conversation or agreement.¹⁰
 - 2. Security: Employment as a security guard or watchman is permitted with the following limitations:¹¹

⁹ CALEA 22.3.4
¹⁰ CALEA 22.3.4
¹¹ CALEA 22.3.4

- a. Howard County property may not be used in any manner. This property includes the issued uniform, uniform shoes, outerwear, weapon (unless carried concealed), holster, handcuffs, baton, chemical mace, and any other issued equipment.
 - b. Misdemeanor crimes handled by an off-duty member working in security related employment will be dealt with as a security guard and personnel will not identify themselves as Sheriff's deputies. If the member applies for a warrant or summons, he must notify the Commissioner that has been and is being taken as private security and not as a member of the HCSO.¹²
 - c. The member is prohibited from using the HCSO identification number, mailing address, or his own HCSO identification number for any secondary employment purpose.
 - d. Personnel are prohibited from identifying themselves as s Sheriff's deputy unless the incident is serious enough to warrant immediate intervention of a sworn officer. Personnel should remember that, during secondary employment, they are first an agent of the secondary employer and that their actions should reflect this obligation.¹³
 - e. Felony crimes observed by off-duty members working as security guards in Howard County will receive appropriate enforcement action by the HCSO. Personnel taking such action are considered to be on-duty from the time such action is initiated, at which point secondary employment is severed.
- C. Members required to appear in court as a result of actions arising from secondary employment do so on their own time. If an off-duty member is summoned to court in reference to an off-duty, secondary employment incident, the member must take either personal or annual leave to appear in court. In such instances, members shall not appear before the Court in HCSO uniform, nor shall they identify themselves as Howard County Sheriff's Deputies unless requested to do so by an officer of the court or the defendant.¹⁴

IX. CANCELLATION OF APPROVAL

- A. The Sheriff may cancel, temporarily or permanently, the approval of any member or employee to engage in secondary employment. The person concerned will be notified in writing of the reason(s) for such cancellations.¹⁵
- B. Any change in the conditions, type, or location of secondary employment will require the resubmission of the Request for Secondary Employment form, regardless of when the original approval was granted.
- C. Upon termination of secondary employment, personnel must forward a memorandum to the Sheriff, via the Chain of Command, indicating their secondary employment has ended. This is required to facilitate the updating of personnel records.

¹² CALEA 22.3.5 b

¹³ CALEA 22.3.5 b

¹⁴ CALEA 22.3.5 b

¹⁵ CALEA 22.3.5 c

X. **CANCELLATION**

This General Order cancels and replaces General Order ADM-05, Secondary Employment, dated September 11, 2009.

Authority:

James F. Fitzgerald
Sheriff