

ERIE COUNTY SHERIFF'S OFFICE POLICIES AND PROCEDURES

16.01 OFF DUTY EMPLOYMENT

PAGE 1 OF 2

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POLICY STATEMENT

The Sheriff must ensure the continued efficiency and effectiveness of the Erie County Sheriff's Office while simultaneously reducing or eliminating potential conflicts of interest. To achieve this goal, the Sheriff shall manage the agency utilizing reasonable controls to restrict or regulate the conduct of agency employees. It is the policy of this agency, therefore, to provide guidelines to its employees as to the types of off-duty employment that are appropriate.

DEFINITIONS

"Employment" means the provision of a service, whether or not in exchange for a fee, object of value, or other service.

Employment does not include voluntary charity work.

"Off-duty employment" means any employment that does not require the use, or potential use, of law enforcement powers by a sworn Deputy Sheriff of this agency or the use of any equipment or property owned by this agency by sworn or non-sworn personnel.

POLICY

Employees may engage in off-duty employment, as long as such employment meets the following guidelines:

1. Except for non-sworn agency employees, the employment is of a non-law enforcement nature in which vested law enforcement powers are not a condition of employment, and the work provides no real or implied law enforcement service to the employer and is not being performed during assigned hours of duty; and
2. The employment presents no potential conflict of interest between the employee's duties as a sworn Deputy Sheriff or non-sworn member of this agency and the employee's duties for secondary employment.

Examples of employment representing potential conflicts of interest are as follows:

- a. acting as a process server, reposessor, bill collector, vehicle towing service employee, or in any other employment in which law enforcement authority could be implied for the collection of money or merchandise for a private enterprise;
 - b. conducting private personnel investigations or any other employment which may require the employee to have access to law enforcement information, files, records, or services as a condition of employment with the secondary employer;
 - c. the wearing of an agency uniform or clothing identifying the employee as a member of this agency while performing tasks that are not related to this agency;
 - d. acting in any manner in the assistance in case preparation for the defense in any criminal prosecution, or assisting any party in any civil action or proceeding;
 - e. employment in any fashion for a business or labor group that is on strike; or
 - f. any employment that requires the agency employee to act as a doorman, bouncer, or to perform any other security duties other than extra-duty employment as approved by this agency.
3. The employment does not constitute a threat to the status or dignity of the Erie County Sheriff's Office.

Examples of employment that constitutes a threat to the status or dignity of the agency are as follows;

- a. employment in businesses or areas that sell pornographic books, magazines, sexual videos, or that otherwise provide entertainment or services of a sexual nature; or
- b. employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business; or

ERIE COUNTY SHERIFF'S OFFICE POLICIES AND PROCEDURES

16.01 OFF DUTY EMPLOYMENT

PAGE 2 OF 2

PROHIBITIONS

1. No employee of the Erie County Sheriff's Office shall engage in off-duty employment without first receiving written permission from the Sheriff.
2. Employees who are on medical or other leave – including, but not limited to, leave due to illness, temporary disability, an on-duty injury, or discipline – shall, at the start of that leave period, become ineligible until the end of such leave period to engage in previously approved off-duty employment without supplemental written permission of the Sheriff.
3. It is the responsibility of the individual employee to schedule off-duty employment outside of the employee's normally scheduled job duties. The off duty employment shall not render the employee unavailable during an emergency, or physically or mentally exhaust the employee to the point that the employee's job performance will be affected.
4. No more than sixteen (16) hours of regular, extra-duty, and off-duty work, in any combination thereof, may be scheduled within a twenty-four (24) hour period without a six (6) consecutive hour break in any type of employment during that twenty-four (24) hour period.
5. Off duty employment shall not in any way conflict with the objectives of this agency, impair its reputation, or compromise the law enforcement mission. For these reasons, off-duty employment may be prohibited by the Sheriff if such employment is not considered to be in the best interest of the agency.