

**I. PURPOSE**

To establish regulations pertaining to off-duty employment of Sheriff's Office employees.

**II. POLICY**

It is the policy of the Fairfax County Sheriff's Office that:

- A. Off-duty employment is consistent with the training and legal authority of the employee.
- B. Off-duty employment that impairs the on-duty efficiency of an employee will be prohibited.
- C. Off-duty employment that may conflict with the duties and responsibilities of an employee, or cause a detrimental effect on the image of the Sheriff's Office, will be prohibited.

**III. DEFINITIONS**

- A. Off-Duty Employment.

Any kind of work, activity, or service engaged in for profit or livelihood by a member of the F.C.S.O. in addition to their employment with the Sheriff's Office. This term is synonymous with the term "outside employment" discussed in section 4.14 of the County Personnel Regulations.

- B. Off-Duty Law Enforcement Employment.

Any employment in which an employee is compensated directly or indirectly for the performance of duties which may entail the use of law enforcement powers granted to the employee by the Commonwealth of Virginia and the County of Fairfax.

- C. Service Area.

The area located within the boundaries of Fairfax County, to include the area within the boundaries of the Cities of Fairfax and Falls Church and the Towns of Herndon and Vienna. The service area may be extended under contractual agreement with requesting governmental agencies.

- D. Training Period.

That period of time during which an employee is attending the Fairfax County Public Safety Academy for basic law enforcement training or is working under the direct supervision of a Field Training Instructor.

- E. Off-Duty Employment Permit.

A specific duration permit which must be approved by an employee's chain of command, to include the Sheriff, upon application of an employee, to perform off-duty employment at any work location.

**IV. REGULATIONS**

- A. General Guidelines for All Off-Duty Employment.

1. Off-duty employment will not be permitted if it constitutes a conflict of interest as governed by Personnel Regulations 4.14 (Attachment #1).
2. Deputy Sheriffs shall not work off-duty in any capacity during their initial training period.
3. While on duty, employees shall not solicit any type of off-duty employment.
4. Employees on sick leave, injury leave, or light duty may not work law enforcement off-duty employment, and must obtain written permission from the following persons before working non-law enforcement off-duty employment:
  - a. If on injury leave or light duty, the Division Commander, after consultation with Risk Management.
  - b. If on sick leave, the immediate supervisor.

**The permissiveness of off-duty employment under these circumstances is to be determined on a case by case basis. Factors to consider are: type of off-duty employment; duty involved, type of injury or illness; and the potential for prolonging the illness or injury.**

5. Should injury or illness preclude an employee from performing scheduled off-duty employment of any kind, it is the employee's responsibility to ensure that the planned absence is immediately reported to the individual responsible for scheduling.
  6. The employee's immediate supervisor is responsible for ensuring that off-duty employment does not interfere with on-duty performance.
  7. Off-duty law enforcement employment is allowed only within the service area.
- B. Restrictions on Off-Duty Employment.
1. Employees must adhere to all Sheriff's Office rules and regulations while working off-duty employment.
  2. Employees are not to engage in any other employment, private business, or profession during the hours which they are employed to work for the County, or outside such hours if it is deemed likely to affect their performance as employees of the County.
  3. Off-duty employment will be denied if:
    - a. The employee's sick leave record or other information indicates that off-duty employment might impair the employee's performance of on-duty work.
    - b. The duties of employment or the place where they are performed would:
      - 1) Cause disrespect or disfavor of the Sheriff's Office or its members.

- 2) Cause the employee to violate Sheriff's Office rules and regulations.
  - 3) Cause a clear conflict of interest for the employee.
  - 4) Impair the employee's effectiveness or capabilities as a member of the Sheriff's Office.
- c. The employment requires the employee to access official police records, documents, or files.
- d. The duties of employment involve:
- 1) Quasi - police functions, e.g., collecting bad checks or bad debts, investigating accidents, recovering cars in default of payment, bail bonds, conducting private investigations involving politics or divorce, adjusting claims, or working in a private police-guard capacity at the scene of a labor strike.
  - 2) Bartending or any serving of alcohol for consumption on the premises.
  - 3) Personal protection/bodyguard.
  - 4) Any security/peace keeping function at an establishment whose primary business is that of serving alcoholic beverages.
  - 5) Dispensing packaged goods in an establishment whose primary business is that of serving alcoholic beverages.
  - 6) Sales, where the employee's identity as a deputy sheriff enters into such sales.
  - 7) Any other activity determined to be not in the best interest of the Sheriff's Office or Fairfax County.
4. Employees may not obtain a private detective's license.
5. Employees may not work law enforcement related part-time employment when under suspension from agency duty or when their law enforcement powers have been limited for administrative reasons.
6. Employees may only transport children on a school bus as off-duty employment on scheduled days off and not within four hours of working any shift.
- C. Deputies serving a "Courtesy Liaison".
1. All "Courtesy Liaison" duties shall be considered standard off-duty employment and as such must adhere to the procedures outlined in Section V of this SOP.
  2. Deputies are not authorized to wear agency issued uniforms or other such attire, identifying them as a deputy sheriff when serving as a "Courtesy Liaison".

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STANDARD OPERATING PROCEDURE**

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3. Deputies serving as a "Courtesy Liaison" shall not engage in any law enforcement activities unless responding in an emergency situation and only in localities where they possess law enforcement authority.
4. Deputies serving as a "Courtesy Liaison" in localities where they do not possess law enforcement authority must notify the landlord/property manager of their limited authority prior to serving as a "Courtesy Liaison". Proof of this notification must be submitted with their off-duty employment request.
5. The Fairfax County Sheriff's Office shall not be liable for any injury, damage, or civil action which may result from the performance of any "Courtesy Liaison" related duties. Deputies are encouraged to obtain worker's compensation and liability coverage through their landlord/property manager.

**V. PROCEDURES**

- A. The provisions in this SOP regarding law enforcement off duty employment apply regardless of rank.
- B. Employees who engage in personal business ventures (self-employment) must apply for permission to continue such employment using the same procedures as those applying for regular off-duty employment.
- C. No full-time deputy may work more than 4 hours at an off-duty job on any regular work day.
- D. No full-time deputy may work more than 12 hours at an off-duty job on a regular day off, nor more than 36 hours during any County pay period.
- E. No employee shall act as an employment agent by receiving compensation for procuring jobs for Sheriff's Office employees.
- F. The minimum salary required for deputies employed for off-duty law enforcement employment shall be \$35.00 per hour. This rate applies regardless of rank. Contractual requirements from certain governmental agencies may require a reduced hourly rate.
- G. Any use of force, regardless of the amount used, or any exercise of arrest powers, will be reported to the employee's immediate supervisor or the on-duty Confinement Squad Commander of the ADC as soon as practical. A detailed written report will be submitted through the employee's immediate supervisor, to his/her Division Commander, within 24 hours of its occurrence.
- H. A detailed written report of any significant injury (sufficient injury to cause inability to perform full-time normal duties) will be submitted through the chain of command to the Sheriff within 24 hours of its occurrence.
  1. All injuries occurring while working off duty law enforcement employment must be documented in the same manner as on-the-job injuries, using the appropriate worker's compensation paperwork. These injuries may be compensable under worker's compensation. The Risk Management Division, Office of Finance will address each case on an individual basis.
  2. The employee must use sick, annual, or compensatory leave when absent due to an off-duty employment injury.

- I. Deputies involved in authorized off-duty law enforcement employment who become a defendant in a civil action as a result of the exercise of their law enforcement powers should notify the Chief/Sheriff. Insurance coverage may be available through the Virginia Division of Risk Management.
- J. Employees performing off-duty law enforcement shall be permitted to use the uniform of the day, in the prescribed professional manner, weapons, and approved accessories during such employment. With the exception of specific traffic assignments where the use of a marked cruiser is authorized by the Sheriff, no other Sheriff's Office equipment (traffic cones, flares, etc.) may be used during such assignments. Under all circumstances, should the use of such specific equipment be required to ensure the safety of a deputy or the public, the off-duty employer shall be required to supply the equipment.
- K. Employees are required to contact the Police Department's desk officer in the sub-district in which their law enforcement off-duty employment is located to advise their location and working hours. Contact is to be made each time law enforcement off-duty employment is worked. Desk officers are to be asked to apprise the appropriate on-duty Police Department supervisor of this information.
- L. Employees working law enforcement off-duty employment must be able to have direct access to a telephone on the job site, or utilize their assigned radio.

**VI. ADMINISTRATION**

- A. The Chief, Human Resources Branch, will be this agency's initial contact person for employers offering off-duty law enforcement employment.
  - 1. Issues dealing with officer safety, general employment conditions, access to communications, work hours, and staffing requirements will be discussed, and a site evaluation visit will be made.
  - 2. Final employer/site approval for off-duty law enforcement employment will rest with the Sheriff.
- B. The Off-Duty Employment Permit form (Attachment #2) must be completed by the employee requesting off-duty employment and submitted to the employee's immediate supervisor.
  - 1. The employee's immediate supervisor must verify the information appearing on the front of the form and complete the First Endorsement section on the back of the form.
  - 2. The employee's next in-line supervisor will complete the Second Endorsement section on the back of the form.
  - 3. Final approval prior to being submitted to the Sheriff will come from division commanders.
  - 4. The Sheriff will be the final approving authority for all off-duty employment.
  - 5. Supervisors must make every effort to complete their portion of the permit and forward it to the Sheriff within 10 working days.

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- a. If the supervisors are unable to forward the form within 10 working days to the Sheriff with a recommendation, the requesting employee will be given an explanation.
  - b. Recommendations of disapproval will require an explanation in the comments section (or on additional paper attached to the form) when sent to the Sheriff.
  - c. Distribution will be made as indicated at the bottom of the permit form.
6. Copies of all documents related to the employee's off-duty employment will be furnished to the employee upon request.

**VII. RENEWAL / TERMINATION OF OFF-DUTY EMPLOYMENT**

- A. Approved requests for off-duty employment are valid for one year commencing on the date of approval by the Sheriff unless terminated earlier by the Sheriff. It shall be the responsibility of the employee to renew the request at least 10 days prior to the expiration date.
- B. If the employee voluntarily terminates off-duty employment, a memorandum stating this fact will be forwarded to the Sheriff through the chain of command as soon as practical.
- C. Once terminated, all related documents will be placed in the employee's agency personnel file.

**VIII. SUPERVISOR'S RESPONSIBILITY**

- A. Respond to all requests for off-duty employment promptly.
- B. Insure employees under his/her command who are engaged in off-duty employment comply with all Sheriff's Office regulations.
- C. Counsel employees whose job performance is adversely affected by off-duty employment and document such counseling.
- D. Report continuing problems relative to an employee's off-duty employment through the chain of command to the Sheriff.
- E. Show no favoritism (e.g., granting leave, rearranging shift schedules, allocating work assignments) toward another employee because of their mutual off-duty employment.

**01/01/00  
DATE APPROVED**

**10/04/99  
EFFECTIVE DATE  
Revised: March 2005**

  
**STACEY A. KINCAID  
SHERIFF**