



## TALBOT COUNTY SHERIFF'S OFFICE

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January 28, 2016

### GENERAL ORDER NO. 16-009

**TO: All Talbot County Sheriff's Office Personnel**

**SUBJECT: Secondary Employment**

#### **I. POLICY**

The nature of law enforcement requires Office personnel to work irregular duty schedules. Additionally it is necessary that personnel have adequate rest to be alert during their tour of duty. For these reasons, and because certain occupations inherently conflict with the responsibility to the Office, the Office must impose certain limitations on secondary employment. The degree of limitation is based on protecting the reputation of the Office and ensuring the Office receives full and faithful service in return for expended resources.

#### **II. PURPOSE**

The purpose of this Order is to establish the procedures by which an employee requests approval for secondary employment; the restrictions and/or limitations that apply to that employment; and to describe the liability of the Office in these matters.

#### **III. 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 Talbot County Sheriff’s Office.
- B. Liability – The state of being legally bound or obligated to make good for any losses or damages incurred as a result of one’s activities.
- C. Employee – Except where specific designation is made to “police employee” or to “civilian employee,” “employee” should include all employees of the Talbot County Sheriff’s Office.

#### **IV. BASIC RESPONSIBILITY**

All members of the Office who desire to engage in secondary employment must recognize that their primary duty, obligation and responsibilities are to the Talbot County Sheriff’s Office. Personnel remain subject to call at any time for emergencies, special assignments, or extra duty.

#### **V. SECONDARY EMPLOYMENT – GENERAL**

No personnel will 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

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employee of the County. These rules and procedures are not intended to create financial hardships, but rather to ensure that employment with the Office remains the prime responsibility of all personnel. Secondary employment is not permitted without the written approval of the Sheriff or Chief Deputy.

### **VI. LIABILITY**

#### **A. Generally**

Neither the Office nor Talbot 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. Legal Defense**

Neither the Office nor Talbot County Government will provide a legal defense for legal claims arising from the secondary employment activities of personnel.

### **VII. SECONDARY EMPLOYMENT REQUESTS**

- A. Members wishing to engage in secondary employment must secure written approval of the Sheriff through the chain of command. A separate request must be made for each off duty employer. Each request must be submitted on a Talbot County Sheriff's Office Request for Secondary Employment Form No. 168.
- B. 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.
- C. Approved requests shall be valid for one year commencing on the date of approval by the Sheriff or Chief Deputy. It shall be the responsibility of the requesting member to renew the request at least thirty days before its expiration.

### **VIII. RESTRICTIONS**

Secondary employment is subject to any conditions and limitations imposed by the Sheriff as a condition to his/her approval. The following restrictions shall automatically apply:

- A. Where sick leave records or other evidence indicates secondary employment might impair the requesting personnel's ability to discharge their Office obligations, secondary employment will be denied or previous approval withdrawn.
- B. Secondary employment shall not be such as to bring either the Office or its personnel into disrespect or disfavor from the community.
- C. Secondary employment shall not be such as to impair the employee's performance or capabilities.
- D. Secondary employment shall not involve the handling or dispensing of alcoholic beverages, or any security related/peace keeping function relating to the handling or dispensing of alcoholic beverages in any facility licensed by any County or Baltimore City to dispense alcohol.
- E. Secondary employment shall not exceed twenty (20) working hours within any five day period in which the member would be on duty with the Office.

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- F. Except when specifically authorized by the Sheriff, uniforms or parts of the uniform and equipment (excluding issued firearms) shall not be used by any employee while engaged in secondary employment.
- G. Except when specifically authorized by the Sheriff, no issued equipment, resources, technology, or vehicles may be used in relation to secondary employment, including to and from.
- H. Personnel shall not engage in secondary employment when their duty status is listed as sick leave. When on light duty status, written permission must be granted by the Sheriff to begin or continue working secondary employment. Where the nature of the light duty 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 off-duty employment request and attendant information.
- I. No employee of the Office may accept secondary employment by any entity licensed by, or under the regulatory control of the Talbot County Sheriff's Office.
- J. No employee of the Office may accept employment that involves work as a private detective, security guard, or which requires investigative work for an insurance agency, private guard agency, collection agency, attorney, a bail bond agency, or any private employer employing security guards, etc.
- K. Secondary employment which would involve the use of Departmental records, documents, or files shall not be approved for any employee. This includes information from the M.V.A.
- L. No police employee of the Talbot County Sheriff's Office may directly or indirectly maintain any financial interest or ownership in any business dealing directly or indirectly with the manufacture, transportation, or sale of alcoholic beverages.
- M. No police employee may directly or indirectly maintain any financial interest or ownership in any commercial business establishment engaged in legalized gambling operations, i.e., Bingo, Racetrack, Slots etc.
- N. No police employee may directly or indirectly act as an employee or agent for a commercial business engaged in legalized gambling operations, i.e., Bingo, Racetrack, Slots etc.
- O. No police employee may directly or indirectly maintain any financial interest or ownership in any business performing security guard and/or private detective services.
- P. Any type of secondary employment that may, because of its location or nature, bring disfavor, disrespect, or discredit to either the employee or the Office shall not be approved for the employee.
- Q. The above represent the only outright prohibitions. Secondary employment is also prohibited in any type of outside employment which could possibly impair the independent judgment of a County employee in the performance of their duties or employment which comes about as a direct result of, or for the intention or use of the prestige of a County office for the benefit of an employee or another.

### **IX. SPECIAL LIMITATIONS and/or EXPECTATIONS**

Personnel may engage generally in secondary employment if they comply with the preceding regulations and restrictions. The following limitations are imposed upon particular fields of employment:

- A. Sales – In the field of sales, the member's identity as a Sheriff's Deputy or a member of the Office is not in any manner to enter into such sales.

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- B. Employment as a security guard with a private employer may be permitted as long as the employer is not a licensed security agency.
- C. Employment as a security guard or watchman is permitted with the following limitations:
  - 1. Talbot County property may not be used in any manner. This property includes the issued uniform, uniform shoes, outerwear, weapon (unless carried concealed – see b.), holster, handcuffs, baton, chemical mace, and any other issued equipment.
  - 2. Sworn personnel may carry the issued handgun concealed as a necessary piece of equipment for an off-duty deputy. The office identification card must also be carried with the firearm.
  - 3. 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 employee applies for a warrant or summons, the employee must notify the Commissioner that action has been, and is being taken as private security guard and not as a member of the Talbot County Sheriff's Office. The member is prohibited from using the Office's identification number, the Office mailing address, or the member's Office identification in any way.
  - 4. Personnel are prohibited from identifying themselves as a Sheriff's Deputy unless the incident is serious enough to warrant immediate intervention of a sworn officer. Such situations should be rare and the member must remember that, during secondary employment, he/she is first the agent of the secondary employer and that his/her actions should reflect this obligation. Appropriate enforcement action will be taken in response to felony crimes (e.g. armed robbery) observed by off-duty personnel working as security guards in Talbot County. Personnel taking such action are considered to be on-duty from the time such action was initiated and secondary employment is now severed. As such, personnel are bound by the rules and regulations of the Talbot County Sheriff's Office with respect to the use of force and authority of arrest.
  - 5. Members required to appear in court as a result of actions arising from such employment shall do so on their own time. Where an on-duty member is summoned to court in reference to an off-duty secondary employment incident, the member must take leave to appear in court. The member shall not appear before the court during such appearances in an Office uniform nor identify themselves as a Talbot County Sheriff's Deputy unless requested to do so by an officer of the court, or the defendant.

**X. MEMBERS MILITARY AND NATIONAL GUARD**

If any members belong to such units according to State and Federal Law, they must still submit Form 168 and receive instructions from this office as to the offices requirements.

**XI. APPROVAL**

All requests for secondary employment will be examined on an individual basis to ensure that no actual or potential conflict exists within these guidelines. If the Sheriff feels that a conflict exists, the employee will be advised of the possibility of that conflict and, if circumstances permit, the Sheriff

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may place certain conditions, as appropriate, on the approval of secondary employment so as to not to have any situation which may be a conflict.

Any change in the conditions, type, or place of secondary employment will require the resubmission of the request for secondary employment, regardless of when the original approval was granted. In addition, upon termination of such employment, personnel must forward a Form 168 to the Sheriff, via the chain of command, indicating that their secondary employment has ended. This is required to facilitate the updating of personnel records.

**XII. CANCELLATION OF APPROVAL**

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 or reasons for such cancellations.

**XIII. EFFECTIVE DATE**

This order is effective immediately and supersedes General Order No. 09-004 and all orders and memoranda, in conflict therewith.

**Joseph J. Gamble  
Sheriff of Talbot County**

**JJG:tj**