THE POLICIES AND PROCEDURES INCLUDED IN THIS MANUAL ARE NOT A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE RELIED ON AS SUCH. THESE POLICIES AND PROCEDURES ARE SUBJECT TO AND MAY BE CHANGED AT ANY TIME BY THE DEPARTMENT OF PUBLIC SAFETY, MEDICAL UNIVERSITY OF SOUTH CAROLINA.

A. Purpose

To define the policy and procedures for outside employment of sworn and non-sworn police personnel.

B. Policy

It is the policy of the Department of Public Safety to provide guidelines for the participation of its personnel in outside employment. Because of regulations governing State Constables, all commissioned personnel must seek the approval of the Director prior to accepting any extra-duty employment (CALEA 22.3.5.a). All employees must obtain prior approval from the Director of Public Safety before accepting any off-duty employment. Any and all such off-duty employment shall not interfere with or detract from the employee’s ability to properly perform his/her official duties. The employee’s duty to the Medical University of South Carolina and the Department of Public Safety will always come first.

C. Definitions

a. **Off-Duty Employment**: The provision of a service, whether or not in exchange for a fee or other service, which is conducted during non-duty hours. Off-Duty employment is comprised of: Outside Employment; Extra-Duty Employment; and Dual/Secondary State Employment. Off-Duty Employment does not include volunteer work for charitable organizations.

b. **Outside Employment**: Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.
c. **Extra-Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by the Public Safety Officer.

d. **Dual/Secondary State Employment:** Any employment and compensation by state agencies for services rendered which are clearly not part of the employee’s normal duties. These services may be performed within the employing (home) agency or a requesting (secondary) agency.

D. **Types of Off-Duty Employment (CALEA 22.3.4)**

There are three types of off-duty employment in which an employee may engage. **Once approval has been granted this policy in it’s entirety shall apply to all three types of Off-Duty Employment.** The three types of Off-Duty Employment are as follows:

1. **Outside Off-Duty Employment**

   Employees may engage in regular off-duty employment that meets the following criteria:

   a. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

   b. Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing a conflict of interest include, but are not limited to, the following:

   1) Officers who work as a process server, re-possessor, or bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.

   2) Work involving personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records, or services as a condition of employment.

   3) Employment using the police uniform in the performance of tasks other than those of a police nature.

   4) Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil
action or proceeding.

5) Officers who work for a business or labor group that is on strike.

6) Officers who work in occupations that are regulated by, or that must be licensed through, the police agency or its civilian board.

2. Extra-Duty Employment

a. Officers of the Department are prohibited from engaging in EXTRA-DUTY employment wherein the actual or potential use of law enforcement powers is anticipated, except where a government, profit-making, or not-for-profit entity has a contract agreement, with the police agency for police officers in uniform who are able to exercise their police duties. (CALEA 22.3.5.b).

b. Types of extra-duty services that may be considered for contracting are as follows:

1) traffic control and pedestrian safety;

2) crowd control;

3) security and protection of life and property;

4) routine law enforcement for public authorities; and

5) plain clothes assignments.

3. Dual/Secondary State Employment

a. Any employment and compensation by state agencies for services rendered which are clearly not part of the employee’s normal duties. These services may be performed within the employing (home) agency or a requesting (secondary) agency.

b. The requirements for and procedure governing Dual/Secondary State Employment are contained in Medical University of South Carolina, Human Resources Management Policy Manual, Policy #38 (Dual Employment)

E. Procedures

1. All requests for off-duty employment will be governed by Department policy, submitted on the prescribed form to the Patrol Commander of Public Safety and is
subject to his approval (CALEA 22.3.5.a).

2. The off-duty employment form shall contain the following information: (CALEA 22.3.5.e)
   a. rank and name of officer involved;
   b. date of application;
   c. name of outside employer;
   d. address and phone number of outside employer;
   e. duties to be performed by employee; and
   f. hours of duty and phone number where employee can be contacted.

3. The Patrol Commander of Public Safety will serve as administrator within the Department to oversee adherence to all policies, procedures and other matters deemed appropriate regarding outside employment. (CALEA 22.3.5.d)
   a. Any change in conditions described in the original application must be immediately submitted on a new application for approval. Termination of outside employment must be immediately submitted to the Patrol Commander of Public Safety, in writing.
   b. If any problems arise regarding the employee’s secondary employment, the Patrol Commander of Public Safety will review the situation and will make the final decision relating to the continuance of the secondary employment. The Patrol Commander of Public Safety has the authority to revoke any off-duty employment approval (CALEA 22.3.5.c).
   c. Employees shall immediately report in writing to the Patrol Commander of Public Safety, any injuries, complaints or incidents arising from or connected with their outside employment which might adversely affect or place liability on the Department or its personnel. He/she must also report any arrest or court appearance that occurs as a result of the outside employment. (CALEA 22.3.5.d & .e)

F. Guidelines

1. Limitations on off-duty employment are as follows:
   a. In order to be eligible for off-duty employment, a police employee must
be in good standing with the agency. Continued agency approval of a police employee’s off-duty employment is contingent on such good standing.

b. Employees of the Department are prohibited from engaging in off-duty employment, unless and until an application is submitted to and approved by the Patrol Commander of Public Safety (CALEA 22.3.5.a).

c. Department of Public Safety Employees who have not completed their probationary period or who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.

d. Prior to obtaining off-duty employment, a police employee shall comply with agency procedures for granting approval of such employment or registration for extra-duty employment.

e. A police officer may work a maximum of 24 hours of off-duty-regular or extra-duty employment, or a total of 64 hours in combination with regular duty in each calendar week.

f. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee’s performance of duty.

g. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his/her off-duty or extra-duty employment in such situations.

h. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to agency procedure that such outside employment is not in the best interests of the agency (CALEA 22.3.5.c).

i. Employees engaged in off-duty employment shall at all times and in all places, conduct themselves in a manner that does not bring discredit upon the Department, the Governor, or the State of South Carolina. Misconduct may result in termination of outside work privileges and/or disciplinary action. Employees must always remember that their first responsibility is to the Department. (CALEA 22.3.5.b)

j. Department personnel shall conform to all Federal, state, and municipal laws and regulations applicable to their outside employment (CALEA 22.3.5.b).
k. Employees may not use their police position to gain personal advantage in outside employment or in any manner prejudicial to the interest of the Department.

l. Disregard for or violation of any part of this policy will be considered a violation of Department policy and procedure.

m. Employees of the Department shall not report to, or leave from, the place of off-duty employment in uniform or distinguishable parts thereof, except when the uniform is a legitimate part of the approved off-duty employment.

n. Approval for off-duty employment will be granted only for employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment that constitute such a threat and should be denied include, but are not limited to:

1) Establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.

2) Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.

3) Any gambling establishment (CALEA 22.3.5.b).

Attachments:

Attachment #1 - Off-Duty Employment Approval Form
Medical University of South Carolina
Department of Public Safety
Off-Duty Employment Approval Form

Employee's Name

Present Assignment

Prospective Off-Duty Employer

Address

Prospective Immediate Supervisor

Business Phone

If New, Anticipated Starting Date

Hours Per Week

Nature of Work to be Performed (General and Specific)

I. Is the purpose of your prospective off-duty private employment to utilize your police skills and expertise?

___YES ___ NO

A. I fully understand that pursuant to the Procedure Manual, I will not be granted Administrative leave with pay if I become injured while on this off-duty employment. I must advise my prospective employer of this policy and his/her potential responsibility if I receive an incapacitating injury; however, I do understand that I may use any sick leave credits I have accrued if I become physically incapable of reporting for duty due to an off-duty injury.

B. I will not represent myself as a police officer during the performance of my duties. In addition, I accept the condition that I am not to use any state equipment or utilize the facilities of our Records Section in connection with my prospective off-duty employment.

I hereby acknowledge that I am not to be employed by any special police agency or consulting agency that provides police services.

II. My off-duty employment will be terminated by ________________:

(date)

Submitting Officer ________________ ID/SSN ____________ Date

Witnessing Superior ________________ ID/SSN ____________ Date

Request is: ______Approved ______Denied

Deputy Chief of Public Safety ________________ Date

This request must be received in the Deputy Chief of Public Safety’s office prior to starting/termination date.

Complete original and two copies. Submit original and two copies to the chief of police. Original will be returned to submitting officer. One copy will be placed in the administrative office file and one copy will be placed in the employee’s personnel file.