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| <b>YORK-POQUOSON SHERIFF'S OFFICE</b>           | <b>RULES AND REGULATIONS</b>  |
| <b>SUBJECT: Off / Extra - Duty Employment</b>   | <b>NUMBER: RR 1-11</b>  |
| <b>EFFECTIVE DATE: May 31, 2019</b>             | <b>REVIEW DATE: April 17, 2019</b>  |
| <b>AMENDS/SUPERSEDES: RR 1-11, May 05, 2014</b> | <b>APPROVED:</b> <br>Sheriff |
| <b>VLEPSC: PER.04.01, PER.04.02</b>             |   |

1 **INDEX WORDS**

2  
3 Courtesy Officers  
4 Extra-duty employment, Law Enforcement related  
5 Off-duty employment, Non-Law Enforcement related  
6 Off-duty employment arrests  
7 Liability/Indemnification/Insurance  
8 Volunteering  
9

10 **POLICY**

11  
12 The sheriff must ensure the continued efficiency and effectiveness of the Sheriff's Office while  
13 simultaneously reducing or eliminating conflicts of interest. To this end, the sheriff shall manage,  
14 according to whatever reasonable controls he deems necessary to restrictions or regulation of the  
15 conduct of employees. It is the policy of the department, therefore, to prohibit off-duty and extra-  
16 duty employment when it may impair efficiency or conflict with employees' duties and  
17 responsibilities. To promote the welfare and good reputation of the York-Poquoson Sheriff's  
18 Office, this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty  
19 and extra duty employment.  
20

21 **PURPOSE**

22  
23 To define regulations governing off-duty and extra-duty employment and conduct while employed  
24 in those capacities.  
25

26 **DEFINITIONS**

- 27  
28 • Employment  
29 ○ Any work performed or services provided for compensation, a fee or otherwise,  
30 including self-employment.  
31 ○ Volunteering to perform official law enforcement duties for governmental, or other  
32 agencies or organizations is prohibited, except as outlined on lines 356 through 368 of  
33 this policy.  
34  
35 • Extra-Duty Employment  
36 ○ Extra-duty employment, either paid through York County or directly by a private entity,  
37 is an approved assignment outside of normal assigned duties that may require the use of

38 law-enforcement equipment or enforcement powers granted by the Commonwealth of  
39 Virginia or the County of York.

40 ▪ See Section [15.2-1712](#), Code of Virginia.

41  
42 ○ Assignments listed as “Extra Duty”, for sign up purposes, that are through a Mutual Aid  
43 Agreement is not considered an extra duty assignment for the purposes of this policy.

44 ▪ Assignments due to a Mutual Aid Agreement request does not usually involve  
45 compensation to the deputy from the requesting agency.

46  
47 ○ Assignments that are scheduled due to a request from another governmental agency,  
48 when the assigned deputies are being compensated by that governmental agency,  
49 through the County of York, or by a private entity for the services rendered, is  
50 considered an extra duty assignment for the purposes of this policy.

51  
52 ● Off-Duty Employment

53 ○ Any non-law enforcement-related off-duty work for pay or other compensation.

54 ○ Off-duty employment does not typically require sworn law enforcement powers, or use  
55 of issued law enforcement equipment, as a condition of employment and the work does  
56 not provide implied law-enforcement service.

57  
58 ● Courtesy Officer

59 ○ An off duty law enforcement officer who is employed by a property owner or  
60 Management Company of an apartment complex who does not receive direct payment  
61 for services but receives free or reduced rent for services rendered.

62 ▪ Courtesy officers may be required to use their law enforcement powers or  
63 equipment in the performance of these duties.

64  
65 ● Federal Service

66 ○ Members of the following are exempt from the off duty employment provisions of this  
67 policy as it pertains to their federal service:

68 ▪ The National Guard, or

69 ▪ Armed Forces Reserve component,

70 ▪ Members of The National Disaster Medical System (NDMS) to include:

71 ➤ Disaster Medical Assistance Teams (DMAT)

72 ➤ Disaster Mortuary Operational Response Teams (DMORT)

73 ➤ Urban Search and Rescue Teams (USAR)

74 ➤ Any other form of Federal Service covered by the Uniformed Services  
75 Employment and Reemployment Rights Act (USERRA)

76  
77 **PROCEDURES**

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79 ● Administration

80 ○ Extra Duty

81 ▪ The daily mission requirements and needs of the York-Poquoson Sheriff’s Office  
82 take precedence over all extra duty assignments.

83 ▪ The Administrative Services Division Commander or his designee shall be  
84 responsible for the administration and coordination of all extra duty assignments.

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- All extra duty assignments shall be approved by the Sheriff or his designee.
  - Deputy Sheriff's shall not solicit extra duty employment either on or off duty.
  - Deputy Sheriffs who receive requests for extra duty deputies shall forward the request to the extra duty coordinator for follow up and approval.
- Extra Duty Eligibility
    - Deputies are eligible to work extra duty overtime once they have:
      - ❖ Completed the Corrections Academy (Civil/Courts) and/or the Law Enforcement Academy, and
      - ❖ Completed an FTO Period and are approved by their Division Commander.
  - Extra Duty Assignments, Certification Requirements
    - Extra Duty assignments may be divided into categories of:
      - ❖ Law Enforcement, and
      - ❖ Civil/Courts.
    - Some extra duty assignments may require the Deputy to be Law Enforcement certified, while other extra duty assignments allow the Deputy to be certified in Law Enforcement or Civil/Court Security.
    - Some extra duty assignments allow a Deputy certified in only Civil/Court as long as a Deputy certified in law enforcement is also assigned to work the assignment.
  - Conduct while on Extra-Duty Assignments
    - Deputies working extra duty assignments shall conduct themselves according to the same standards as expected during normal duty assignments.
  - Extra Duty Approval Form
    - An [Extra Duty Approval Form](#), found in the forms folder in Power DMS, shall be completed for the following:
      - ❖ Extra duty assignments not compensated by York County or the York County School Division,
      - ❖ Extra duty assignments for other governmental agencies when the requesting agency is either compensating the deputy directly or through York County,
      - ❖ Private entity extra duty assignments.
    - An [Extra Duty Approval Form](#) shall be completed on the following frequency:
      - ❖ Recurring extra duty, no end date:
        - Prior to the commencement of the extra duty assignment.
      - ❖ Periodic recurring extra duty with a fixed date or dates:
        - Prior to the commencement of each extra duty cycle date.
      - ❖ Fixed date or dates extra duty
        - Prior to the commencement of the extra duty.
      - ❖ Recurring seasonal extra duty
        - Annually, prior to the commencement of the extra duty.

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- Publishing Extra Duty Assignments
  - All approved extra duty assignments shall be posted to the Sheriff's Office online sign-up program.
    - ❖ The posting shall list:
      - A description of the duty,
      - The certification needed to work the extra duty:
        - ✓ Law Enforcement Certified Deputy, or
        - ✓ Any Sworn Deputy.
      - Number of deputies needed,
      - Special requirements for the duty,
      - Uniform for the assignment,
      - Equipment to be used or available,
      - Pay rate for the assignment,
      - Method of pay for the assignment
        - ✓ Cash or check on site,
        - ✓ County paycheck.
      - How the duty shall be recorded for payment purposes
        - ✓ Paid on site,
        - ✓ Regular timecard, or
        - ✓ Blue timecard.
  - Extra duty may be in the form of:
    - ❖ Sheriff's Office sponsored duty,
    - ❖ York County sponsored duty, or
    - ❖ Privately contracted duty assignments.
      - Sheriff's Office and York County extra duty assignments are typically conducted within York County jurisdictional limits.
  - Sheriff's Office and County extra duty assignments include but are not limited to:
    - ❖ Beach Duty,
    - ❖ Tourism related events,
    - ❖ Other special events,
    - ❖ School functions,
    - ❖ Shopping center patrols,
    - ❖ Grant funded enforcement activities, etc.
  - The pay rate for Sheriff's Office and York County sponsored extra duty assignments shall be in accordance established pay rates not to exceed time and one half unless the extra duty is worked on a County recognized holiday.
  - Deputy Sheriff's with the rank of Captain or above may work Sheriff's Office and County extra duty assignments. However, due to being classified as exempt employees will not regularly receive pay for the assignment worked.
    - ❖ The Sheriff may on a limited case by case basis approve pay for exempt employees working extra duty assignments.

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- Privately contracted extra duty assignments may include but are not limited to:
  - ❖ Traffic control assignments,
  - ❖ Bingo hall and parking lot security,
  - ❖ Retail establishment security,
  - ❖ Financial institution security,
  - ❖ Property security,
  - ❖ Private event security,
  - ❖ Water Country USA in park and parking lot security,
  - ❖ Bush Gardens in park and parking lot security,
  - ❖ Special events in other jurisdictions, etc.
  
- The pay rate for privately contracted extra duty shall be at the pay agreed upon by the contracting entity, and the Sheriff, but shall not be less than \$35.00 per hour.
  - ❖ Privately contracted extra duty paid through the County of York shall not be less than \$40.00 per hour.
  
- Deputy Sheriff's holding the rank of Captain or above may work and be paid for privately contracted extra duty assignments under the following conditions:
  - ❖ The assignment requires a Command officer's presence.
    - If the privately contracted extra duty assignment requires the presence of a Command level officer the pay will, at a minimum, be the assigned command officer's York County calculated hourly pay rate.
  
  - ❖ The assignment is not filled or unable to be filled by lower ranking deputies.
    - The pay rate shall be the same as the regular extra duty rate agreed upon by the Sheriff or County of York.
  
- Extra Duty Restrictions
  - Auxiliary Deputy Sheriff's may work Sheriff's Office and County extra duty assignments. They shall receive no pay for hours worked but shall receive credit for time worked toward their monthly hour's requirement.
  - Deputies shall not be permitted to sign up for, or shall be restricted from working, extra duty assignments when in the following situations:
    - ❖ Have not completed the required FTO certification period,
      - The Sheriff or his designee may waive this requirement on a case by case basis when the following are present:
        - ✓ The assignment requires two deputies working in close proximity, and
        - ✓ One of the assigned deputies is an FTO.
  
    - ❖ Does not possess the necessary law enforcement certification,
    - ❖ Extra duty assignment(s) time shall not exceed a total of 16 consecutive hours worked when combined with normal duty and/or off duty employment time in any 24 hour period.
    - ❖ During any period of time the deputy is in an paid on call status,
    - ❖ When suspended from duty, either with or without pay,

- 225 ❖ When the restriction is due to a disciplinary action such as failing to report to an  
226 extra duty assignment(s).  
227
- 228 ▪ Sick Leave
- 229 ❖ Deputies are prohibited from working extra duty assignments when on sick  
230 leave for a personal illness or injury,  
231 ➤ Deputies on sick leave due to a family member's illness or injury are not  
232 restricted from signing up for or working extra duty assignments.  
233
- 234 ▪ Light Duty
- 235 ❖ When on light duty, or off work due to a workers compensation paid injury,  
236 deputies shall be prohibited from working any law enforcement related extra  
237 duties.  
238
- 239 ○ Off Duty Employment
- 240 ▪ The Administrative Division Commander is designated as the off duty employment  
241 coordinator for the Sheriff's office to oversee adherence to all areas of this policy.  
242 ▪ Deputy Sheriff's shall not solicit or apply for off duty employment while on duty.  
243 ▪ Employees shall submit an [Off Duty Employment Request Form](#), found in the  
244 Forms folder in Power DMS, to the sheriff through the Administration Division  
245 Commander for approval prior to commencing any off-duty employment.  
246 ▪ Employees shall not begin any off-duty employment until the Sheriff's written  
247 approval has been granted.
- 248 ❖ The request shall be filed in the employee's personnel file.  
249 ❖ The approved request is subject to periodic review by the sheriff or his designee.  
250 ➤ Employees shall communicate any changes in information contained on the  
251 form to the Administrative Division Commander within two regular work  
252 days of the change taking effect.  
253
- 254 ▪ The sheriff may revoke permission to work off duty if the employee fails to perform  
255 adequately on duty or receives formal disciplinary action.
- 256 ❖ To be eligible for permission to work off duty, employees must be performing  
257 all duties to at least a satisfactory degree.  
258
- 259 ▪ An employee engaged in any off-duty/extra duty employment may be called to duty  
260 in any emergency.
- 261 ▪ Any conflict of interest arising between the Sheriff's Office and the off duty  
262 employer is grounds for immediate revocation of the off duty employment.
- 263 ▪ The sheriff may disapprove any off duty employment that demeans the status or  
264 dignity of the law-enforcement profession, or otherwise represents an initial conflict  
265 of interest.
- 266 ▪ The following types of off duty employment are prohibited:
- 267 ❖ Working for a retailer that sells pornographic materials, or provides services of a  
268 sexual nature.
- 269 ❖ Working for a business that sells, manufactures, or transports alcoholic  
270 beverages as the principal business such as:  
271 ➤ Bartender,

- 272                   ➤ Bouncer,  
273                   ➤ Dancer.
- 274
- 275                   ❖ Working at gambling or gaming establishments, not exempted by law.  
276                   ❖ Working as a tow truck driver or as a towing company employee on the  
277                   Sheriff's Office tow list,  
278                   ❖ Working as a bill collector,  
279                   ❖ Working as a private bodyguard,  
280                   ❖ Working as a repossession agent,  
281                   ❖ Working as a private investigator,  
282                   ❖ Working as a process server,  
283                   ❖ Working as a taxi cab, Uber, Lyft, etc. driver,  
284                   ❖ Working as an armed security guard,  
285                   ❖ Working at any business that requires the wearing of a Sheriff's Office uniform.  
286                   ❖ Working for a business or labor group that is on strike.  
287                   ❖ Working for a business that is regulated or licensed by or through the Sheriff's  
288                   Office.  
289                   ❖ Working for any business or person involved in personnel investigations, or any  
290                   employment requiring the deputy to have access to police files, records, or CJIS  
291                   information as a condition of employment.  
292                   ❖ Working for any business or person whose activities include case preparation for  
293                   the court defense in any criminal or civil action.  
294                   ❖ Working for any business or person as a consultant where the following are  
295                   required or possible:  
296                   ➤ Reviewing police reports or actions of members of or polices of other law  
297                   enforcement agencies or providing an opinion regarding the same,  
298                   ➤ Testifying as an expert witness in contradiction to the prosecution of any  
299                   case in any court of law or hearing.
- 300
- 301                   ▪ Arrests made while engaged in extra-duty law enforcement-related employment  
302                   shall be limited to felonies or criminal misdemeanors committed in the deputy's  
303                   presence or a breach of the peace jeopardizing public safety.  
304                   ❖ See [RR 1-2, Rules of Conduct](#), for further details concerning off-duty arrests.  
305                   ➤ Off-duty arrests shall not be made when the deputy's actions are intended to  
306                   further the interests of the deputy's off duty employer.
- 307
- 308                   ▪ Employees shall understand that department liability protection does not extend to  
309                   willful acts that cause injury or damage, or acts the deputy knew or reasonably  
310                   should have known conflicted with department policy or the law.
- 311
- 312                   ○ Apartment Complex Courtesy Officers  
313                   ▪ Accepting a position as a Courtesy Officer shall be considered off duty employment  
314                   and is subject to the requirements, and restrictions of this policy.
- 315
- 316                   ○ Off Duty Employment Restrictions  
317                   ▪ Sick Leave

- 318 ❖ Sheriff's deputies on sick leave for a personal injury or illness are prohibited  
319 from working any previously approved off duty employment any days they are  
320 utilizing sick leave.  
321 ➤ Sheriff's deputies on sick leave due to a family member injury or illness is  
322 not restricted from work off duty employment.  
323
- 324 ■ Light duty  
325 ❖ Sheriff's deputies while in a light duty status are prohibited from working any  
326 previously approved off duty employment if the off duty job requirements are  
327 not within or exceed the restrictions of the injury or illness requiring the  
328 Sheriff's Office light duty status.  
329 ➤ This restriction shall apply regardless if the injury was sustained in the line  
330 of duty or while off duty.  
331
- 332 ❖ Sheriff's deputies found to be in violation of this policy may:  
333 ➤ Be removed from light duty status and be required to use accrued sick and  
334 vacation leave or leave without pay until able to return to full duty,  
335 ➤ Be subject to disciplinary action up to and including termination.  
336
- 337 ■ Workers Compensation  
338 ❖ The light duty restrictions apply for deputy Sheriff's on light duty due to an in  
339 the line of duty injury and receiving any worker compensation benefits.  
340 ✓ Deputy Sheriff's should be aware that working any off duty employment,  
341 while receiving any workers compensation benefits for a work related injury,  
342 which falls within or exceeds the restrictions of workers compensation claim  
343 could result in loss of workers compensation benefits and other actions.  
344
- 345 ❖ Sheriff's deputies whose workers compensation benefits are cancelled due to a  
346 violation of this policy may:  
347 ➤ Be removed from light duty status and be required to use accrued sick and  
348 vacation leave or leave without pay until able to return to full duty,  
349 ➤ Be subject to disciplinary action up to and including termination.  
350
- 351 ■ Off Duty Employment Hours  
352 ○ No Sheriff's deputy shall engage in excessive off duty employment that prevents  
353 the employee from being properly rested prior to beginning any tour of duty.  
354 ■ Fatigued employees constitute a hazard for themselves and others, and may  
355 severely affect officer safety.  
356
- 357 ○ Off duty employment time when combine with extra duty and on duty time shall  
358 not exceed 16 consecutive hours in any 24 hour period.  
359
- 360 ● Volunteering  
361 ○ While the Sheriff encourages Sheriff's Office personnel to become involved with  
362 community based civic and religious organizations, Sheriff's Office personnel are  
363 prohibited from soliciting deputies to perform official law enforcement related duties,  
364 for any organization, on a volunteer basis.

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- This prohibition is due to labor and pay requirements imposed under the Federal Fair Labors Standards Act.
    - ❖ This prohibition shall not preclude any Sheriff’s Office member from declining to accept or cash a paycheck received or donating the pay received back to a non-profit organization for working an approved extra duty assignment.
  - This policy does not prohibit Sheriff’s Office personnel from volunteering to perform other non-law enforcement related volunteer work.
- Liability, Indemnification, Insurance
    - The Sheriff, County of York, the York-Poquoson Sheriff’s Office, and any of its insurance providers shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
      - The Sheriff’s Office recognizes that a deputy in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of employment. Deputies are reminded that their off-duty and extra-duty performance must follow the same strict standards required for on-duty performance.
        - ❖ Off-duty and Extra-duty law-enforcement actions, whether for a private employer or not, must meet all the requirements of this manual.