

Outside Employment

741.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief Probation Officer prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief Probation Officer in accordance with the provisions of this policy.

741.1.1 DEFINITIONS

Outside Employment - Any employment of a Department employee for wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes self-employment not affiliated directly with this Department for services, product(s) or benefits rendered.

741.2 OBTAINING APPROVAL

No employee of this Department may engage in any outside employment without first obtaining prior written approval from the Chief Probation Officer. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action up to and including termination.

In order to obtain approval for outside employment, the employee must complete a "Notification of Outside Employment" application form (located on the Department's shared "S"-Drive), which shall be submitted to the employee's immediate Supervisor. The applications must be forwarded through the chain of command for consideration to the Chief Probation Officer or designee who will, respond to the employee within thirty (30) days following the request. All annual and/or renewal requests for continued outside employment must be submitted to the Chief Probation Officer or designee by written memo and/or email, and determination will be provided to the employee no less than ten (10) days following the request.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application form, the permission for outside employment will be valid through the end of the calendar year in which the request was approved. Any employee seeking to renew an outside employment request shall submit a new Notification of Outside Employment application in a timely manner.

Any peace officer seeking approval of outside employment, whose request has been denied pursuant to Government Code section 1126, shall be provided with a written reason for the denial of the application at the time of the denial and an opportunity to appeal the decision. (Pen. Code § 70(e)(3); Gov. Code § 1126(c).)

Outside Employment

741.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied by the Department, the employee may file a written notice of appeal to the Chief Probation Officer within ten (10) days of the date of denial. Written response to all appeals shall be provided to the employee within ten (10) working days of receipt.

741.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this Department decline to a point where it is evaluated by a Supervisor as needing improvement to reach an overall level of competency, the Chief Probation Officer may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been re-established at a satisfactory level and his or her Supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full- duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full-time duties until the employee has returned to a full duty status.

741.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code section 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of Departmental time, facilities, equipment or supplies, or the use of the Department badge, uniform, prestige or influence for private gain or advantage;
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as an employee of this Department;
- (c) Involves the performance of an act in other than the employee's capacity as an employee of this Department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Department; or,
- (d) Involves time demands that would render performance of the employee's duties for this Department less efficient.

Yolo County Probation Department

Policy Manual

Outside Employment

741.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code section 70, and because it would further create a potential conflict of interest, no employee of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position except as authorized by the Chief Probation Officer

Any private organization, entity or individual seeking special services for security or traffic control from members of this Department must submit a written request to the Chief Probation Officer in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department, pursuant to applicable MOU provisions.

- (a) The applicant/organization will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant/organization will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the Departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this Department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief Probation Officer.

741.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy.

741.3.3 SPECIAL RESTRICTIONS

Employees of this Department shall not engage in any of the following types of outside employment or activity:

- (a) Any employment or activity or in any location that might bring discredit to the Department, place the Department in a derogatory position, reduce the effectiveness of the employee in his or her position within the Department, or place the employee of the Department in a "Conflict of Interest" situation.
- (b) Any employment or activity requiring membership, affiliation or allegiance to any cause or course of conduct that is inconsistent with the objectives of the Department, or

Outside Employment

would cause the employee not to discharge his or her proper duties, or would take away his or her loyalty to the Department, or cause the employee to perform against public interests.

- (c) Any employment or activity where the manufacture, transportation or sale of alcoholic beverages or marijuana is the principal business.
- (d) Any employment or activity in a card room or other legalized gambling establishment.
- (e) Any employment or activity as an investigator where the employee may avail him or herself to the access of criminal records, policy information, files or correspondence.
- (f) Any employment or activity where the employee is acting as a bill collector, private detective or investigator, private security officer, or bouncer.
- (g) Serving of any "civil process" (e.g., summons, subpoenas, orders, etc.).

741.3.4 LIMITATION ON HOURS

No employee shall work at an outside job or activity in excess of four (4) hours per day during regular work days and twelve (12) hours per day during regular days off. The total number of hours permitted during each pay period shall not exceed forty-eight (48). The preceding shall apply to the current schedule of work.

741.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the employee's position with this Department.

741.4.1 REVIEW OF FINANCIAL RECORDS

The Yolo County Probation Department may request the financial records of an employee if the records tend to indicate a conflict with regular duties.

741.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee promptly shall submit written notification of such termination to the Chief Probation Officer through proper channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees also shall promptly submit in writing to the Chief Probation Officer any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

Outside Employment

741.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department employees engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate Supervisor in writing within five (5) days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate Supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief Probation Officer whether such outside employment should continue.

In the event the Chief Probation Officer determines that the outside employment should be discontinued or if the employee fails to promptly notify his or her Supervisor of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his or her intentions to his or her Supervisor.

When the disabled employee returns to full duty with the Department, a written request may be made to the Chief Probation Officer to restore the permit.

741.7 DUTY AS A DEPARTMENT EMPLOYEE

In all cases of outside employment or activity, the primary duty, obligation, and responsibility of the employee is to the Yolo County Probation Department.