

	SFASU POLICE DEPARTMENT	
	Policy 4.6 Off-Duty Employment	
	Effective Date: 04/24/19	Updated: 04/30/2021
	Approved: John Fields Chief of Police	
	Reference: TBP 4.05 / University Policy 11.19 Outside Employment / IACLEA 3.2.3a - g	

I. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the department while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the department, this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

II. PURPOSE

The purpose of this policy is to define regulations governing off-duty employment and conduct for an officer who is employed in an off-duty capacity.

III. DEFINITIONS

- A. Outside Employment: Engagement in any activity for a fee, salary, wages, or other financial arrangement other than for SFA. Examples include dual employment with another entity in Texas government, establishing or joining a firm, private business, or engaging in the private practice of some professional skill, or working at another job.
- B. Employment related to law enforcement: Off-duty employment that may entail the use of law-enforcement powers granted by the State of Texas or Stephen F. Austin State University.
- C. Probationary period: The period of time measured by six months beginning with the date of hire.
- D. Secondary employment: Any off-duty work for pay that is not related to law enforcement. Secondary employment that does not require sworn enforcement

powers as a condition of employment and the work does not provide implied law-enforcement service.

- E. Dual employment: is engagement in any activity for a fee, salary or wage at another state agency or institution of higher education other than SFA.

IV. PROCEDURES

- A. General. University employees who propose to engage in outside employment activities must adhere to the following guidelines and any applicable laws:

1. All employees are eligible to work off-duty employment subject to the requirements of university policy.
2. No employee shall work off-duty during a probationary period, unless approved in advance by the Chief of Police.
3. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment.
4. An employee engaged in any off-duty employment may be called to duty in an emergency.
5. An individual desiring permission to engage in outside employment must complete the Request for Approval of Outside Employment form and route it through administrative channels to the appropriate vice president (or president if no vice president oversees the office) for approval, prior to beginning outside employment. After initial approval of the outside employment, the employee will annually disclose or update such outside employment in the Employee Annual Conflict of Interest Disclosures (IACLEA 3.2.3a).
6. Proper performance of the employee's university assignment is paramount and outside work will assume a position secondary to university duties.
7. The employee may not use any materials or facilities of SFA in the course of outside employment. Also, employees are not allowed to use university owned equipment except for handheld radios, gun belts and related equipment (handcuffs, Taser or ASP baton, belt keepers and flashlight) and department issued uniforms (IACLEA 3.2.3e).

8. The employee will make a reasonable effort to assure that his/her outside employment is not identified with SFA.
9. The employee cannot perform any outside employment within the hours in which they are also being compensated for employment with SFA (TBP 4.05).

B. Secondary employment restrictions: Conflict of Interest

Employment shall not in and of itself constitute a conflict of interest. A conflict of interest, determined by university policy, is any activity that is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of police department employment.

C. In addition, the following guidelines and constraints are applied for dual employment:

1. Separate leave records will be maintained for each employment.
2. Time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for the other position.
3. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.
4. The state's contribution towards the taxes imposed on the employee by the Federal Insurance Contributions Act may not exceed the overall limit specified in the General Appropriations Act. The comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit.
5. The total state contribution toward the employee's group insurance will be limited to no more than the amount specified in the General Appropriations Act for one full time active employee.
6. The employee will be entitled to receive longevity payment for no more than one employment.
7. Overtime compensation will accrue for each employment totally independent of the other, except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA) of 1938, 29 U.S.C., sec.

201 et seq., in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions. Each vice president will provide a summary report to the president of individuals in their division approved for outside employment by October 31 of each year.

D. Restriction on off-duty employment that is law-enforcement related.

1. Employment related to law enforcement shall not exceed 16 hours per day, including on-duty time. For example, an employee working a 12-hour tour may work 4 hours of off-duty employment on the same day, and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time.
2. Officers will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
3. Employment related to law enforcement is restricted to Nacogdoches County boundaries, unless the officer is working in conjunction with another jurisdiction's regular law-enforcement agency and after having been requested to do so by the Chief of Police or a command level law-enforcement officer in that jurisdiction.
4. The minimum salary required for officers employed in a law-enforcement related capacity must be at least equal to the overtime rate for a starting officer, and may be determined by the Chief of Police for similar types of employment.
5. Serving as a recruiter and receiving compensation for procurement of law-enforcement related jobs for other department employees is prohibited.
6. No employee shall solicit any person or business for the purpose of gaining law-enforcement related off-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.

7. Except for public school security activities and other employment specifically authorized by the Chief of Police, university-owned vehicles, shall not be used while traveling to and from or engaging in law-enforcement related off-duty employment.
8. Officers engaged in law-enforcement related employment shall be subject to the orders of the on-duty law-enforcement supervisor.
9. Personnel approved to work secondary employment opportunities are required to put the needs of the department ahead of any additional work outside of UPD. Any conflicts, callbacks and/or scheduling considerations will be handled in the best interest of the department (IACLEA 3.2.3d).

E. Administration.

1. Employees must submit a Request for Approval of Outside Employment to the Chief of Police through the chain of command for any off-duty employment. The Chief of Police is responsible for overseeing off-duty employment and employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file (IACLEA 3.2.3g).
 - a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.
 - b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing (IACLEA 3.2.3f).
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession or otherwise represents a conflict of interest. Examples of such employment include the following:
 - a. Retailers that sell pornographic materials or provide services of a sexual nature.
 - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business.
 - c. Gambling establishments not exempted by law.
 - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, re-possessors, private investigators, or process servers.

- e. Performance in department uniform of any tasks other than those of law enforcement.
 - f. Performance of any work for a business or labor group that is on strike.
 - g. Performance of any work regulated or licensed through the department.
 - h. Performance of personnel investigations for private firms, or any employment requiring the officer to have access to police files, records, or information as a condition of employment.
 - i. Performance of any activity that supports case preparation for the defense in any criminal or civil action (IACLEA 3.2.3b).
3. Arrests made while engaged in off-duty law-enforcement related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
 4. Employees shall understand that department liability protection does not extend to willful acts that cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
 5. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer.
 6. Officers will not enforce by arrest, request, or threat any house rules or private employer rules.

F. Liability, indemnification, insurance

1. The Chief of Police must grant permission before the employee may work off duty, and the employee must submit to the Chief of Police a copy of the contract with the off-duty employer. The contract must specify the following:
 - a. the precise nature of the work to be performed;
 - b. hours or schedule of the work to be performed;
 - c. what equipment the employee must maintain; and
 - d. insurance coverage of the business providing for medical treatment for job-related injuries and indemnification for litigation arising from off-duty employment.
2. The department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
3. The department recognizes that an officer 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 the job. Officers are reminded that their off-duty performance must meet the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual (IACLEA 3.2.3c).