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## Outside Employment

### 1005.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Director prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Director in accordance with the provisions of this policy and Utah Code 53-13-114.

#### 1005.1.1 DEFINITIONS

**Employment:** The provision of a service, whether or not in exchange for a fee or other services. Employment does not include volunteer charity work.

**Extra -Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by the division employee.

**Regular Off-Duty Employment:** Any employment that will not require the use, or potential use, of law enforcement powers by the off-duty employee.

**Security Officer:** means an individual who is armed or unarmed and is employed to securing, guarding, or otherwise protecting property or the life and well being of human or animal life.

### 1005.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Director. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a TC-13 Conflict of Interest Declaration, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Director for consideration.

Any employee seeking additional outside employment must complete a new TC-13 Conflict of Interest Declaration in a timely manner.

Any employee seeking approval of outside employment whose request has been denied, may request a written reason for the denial of the application at the time of the denial.

#### 1005.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's TC-13 Conflict of Interest Declaration is denied or withdrawn by the Department, the employee may file a written notice of appeal within 10 days of the date of denial.

#### 1005.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment 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 Director may, at his/her discretion, revoke any previously approved

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outside employment. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment.

- (b) Suspension or revocation of previously approved outside employment may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of valid outside employment, an employee's conduct or outside employment conflicts with the provisions of Department policy, the outside employment 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 may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

#### **1005.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of UAC R477-9-2, the Department expressly reserves the right to deny any outside employment submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Department or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.
- (d) Presents a threat to the status of the Division.

Some examples of conflict of interest include but are not limited to:

- (a) A process server, reposessor, bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
- (b) Personnel investigations for the private sector or any employment which might require the division officer to have access to police information, files, records or services as a condition of employment.
- (c) In police uniform in the performance of tasks other than those of a police nature.
- (d) Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
- (e) For a business or labor group that is on strike.
- (f) In occupations that are regulated by, or that must be licensed through, the division or its civilian board.
- (g) A security officer, in which the employer requires the officer to use his law enforcement authority to make an arrest.

Examples of employment presenting a threat to the status of the Division include but are not limited to:

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

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- (b) Any Employment involving the sale, manufacturer or transport of alcoholic beverages as the principle business.
- (c) Any gambling establishment not exempted by law.

#### 1005.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Division officers may engage in security type employment if:

- (a) The employer of the off-duty peace officer complies with State and Federal withholding requirements.
- (b) The employee shall provide written notification to the Division to work off-duty as a Security Officer.
- (c) The employee should not use his authority as peace officer and if a custody arrest is made it is done as a citizen.
- (d) Any use of Department provided equipment must be approved by the Director.

#### 1005.3.2 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.

#### 1005.3.3 SPECIAL RESTRICTIONS

A division 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.

### **1005.4 DEPARTMENT RESOURCES**

Division equipment may be used for outside employment with prior authorization from the Director, and when the investigator is willing to take appropriate police action when necessary.

#### 1005.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an investigator provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Status subsection of this policy.

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#### **1005.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether 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 Director whether such outside employment should continue.

In the event the Director determines that the outside employment should be discontinued the employee will be notified immediately.

##### **1005.5.1 OUTSIDE EMPLOYMENT WHILE SICK**

In the event the Investigator calls in sick to work, he/she is not allowed to work any outside employment. Any violation of this policy will result in discipline, up to and including loss of outside employment privileges.