



**OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL**



Subject Secondary Employment – Police Officers			Policy Number 405
Effective Date November 14, 2011	Revision Date March 7, 2022	Reevaluation Date Annually	Number of Pages 6
Reference Standards Tex. AG Opinion No. GA-0256 TPCA: 4.05.1 Tex. Code of Crim. Proc. §2.12 CALEA: 22.2.4, 22.2.5 Tex. Educ. Code §51.212/51.214 IACLEA: Tex. Occup. Code §1701		Rescinds or Amends Policy Number B-18	

I. PURPOSE

This policy provides the terms and conditions under which Police Officers may be concurrently employed by both The University of Texas System and an outside employer.

II. POLICY

The primary responsibility of an employee is the accomplishment of all duties and responsibilities assigned to his or her position. Outside employment must be compatible with the interests of the Agency and must not detract from the performance of the employee. Outside employment that interferes with the employee's duties and responsibilities will not be authorized. Outside or secondary employment is a privilege and not a right of police officers. There is no obligation or duty on the part of the department to approve such employment. There is no right of appeal associated with a declination to approve outside employment.

If the off-duty employment to be performed is law enforcement in nature, all applicable Office of Director of Police policies and standards of conduct shall apply.

Limitations as set forth in this policy regarding off-duty or secondary employment shall also apply to similar voluntary work (i.e., work done freely by the officer without compensation); however, no application process is required.

III. DEFINITIONS

Outside Employment – Employment not directly related to The University of Texas System that is accomplished while off duty from an employee's position with The University of Texas System for which the employee is compensated. This includes self-employment, employment in the private sector or by another state institution or agency other than an institution of The University of Texas System, or by a local, county or federal agency, synonymous with off duty employment, secondary employment

IV. PROCEDURES

Off-Duty employment may be permitted under the following conditions:

- A. Police Officers contemplating outside employment or providing services for compensation during their off-duty hours must receive written approval from their Chief of Police prior to engaging in such work. Sufficient time shall be allowed for the appropriate consideration of the request for approval. All approvals expire annually on August 31st and a new request must be submitted and approved prior to working an off-duty job after that date.
- B. Within this policy there is a presumption that absent a defined reason as outlined below (see Section V) the officer's request for secondary employment should be approved but as a matter of policy Secondary Employment is a privilege and not a right. The exercise of discretion to approve or deny such requests rests solely upon the institution Chief of Police or Director of Police
- C. In order to be approved for off-duty employment, an officer must have completed one year as a commissioned peace officer, must not be on disciplinary suspension, must not be the subject of an internal investigation, and must be performing satisfactorily.

V. LIMITATIONS ON OFF-DUTY EMPLOYMENT

- A. The employment must be in compliance with the Board of Regents' Rules regarding Limitations on Outside Employment.
- B. The employment must not create a conflict of interest between the primary responsibilities/duties of a University of Texas System Police Officer and the responsibilities/duties associated with the outside employment or an appearance of the same.
- C. The employment must not interfere in any way with the officer's ability to satisfactorily perform his/her law enforcement duties for the University of Texas System nor shall it bring discredit to the U. T. System Police.
- D. The employment must not involve the use of privileged information obtained in conjunction with employment with the U.T. System.
- E. The employment does not pose an unreasonable risk to the safety of the officer.
- F. The outside employer, if an individual, is not a convicted felon, habitual offender, member of an outlaw motorcycle gang, member of an organized criminal street gang identified as such, member of a drug trafficking organization, is not engaged in prostitution or human trafficking or otherwise of disreputable character or reputation. Additionally, neither shall outside employment opportunities with businesses or entities associated with the activities cited above be permitted.
- G. The employment does not involve the solicitation of funds for an organization.
- H. Supervisors will not work off-duty jobs where they report directly to or are scheduled by a subordinate in their chain of command.

- I. An officer that utilizes sick leave benefits as a result of his/her own personal illness or injury on an assigned workday shall not have approval to work off-duty during that assigned duty shift or during the eight-hour period following the missed assigned duty shift.
- J. Officers may not serve as subject matter experts or expert witnesses on behalf of parties or attorneys serving as or representatives in a plaintiff's lawsuit or similar court action brought against a law enforcement officer or agency other than on behalf of the U. T. System Police.
- K. Unauthorized off duty employment shall include but not be limited to:
 - 1. Process Server.
 - 2. Re-Possessor.
 - 3. Bill or Loan Collector.
 - 4. Bouncer.
 - 5. Employment associated with the bail bond business.
 - 6. Case preparation and/or investigative activities for an attorney, insurance company or similar private entity.
 - 7. Employment in any establishment when gambling is occurring.
 - 8. Employment in any capacity where an officer is expected to provide a special advantage on behalf of a private interest at the expense of the public.
 - 9. Owning, managing or participating as a principal, partner or investor in a private security or investigation business regardless of whether properly licensed through the Texas Department of Public Safety Private Security Bureau or not.
 - 10. Employment in any capacity for an employer who is currently engaged in a strike or any other labor dispute.
 - 11. Employment by sexually oriented businesses.
 - 12. Employment in nightclubs, bars, taverns, liquor stores or other establishments where the primary purpose of the business is the service or sale of alcoholic beverages; this includes parking lots and other adjacent properties, or lands owned by the same business. It does not include a private party hall rented by patrons for weddings and other such social events in which guests are invited, and thus not open to the public. Owning, managing or participating as a principal, partner or investor in an alcoholic beverage establishment is prohibited.
 - 13. Service as subject matter experts or expert witnesses on behalf of parties or attorneys serving as or representatives in a plaintiff's lawsuit or similar court action brought against a law enforcement officer or agency other than the U. T. System Police.
 - 14. Service as subject matter experts or expert witnesses on behalf of a defendant or defense attorney in a criminal matter except when required in the performance of duties for the UT System Police.

- L. Secondary employment which is law enforcement in nature and/or includes the potential for the officer to exercise his/her authority as a Texas peace officer (or relies upon same) shall be limited geographically to the counties in which the University of Texas System Police have primary jurisdiction (see UTSP/ODOP Policy 105, Jurisdiction of a UTSP Officer).
- M. Fraternity, Sorority and Similar Events
 - 1. Police officers are prohibited from being employed directly in an off-duty capacity by campus fraternities, sororities or similar campus social organizations where the event for which the officers are being employed includes the service or consumption of alcohol or it should be reasonably apparent/anticipated that the event will include the service or consumption of alcohol.
 - 2. Police officers are prohibited from being employed directly in an off-duty capacity by campus fraternities, sororities or similar campus social organizations where the event for which the officers are being employed is not an approved, registered, official or sanctioned university event.
 - 3. Police officers may be employed in an off duty capacity for events sponsored by fraternities, sororities or similar campus social organizations where the event for which the officers are being employed includes the service or consumption of alcohol or it should be reasonably apparent/anticipated that the event will include the service or consumption of alcohol only if the employer is the university; in such circumstances it must be clearly understood by all parties to the employment agreement that the police officers employed shall be present in their official capacity as law enforcement officers and expected to perform their duties as peace officers accordingly; in such circumstances officers shall ensure that the provisions of the Texas Alcoholic Beverage Code are fully observed and enforced.
- N. Compensation/Payment must be in a form that is documentable and auditable (e.g., invoices, check stubs, cancelled checks, direct deposit receipts, receipts for cash received, payroll records, etc.)

VI. ADMINISTRATION

The Director designates the Chief of Police as the point of coordination for the administration of the secondary employment policy and provisions.

VII. CONTENTS OF REQUEST

Requests for approval of off-duty employment must contain, at a minimum, the following information and be submitted on the appropriate and authorized request form:

- A. The employer's name, address, phone number, and a description of the type of business; a web site for the employer if available;
- B. An accurate description of the work to be performed;
- C. The number of anticipated hours per week;
- D. The name, number, and expiration date of any pertinent licenses

- E. An accounting of how compensation is to be paid and at what rate.

VIII. HOURS/TERMS OF EMPLOYMENT

The combined number of hours worked on U.T. System employment and off-duty employment will comply with the following:

- A. The maximum combined number of hours worked shall not exceed 72 hours in any consecutive seven-day period.
- B. The maximum combined number of hours worked shall not exceed 16 hours in any 24-hour period.
- C. Any off-duty employment that exceeds five hours shall be followed by a minimum six-hour period before reporting to work for the U.T. System.
- D. The rate of compensation for off duty employment shall be a private matter negotiated in good faith between the officer and the off-duty employer unless the off-duty employment is the subject of ongoing or periodic contractual arrangements for off duty officers at special events or similar venues; individual officers shall not negotiate on behalf of larger groups of officers.

IX. USE OF POLICE UNIFORM AND EQUIPMENT


- A. Police officers who accept outside employment, other than that which is an extension of their UTSP employment, is in support of a UT System event or at a UT System venue, may perform such off duty secondary employment which is law enforcement in nature and/or includes the potential for the officer to exercise his/her authority as a Texas peace officer (or relies upon same), while in uniform only and only under the following conditions:
 - 1. Police Officers must first purchase a UT System uniform from a vendor or provider that provides such uniforms; this purchase must be a personal transaction between the officer and the vendor and not involve the institution police department or ODOP. A uniform is considered to be one uniform shirt, 2 shoulder patches, and one uniform trouser. Proof of purchase must be presented prior to approval of wearing the uniform for off duty secondary employment. Otherwise, issued equipment and weapons may be worn and used.
 - 2. Police Officers wearing a UT System Police uniform must be providing a law enforcement service or instructing a law enforcement curriculum.
 - 3. When approved to wear the UT System Police uniform, all police officers must adhere to the standards of conduct, performance, and appearance as established by the Office of Director of Police. Non approved attire shall not be worn with the uniform while performing off duty secondary employment.
 - 4. Police Officers may wear the issued badge of the UT System Police for identification purposes as a peace officer.
 - 5. Officers must be armed and equipped just as they would be where they on duty and engaged in their primary employment activities.
 - 6. Agency vehicles will not be used in any type of off duty secondary employment, nor may department vehicles be driven to and from the site of any off duty secondary employment.

7. Police Officers performing off duty secondary employment must at all times discharge their responsibilities as peace officers.
 8. When law enforcement action is taken while performing off duty secondary employment, UT System Police reports will be used, and such activities will be reported through the department reporting system; notification shall be made to an on-duty supervisor immediately.
 9. On duty UT System Police personnel will not be utilized to transport prisoners or respond to activities in support of off duty secondary employment personnel unless the place of employment is under the immediate jurisdiction of the UT System Police. In all other cases, local law enforcement with proper jurisdiction should be notified when such assistance is required.
- B. Secondary employment, other than that performed as an extension of UTSP employment, in support of a UT System event or at a UT System venue, must be performed in uniform.

X. REVOCATION OF OFF-DUTY EMPLOYMENT APPROVAL

The following are examples of activities which shall result in revocation or limitation of off-duty employment previously authorized:

- A. The officer performs any activity related to off-duty employment while on duty at the police department.
- B. The off-duty employment interferes or conflicts with police duties or the officer's availability for emergency duty at the police department.
- C. The officer performs below acceptable standards at the police department.
- D. When excessive sick days or other evidence indicates the off-duty employment is impairing the officer's ability to satisfactorily perform assigned duties.
- E. The officer worked an off-duty assignment while on sick leave.
- F. The officer fails to report the exercise of law enforcement authority during off-duty employment as required by this policy.
- G. The officer fails to discharge his/her responsibilities as a peace officer while engaged in secondary employment.



Michael J. Heidingsfield
Director of Police

Changes/Amendments since last publication:

Revision of language to paragraph IV. C.-Not necessary for experienced lateral transfer police officers who are being hired in to the U.T. Police system to complete one full year as a commissioned peace officer before they are permitted to work extra-duty employment of any type. Changed to read: In order to be approved for off-duty employment, an officer must have completed one year as a commissioned peace officer, must not be on disciplinary suspension, must not be the subject of an internal investigation, and must be performing satisfactorily. *March 7, 2022*

Addition of last sentence in the paragraph to clarify the intent of Paragraph V.12. October 22, 2019

Addition of Attorney General Opinion, and Texas Code sections to Reference Standards. Requires use of personally owned uniform but permits use of other state-owned equipment and weapons. July 1, 2014

Addition of the word "similar" to the last paragraph of Section II. July 1, 2014

Addition of "or similar court action" to Paragraph V.J. July 1, 2014

Addition of "shall include but not limited to" to Paragraph V.K. July 1, 2014

Addition of "as a principal partner or investor" to Paragraph V.K.9. July 1, 2014

Addition of "or similar court action" to Paragraph V.K. 13. July 1, 2014

Revision of language in Paragraph IX. A. to allow use of some issued equipment and weapons. July 1, 2014

Substitution of "exercise" for "use" in Paragraph IX.F. July 1, 2014

Addition of language to Paragraph IV.B. to clarify that Secondary Employment is a privilege not a right and that approval rests solely upon the Chief of Police of the Institution or the Director of Police. April 21, 2014

Addition of language to Paragraph V.K.6 to include insurance company or similar private entity. April 21, 2014.

Addition of language to Paragraph V.K. 9 to add the prohibition on those owning, managing or participating in a private security or investigation business. April 21, 2014

Addition of Paragraph V.K.14 to include prohibition against service as subject matter expert or expert witnesses on behalf of a defendant. April 21, 2014

Addition of Paragraph V. N. to require compensation/payments in a documentable/auditable form. April 21, 2014

Addition of Paragraph VII E to require the inclusion of compensation accounting. April 21, 2014

Added language to Paragraph V. L. which places geographic limits on secondary employment that is law enforcement in nature. March 7, 2014

Added language to Paragraph IX. A. which clarifies the conditions under which wearing a uniform is

mandated. March 7, 2014

Addition of "on behalf of" to Paragraph J. March 3, 2014

Addition of Paragraph IX. B. March 3, 2014

Addition of Paragraph V. M. which contains specific limitations regarding employment at Fraternity, Sorority or similar events. September 17, 2013.

Addition of language to Paragraph II which makes the limitations of this policy applicable to voluntary work. August 12, 2013

Addition of Paragraph V.J and K. 13., prohibiting service as subject matter experts or expert witnesses on behalf of parties or attorneys serving as or representatives in a plaintiff's lawsuit brought against a law enforcement officer or agency other than the U. T. System Police. December 17, 2012