

	<b>GENERAL ORDER</b>	<b>Effective: 1-29-2024</b>	<b># 04-05</b>
		<b>Section: Personnel</b>	<b>Replaces or Modifies: GO 04-05</b>
	<b>Title: Outside Employment and Public Office</b>		
<b>Issued by: Chief Deputy Mattie Provost</b>			

**Purpose:**

To set standards concerning outside employment and running for/holding public office.

**Policy:**

Fort Bend County Sheriff’s Office (FBCSO) Employees are allowed outside employment and the opportunity to seek candidacy for/holding elected public office only in situations authorized and in compliance with this General Order.

**Definitions:**

*Outside Employment* – Any employment or business activity performed and/or compensated from a source other than the Fort Bend County Sheriff’s Office. This may include but is not limited to the generic term “extra job.”

*Law Enforcement Outside Employment* – Outside employment where it is anticipated or intended that an employee may exercise law enforcement authority as part of the work, regardless of whether the job requires the wearing of a peace officer’s uniform. Examples include but are not limited to: traffic control, general security, crowd control, and apartment “courtesy officer”.

*Non Law Enforcement Outside Employment* – Outside employment where the employee does not perform the work while in a peace officer’s uniform and it is not anticipated or intended that the employee will exercise law enforcement authority as part of the work. Examples include but are not limited to: landscape services, house repair, and sales.

*Regular Employment* – That employment conducted in the course of duties for the Fort Bend County Sheriff’s Office.

**Procedure:**

I. General Rules concerning Outside Employment

- A. Outside employment is not part of any compensation or benefit of employment with the FBCSO and permission for outside employment may be denied, rescinded, or revoked at any time per processes found in this General Order or by Order of the Sheriff or Chief Deputy.
- B. An employee may not perform any outside employment that conflicts with the employee’s duties for the FBCSO, including, but not limited to:
  - 1. A process server, reposessor, or bill collector, or in any other employment that involves the private collection of money, merchandise or property under a contract, including debt collection or the repossession of property.
  - 2. Personal investigations or any employment that requires or could normally be expected to make use of FBCSO information, files, records, or services that are only available to an employee when performing official duties as an employee of the FBCSO.
  - 3. Employment for a
    - (a) Wrecker service
    - (b) Bail bond company

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- (c) Company/person licensed by the Texas Private Security Board
    - i. Approval may be given if the relationship between the FBCSO employee and the licensee is that the licensee is the paying entity/coordinator of the services being provided and the FBCSO employee is free to perform duties without direct supervision from the licensee or an agent of the licensee. FBCSO employees shall not wear any uniform/insignia or similar item nor operate any vehicle that might indicate they are employed by the licensee's business. Further, an FBCSO employee working under authority of this subsection may only do so in compliance with provisions of Section IV of this General Order.
  - 4. Employment that requires the FBCSO employee to obtain a license from the Texas Alcoholic Beverage Commission, Texas Racing Commission, or any other license concerning activities associated with gambling.
  - 5. Employment from a business or person that is involved in the operation of a gambling place as defined in Texas Penal Code Chapter 47 or employment from a business or person operating in a known pattern of violation of law including, but not limited to, those concerning pari-mutuel wagering (where pooled monetary bets on horse racing pay dividends to bettors based upon how much money was wagered).
  - 6. Where the type of business, specific duties, or other circumstances, would require or result in the employee having adversarial contacts with on-duty law enforcement officers, loss of independent judgment / integrity, or may bring discredit or loss of public faith to the FBCSO.
- C. An employee's primary duty is to his/her regular employment and if there is conflict between regular employment and outside employment, the employee will be expected to terminate the outside employment. Examples of conflict include but are not limited to:
- 1. Situations where the number of hours worked on outside employment are seen to negatively impact regular employment job performance. Generally, employees will not be approved to work more than 20 hours in any 7-day period (excluding outside employment hours worked on a scheduled day off).
  - 2. Situations where the outside employment work environment becomes unreasonably dangerous to the employee, other employees, or the public.
- D. All outside employment must have initial supervisory approval prior to the service being rendered. All FBCSO employees are required to seek approval in writing on the approved online form(s). When the online system is unavailable, employees shall seek their supervisor's approval in written form. If a verbal approval is provided, it shall be followed by written approval in a timely manner. This may include a supervisor's entry of information into the online system so an email is sent to the employee to complete the form. See VI. below for online off-duty employment application procedures.
- 1. Supervisors will not approve outside employment if -
    - (a) It is reasonably seen that the employment could bring discredit to the FBCSO.
    - (b) It is contrary to any FBCSO General Order.
    - (c) It is beyond the reasonable capabilities of the requesting employee.
    - (d) It is reasonably thought to create a situation where the requesting employee's regular employment might be negatively impacted.
    - (e) It meets another documented reason consistent with supervisory oversight authority.
    - (f) The employee is on any form of modified duty (Temporary Transitional Assignment [per worker's comp] or Light Duty Assignment). [Further, any outside employment approval is immediately rescinded upon an employee being subject to this condition].

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- (g.) The employee is on any form of disciplinary leave. [Further, any outside employment approval is immediately rescinded upon an employee being subject to this condition.]
  - (h.) The employee is on disciplinary probation. [Further, any outside employment approval is immediately rescinded upon an employee being subject to this condition.]
  - (i.) The employee has not finished initial training for his/her job function (as determined by the Division Commander).
2. Supervisors also have the authority to rescind an approval for outside employment based on the guidelines in this subsection. Any employee continuing outside employment without approval is subject to disciplinary action.
  3. No employee may work outside employment during any time that he/she is using Sick Leave, any form of Earned Leave during FMLA leave, during any period of Unpaid Leave (including but not limited to voluntary and involuntary leaves of absence), and/or during any period of Administrative Leave including but not limited to leave due to a pending internal investigation or pending disciplinary matter. [Further, any outside employment approval is immediately rescinded upon an employee being subject to any of these conditions].
  4. All requests for outside employment will go through the chain of command to the Captain. The Captain will make determination on approval/non approval. In contested issues, an employee may appeal the decision to the Chief Deputy for final resolution.
  5. Employees working outside employment are still subject to obey all FBCSO General Orders and submit to the appropriate authority of FBCSO supervisory personnel.
  6. An employee working outside employment shall immediately report (or as soon as able if immediate reporting is unsafe or reasonably impossible) to supervisory personnel any activity occurring during the outside employment that involves physical confrontation resulting in injury to any person, damage to personal property, arrests being made, or any other matter that would reasonably be seen to merit interest to the media or FBCSO supervisory personnel. If the outside employment is in Fort Bend County and FBCSO units respond to the scene based on a call for service – reporting requirements are met. Employees will also submit written reports on any activity covered under this subsection.
  7. The Chief Deputy will appoint a person/ position to coordinate outside employment support issues. Duties of this appointee include –
    - (a) Receiving completed request forms for filing and maintenance of data.
    - (b) Upon own initiative or request of Division Commander or higher authority, investigate matters concerning outside employment concerning potential violations of policy.
    - (c) Keep Bureau Commanders and Chief Deputy apprised of any issues concerning the administration of this General Order.
  8. Captains (Commanders) have the primary responsibility to insure that this General Order is implemented and followed. No Division Manual or SOP may be issued/enforced on the topic of outside employment (only orders from the Chief Deputy will modify or further enact provisions of this General Order). If he/she determines it is in the best interests of the FBCSO, the Chief Deputy may waive or modify provisions of this General Order on a case by case basis.

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9. All forms associated with this General Order shall be approved by the Chief Deputy.
10. Members of the Sheriff's Command and Executive Staff (Captains, Majors, and Assistant Chiefs) will seek approval from their immediate supervisor for outside employment requests.
11. Any employee who has reason to believe that an outside employer (or location of outside employment) is operating counter to the ethics demanded of all employees of the FBCSO or is operating in a manner that creates an unreasonable danger to employees or the public will immediately report this through the chain of command for resolution. If a Captain determines this situation exists, the employer and/or location will be listed as banned for outside employment and communicated to all FBCSO employees. Any remaining issues of contention concerning this will be forwarded to the Chief Deputy for final resolution.
12. Approvals for outside employment are valid for only the calendar year in which approval is given. All approvals will be valid until December 31<sup>st</sup> of each year. Requests for approval in a calendar year may be submitted beginning November 1<sup>st</sup> of the preceding calendar year. For example, a request for approval for year 2024 may be submitted and approved beginning 11-01-23. Approval is not valid until 1-01-24 and generally lasts until 12-31-24. Supervisory personnel may indicate on the approval form a shorter duration of approval time on a case-by-case basis after explaining to the employee why there is need for this action.
13. Effective January 1, 2024, outside employment applications will be entered into the Sheriff's Office online reporting system and follow steps shown in Section VI. below.

## II. Additional Regulations on Certain Types of Outside Employment

- A. Law Enforcement Outside Employment for a business deriving a majority of its income, 51 per cent or more, from the sale of alcoholic beverages may be approved only under the following conditions –
  1. A minimum of two peace officers are working together at all times. If during the course of the outside employment the number of peace officers working falls below the minimum of two, this shall be immediately reported to Supervisory personnel for assessment and resolution.
  2. Any approved FBCSO peace officer must have at least two years of experience in police patrol work (cumulative of FBCSO and similar police agency experience).
  3. The location is within the geographic boundary of Fort Bend County.
- B. Fort Bend County Fair – Any variances or further restrictions will be listed in the action plan for this yearly event.
- C. Motorcycle Escorts
  1. Must have the Patrol Division Commander's approval.
  2. Only peace officer employees who have completed a TCOLE approved basic motorcycle operator course may obtain approval.
  3. May only use a privately owned motorcycle (including but not limited to one in a lease agreement with Fort Bend County) and must have insurance coverage in force that meets the minimum requirements found in current lease agreements for motorcycles used by the FBCSO. Further, it must meet minimum marking/equipment requirements set by the Patrol Division Commander.
  4. The uniform worn shall be in compliance with General Order 02-02 (Personal Appearance and Uniforms).
  5. No Reserve Deputy will be allowed to work motorcycle escorts as off-duty employment.
  6. May only be authorized in Fort Bend and its contiguous counties. Any variance to this must have approval of the Chief Deputy.

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- D. Reserve Deputies may only work law enforcement outside employment as guided by the Reserve Off-Duty/Outside Employment policy limited to roadway work, and only when the Officer possesses the training and experience. This must be approved by the Reserves Captain prior to any roadway work.
- III. Use of FBCSO Equipment for Outside Employment
- A. Uniforms and accessories authorized under General Order 02-02 (Personal Appearance and Uniforms) may be worn for approved Law Enforcement Outside Employment.
  - B. Hand held radios and telephones may be used for approved Law Enforcement Outside Employment.
  - C. Use of County owned vehicles is covered in General Order 05-03 Section III, Subsection I. (Vehicle Assignment and Use).
  - D. Equipment not listed in III.A.,B., and C of this General Order may not be used to perform Outside Employment functions unless it is specifically authorized by the Chief Deputy.
- IV. Rate of Pay and Legal Responsibility
- A. Employees are free to negotiate their rate of pay on an individual basis on Non Law Enforcement Outside Employment.
  - B. Employees are free to negotiate their rate of pay on an individual basis on Law Enforcement Outside Employment and/or act as coordinator with the following regulations / exceptions –
    - 1. No employee may negotiate rates of pay or act as coordinator in a manner that would be in violation of the Texas Occupations Code Chapter 1702 (Private Security Act) and/or the Texas Administrative Code Title 37, Part 1, Chapter 35.
    - 2. The FBCSO reserves the right to set a rate of pay or appoint a coordinator. If this occurs the rate and/or coordinator will be approved by the Chief Deputy. If a rate of pay and/or coordinator is set by the FBCSO, no employee may negotiate or accept a different rate of pay or act as coordinator without approval of the Chief Deputy.
  - C. It is the responsibility of the individual employee who chooses to seek approval for and accept Law Enforcement Outside Employment to abide by all Laws concerning said employment with specific reference to the Texas Occupations Code Chapter 1702 (Private Security Act) and the Texas Administrative Code Title 37, Part 1, Chapter 35.
- V. Public Offices
- A. Prior to becoming a candidate for elected office an employee shall notify the Chief Deputy in writing. This notification will include the office being sought and the applicable election filing dates.
  - B. Upon an employee becoming a candidate for elected office, the Chief Deputy will place the employee on administrative unpaid leave and the employee will remain on this leave status until
    - 1. The employee is elected to office and resigns to assume the office,
    - 2. The employee is no longer a candidate for the office (this has to be an official action and employee's name cannot be on the ballot), or
    - 3. The employee resigns
  - C. An employee may request a waiver from the requirements found in V.B. above by submitting the request in writing to the Chief Deputy. The Chief Deputy will review the request and consult with the Sheriff and if it is determined that the circumstances are not reasonably seen to create conflicts of interest and/or damage to intergovernmental relations, a waiver may be issued allowing the employee to seek public office without taking unpaid leave.

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1. A waiver may be revoked at any time and an employee placed on leave as described in V.B. above if conflicts of interest and/or damage to intergovernmental relations become an issue as determined by the Sheriff or Chief Deputy.
  2. A waiver may be revoked at any time and an employee placed on leave as described in V.B. above if the employee is found to have violated any laws or policies in connection with seeking elected office. Further, this applies if it is determined that the employee is/has used his/her official position in connection with seeking elected office without the express authorization of the Sheriff or Chief Deputy.
- D. An employee seeking elected office may not conduct campaign activity while on duty.
  - E. An employee seeking elected office may not conduct campaign activity while in any type of uniform or displaying a badge/insignia of the FBCSO without the expressed authorization of the Sheriff or Chief Deputy.
  - F. Provisions of this section apply in a similar manner to situations where an employee is being considered for appointment or appointed to a public office.

#### VI. Online Application Procedures

- A. Employees seeking approval for outside employment must first complete the online off-duty employment form (The link is provided in the employee portal. The URL is <https://sooeformsweb.fortbendcountytexas.gov>.) This site must be reached via a network computer to function properly.
- B. The online off-duty employment form must be submitted and approved by the requesting employee's immediate supervisor or shift supervisor in the absence of the immediate supervisor. Approval by a supervisor is made electronically on the online form.
- C. For any off-duty employment that is located outside the geographic boundaries of Fort Bend County, the employee must first contact and gain approval from the chief executive of the agency having primary jurisdiction to work within that jurisdiction. For example, an employee seeking approval to work in Montgomery County must have approval from the Montgomery County Sheriff or his/her designee. Likewise, an employee seeking to work in Bellaire must first receive approval from the Bellaire Police Chief or his/her designee.
- D. The employee requesting the chief executive's approval shall ensure the business location is not a business that is restricted (blacklisted) for off-duty employment.
- E. The restricted business list is updated by the Captain of Regulatory Affairs Division. The Captain of Regulatory Affairs is the sole authority to enter and remove businesses.
- F. Once approved, the employee will document the name and date upon which the chief executive provided approval for the FBCSO employee to work in the named jurisdiction.
- G. Employees shall have their supervisor's approval prior to working the off-duty employment and must log into the online system to confirm their supervisor has approved.
- H. Each supervisor in the employee's chain of command, up to and including the Major, shall review and render a decision to approve or deny the permit.
- I. While this policy provides that Captains render the approval for permits, notwithstanding the approval of the Chief Deputy in the event of potential exception to this policy, it remains the employee's responsibility to confirm that the division Captain approved the permit.

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J. Appeals of outside employment denials are made by notifying the chain of command in writing and seeking review by the Chief Deputy.

VII. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.