

## Secondary Employment

### 153.1 PURPOSE AND SCOPE

This policy establishes guidelines for Cook County Sheriff's Office members to follow relating to secondary employment. This policy delineates the circumstances under which members may engage in approved secondary employment, and enumerates certain restrictions pertaining to secondary employment.

#### 153.1.1 ISSUANCE/EFFECTIVE DATE

This policy was re-issued on Nov. 1, 2022 and shall become effective upon issuance (operational updates).

#### 153.1.2 DEFINITIONS

Definitions related to the policy include:

**Secondary employment** - Any activity, external to the Sheriff's Office operations, for which a member is compensated in salary, wages, commission, fees or other value for services performed. This definition shall also apply to members who are self-employed. For purposes of clarification, the following activities are not considered secondary employment:

- (a) Ownership or transfer of stocks, bonds, or other such instruments in which the member has a personal interest, but not as a stockbroker or in a similar fiduciary capacity.
- (b) Ownership or transfer of real estate in which a member has a personal interest. For purposes of clarification, acting as a real estate broker, agency or salesperson is considered secondary employment.
- (c) Receipt of alimony, separate maintenance, or dependent support payments.
- (d) Receipts of annuities, pensions, or income from life insurance or endowment contracts.
- (e) Receipt of fees for acting as executor, administrator or conservator of any estate, or for acting as a guardian ad litem or trustee.
- (f) Receipt of any inheritance or bequest from any estate or receiving income as a result of beneficial interest in any trust.
- (g) Receipt of royalties from a book publication or any other type of publication.

### 153.2 POLICY

Secondary employment affects the integrity and operational efficiency of the Sheriff's Office, therefore it must be regulated. The result will benefit the Sheriff's Office, its members and the community. All secondary employment disclosures shall be impartially evaluated and either approved or denied within the guidelines of this policy. Secondary employment may be revoked for cause at any time.

Sheriff's Office members (sworn and civilian) who intend to work secondary employment are required to complete an electronic secondary employment disclosure (via the SheriffNet) every

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year on or before December 1 for secondary employment during the next calendar year. Approved secondary employment will be valid during the next calendar year from January 1 through December 31; approved secondary employment expires at 2400 hours on December 31.

The following shall apply to all approved secondary employment:

- (a) Preferential treatment by the Sheriff's Office or its members shall not be afforded to the employers of Sheriff's Office members engaging in secondary employment.
- (b) The Sheriff's Office will not be liable for the actions or omissions of a member during actual work hours in secondary employment.
- (c) Sheriff's Office members engaged in a security employment capacity will not request or be credited with regular salary or overtime for court related activities (e.g., court appearances, depositions) occurring as a consequence of secondary employment activities.

This policy is not applicable to Sheriff's Office hire backs. Any conflicts of interest in regards to secondary employment shall be resolved in favor of the Sheriff's Office.

#### **153.3 RESTRICTIONS AND LIMITATIONS OF SECONDARY EMPLOYMENT**

Working secondary employment is prohibited under the following conditions unless expressly authorized in writing by the respective department head or authorized designee:

- (a) When the agency, business, firm or establishment for which the member intends to work is not properly registered, licensed or insured as required by law.
- (b) When the member is a probationary member, except promotions within departments (e.g., Officer to Sergeant, Sergeant to Lieutenant).
- (c) Where there is unauthorized use of Sheriff's Office official law enforcement authority, equipment, records, documents, files, vehicles or Sheriff's Office services as a condition of employment.
- (d) When, in the act of performing the secondary employment, the member is required to either directly, or by implication, represent themselves as a sworn member of the Sheriff's Office; use a Sheriff's Office vehicle; or wear either Sheriff's Office uniform attire or clothing displaying the Sheriff's Office name or logo. An exception may be made if the affected member has requested and received advanced written consent of the Sheriff or respective department head permitting such appearance during secondary employment.
- (e) When the secondary employment will bring either the Sheriff's Office or the member into disrespect or disfavor, bring discredit upon the Sheriff's Office or cause the member in any way or manner to violate Sheriff's Office policies, procedures, rules or regulations, or any federal, state, county or municipal law or ordinance.
- (f) When secondary employment is in an establishment where the primary business is the sale of liquor, cannabis or gambling, including working outside the establishment (e.g., parking lot, sidewalk), and the employment is security related, or:
  - 1. The employment includes serving as a bartender and/or dispensing liquor;

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2. The employment includes serving as a cocktail waiter/waitress; or
  3. The Sheriff's Office deems that the employment will bring discredit upon the Sheriff's Office.
- (g) When secondary employment working conditions, including hours of work or location, would impair the member's efficiency and capabilities as a member of the Sheriff's Office or interfere with the member's ability to respond to emergency calls for the Sheriff's Office.
- (h) When the secondary employment poses a conflict of interest (e.g., acting as an agent of a party pursuing legal action against the Sheriff's Office).
- (i) When the member is engaged in a security related secondary employment capacity at the site of a labor dispute, secondary employment shall be prohibited for the duration of the labor dispute. The member shall, without delay, notify their respective department head or the authorized designee, through the chain of command, of the labor dispute. Failure to do so shall result in the revocation of secondary employment and subject the member to disciplinary action and referral to the Office of Professional Review (OPR).
- (j) When the secondary employment involves the use of a Sheriff's Office canine for any purpose.

#### **153.4 MEMBER RESPONSIBILITIES**

- (a) Sheriff's Office members who intend on working secondary employment during the upcoming calendar year must complete and submit an electronic secondary employment disclosure to the Department of Human Resources (HR) by December 1 of the current year (e.g., a secondary employment request for 2023 must be submitted electronically by December 1, 2022).
- (b) **Duties and obligations** - The duties and obligations of the member to the Sheriff's Office take priority over any other employment. Members engaging in secondary employment are reminded that their primary responsibility is to the Sheriff's Office. All members are subject to recall at any time under emergency conditions; secondary employment shall not infringe upon this obligation.
- (c) **New secondary employment requests** - Prior to accepting or commencing any secondary employment, permission must be obtained from the respective department head or the authorized designee by submitting an electronic secondary employment disclosure and other required documentation to HR no later than 14 calendar days prior to the effective date of employment. In emergencies, each department head or the authorized designee, at their own discretion, may approve secondary employment disclosures submitted less than 14 days prior to the effective date of the secondary employment.
- (d) **Security, traffic control or other law enforcement related secondary employment** - Members applying for approval of secondary employment in any armed security, traffic control or other armed law enforcement related employment shall, in addition to fulfilling all of the requirements pertaining to secondary

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employment, provide an Indemnity Agreement signed by the prospective employer along with a certificate of proof of insurance or self-insurance for a minimum amount of \$1,000,000.00, assuring the indemnity by that secondary employer. No security related secondary employment shall be approved or permitted under any circumstances until a properly executed Indemnity Agreement and proof of insurance is received by HR. An officer of the business or government agency authorized to enter into such an agreement must execute the Indemnity Agreement. The member's signed Indemnity Agreement and proof of insurance for a minimum amount of \$1,000,000.00 shall be scanned and uploaded into the Secondary Employment Repository (via the electronic disclosure) on the SheriffNet at the time of the disclosure.

- (e) **Secondary employment cancellation** - Each member authorized to work secondary employment shall ensure that their secondary employment disclosure is accurate and current at all times. Any cancellation in secondary employment shall require that the member notify their respective department head or the authorized designee, via written report, through the chain of command of such cancellation.
- (f) **Secondary employment information, work schedule and contact telephone number** - As a condition of receiving approval of the secondary employment request, the applicant member will authorize the release of all employment information to the Sheriff's Office upon request of the Sheriff, OPR, respective department head or the Executive Director of HR or the authorized designee.
- (g) When the member is a licensed attorney seeking to work secondary employment, the member must also seek approval to do so from the Sheriff's Legal Department General Counsel. The member should contact the Legal Department for further instruction.
- (h) Any member who is in violation of any of the provisions outlined in this policy or meets any of the criteria that prohibits secondary employment shall, without delay, cease working secondary employment.

#### **153.5 DEPARTMENT RESPONSIBILITIES**

- (a) HR shall notify the respective department head of those members who are requesting approval to work secondary employment. The respective department head or the authorized designee shall review the disclosure and all attached documentation to determine a final decision. The respective department head or the authorized designee reviewing secondary employment disclosures shall consider any restrictions or limitations established by this policy, Sheriff's Office policies or procedures, or an applicable collective bargaining agreement.
- (b) The respective department head or the authorized designee shall notify the affected member, in writing, when a request for secondary employment has been approved, denied or revoked.
- (c) Secondary employment may be subject to regular and continual review by supervisors, the respective department head or the authorized designee, The Attendance Review Unit, and/or HR. The review should include:

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1. The consideration of the denial or revocation criteria contained in this policy and any other restrictions or limitations established by this policy, Sheriff's Office policies and procedures or an applicable collective bargaining agreement.
  2. Any disciplinary history or attendance of the requesting member relevant to secondary employment including but not limited to revocation of law enforcement powers (if secondary employment is security related). In addition, the respective department head should ensure that a review will be completed upon the occurrence of relevant disciplinary action or attendance deficiency and upon any change in the member's employment status relevant to discipline (e.g., the member is de-deputized).
  3. Employment status changes (e.g., duty injury, duty accommodations/restrictions, ordinary disability, leave, FMLA).
- (d) If a member has a change in employment status, the respective department head or the authorized designee may suspend the approved secondary employment, if necessary, and should re-evaluate upon the return of the member to full duty status.

#### **153.6 DENIAL/REVOCAION OF SECONDARY EMPLOYMENT**

- (a) Secondary employment may be denied or revoked when a member:
1. Demonstrates that secondary employment interferes with the member's ability to perform their duties within the Sheriff's Office or is impairing their job performance in any manner.
  2. Fails to comply with any of the conditions or regulations set in this policy.
  3. Commits any other infraction the respective department head or the authorized designee deems detrimental to the Sheriff's Office.
- (b) If a supervisory staff member becomes aware of any infraction listed in this policy, the supervisor may initiate the Secondary Employment Revocation Form through their chain of command.
- (c) In the event secondary employment is revoked, the respective department head or the authorized designee shall forward a copy of the Secondary Employment Revocation Form to the affected member. The completed Secondary Employment Revocation Form shall be delivered to HR or scanned and emailed to [ccso.secondaryemployment@ccsheriff.org](mailto:ccso.secondaryemployment@ccsheriff.org) to be retained and used to update the secondary employment database.
- (d) If the Sheriff's Office is made aware that a member continues to work secondary employment following notification of denial or revocation of secondary employment, a referral shall be made to OPR as soon as practicable and the member shall be subject to disciplinary action, up to and including termination.

#### **153.7 SECONDARY EMPLOYMENT REPOSITORY**

- (a) HR shall be the central repository for all electronic secondary employment disclosures and any applicable corresponding secondary employment

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documentation (e.g., Indemnity Agreement, Proof of Insurance, Secondary Employment Revocation Form).

- (b) HR shall track and maintain all secondary employment, including approvals, denials, revocations and disclosures of no secondary employment, within the secondary employment database.
- (c) In the event a member is on a medical leave (e.g., duty injury, disability leave), the member shall notify HR at [ccso.secondaryemployment@ccsheriff.org](mailto:ccso.secondaryemployment@ccsheriff.org) of their intent to work secondary employment, if applicable. The notification shall include the secondary employer name, nature of work and contact information. Upon the member's return to work, they shall complete an electronic secondary employment disclosure.
- (d) Any member currently approved for secondary employment who fails to submit an updated annual electronic secondary employment disclosure by December 1 shall not be authorized to continue to work the current secondary employment until the disclosure has been submitted to HR and approved by the respective department head or the authorized designee.