COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

General Order	Date of Issue	Effective Date	No.
MULTI-BUREAU	November 20, 2026	November 20, 2026	008-26
Subject: General Order **Engaging in Outside Employment**		**Distribution** All Personnel	**Amends**
REFERENCE: NYSLEAP 14.3			**Rescinds** 008-18

Purpose: To define agency standards relative to employees engaging in extra work for another employer or self-employment on a part-time basis.

* **Policy:** All employees requesting approval for employment outside the Sheriff's Office must submit an **MB-014 Request to Engage in Outside Work or Gainful Employment**. This policy shall be consistent with outside employment as contemplated in the respective Collective Bargaining Agreements.

Definitions: **Part-time employment** shall include, but not be limited to, work done for another employer or work considered as self-employment.

Security Guard - A person is considered a security guard, as described in the General Business Law, if he or she principally performs the activities of prevention, deterrence, control or enforcement.

1. Prevention includes protecting persons and/or property from harm, theft, and other unlawful activity, including response to a security systems alarm;

2. Deterrence includes deterring, observing, detecting, and reporting unlawful or unauthorized activity;

3. Control includes controlling, by street or other patrol service, access to property, including employee personnel, visitors, vehicles, and traffic;

4. Enforcement includes enforcing security policies, rules, regulations, and procedures.

"**Principally performing**" shall mean:

1. Engaged in the functions set forth above for more than 50% of the person's regularly scheduled work hours; or

2. Employed to perform any or all of the above functions for any duration, with the condition of such employment being that he or she is armed with a weapon; or

3. Employed to perform any or all of the above functions for any duration, with the condition of such employment being that he or she wears a military style uniform or insignia, either being indicative of security guard status.

NOTE: A person is not a "security guard" if such person is designated as a peace officer or is

a police officer acting in their official capacity.

I. Part-time Employment Regulations

A. Employees of the Sheriff's Office may engage in outside employment provided:

1. Work is performed outside regular hours of duty and does not exceed twenty hours per week. This limitation does not apply to seasonal, part-time employees, trainees or interns.

2. Such extra work does not interfere with regular duties as an employee of the Sheriff's Office or availability for emergency duty.

3. Such employment does not affect physical condition to the extent that it impairs the ability to efficiently perform regular duties and the employee is not on sick leave or designated as light duty status.

B. The hours worked in part-time employment may not conflict with regularly scheduled duty hours and will not relieve employees of the obligation to report for duty when required. Under no circumstances will any on-duty time be used by an employee in the pursuit of any personal business or part-time employment.

C. Members shall not own, operate or be connected with, directly or indirectly, any place of business where alcoholic beverages are manufactured or offered for sale as the primary business. Affiliations with businesses that have multiple operations will be considered on each application.

D. An off-duty deputy can work outside a bar as Security only, but cannot work inside (or on the deck where there is a bar) or in any way put themselves in the chain of the consumption (they cannot check id's, take money, or serve alcohol). **The distinction is whether the establishment's primary function is the consumption of alcohol.**

E. An off-duty deputy can work security or otherwise work at festivals, golf tournaments, events, fireman carnivals, or sport stadiums. Although these places serve alcohol, it is not their primary function (and also long as off-duty personnel are not involved in the sale of alcohol). **In these instances, alcohol is merely a concession**. However, an off-duty deputy cannot work in the beer tents as security or reviewing identifications of persons entering.

II. Permissibility

A. Employees may not engage in part-time employment without prior approval as set forth in this order. Employees may not engage in outside employment that is considered a conflict of interest.

B. Employees may not utilize department property or equipment while engaged in part-time employment (i.e., badge, I.D. card, uniform, weapon, etc.)

III. Requirements

A. Permission for part-time employment must be granted to the individual employee by the Sheriff or authorized designee.

B. Applications for permission will be submitted in the following manner:

1. Submit part-time employment request form (MB #14) to immediate supervisor.

2. The immediate supervisor will review the request form and note any objections, recommending for or against approval.

3. The form will then be forwarded to the commanding officer of the applying employee, who will also review the request and recommend for or against approval.

4. The form will then be forwarded to the Sheriff or authorized designee, who will approve or disapprove the request.

5. The individual employee shall then receive a copy of the request form, indicating approval or disapproval.

IV. Causes for Disapproval or Cancellation of Permission

A. Causes for disapproval or cancellation may consist of, but are not limited to, the following:

1. Those occupations which, by their nature, constitute a conflict of interest or when such conflict may reasonably be inferred.

2. Those occupations specifically denied to the employee by law.

3. Where the use of sick leave credits or incidents of tardiness by the applicant is of such proportion as to indicate that additional employment would further impair or interfere with the employee's ability to discharge their official duties or where the part-time employment might promote a poor state of health in the employee.

4. Where as a condition of employment, the member's uniform, badge, gun, or exercise of police authority is to be used in the performance of such part-time employment.

5. Any involvement in a labor dispute, disorder or demonstration other than official police involvement as mandated by law.

6. When the employee is on sick leave, or light duty status from an on or off duty injury or illness.

7. Where the employee is required to join a union.

8. Where an oath of office is required.

B. The commanding officer of any employee may, at the discretion of the Sheriff, order immediate termination of part-time employment, provided that just and reasonable cause exists. However, said action must be approved in writing by the Sheriff or authorized designee within five working days.

C. Termination of outside employment, whether voluntary or as a result of action by a commanding officer, must be reported immediately by the employee, to the Sheriff or authorized designee, on a Termination of Outside Employment Form (MB #15).

V. Reapplication

A request for reinstatement of approval for a former part-time employment may be made at any time after cancellation, provided that proof is submitted by the employee that the reason for cancellation has been alleviated.

VI. Duration of Approval

A. Requests for part-time employment will be effective from the date of approval until cancelled either by notification of termination of employment or cancellation for cause by those empowered to take such action.

B. When an employee terminates one part-time employment and desires to engage in another, a separate request and approval are required for each change of part-time employment.

VII. Special Provisions Relating to Security Work

A. Any employee who has received permission to work part-time in any security capacity will be considered an employee of that agency.

B. While actively on duty for that agency, members/employees will identify themselves to the public as employees of that agency, and not as members/employees of the Sheriff's Office.

C. In the event that members/employees affect an arrest while acting as a security agent for an outside agency, they will do so as a civilian, and will turn the arrest over to an on-duty law enforcement officer.

D. All subsequent court appearances relating to such arrest will be made by employees on their own time.

E. Members/employees will comply with the New York State Security Guard Act. Members/employees will be required to submit proof of registration as security guard and must either submit a letter from their prospective employer stating that the member/employee is registered as a NYS security guard or submit a copy of the member/employee's NYS Security Guard identification card. If the member/employee is exempt from the NYS security Guard act requirements they shall submit a Intra-Departmental Correspondence documenting their exemption.

F. Members/employees are prohibited from performing the functions of a private investigator.

G. Members/employees will be required to submit a copy of their NYS pistol permit, and proof of successful completion of an approved firearms training course, for outside employment requests where an employee will be carrying a firearm.

H. Other than those members/employees employed by a public entity or exempt personnel, all employees must be employed by a company, licensed by New York State, as a Watch, Guard, or Patrol agency and a copy of such license shall be submitted with the request form.

I. Members/employees who are providing security services on a volunteer basis and receive no form of compensation are exempt from the security guard act requirements. However, departmental approval is still required.

Exemption Defined: Police Officers, are defined by those members who are certified by NYS DCJS as a police officer, and are exempt from the New York State Security Guard Act registration and training requirements, if they are acting as an **employee** of a licensed or exempt company. Police Officer's working as an independent contractor are not exempt and would be required to obtain a New York State Security Guard and Patrol license.

By Order of the Sheriff,

Todd K. Baxter