

# YOUTH SERVICES POLICY

<b>Title:</b> Off Duty Work Details	<b>Type:</b> D. Community Based Services <b>Sub Type:</b> 2. Personnel <b>Number:</b> D.2.2
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<b>References:</b> LA R.S. 42:1101 - 1123 through 1123; Civil Service Rule #11.23; ACA Standards 2-CO-1C-01 and 2-CO-1C-24 (Administration of Correctional Agencies); 2-7040 (Juvenile Probation and Aftercare Services); YS Policy Nos. A.2.1 "Employee Manual", Attachment (b) "Employee Rules of Conduct", A.2.3 "Outside Employment, Second Jobs", A.2.15 "Dress Code for Secure Care Facilities and Community Based Services", A.2.38 "Ethics for Public Employees: Nepotism, Prohibited Relations, Gifts, Ethics Opinions" and C.1.8 "Firearms Training, Use and Revocation"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>James Bueche, Ph.D., Deputy Secretary</i>	<b>Date of Approval:</b> 10/24/2019

**I. AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

**II. PURPOSE:**

To establish policy for the review and approval of Office of Juvenile Justice employees to work off duty details and receipt of compensation.

**III. APPLICABILITY:**

All P.O.S.T certified employees of YS.

**IV. DEFINITIONS:**

**Alcohol Tobacco Control A – General permit (ATC AG Permit)-** This permit is issued only to a retail outlet where beverage alcohol is sold on the premises for consumption on the premises by paying customers (i.e. bar).

**Employee** – For purposes of this policy, any individual employed full time by OJJ that has P.O.S.T. certification.

**Non-Exempt Employees** – All Agency employees that are not exempt from the overtime provisions of the Fair Labor Standard Act.

**Off Duty Detail** – Any off duty employment of an OJJ P.O.S.T certified employee in a job that may involve the potential use of law enforcement authority outside the performance of the employees' official duties that has been approved by the Regional Manager/Unit Head.

**Unit Head** – For purposes of this policy, the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Regional Directors, and Regional Managers

**V. POLICY:**

It is the Deputy Secretary's policy that employment with YS shall be each employee's primary employment, and compensation received from off duty details should not create a scheduling conflict, nor reflect a conflict of interest with the Agency's mission or Louisiana law. Approvals granted to work off duty details are not vested rights to which employees are entitled but an additional privilege which may be permitted for employees when doing so does not compromise the effectiveness and functions of the Agency. All off duty details must be reported and approved as outlined in this policy.

**VI. PROCEDURES:**

- A. No employee may work in an off duty detail without the written approval of the Regional Manager and the Regional Director or their Supervisor/Unit Head and the Deputy Secretary (depending on their chain of command).
- B. Each employee shall submit the "Report of Actual Off Duty Detail and Compensation" form [see Attachment D.2.2 (a)] giving the necessary information regarding the off duty detail for review and approval of the Regional Manager and Regional Director. The completed form shall be delivered to the Regional Manager who will indicate his/her approval or disapproval and forward the form to the Regional Director. Central Office employees shall submit the form to their Supervisor/Unit Head who will then deliver the form to the Deputy Secretary.
- C. The Deputy Secretary or Regional Director or designee will evaluate the request and determine if the assignment is appropriate, does not present a conflict of interest, and conforms with the Code of Governmental Ethics. Off duty details must be approved by the Deputy Secretary or the Regional Director prior to the employee beginning the assignment.

Employees are prohibited from engaging in any off duty details which represent a real or apparent conflict of interest or which adversely affects the performance of their Agency work duties.

Establishments holding an A-General Permit with the Louisiana Alcohol, Tobacco Control Office shall not be authorized as off duty detail work sites. An exception to this rule may be if a private event is being held at such an establishment but said establishment is not open to the general public for business during said private event.

- D. If approval is granted, the employee may accept the off duty detail with the understanding that his/her employment with the Office of Juvenile Justice is primary and the requirement to be on 24-hour call remains in effect. For example, in the event of an emergency in which staff are called in to work, the employee would be expected to report to duty even if working at an off duty assignment.

Work hours for off duty details must be scheduled in a manner that does not conflict or interfere with the employee's job duty performance. This includes off duty details of such a nature and duration as to render the employee too fatigued to properly and safely perform their OJJ job responsibilities.

Off duty work details shall not be worked while an employee is acting as the Agency Regional Duty Officer.

The approved form will be placed in the employee's personnel folder for reference.

There may be additional forms required by the off duty detail hiring agency. If other forms are required, a copy of these forms must also be submitted to Human Resources and maintained in the employee's personnel folder.

In order to be eligible for off duty details through an outside agency, an employee must be in good standing with the Agency. Continued approval is contingent upon acceptable job performance and compliance to Agency guidelines.

- E. Off duty details through outside employment will only be allowed during the employee's scheduled time off or approved leave. No OJJ employee may perform any other type of employment while on sick leave from the Agency. Any leave request in relation to off duty details shall comply with Chapter 11 of the Civil Service Rules regarding leave usage.

- F. Nonexempt employees cannot work for (be paid by) another state agency due to the liability of OJJ for all overtime pay. A nonexempt employee may work details through another state agency when they are paid through a third party entity. (i.e.- Harbor Police Department is contracted with the Cruise Ship Terminal; however, Probation and Parole is paid through the Cruise Ship Terminal).
- G. State/Agency equipment (i.e. commission, badge, vest, firearms, and intermediate weapons) may be used in the performance of Agency approved off duty details. State vehicles are not allowed to be used to work off duty details.

Officers may wear clothing identifying themselves as Probation and Parole Officers or OJJ employees per Agency Dress Code guidelines.

While working off duty details, employees will comply with the orders issued by the hiring employer that pertain to the services requested and that are consistent with professional and proper conduct of a law enforcement officer. It is preferable, however, that when possible, OJJ staff detain suspects as necessary until another law enforcement agency arrives that can facilitate making the arrest.

## **VII. RESPONSIBILITIES:**

### **A. Employee Responsibilities:**

1. Familiarize themselves with policy and procedures concerning off duty details.
2. Submit written requests for approval of off duty details and obtain written authorization whenever circumstances change.
3. Maintain logs of dates, times, and hours worked for off duty details for review by the Supervisor/Unit Head as requested.
4. Before beginning to work off duty details, obtain personal liability insurance (at their own expense) to cover law enforcement officers who perform off duty, extra detail jobs. A copy of the policy must be provided to their Unit Head to be maintained in the employee's personnel file.
5. If an employee's off duty employment status changes, he/she should notify their Regional Manager/Unit Head as soon as possible.

**B. Supervisor Responsibilities**

1. Ensure that all employees receive guidance regarding off duty details policies and procedures.
2. Provide advice and guidance to employees seeking authorization for off duty detail work.
3. Seek advice from the Unit Head or Human Resources when there is a question concerning the propriety of the off duty details.
4. Forward employee request within three (3) business days of receipt; along with a recommendation for approval/disapproval to the Regional Manager or Unit Head.

**C. Regional Manager/Unit Head Responsibilities:**

1. Provide advice and guidance to employees and supervisors seeking authorization for off duty detail work.
2. Review and make recommendations to the Deputy Secretary or Regional Director on requests for off duty details and forward said recommendations for final approval.
3. Retain decision notices on off duty detail requests for inclusion in the employee's personnel file; and forward copies of these notices to the supervisors and employees who made the requests.
4. Work with direct supervisors in taking corrective action in situations where conflicts or apparent conflicts or violations of policy and procedures exist.
5. Keep a copy of the "Report of Actual Off Duty Detail and Compensation" form for each approved off duty detail worked by an employee.
6. Notify the Deputy Secretary or Regional Director via memo/email if an employee reports a change in their off duty work detail status. The notification shall also be forwarded to Human Resources to be placed in the employee's personnel file.
7. Manage and conduct reviews of all off duty details and related forms.
8. Monitor employees' hours worked for off duty details; and monitor leave usage related to working off duty details.

- D. Any violation of this policy may subject the employee to the loss of the privilege of working off duty details or disciplinary action.**

**VII. STAFF DEVELOPMENT:**

All YS employees shall receive annual in-service training on the contents of this policy in order that requirements and procedures regarding off duty details are met. Training shall be documented in Louisiana Employees Online (LEO).

**Previous Regulation/Policy Number:** N/A

**Previous Effective Date:** N/A

**Attachments/References:** D.2.2 (a) - Report of Actual Off Duty Detail and Compensation

**Office of Juvenile Justice**  
**Report of Actual Off Duty Detail and Compensation**

**1. Current State Employment Information:**

Name: \_\_\_\_\_ Region: \_\_\_\_\_  
 Civil Service Job Title: \_\_\_\_\_  
 Normal Working Hours: \_\_\_\_\_ Normal Days Off: \_\_\_\_\_

**2. Information on Duty Detail:**

Name of off duty detail hiring agency: \_\_\_\_\_  
 Address (street and town): \_\_\_\_\_  
 Describe the off duty detail:  Regularly Scheduled  Temporary Assignment  
 If regularly scheduled, explain duties and work schedule:  
 \_\_\_\_\_

**3. Will this outside employment/off duty detail interfere with your employment at the Office of Juvenile Justice?  Yes  No If yes, please explain:**

\_\_\_\_\_

**4. Acknowledgement:**

- \_\_\_\_\_ I acknowledge/agree that as an employee of OJJ, I am on call 24 hours a day and that duties may require overtime work. Off duty details may not interfere with my OJJ work duties.  
 \_\_\_\_\_ I acknowledge/agree that I will not be paid by another state agency due to the liability of OJJ for all overtime pay. (Nonexempt employees only)  
 \_\_\_\_\_ I acknowledge/agree that I must purchase (at my own expense) personal liability insurance to cover law enforcement officers who perform off duty, extra detail jobs.

**I certify the above to be correct to the best of my knowledge and ability and that my employment with OJJ will be my first priority and that I will abide by the Code of Governmental Ethics LA R.S. 42:1101 - 1123.**

\_\_\_\_\_  
 Employee Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Regional Manager/Unit Head Signature

\_\_\_\_\_  
 Date

(CIRCLE ONE)

APPROVED

DISAPPROVED

\_\_\_\_\_  
 Deputy Secretary/Regional Director Signature

\_\_\_\_\_  
 Date

(CIRCLE ONE)

APPROVED

DISAPPROVED

**COMMENTS:**