



December 22, 2024

Outside Employment

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Outside Employment

Reference Number: CTAS-978

There is a special provision for fire protection and law enforcement employees who, solely at their own option, perform special duty work in fire protection, law enforcement or related activities for a separate and independent employer (public or private) during their off-duty hours, such as a sheriff's deputy working a funeral. These special detail assignments may be performed for the second employer without FLSA overtime obligations applying even if the county selects a particular police officer for the assignment from a list of officers who wish to perform the work, negotiates the fee, compensates the officer for the special detail work through the county's regular payroll system, or retains a fee for administrative expenses. However, the officer must perform the work at his or her option; the special detail exception will not apply if the employer directs the officer to perform the outside work. The two employers must also, in fact, be separate. Special detail assignments are exceptions to the general FLSA rules which, in the absence of the statutory exception, would define such arrangements as joint employment relationships and treat the two jobs as one job for purposes of the overtime provisions of the FLSA.^[1]

[1] See 29 C.F.R. § 553.227.

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