1040  OFF-DUTY EMPLOYMENT (NO POLICE POWERS)

1040.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for members of the department regarding the approval process, requirements and expectations concerning off-duty employment. This policy is in addition to any requirements and expectations described in the City’s Administrative Rules.

1040.1.1 DEFINITIONS

Definitions related to this policy include:

Extra-Duty Employment: Extra-duty employment is any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the officer-employee.

Off-Duty employment: Off-duty employment is any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee.

Off-duty employment does not include extra-duty employment or overtime. For information regarding extra-duty employment refer to policy 1041.

Secondary employment: Any employment outside the scope of regularly assigned duties, which is either extra-duty or off-duty.

1040.2 ELIGIBILITY REQUIREMENTS

No employee of this department may engage in any off-duty employment without first meeting the eligibility requirements set forth in this policy. Violation of this policy is grounds for disciplinary action.

Off-duty Employment Eligibility: Any employee of this department, who has completed their initial probationary period and is authorized to work regular duty, is eligible to work off-duty employment as approved by the Chief of Police or his/her designee. Any exceptions to the eligibility requirement require prior approval from the Chief of Police or his/her designee.

1040.3 OBTAINING APPROVAL

No employee of this department may engage in any off-duty employment without first obtaining prior written approval of the Chief of Police or his /her designee. Failure to obtain prior written approval for off-duty employment or engaging in off-duty employment prohibited by this policy is grounds for disciplinary action.
To obtain approval for off-duty employment, the employee must complete an off-duty Employment Request Form that shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police or his/her designee for consideration.

If approved, the employee will be provided with a copy of the approved request. Unless otherwise indicated in writing on the approved application, an approved application will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue off-duty employment shall submit a new application by January 1st of each calendar year.

1040.4 OFF-DUTY EMPLOYMENT EXPECTATIONS

Due to the possible impact of off-duty employment, employees engaged in such activity shall adhere to the following expectations:

1. Generally, employees should not schedule to work off-duty employment during their regularly scheduled work hours/shift. On rare occasions, with prior watch commander or higher approval, exceptions can be made.
2. Off-duty employment shall not impair regular duty job performance.
3. Time Restrictions for off-duty employment:
   a. Employees shall not work more than 60 hours of overtime, secondary employment or any combination thereof per pay period without prior permission from an Assistant Chief or above.
   b. Employees shall not engage in more than 16 hours of any type of employment during any 24 hour period without permission from an Assistant Chief or above. This includes regular work duty, overtime, and Secondary Employment.

1040.5 CHANGES IN OFF-DUTY EMPLOYMENT STATUS

Employees shall promptly submit in writing to the Chief of Police or his/her designee any material changes in off-duty employment such as cessation of employment or changes in the nature of the employment as outlined in 1040.7 or 1040.8

1040.6 SPECIAL RESTRICTIONS

1. Except for emergency situations or with prior authorization from the Bureau Commander, undercover officers assigned to covert operations shall not be eligible to work off-duty employment if that employment may reasonably disclose the officer’s law enforcement status.
2. Employees may engage in off-duty employment while on Family Medical Leave Act (FMLA), if performed within the restrictions specified by the physician monitoring the condition requiring leave, except as provided in Section 19-130(n) of the City Code of Ordinances, which restricts use of sick leave in connection with Secondary and Off-Duty Employment.
3. Employees may engage in off-duty employment while on administrative leave as long as the employment is not performed during the hours the employee was notified, in writing, to be available to the Department when placed on leave.

4. Any employee on sick leave due to personal illness shall not engage in any off-duty employment activity for a 24-hour period beginning when the employee was scheduled to report for their most recent regular duty shift.

5. Employees shall not engage in off-duty employment while on Transitional Duty Assignment unless such work can be performed within the restrictions specified by the physician monitoring the condition requiring injury leave, except as provided in Section 19-130(n) of the City Code of Ordinances, which restricts use of sick leave in connection with Secondary Employment.

1040.7 PROHIBITED OFF-DUTY EMPLOYMENT

The department expressly reserves the right to deny any request for off-duty employment submitted by an employee for reasons that include but are not limited to the following:

1. A conflict of interest with the department Mission, Vision, and Values that includes:
   a. Any activities performed that are presumed to involve conflicting interests such as:
      i. Serving judicial process;
      ii. Repossessing real or personal property;
      iii. Collecting money or merchandise for private purposes;
      iv. Collecting private debts;
      v. Work for, as, or on the behalf of a Private Investigator.
   b. Any activity assisting a criminal defendant in preparing for an actual or anticipated criminal prosecution.
   c. Any other employment activity deemed by the Chief of Police or his/her designee to involve a conflict of interest.

2. Engagement for, or on behalf of, any person or entity that conducts business involving any of the following activities/circumstances:
   a. The distribution of pornographic books, magazines, or movies, sexual devices or novelties.
   b. The provision of entertainment or services of a sexual nature.
   c. The distribution of alcoholic beverages.

1040.8 REVOCATION/SUSPENSION OF ELIGIBILITY STATUS/ OFF-DUTY EMPLOYMENT

Any approved off-duty Employment Request may be revoked or suspended for any reason that is in the best interest of the department.

Any employee who is eligible to work off-duty employment, may have their eligibility status revoked or suspended for any reason that is in the best interest of the department to include but not limited to the following:
1. If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, the Chief of Police may, at his/her discretion, notify the employee of the intent to revoke his/her eligibility status. The employee will have the opportunity to appeal the revocation or suspension with the Chief of Police. After the appeal process has concluded, any sustained revocation will remain in force until the employee's performance has been re-established to the minimum level of acceptable competency.

2. If, at any time an employee's conduct or off-duty employment conflicts with the provisions of department policy, or any law.

3. The off-duty employment creates an actual or apparent conflict of interest with the Department or the City.

Should an approved off-duty Employment Request or employee eligibility be suspended or revoked, a written explanation containing the reasons for the suspension/revocation shall be provided to the employee within seven (7) calendar days.