

Secondary / Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.1.2 POLICY

The policy of this department is to provide guidelines to police employees by informing them of the types of secondary employment which are appropriate; and to establish the procedures to maintain accountability for the welfare of the department.

1040.2 PROCEDURE

- (a) Employees MAY engage in regular off-duty employment that meets the following criteria:
1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours on duty.
 2. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for their secondary employer. Some examples of employment representing a conflict of interest are:
 - (a) As a process server, reposessor, or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
 - (b) Personnel investigations for the private sector or any employment which might require the police officer to have access to the police information, files, records or services as a condition of employment.
 - (c) In police uniform in performance of tasks other than that of department police matters.
 - (d) Assists, in any manner, the case preparation for a defense counsel in any criminal or civil action or proceeding, which involves Tremonton City.

Tremonton City Police Department

Policy Manual

Secondary / Outside Employment

- (e) For a business or labor group on strike.
 - (f) In occupations that are regulated by the police department, such as a bouncer at a bar.
3. Extra-Duty Employment where a police officer may be engaged are as follows:
- (a) Where a government, profit making, or not for profit entity, has a contract agreement with the police department for police officers in uniform who are able to exercise their police powers.
4. Types of extra-duty services, which may be considered for contracting, are:
- (a) Traffic control and pedestrian safety.
 - (b) Crowd control.
 - (c) Security and protection of life and property.
 - (d) Routine law enforcement for public authorities.
 - (e) Plainclothes assignments.
 - (f) Other similar services as approved by the Chief of Police.
- (b) Employees MAY NOT engage in regular off duty employment that constitutes a threat to the status or dignity of the police as a professional occupation. Examples of employment presenting a threat to the status or dignity of the police profession are:
- 1. Establishments involved in the sale of pornographic materials, or sexual devices, or videos, or provides entertainment or services of a sexual nature.
 - 2. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
 - 3. Any gambling establishment.
- (c) Limitations on regular off-duty employment and extra-duty employment are as follows:
- 1. In order to be eligible for off-duty employment, a police employee must be in good standing with the department. Continued departmental approval of a police employee's off-duty employment is contingent on such good standing.
 - 2. Those officers who are on medical or other leave due to sickness, temporary disability, or an on duty injury shall not be eligible to engage in regular or extra-duty employment without additional approval of the Chief of Police.
 - 3. A completed Off-Duty Employment Approval Form must be submitted for review by the Chief of Police. The Chief of Police will maintain a copy of the completed and approved form. Off-Duty Employment approval Forms must be renewed each year.
 - 4. A police department employee may work a maximum of 24 hours of off-duty or extra duty employment during their regularly scheduled forty (40) hour work period. This will not include time worked while the employee is on annual leave, compensatory time, or days off.
 - 5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's duty performance.
 - 6. A police officer engaged in any off-duty employment is subject to call-out in case of an emergency, and will be expected to leave their off-duty employment in such situations.

Tremonton City Police Department

Policy Manual

Secondary / Outside Employment

- (d) Each officer will accept the condition that there will be no use of City equipment, other than equipment issued to the officer for personal use and which would normally be utilized when off duty, nor will the officer utilize the facilities of the Records Bureau in connection with their prospective employment. Accessing State BCI files while engaged in outside employment is prohibited, except for drivers license, motor vehicle files and the statewide/ NCIC warrant system.
- (e) Police vehicles may be driven to an outside job site, within the restrictions of Department Administrative Policy "Use of Police Vehicles". Police Vehicles may not be used to patrol for jobs not arranged for by the department.
- (f) The Chief of Police may revoke permission for police employees to engage in outside employment where it is determined that such outside employment is not in the best interests of the department.
- (g) In Security Service employment where weapons are to be carried, the employee must obtain a Writ to Hold Harmless Agreement from the security employer. The signed agreement must be submitted with the Off-Duty Employment Form.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to Utah Administrative Code R477-9-2.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Utah Administrative Code R477-9-2, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
-

Tremonton City Police Department

Policy Manual

Secondary / Outside Employment

- (b) Conflicts with the interests of the Department or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 1. The officer(s) shall wear the Department uniform/identification.
 2. The officer(s) shall be subject to the rules and regulations of the Department.
 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 5. Outside security services shall not be subject to the collective bargaining process.
 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from a Sergeant, officers assigned to undercover or covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the Department or other agencies through the use of the employee's position with this department.

Tremonton City Police Department

Policy Manual

Secondary / Outside Employment

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an officer provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work may be revoked.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment, the employee shall promptly submit written notification of such termination to the Chief of Police through the Sergeants. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, The Chief may revoke the officer's outside employment.

Criteria for revoking the outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Tremonton City Police Department, a request (in writing) may be made to the Chief of Police to restore the outside work.