

1041 OFF-DUTY LAW ENFORCEMENT EMPLOYMENT

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to establish eligibility guidelines for officers wishing to participate in off-duty law enforcement employment. In addition, this policy will establish the criteria and procedure for an off-duty position to be approved. This policy is in addition to any requirements and expectations described in the City's Administrative Rules.

1041.1.1 DEFINITIONS

Definitions related to this policy include:

Off-Duty employment: Off-duty activity that is either conducted in uniform, or that involves the exercise or anticipated exercise of police authority for an outside organization, company or individual within this jurisdiction. Compensation for these services is paid directly to the officer by the organization, company or individual. Any off-duty employment conducted out of uniform must receive prior approval from the Chief of Police or his/her designee.

Secondary employment: Outside employment activity that does not include the use of a police uniform/equipment and does not involve the exercise or anticipated exercise of police authority (e.g., store clerk at a convenience store or grocery store). See Policy 1040 for guidelines on Secondary Employment.

1041.2 ELIGIBILITY REQUIREMENTS

No member 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 Law Enforcement Employment Eligibility: Any officer of this department, who has completed their initial probationary period and is authorized to work regular duty, is eligible to work department approved off-duty employment. Any exceptions require prior approval from the Chief of Police or his/her designee.

1041.2.1 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 or in another capacity that might reasonably disclose the officer's law enforcement status.
2. Members shall not engage in off-duty employment while on Family Medical Leave Act (FMLA), injury leave, administrative leave, or while serving a suspension, unless specifically authorized to do so by the Chief of Police or his/her designee.

3. Any member on sick leave due to personal illness shall not engage in any off-duty employment activity for a 24-hour period beginning when the member was scheduled to report for their most recent regular duty shift.
4. Members shall not engage in off-duty employment while on Modified Duty Assignment.
5. Members shall not engage in off-duty employment outside the city limits unless specifically authorized to do so by the Chief of Police or his/her designee.
6. Members shall not perform tasks, other than those of a law enforcement nature, while wearing the Department uniform.

1041.2.2 REVOCATION/SUSPENSION OF ELIGIBILITY STATUS

Any member who is eligible to work off-duty employment, may have their eligibility revoked or suspended for any reason 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 member 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.

1041.3 APPROVAL OF OFF-DUTY EMPLOYMENT POSITIONS

All off-duty positions must be approved by the Chief of Police or his/her designee prior to being worked by an eligible CPD member. Short notice situations may be approved by a bureau commander so long as the approval procedure is completed as soon as practicable. Violation of this policy is grounds for disciplinary action.

1041.3.1 PROHIBITED OFF-DUTY EMPLOYMENT

The department expressly reserves the right to deny any request for approval of an off-duty position 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 in uniform 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 or;
 - 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, movies, sexual devices or novelties.
 - b. The provision of entertainment or services of a sexual nature.
 - c. The distribution of alcoholic beverages.

1041.3.2 OFF-DUTY POSITION APPROVAL PROCEDURE

1. An OFF-DUTY POSITION APPROVAL REQUEST form will be completed online by the outside organization, company or individual requesting off-duty police services.
2. This form will be submitted to the Administrative Sergeant or his/her designee by email.
3. The Administrative Sergeant/designee will review each request and submit to the Chief of Police or his/her designee for position approval.
4. Once an off-duty position is approved, the Administrative Sergeant will enter the off-duty position into the off-duty employment program in use at the time.
5. Once entered, the off-duty position will be available for eligible members to work.
6. Short notice situations may be approved by a bureau commander so long as the approval procedure is completed as soon as practicable. For accuracy and consistency, all hours worked, including temporary approved short notice positions, must be entered into the off-duty employment program even if the position was a one-time only event.
7. Any officer whose name is entered in the "Referred By" section of the approval form will have the first opportunity to claim available shifts for that specific off-duty position. The remaining shifts will be available to all eligible employees on a first come basis.

1041.4 OFF-DUTY EMPLOYMENT EXPECTATIONS

Due to the possible impact of off-duty employment, members 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. Members shall not work more than 40 hours of off-duty, overtime, secondary employment or combination thereof per pay period without permission from a Bureau Commander.
 - b. Members shall not engage in more than 16 hours of any type of employment during any 24 hour period without permission from a Bureau Commander. This includes regular work duty, overtime, off-duty, and secondary employment.
4. Any employee actively working an off-duty assignment, unless working a temporarily approved short notice situation, must be entered into the off-duty employment program prior to working the shift, accounting for the hours to be worked and the location where they are working. Short notice situations must still be entered into the off-duty employment program at a later time as soon as practicable.
 5. Any officer working an approved short notice off-duty employment (approved but not yet entered into the off-duty employment program) must notify the Administrative Sergeant prior to working the detail, by email, of the employer and the date and time the assignment was worked.

1041.4.1 OFF-DUTY EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any Officer making an arrest or taking other official law enforcement action while working approved off-duty employment shall be required to complete all related reports in a timely manner. Time spent on the completion of such reports, except the service of warrants, shall be considered incidental to the off-duty employment.

1041.4.2 DEPARTMENT RESOURCES

Officers may generally utilize any issued or authorized reusable uniform and equipment issued for patrol purposes while engaged in off-duty employment.

Officers shall not use any motor vehicle owned by the city for any off-duty employment without prior approval from a Bureau Commander.

1041.5 CHANGES IN OFF-DUTY EMPLOYMENT STATUS

If an employee is terminated from his/her off-duty employment, the employee shall promptly submit written notification to the Administrative Sergeant/designee.

Employees shall promptly submit written notification to the Administrative Sergeant/designee of any material changes in an off-duty position including any change in the number of hours, type of duties or demands of the off-duty position, or termination of the position itself. Employees who are uncertain whether a change in an off-duty position is material shall report the change.

Notifications are necessary for the Administrative Sergeant/designee to properly manage the off-duty employment program. The Administrative Sergeant/designee will notify the Chief of Police/designee of any employment or position status changes. The Chief of Police/designee will review and decide if any changes in employment eligibility status or change in position approval status are needed.

1041.6 CHECKING INTO AND OUT OF SERVICE

All officers, when working off-duty, shall contact the front desk to be placed into service. The officer must specify that he/she is working "off-duty" so the appropriate CAD code "ODA" can be assigned. The officer is responsible for calling out of service at the conclusion of the off-duty shift/assignment.