

Heber City Police Department Policy Manual

Policy 1040-OUTSIDE EMPLOYMENT

Final

1040.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines to govern outside employment by members of the department, to standardize the practice of allowing outside employment and in order to avoid actual or perceived conflicts of interest or the appearance of corruption for Department employees engaging in outside employment, all employees shall declare all outside employment, file outside employment requests and 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 and then forward the information to the City Manager.

Policy

- A. The policy of the department is to provide guidelines to sworn officers to inform them of the types of outside employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the Department. These requirements are essential for the efficient operation of the Department and for the protection of officers, the Department and the community.
- B. Employees have an affirmative responsibility to see that their outside employment complies with the provisions of this Policy.
- C. Employees are not allowed to accept products, services or value in-kind compensations for providing law enforcement or public services unless in compliance with this policy.

1040.1.1 DEFINITIONS

A- Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

B- Outside Employment (Regular Off-Duty 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 and the off duty employment meets the following criteria:

1. Except in the case of employees working part time for another law enforcement agency, outside employment will not require the use or potential use of law enforcement powers by the off-duty employee.
2. Employees of the department who have outside employment are **not** working under their authority as peace officers (except in extreme or emergency situations as allowed by state law), and are **not** working as employees of the city.
3. Employment of a non-police nature in which vested police powers, training, and skills are not conditions of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

C- Outside Overtime (Extra-Duty Employment) – Any employee of the Department who performs under a contract agreement with the Department for duties or services on behalf of an outside organization, company or individual with specific law enforcement related need or requirement of interest to the city. Such interests include but are not limited to:

- 1- Events where ordinance requires extra law enforcement or where event organizers reasonably believe that extra law enforcement is necessary.
- 2- Where a government, profit-making, or not-for-profit entity has a contract or mutual aid agreement with the Department for officers in uniform who are able to exercise their law enforcement duties.
- 3- Duties and services provided to outside organizations are limited to public safety services only.

- 4- Such types of extra duty services that may be considered for contracting include but are not limited to: traffic control, crowd control, protection of life and property, routine law enforcement for public authorities, pedestrian safety, plain clothes assignments, and crime prevention. Outside Overtime may include mutual aid in other jurisdictions. 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. Employees working outside overtime (extra duty employment) are working for the department and subject to all rules, regulations, policies and procedures of the department.

1040.2 OBTAINING APPROVAL and LIMITATIONS: For regular off-duty employment and extra-duty employment are as follows:

A- No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action including termination.

B- In order to obtain approval for outside employment, the employee must comply with Department procedures and complete an Outside Employment Application, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

C- Employees who are not in good standing with the Department are generally not eligible to apply for secondary employment. Continued Department approval of an officer's off-duty employment is contingent on such good standings.

D- If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year. Any employee seeking to obtain a renewal of a permit shall submit a new Outside Employment Application in a timely manner or by June 30th of each fiscal year.

E- Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

F- Those officers who have not completed their probationary period or 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 employments. The Chief of Police maintains the discretion to allow an exception to a probationary officer obtaining secondary employment where the officer is in good standing and meeting all training and performance requirements.

G- An officer may work maximum of 24 hours of off duty-regular or extra duty employment or a total of 64 hours combination with regular duty in each calendar week.

H- Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the officer's performance of duty.

I- An officer engaged in any off- duty employment is subject to call-out in case of emergency, and may be expected to leave his or hers off-duty or extra-duty employment if such situations arise.

J- Officers will minimize the adjustment of shifts to accommodate outside employment. Officers will, in the employee's outward actions, give higher priority to their primary employer (the Department) than to his or hers outside employment.

K- No officer employee will engage in outside employment activities while on-duty with the Department.

L- The request for outside employment should include any pertinent information about the employer, the nature of the employment and the hours of employment.

M- The request for outside employment will include information to clearly define the employment requirements and expected standards of performance. Issues of licensing, certifications, insurance coverage (indemnification or employee coverage) will be clearly defined.

O- His/her outside employer agrees to comply with all Department policy and procedures, along with all state and federal income tax reporting and withholding laws.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYEMENT

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. The Chief of Police maintains the right to waive all or a portion of this policy when there is good cause, exigent or emergency circumstances.

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

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended for reasons including but not limited to:

- 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 City Manager, and the City Council 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 or performance as an employee of the city. In the event the Department head determines that the outside employment is interfering with the employee's efficiency or performance, the Department head shall notify the employee in writing that the outside employment will cease.
- b. Conflicts with the interests of the Department or the State of Utah.
- c. Gives reason for criticism or suspicion of conflicting interests between duties as a law enforcement officer and the duties for the outside employer.

Prohibited outside employment or activities include but are not limited to:

- a. Process Server
- b. Repossessor or bill collector
- c. Towing of vehicles
- d. Any other employment in which law enforcement authority might be used to collect money or merchandise for a private purposes.
- e. Work involving personal investigations for the private sector or any employment that might require the officer to have access to public safety information, files, records, or services as a condition of employment.
- f. Employment using the officers uniform in the performance of tasks other than those of a law enforcement nature.
- g. Bouncer/security at a bar, tavern, nightclub or similar establishment
- h. Any sexually oriented business or venture including but not limited to: Strip clubs, Establishments that sell pornographic books or magazines, sexual deices or videos, or that otherwise provide entertainment or services of a sexual nature
- i. Work for business or labor group that is on strike

- j. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil action or proceeding
- k. Employment invoking the sale, manufacture or transport of alcohol as the principle business.

1040.3.1 OUTSIDE EMPLOYMENT FOR A PRIVATE SECURITY EMPLOYER

Heber City Police Department does not perform security work, but only Law enforcement.

Any employee of the department requesting outside employment for a private security service organization must submit a written application to the Chief of Police in advance of the desired service.

- a. The applicant will be required to have their prospective outside security employer enter into an indemnification hold harmless agreement with the Department prior to approval.
- b. The applicant will further be required to have their prospective outside security employer provide for the compensation and full benefits including workers compensation benefits of the employee while in their employ.
- c. Should such a request be approved, participating employees shall be subject to the following conditions:
 - 1. The officer shall **NOT** wear any of the Departments uniform/identification.
 - 2. The officer is prohibited from using any Department equipment, vehicles, supplies, department time, or resources in or for the benefit of any outside employment or personal gain.
 - 3. The officer shall be subject to the rules and regulations of the Department.
 - 4. 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.
- d. Officers working outside employment for a security company may not use police powers except in extreme or emergency situations.
- e. Officers working outside employment for a security company may not perform security related services that have the specific appearance or color of police authority. Officers working outside employment for a security company when presented with law enforcement related situations should immediately notify the appropriate law enforcement agency.
- f. A peace officer may engage in off duty employment as a security officer only if:
 - 1. The business or entity employing the off-duty peace officer to work as a security officer complies with state and federal licensing, certifications, permits, insurance coverage, income reporting and withholding requirements regarding the off duty officers wages.
 - 2. The peace officer must be employed by a licensed and registered contract security company or the officer must have their own business license and contract security company license to engage in security work.
 - 3. The officer and the security company must follow the prescribed requirements of the current Utah state code, Heber City Police Policy, and the provisions therein.

1040.3.2 OUTSIDE OVERTIME (EXTRA- DUTY EMPLOYMENT) 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 the 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

A- Employees are prohibited from using any Department equipment, vehicles, supplies, department time, or resources in the course of or for the benefit of any outside employment or for private or personal gain. (This does not apply to Department members working special events for the city or an entity that has a contract agreement with Heber City Police Department).

B- Employees are prohibited from the using or gaining access to official records or database of the Department or other agencies' through the use of the employee's position with this Department. (This does not apply to department members working a Special Event for the city or an entity that has a contract agreement with Heber City Police Department)

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 permit. If, after approving a request for an outside employment position, the Department or City Administration becomes concerned that a conflict of interest exists based on a financial reason, the Department or City Administration 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 permit may be revoked pursuant to § 1040.2.2(c).

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. 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, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit 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 Heber City Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.