

PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 104
	OFF-DUTY EMPLOYMENT	ISSUE DATE 02/19/2008
	CHAPTER: ADMINISTRATION & PERSONNEL	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 6

I. OFF DUTY EMPLOYMENT (CALEA 22.3.3)

II. PURPOSE

The purpose of this policy is to set forth guidelines to govern off duty employment by members of the Pine Bluff Police Department.

III. POLICY

The policy of this agency is to provide guidelines to law enforcement employees to inform them of the types of off duty employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency, and the community.

Whether working off-duty at a special event or working part-time employment for a private business, the officer's primary obligation is to enforce federal and state laws, the City of Pine Bluff Ordinances, and to abide by the rules, regulations, and procedures of the Pine Bluff Police Department.

IV. 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. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

C. Regular Off-Duty Employment: Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

D. Good Standing. To be in Good Standing an officer must not be on sick leave, light duty or suspension. The officer must be void of sustained serious complaints for a minimum of six (6) months.

1. **Serious Complaints:** Pattern of sick leave use that would lead a reasonable person to perceive abuse; excessive use of force; or, any violation of department policy or state law that in the opinion of the Chief of Police, or his designee, is serious enough to preclude the employee from working part time.

V. APPROVAL OF OFF-DUTY EMPLOYMENT (CALEA 22.3.4, 26.1.1)

- A. In order to be eligible for off-duty employment, a police employee must be in good standing with the agency. Continued agency approval of a police employee's off-duty employment is contingent on such good standing.
- B. Any employee considering off-duty or extra duty employment must request permission in writing through the chain of command, utilizing an off duty employment Request Form (Appendix 1), to the Chief of Police, stating the work hours and duties of such employment. Such requests must be approved prior to the commencement of outside employment.
- C. A police officer may work a maximum of 24 hours of off-duty-regular or extra-duty employment, or a total of 64 hours in combination with regular duty in each calendar week.
- D. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.

VI. REGULATIONS (CALEA 22.3.4)

- A. Officers engaging in off duty employment shall conduct themselves according to state law, and to the rules, regulations and procedures of the Department.
- B. All officers will utilize their department issued radio to notify the Metropolitan Emergency Communications Agency (M.E.C.A.) prior to starting off duty employment and at the conclusion of off duty employment. No land line, cellular telephone, or other conveyance other than radio communication should be used.
 1. Radio communications through M.E.C.A. is to be utilized so that each officer's whereabouts are known incase the officer needs assistance and to verify off duty employment hours worked.
 2. A work sheet may be faxed to MECA indicating officers working and times during special events where several off-duty officers are working at the same time.

- C. The following regulations apply when requesting off duty employment approval:
1. The seasonal uniform dictated for duty wear by department regulation shall be the standard uniform worn. It is permissible to request to wear alternate uniform or plain clothes. Each request will be considered on an individual basis. All grooming and appearance standards must be met regardless of the officer's regular duty assignment. Additionally, officers wearing plainclothes must be in compliance with all applicable equipment and firearm standards detailed in the department's rules and regulations.
 2. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations. An officer working off duty employment shall respond to any life threatening emergency of which they become aware.
 3. Any change in previously approved off duty employment requires that a new off duty employment Request form be completed and submitted through the chain of command. The new form will be subject to the same approval from the Chief of Police or his designee as the original form. Such requests must be approved prior to the commencement of outside employment.
 4. Off duty employment forms will expire on the last day of each calendar year and must be resubmitted in accordance with the procedures outlined within this policy. Such requests must be approved prior to the commencement of outside employment.

VII. RESTRICTIONS (CALEA 12.1, 22.3.3, 22.3.4)

- A. No member shall engage in any off duty employment whereby the nature of such employment would create a conflict of interest, interfere with the performance of official duties, involve the participation either directly or indirectly in any labor dispute, jeopardize in any manner the impartial position of the Department or involve the member in a violation of any procedures, ordinances, or state law.
- B. There are two types of off-duty employment in which an employee may engage:

VIII. REGULAR OFF-DUTY EMPLOYMENT

- 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 of duty.

2. Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing a conflict of interest include, but are not limited to, the following:
 - a. Officers who work as a process server, reposessor, or bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.
 - b. Work involving personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records, or services as a condition of employment.
 - c. Employment using the police uniform in the performance of tasks other than those of a police nature.
 - d. 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.
 - e. Officers who work for a business or labor group that is on strike.
 - f. Officers who work in occupations that are regulated by, or that must be licensed through, the police agency or its civilian board.
- B. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment that constitute such a threat and should be denied include, but are not limited to:
 1. Establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature
 2. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business. This includes the parking lots for the aforementioned businesses.
 - a. At the discretion of the Chief of Police officers may work at private businesses as long as they, the officer, is not personally involved in the sale, manufacture, or transportation of alcoholic beverages.
 - b. Officers interested in working part-time work at private businesses that sale, manufacture, or transport alcoholic beverages will be required to sign the Night Club Regulations form governing this type of part-time work. The officer will also provide to and have each prospective employer sign the form indicating they understand and will also comply with the guidelines. These rules will be adhered to and failure to do so will result in the officer losing their privilege of working this type of part-time work.

3. Any gambling establishment

IX. EXTRA-DUTY EMPLOYMENT

A. Police officers may engage in extra-duty employment as follows:

1. Where a government, profit-making, or not-for-profit entity has a contract agreement with the police agency for police officers in uniform who are able to exercise their police duties.
2. Types of extra-duty services that may be considered for contracting are as follows:
 - a. Traffic control and pedestrian safety
 - b. Crowd control
 - c. Security and protection of life and property
 - d. Routine law enforcement for public authorities

B. The following aspects of off duty employment are prohibited:

1. 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 employment.
2. Performing duties for compensation for any person or firm connected to outside employment during scheduled duty hours.
3. Soliciting off duty employment from any person, agency, or firm while on duty.
4. Signing any type of form waiving the liability of the secondary employer arising out of the off duty employment, which may require the use of official powers granted by the Department.

X. NOTIFICATION PROCEDURES

A. All employees using their police powers while performing regular off duty or extra duty employment must advise communications by radio on an approved channel of their start and end time as well as the name and address of the location being worked.

B. All employees must advise their secondary employer(s) that in the event of a situation where on-duty and off-duty officers are working together at the same function, a supervisor from the department may require the off-duty officer to fulfill law enforcement duties which are a higher priority than the requirements of the officer's off-duty employment.

XI. REVOCAION

Permission for a police employee to engage in outside employment may be revoked at any time by the Chief of Police or their designee, where it is determined pursuant to agency policy(s) and/or procedure(s) that such outside employment is not in the best interests of the agency.

PINE BLUFF POLICE DEPARTMENT

Request for Approval of Outside Employment

<i>Employee Name</i>	<i>Date of Hire</i>	<i>Rank</i>	<i>Assignment</i>	<i>Employee #</i>
<i>Employer Information</i>				
<i>Name</i> _____				
<i>Address</i> _____				
<i>Phone</i> _____				
<i>Description of Duties to be Performed</i>		<i>Work Schedule</i>	<i>Hours per week</i>	
<i>Duration of Job (Circle one)</i>		<i>Starting Date</i>	<i>Dress (Circle one)</i>	
<i>Regular</i>	<i>Temporary</i>	_____	<i>Uniform</i>	<i>Plain Clothes</i>
<i>Signature</i>			<i>Date</i>	
<i>To be completed by supervisor:</i>				
<i>Employee 's Performance (Circle one)</i>		<i>Good</i>	<i>Average</i>	<i>Poor</i>
			<i>Injury</i>	<i>Sick</i>
			<i>Absentee</i>	
<i>Sick Leave Verified by:</i> _____		<i>Previous 6 months</i> _____	_____	_____
		<i>Current 6 months</i> _____	_____	_____
<i>Comments</i> _____				

<i>APPROVAL (Circle one)</i>				
<i>Yes</i>	<i>No</i>	_____		_____
		<i>Supervisor (Lieutenant or Unit/Section Commander)</i>		<i>Date</i>
<i>Yes</i>	<i>No</i>	_____		_____
		<i>Chief or Deputy Chief</i>		<i>Date</i>

This Approval Expires December 31st of the Current Year.

APPENDIX-1