

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

- (a) **Employment:** The provision of service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.
- (b) **Extra-Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers the police officer employs. Duty will normally be performed in a Riverdale City police uniform.
- (c) **Regular Off-Duty Employment:** Any employment that may or may not require the use, or potential use, of law enforcement powers by the off-duty employee.

1040.2 OBTAINING APPROVAL

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.

In order to obtain approval for outside employment, the employee must 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.

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.

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If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.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

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- 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.
- (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 REGULAR OFF-DUTY EMPLOYMENT

Employees may engage in regular off-duty employment that meets the following criteria:

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.

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 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) Assists, in any manner, the case preparation for a defense counsel in any criminal or civil action or proceeding, which involves Riverdale City.
- (d) For a business or labor group on strike.
- (e) In occupations that are regulated by the police department, such as a bouncer at a bar.

Limitations on regular off-duty employment and extra-duty employment are as follows:

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- 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.
- 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.
- A completed Off-Duty Employment Approval Form must be submitted for review by the Chief of Police.
- A police department employee may work a maximum of 30 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.
- 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.
- 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.
- 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. Police vehicles may be driven to an outside job site, within the restrictions of Department Administrative Policy. Police Vehicles may not be used to patrol for jobs not arranged for by the department.
- 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.
- 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.

1040.3.2 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 DENIABLE OFF DUTY EMPLOYMENT

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:

- (a) Establishments involved in the sale of pornographic materials, or sexual devices, or videos, or provides entertainment or services of a sexual nature.
- (b) Any employment involving the sale, manufacture or transport of alcoholic beverages as the principle business.
- (c) Any gambling establishment.

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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, unless approved by the Chief of Police. 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.

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.

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 Riverdale Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.