

GENERAL ORDER X

SUBJECT: OFF DUTY EMPLOYMENT

EFFECTIVE DATE: 02-27-92

REVIES DATE: 01-13-12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety of care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a nonjudicial administrative setting.

I. Policy

The Chief of Police must ensure the continued efficiency and effectiveness of the Department while simultaneously reducing or eliminating conflicts of interests. To this end, the Chief shall restrict and regulate according to whatever reasonable controls he deems necessary, the conduct of employees. It is the policy of the Department, therefore, to prohibit off-duty employment of employees when it may impair efficiency or conflict with their duties and responsibilities.

II. Purpose

To define, establish, and regulate off-duty employment.

III. Definitions

A. Employment: Any work performed or services provided for compensation.

B. Police-related employment: Employment which an officer is hired as a police officer and which may entail the use of police powers.

C. Security-related employment: Employment which is the type where an employee is hired as a security officer or watchman by a commercial establishment.

D. Non-police related off-duty employment: Employment which is of the type where an employee is hired and is not expected to exercise any police related skills, e.g., carpenter, lawn maintenance, truck drivers, etc.

E. Conflict of interest: Any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibility of employment.

IV. Procedures

A. Non-police related off-duty employment:

1. Employment shall not constitute a conflict of interest.
2. No employee shall solicit non-police related off-duty employment while in an on-duty status.
3. Hours worked for non-police related off-duty employment, should not have an adverse effect on their regular full-time position with the department.

B. Police-related off-duty employment:

1. Serving as an employment agent and receiving compensation for procurement of police-related jobs for other Police Department employees prohibited.
2. No employee shall solicit any person or business for the purpose of gaining police-related off-duty employment.
3. Officers, while engaged in police-related employment, shall be subject to the orders of the on-duty supervisor. Accordingly, the police uniform is to be worn and, when available, City owned radios, vehicles, and other equipment may be authorized.

C. Security related employment:

1. Regardless whether the security related employment is located within the City limits or not, such employment is not a function of the police powers vested in officers by virtue of their oath of office with the City.
2. Serving as an employment agent and receiving compensation for procurement of security-related employment for other police department employees is prohibited.
3. No employee shall solicit any person or business for the purpose of gaining security-related employment.
4. The police uniform shall not be used while working security-related employment. Likewise, City owned vehicles, radios, and other equipment shall not be used.

5. Officers must fill out the information requested in the form found at the end of this instruction.

6. No employee shall be solicited or hired by eliciting employees for the purposes of gaining security-related employment.

D. Administration

1. Prior to commencing any off-duty employment, employees must submit a written request to the Chief of Police through the chain of command. The form found at the end of this instruction shall be used for the purpose. The request shall be filed in the employee's personnel file.

a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes to the Chief of Police as soon as possible.

b. The Chief of Police may revoke permission for any off-duty employment if the officer fails to perform adequately on duty or receives disciplinary action.

2. Jobs which involve a conflict of interest, e.g., jobs at establishments where alcoholic beverages are sold for consumption on the premises, or would bring discredit on the Department or City, shall be disapproved. Additionally, officers are prohibited from employment by any firm connected with the towing or storage of vehicles where such firm is contracted by the City for such services, as a "bounty hunter". Employment by any individual, business, or agency that would violate or tend to violate the provisions of policies relating to associating with known criminals. Work in any capacity that may require as criteria for employment access to police information, files or records and require furnishing those records as a condition for employment. Employment that would in any way discredit City employment, detract from his or her duties, or take preference over on-duty needs or overtime required by City employment. Employment that would tend to subject a department employee to outside interests which might conflict with their official duties by diluting their energies or involving them in situations where they might be motivated to neglect or subvert their official duties or functions.

3. Arrest within the limits of the City may be made without warrant while engaged in police-related off-duty employment but shall be in accordance with RSMO 544.216, i.e., officers may arrest on view, and without warrant, any person he sees violating or who he has reasonable grounds (probable cause) to believe has violated any law of this state, including a misdemeanor, or has violated any ordinance over which such officer has jurisdiction.

4. All employees are reminded that monies earned while engaged in off-duty employment is reportable as earned income while filing your annual income tax returns.

E. Required Information

1. All assignments that require police-related off-duty employment shall fulfill the requirements of this order, before approval of application. The following information must be provided on the Application for Off-Duty Employment:

- a. Precise nature of the work to be performed.
- b. Hours or schedule of the work to be performed.
- c. Equipment the employee must maintain.

2. All positions that require security related off-duty employment shall be filled only after specific approval of the application from the Chief of Police. Included in the request will be:

- a. Precise nature of the work to be performed.
- b. Hours or schedule of work to be performed.

3. All positions that require non-police related off-duty employment may be approved by the Chief of Police upon submission of a request that includes the following information:

- a. Precise nature of the work to be performed.
- b. Hours or schedule of work to be performed.

F. Department/City Liability:

1. The Department/City shall not be responsible for medical expenses incurred from injuries sustained while an employee is working in any off-duty employment except when taking police-related actions.

2. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Any off-duty police action must meet the requirements of this manual.

APPLICATION FOR OFF-DUTY EMPLOYMENT

NAME _____

DATE OF EMPLOYMENT _____ EXPIRATION OF EMPLOYMENT _____

NAME OF EMPLOYER _____

ADDRESS OF EMPLOYER _____

TELEPHONE _____ CONTACT PERSON _____

NATURE OF BUSINESS _____

ADDRESS AND TELEPHONE NUMBER OF WORK SITE IF DIFFERENT FROM

ABOVE _____

DESCRIPTION OF DUTIES _____

CITY EQUIPMENT REQUIRED (POLICE RELATED EMPLOYMENT ONLY) _____

SECURITY GUARD LICENSE INFORMATION

(License Number) _____ (Issue Date) _____

Expiration Date: _____ NUMBER OF HOURS TO BE WORKED _____

DAY _____ WEEK _____

EMPLOYEE'S SIGNATURE _____

APPROVED _____ DATE OF APPLICATION _____

DISAPPROVED _____

CHIEF OF POLICE

DATE

AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Charles Brotherton, Jr., Chief of Police