

DEPARTMENT GENERAL ORDER 07-36

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 99-04
SOP 300.46.00

DATE: January 29, 2007

SECONDARY EMPLOYMENT

I. PURPOSE.

The need and/or desire of department employees to supplement their existing income via secondary employment must be balanced against the requirements of the Police Department and the City as a whole. To achieve this balance, the following guidelines concerning secondary employment shall apply to both sworn and non-sworn members of the department.

II. DEFINITIONS.

Secondary Employment - any job or employment, to include self-employment, in which either sworn or non-sworn personnel are engaged, wherein same are compensated by an entity other than the City of Clayton. Secondary employment may be conditioned on the actual or potential use of law enforcement powers by a sworn department employee, or be totally removed from such considerations.

III. PERMISSION REQUIREMENT.

Department personnel, to include Employees-in-Training, may engage in secondary employment only after prior written approval has been granted by both the Chief of Police and the City Manager. Such approval shall be obtained through the use of an "Approval Request Form for Outside Employment" in regard to individual submissions, or the "Part-time Employment Form" for those employment requests directed to the department's secondary employment coordinator.

Secondary employment requests shall be denied by the Chief of Police if participation in such employment is, in the opinion of the Chief, deemed to reflect negatively or unfavorably on the department, or cause a potential conflict of interest.

A. Use of Department Uniform/Equipment

Uniforms, weapons, and other department equipment may be used during secondary employment contingent upon approval of the Chief of Police.

VI. SECONDARY EMPLOYMENT RESTRICTIONS/REQUIREMENTS.

A. Participation Restrictions

Recruit officers who are undergoing academy or field training shall generally be barred from engaging in secondary employment. The exception shall be when, upon direct approval of the Chief of Police, a recruit officer may be assigned to perform secondary employment in the company of, and under the direct supervision, of a veteran officer.

B. Time Restrictions

Department personnel are prohibited from working secondary employment in excess of twenty (20) hours per calendar week. However, an exception to this rule shall be when a department member is on approved extended leave (i.e. vacation, military leave).

C. Conflict With Duty

Secondary employment will, in no way, interfere or conflict with an employee's official responsibilities and duties as a member of the Police Department. In addition, department members performing secondary employment may be subject to immediate call-out in case of an emergency and shall be expected to respond in as timely manner as possible.

D. Proof of Liability Coverage

In those instances where secondary employment is of a permanent or on-going nature (generally exceeding thirty (30) calendar days), the employer will be required to provide and/or carry the necessary workmen's compensation and liability insurance for those personnel so employed unless the requirement is waived by the Chief of Police. Documentation concerning the appropriate insurance coverage will be submitted to the Chief of Police prior to the approval of long-term employment requests.

Proof of liability coverage shall be attached to the Approval Request for Outside Employment Form and placed in the employee's personnel file.

E. Compliance with Department Regulations

Personnel engaged in police/security type of outside employment shall comply with all department procedures, policies, rules, and/or regulations the same as if they were on duty.

F. Injury/Illness

A department member who suffers an injury, whether on or off-duty, and who is unable to return to work in a full capacity, shall be prohibited from engaging in any secondary or outside employment prior to returning to duty from said injury.

A member of the department who is absent from duty due to sick leave or a medical leave of absence shall be barred from engaging in any secondary or outside employment prior to returning to duty.

G. Court Appearances

Department members who may be subpoenaed to attend court due to secondary employment shall notify their immediate supervisor of same at the earliest practical time. The department shall accommodate court subpoenas and, in those cases where the subpoena originated from secondary employment within the City's jurisdictional boundaries, will not only make the time available for the employee to attend court, but pay overtime compensation as necessary. In those instances where a subpoena may originate from secondary employment outside of the City, the employee shall generally be required to utilize personal leave time to cover absences for court, and will not receive overtime compensation.

V. COORDINATING OFFICER.

The commander of the Field Operations Bureau shall serve as the department coordinator for secondary employment. Employment requests which are directed straight to the Police Department will be forwarded to the Field Operations Bureau commander. He shall evaluate each request to determine its acceptability, record the pertinent information on a "Part-time Employment Form" and post the employment request to be filled. Secondary employment requests that are not handled through the department shall be submitted individually, through the appropriate chain of command, to the commander of the Field Operations Bureau. Upon his review, individual requests will then be forwarded to the Chief of Police for initial approval.

In conjunction with the administration of direct requests for secondary employment, the commander of the Field Operations Bureau shall maintain a file system where such requests are entered for reference purposes. Should problems or questions arise in regard to secondary employment of this type, the commander of the Field Operations Bureau shall consult with the Chief of Police, and adjustments and/or corrective action taken.

Should some significant action or aspect occur in relation to an employee's involvement in secondary employment, the commander of the Field Operations Bureau shall ensure that all appropriate documentation be obtained and entered in the employee's personnel file.

VI. REVOCAION OF SECONDARY EMPLOYMENT PRIVILEGE.

Permission to engage in secondary employment may be terminated at any time at the discretion of the Chief of Police. In addition, should it be determined that a department employee has, through either commission or omission, violated a department rule, regulation, order, or standard, the employee may be barred from engaging in secondary or off-duty employment in accordance with current department policy.

VII. DOCUMENTATION OF SIGNIFICANT ASPECTS OF EMPLOYMENT.

Employee Requests for Outside Employment and Part-time Employment Forms shall include the date and anticipated duration of the secondary employment, the name, address, and phone number of the employer, the type of business or work, the nature of expected duties, the identity of the employee(s) involved, and approval signature.

Upon approval by the Chief of Police and City Manager, completed Employee Requests for Outside Employment shall be placed into the appropriate employee's personnel file. Completed Part-time Employment Forms shall be maintained in a file by the commander of Field Operations Bureau for a minimum of a calendar year commencing on the date of employment detail.

Incidents which involve the use of law enforcement power on the part of sworn employees engaged in secondary employment shall be documented via police incident report as appropriate. This may be handled internally through normal reporting processes for those incidents occurring within the City, or where an officer may be employed outside of the City, by the law enforcement agency having legal jurisdiction over the incident scene. In the case of the latter however, significant actions with which the department shall be interested will generally be limited to those cases involving a fatality, injury, potential civil liability, or some other significant or unusual aspect. Should such criteria be met, the department will endeavor to obtain a copy of the incident report and the officer(s) involved shall be required to draft an internal memorandum detailing the specifics of the event. Such memorandums shall be directed to the commander of the Field Operations Bureau through the appropriate chain of command. He, in turn, shall then forward same to the Chief of Police for review.

Injuries sustained by sworn employees during secondary employment shall be documented in the same manner as that provided for the use of law enforcement power.

In those instances where a department employee's actions results in a complaint or commendation being filed with the management of a secondary employer, the affected officer/employee shall notify their immediate supervisor of same. This information shall be forwarded to the commander of the Field Operations Bureau and should the complaint or commendation be deemed sufficiently noteworthy to warrant official action and/or investigation on the part of the department, the employee may be requested to record their actions via internal memorandum.

Should a civil suit be filed against an employee as a result of actions taken during secondary employment, the affected employee(s) shall notify their immediate supervisor as soon as practical, and provide same with a copy of the appropriate legal papers. This information shall then be forwarded to the commander of the Field Operations Bureau, who in turn, shall notify the Chief of Police.

Police incident reports, internal memoranda, and other documentation connected to an officer/employee's secondary employment shall be appended to each individual employee's "Approval Request Form for Outside Employment," or the "Part-time Employment" Form. In the case of the latter, the commander of the Field Operations Bureau shall be responsible to generate a hard-copy of the employment form. The documents will then remain in each individual employee's personnel file until such time as the Chief of Police determines that continued retention of the material is unnecessary. At that point, all documentation, with the exception of the secondary employment approval forms, shall be purged.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld

CALEA Reference: 22.3.3/22.3.4