
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

Outside 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.

Outside Overtime - Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. 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.

1040.1.2 LIMITATIONS ON OUTSIDE EMPLOYMENT

Limitations on regular outside employment are as follows:

- (a) In order to be eligible for outside employment, a police department employee must be in good standing with the agency. Continued agency approval of a police department employee's outside employment is contingent on such good standing.
- (b) Those employees who have not completed his/her introductory 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 outside employment.
- (c) Prior to obtaining outside employment, a police department employee shall comply with agency procedures for granting approval of such employment or registration for extra-duty employment.
- (d) A full-time sworn or non-sworn employee may work a maximum of 24 hours of outside employment, or a total of 64 hours in combination with regular duty in each calendar week.
- (e) Work hours for all outside employment must be scheduled in a manner that does not conflict or interfere with the police department employee's performance of duty.
- (f) Any full time employee engaged in any outside employment is subject to call-out in case of emergency, and may be expected to leave his/her outside employment in such situations.
- (g) Permission for a police department employee to engage in outside employment may be revoked where it is determined pursuant to agency procedure that such outside employment is not in the best interests of the agency.

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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 the "Outside Employment Application" form (CPD form CLFD 55), 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.

In addition, Law Enforcement Officers, Special Function Officers, and Dispatchers must also complete the "Release, Waiver, and Hold Harmless Agreement" form (CPD Form CLFD 56).

The employee will be notified of the Chief's decision in writing. Unless otherwise indicated in writing on the approval letter, authorization to work for an outside agency will remain in effect as long as the information on forms #55 and #56 remains current, and as long as the job status remains unchanged. Employees shall 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 to the Chief of Police.

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 City Policy 902.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT AUTHORIZATION

Previously granted permission for outside employment 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 approved outside employment authorization. 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 authorization.
- (b) Suspension or revocation of previously approved outside employment authorization may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment authorization, an employee's conduct or outside employment conflicts with the provisions of Department policy, authorization 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 authorization 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.

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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 Clearfield City.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

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 in which police authority might require the police officer to have access to police information, files, records, or services as 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 proceeding that involves Clearfield City.
- (e) Officers who work for a business or labor group that is on strike.
- (f) Employment involving the sale of pornographic materials, sexual devices, or videos, or provides entertainment or services of a sexual nature.
- (g) Employment at an establishment or for a company whose principal business is the sale, manufacture or transport of alcoholic beverages.
- (h) Officers who work in occupations that are regulated by, or that must be licensed through, the police agency or its civilian board.

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Utah Code 53-13-114 Off-duty peace officer working as a security officer.

A peace officer may engage in off-duty employment as a security officer under section 58-63-304 UCA only if:

- (a) the law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off duty;
- (b) the agency's chief administrative officer, or that officer's designee, has signed Clearfield form CLFD 56; and
- (c) the business or entity employing the off-duty police officer to work as a security officer complies with the state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

Utah Code 58-63-304 Exemptions from licensure.

1. In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in acts regulated under this chapter without being licensed under this chapter:

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- (a) a peace officer employed by or licensed as a contract security company, as provided in subsection (2); and
- (b) a person employed by a contract security company for the sole purpose of operating or staffing security apparatus, including an magnetometer, magnetometer wand, x-ray viewing device, or other device approved by rule of the division.

2. In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules approving security under Subsection (1)(b).

Special Services for Security or Traffic Control Requests of the Department (Outside Overtime)

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the Department uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of the Department.
 - 3. 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.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

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 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Shift Supervisor, 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

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access

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to official records or databases of the Department or other agencies through the use of the employee's position with this 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 becomes concerned that a conflict of interest exists based on a financial reason, the Department 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, 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 outside work authorization, a notice of revocation of the employee's outside work authorization will be forwarded to the involved employee.

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

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1040.6.1 CLEARFIELD FORM #55-OUTSIDE EMPLOYMENT APPROVAL FORM

OUTSIDE EMPLOYMENT APPROVAL FORM (This form must be renewed annually for each outside employment)

Employee's Name:

Present Assignment:

Prospective Off-Duty Employer:

Address:

Phone:

Anticipated Starting Date:

Nature of work to be performed (general & specific):

Number of hours to be worked per week:

1. Is the purpose of your prospective off-duty employment to use your police skills and expertise? YES NO

A. If yes, I fully understand I will not be granted Injury leave with pay if I become injured while on this off-duty employment. I must advise my prospective employer of this policy and his/her potential responsibility if I receive an incapacitating injury; however, I do understand that I may use sick leave if I become physically incapable of reporting for duty due to an off-duty injury.

B. If no, and in my prospective off-duty employment, I find it necessary to exercise Police action which results in an injury, I fully understand that I would then be eligible for Injury Leave. I realize this only applies as long as the police action I exercise occurs within the jurisdictional boundaries of Clearfield City.

C. I am also aware that if my off-duty employment is situated outside the corporate limits of Clearfield City, I will not represent myself as a Clearfield City Police Officer during the performance of my duties. In addition, I accept the condition that I am not to use any City equipment when off-duty nor utilize the facilities of our Records Bureau in connection with my prospective off-duty employment.

Employee Signature: _____ Date: ____/____/____

Request is: APPROVED DENIED Chief of Police Signature:
_____ Date: ____/____/____

CLFD 55

1040.6.2 CLEARFIELD FORM 56-OUTSIDE EMPLOYMENT RELEASE, WAIVER, AND HOLD HARMLESS AGREEMENT

RELEASE, WAIVER, AND HOLD HARMLESS AGREEMENT (EMPLOYEE) (This form must be renewed annually for each outside employment).

I, the undersigned, represent that I am the employer or the authorized representative of the employer of employee _____ in this employee's secondary employment with _____ as a _____

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_____. I further represent that I have the authority to act in behalf of said entity in the employment to this employee. As such, and acknowledging the receipt of good and valuable consideration, I hereby release from all claims, waive all claims against, and agree to defend and hold harmless Clearfield City, its officers, agents, employees, and volunteers from any and all claims that may arise directly or indirectly arising out of this employee's employment with this entity.

Dated this _____ day of _____, 20_____.

By: _____ Title: _____ STATE
OF UTAH) :ss. COUNTY OF _____)

PERSONALLY APPEARED before me _____ on this _____ day of _____, 20____, who duly acknowledged to me that he/she is the signer of the above and foregoing and that the information contained therein is true and correct to the best of his/her knowledge.

_____ NOTARY PUBLIC Clfd 56