

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

POLICY: 4.4 OFF-DUTY EMPLOYMENT

REVISED DATE: 11.05.13

POLICY

The Director must ensure the continued efficiency and effectiveness of the department while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the department this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

I. PURPOSE

To define regulations governing off-duty employment and conduct while employed in an off-duty capacity.

II. DEFINITIONS

A. Employment

Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law enforcement duties.

B. Law enforcement-related employment

Off-duty employment which may entail the use of law-enforcement powers granted by the State of Texas or the City of [Oak Point](#).

C. Probationary year

The period of time measured by one calendar year beginning with the date completing Field Training for sworn officers.

D. Secondary employment

Any non-law enforcement-related off-duty work for pay. Secondary employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

III. PROCEDURES

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A. General

All employees are eligible to work off-duty employment subject to the requirements of this policy. No employee shall work off duty during a probationary year. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment. An employee engaged in any off-duty employment may be called to duty in an emergency.

B. Secondary employment restrictions

Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Director, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment. This department does not allow sworn personnel to work part-time for any other law enforcement agency.

C. Law enforcement-related off-duty employment restrictions:

1. Law enforcement-related employment shall not exceed 16 hours per day, including on-duty time: e.g., a employee working a 10-hour shift may work six hours of off-duty employment on the same day and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time. Officers will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
2. Law enforcement-related employment is restricted to the county boundaries. Officers may perform law-enforcement duties beyond county boundaries if working in conjunction with another jurisdiction's regular law-enforcement agency and after having been requested to do so by the Chief or a command level law-enforcement officer in that jurisdiction.
3. Serving as a recruiter and receiving compensation for procurement of law enforcement-related jobs for other department employees is prohibited.
4. No employee shall solicit any person or business for the purpose of gaining law enforcement-related off-duty employment, and, while on

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duty, shall not solicit any person or business for the purpose of gaining secondary employment.

5. Except for public school security activities and other employment where such use has been specifically authorized by the Director, City-owned vehicles, radios, or other equipment to include weapons shall not be used while traveling to and from or engaging in law enforcement related off-duty employment.
6. Officers, while engaged in law enforcement-related employment, shall be subject to the orders of the on-duty law-enforcement supervisor.

D. Administration

1. Employees must submit a written request to the Director for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.
 - a. The approved request is subject to periodic review by the Director. Officers shall communicate any changes in information contained on the form to the Director as soon as possible.
 - b. The Director may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing. This shall include any "Courtesy Officer" work for which a discount on an apartment is received.
2. The Director shall disapprove any employment that demeans the status or dignity of the law-enforcement profession, or otherwise represents a conflict of interest. Examples of such employment include:
 - a. Retailers which sell pornographic materials, or provide services of a sexual nature.
 - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business.

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- c. Gambling establishments not exempted by law.
 - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, re-possessors, private investigators, or process servers.
 - e. Performance in department uniform of any tasks other than those of law enforcement.
 - f. Performance of any work for a business or labor group that is on strike.
 - g. Performance of any work regulated or licensed through the department.
 - h. Performance of personnel investigations for private firms, or any employment requiring the officer to have access to police files, records, or information as a condition of employment.
 - i. Performance of any activity which supports case preparation for the defense in any criminal or civil action.
3. Arrests made while engaged in off-duty law enforcement-related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
- a. Employees shall understand that department liability protection does not extend to willful acts which cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
 - b. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer. Officers will not enforce by arrest, request, or threat, any house rules or private employer rules.

E. Liability, indemnification, insurance

1. All employees who wish permission to engage in law enforcement-related employment shall list the request in writing stating:

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The name of the employer
Address of the employer
Type of Business engaged in
Phone number of the employer
Hours of proposed work
Compensation to be received
Duties to be performed
Name of manager/supervisor
Any department equipment requested to be used

The Director must grant permission before the employee may work off duty.

2. The department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
3. The department recognizes that an officer in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of the job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

Approved: *M. Shackleford*
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