

# Outside Employment

## 1020.1 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 and Utah Code 53-13-114.

### 1020.1.1 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.

**Extra Duty Employment** - Any employment that is conditioned on the actual or potential use of law enforcement powers by the employee

**Regular Off Duty Employment** - Any employment that will not require the use of potential use of law enforcement powers by the off duty employee

## 1020.2 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.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

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.

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#### **1020.2.1 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.

#### **1020.2.2 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 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.

#### **1020.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of UAC 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. Such as:
  1. Establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.
  2. Any employment involving the sale and on site consumption, manufacture, or transportation of alcoholic beverages as a principal business.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties. Such as:
  1. Work as a process server, vehicle repossession, bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.

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2. Work involving personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records, or services as a condition of employment.
3. Employment using the police uniform in the performance of tasks other than those of a police nature.
4. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
5. Working for a business or labor group that is on strike.
6. Employment in occupations that are regulated by, or that must be licensed through, the police agency or its civilian board.

#### **1020.3.1 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Commander, 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.

#### **1020.4 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 to official records or databases of the Department or other agencies through the use of the employee's position with this department.

#### **1020.5 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.

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.

#### **1020.6 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

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

### **1020.7 PROCEDURES**

**A - Regular Off-Duty Employment** - Employees may engage in regular off-duty employment that meets the following criteria:

1. 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 of duty.
2. Employment that presents no potential conflict of interest between duties as an officer and duties for the secondary employer.
3. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation.

**B - Extra-Duty Employment** - Police officer may engage in extra-duty employment as follows:

1. Where a government, profit making, or not for profit entity has a contract agreement with the police agency for police officers in uniform who are able to exercise their police duties.
2. Types of extra-duty services that may be considered for contracting are as follows:
  1. Traffic control and pedestrian safety
  2. Crowd control
  3. Security and protection of life and property
  4. Routine law enforcement for public authorities

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C - An officer engaged in any off duty employment is subject to call out in case of emergency, and may be expected to leave his or her off duty or extra duty employment in such situations.

D - An officer may work a maximum of 24 hours of off duty regular or extra duty employment, or a total of 64 hours in combination with regular duty in each calendar week.

E - Use of City Vehicles: Permission for an employee to use a City vehicle while engaged in regular off duty employment or extra duty employment must be applied for and approved by the Chief of Police. This includes employment within City boundaries and other jurisdictions.

F - Financial Responsibility:

1. The business or entity employing a City police officer for off-duty work shall comply with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.
2. When a city police officer exercises law-enforcement authority in performing off-duty work, the city police officer and the actions taken by the officer are subject to the Utah Governmental Immunity Act and the City's retained risk.