

City of Johns Creek Police Department

<i>Subject:</i> Off-Duty Jobs(Secondary Employment/Extra Duty)		<i>Number:</i> 04-24
<i>Reference:</i> Code of Conduct – 1.10, City Handbook Chapter 20		<i>Amends:</i>
<i>Effective:</i> 04/08 <i>Revised:</i> 02/09 04/12 11/22	<i>Review Date:</i> Annually	<i># of Pages:</i> 6

PURPOSE:

To set forth guidelines to govern off-duty jobs by members of this law enforcement agency.

POLICY: (04-24)

The nature of law enforcement necessitates Department employees work irregular duty schedules that are subject to change to meet deployment needs. Additionally, it is essential employees have adequate rest to be alert during their tour of duty. For these reasons, and because certain off-duty jobs inherently conflict with an employee's primary responsibility to the Department, the Department may impose conditions on off-duty jobs. Determination of the degree of limitation will be based upon interests of the Department in furthering professionalism, protecting the reputation and integrity of the employee and the Department, and ensuring the Department receives full and faithful service in return for employment.

The City of Johns Creek prohibits all fulltime employees from engaging in any form of off-duty job or business opportunity for the employee or another employer which would conflict or interfere with the employee's job at the City of Johns Creek while on City Time. The City of Johns Creek does not permit police officers to hold other fulltime positions in the same line of work.

Any employee requesting outside employment, as defined below, shall adhere to the procedures set forth in Chapter 20 of the City of Johns Creek Employee Handbook.

DEFINITIONS:

- Outside Employment:** Any employment outside the employee's primary employment with the City of Johns Creek. This employment does not require the actual or potential use of law enforcement powers. This is also referred to as "*secondary employment*".
- Off-Duty Job:** Any employment which requires the actual or potential use of law enforcement powers by the off-duty employee.
- Group Administrator:** An individual(s) who is approved to facilitate or is responsible for specific approved off-duty jobs.
- Off-Duty Job Coordinator:** Designated by the Chief of Police as the position responsible for the overall management, enforcement and oversight for the off-duty job program. For all purposes of this policy this position is considered the Chief of Police's "designee".

PROCEDURES:

Basic Guidelines (04-24-01)

- A. Off-Duty jobs brought to any officer's attention shall be submitted to the Chief of Police or his/her designee for approval and must comply with the procedures set forth in this policy.
- B. Any employee engaged in off-duty jobs shall be required to follow the rules and policies of the Department. Any conduct during off-duty jobs which would result in disciplinary action if the employee were on-duty may result in termination of the off-duty jobs and disciplinary action by the Department.
- C. The Chief of Police or his/her designee will be responsible for the approval and the administration of off-duty jobs within and for the Johns Creek Police Department.
- D. The rate of pay for any off-duty job shall be set by the Chief of Police. Any discrepancy between worked hours and paid hours shall be immediately brought to the attention of the Chief of Police or his/her designee and the off-duty jobs coordinator.
- E. Because these are authorized uniform details and participants are ambassadors of the Department, officers who are absent or tardy from off-duty details without good cause shall be suspended from working future off-duty jobs. Any such suspension will be determined by the Chief of Police. When any officer must be absent from a detail through unavoidable reasons, he/she shall ensure that another officer covers the off-duty job. When possible, such changes will be made well in advance of the actual date to be worked.
- F. Any incident that arises during an off-duty jobs detail that would be reportable to the Department through requirements of the departmental policy shall be reported in the same fashion and without unreasonable delay to the on-duty supervisor, i.e. Use of Force.
- G. All employees working any off-duty job are required to notify communications via the radio of their location, radio number, and in-service time and badge number. Once the off-duty job is complete the officer will notify communications via the radio of their out of service or completion time.

Off-Duty Jobs (04-24-02)

City owned police equipment, including but not necessarily limited to, laptops, vehicles, uniforms, equipment and/or firearms may only be used with the prior approval by the Chief of Police. Employees may engage in off-duty jobs that meets the following criteria:

- A. Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer.

Some examples of employment representing a conflict of interest include, but are not limited to, the following:

- 1. Employees who work as the 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.

2. Work involving personal 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. Employees who work in occupations that are regulated by, or that must be licensed through, the police agency.
 6. Employees who work for a business or labor group that is on strike.
- B. Employment that does not constitute a threat to the integrity or dignity of law enforcement as a professional occupation.

Examples of employment that constitute such a threat and shall be denied include, but are not limited to:

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, manufacture, or transport of alcohol beverages as the principal or majority of the business.
3. Any gambling establishment.
4. Any escort or limousine service.
5. Any employer whom the employee has reason to believe has been convicted of a felony, or who openly associates with known convicted felons
6. Any business the City regulates.

Denial or limitations of Off-Duty Jobs (04-24-03)

- A. In order to be eligible for an off-duty job an employee must have a satisfactory performance evaluation. Continued Departmental approval of a police employee's off-duty jobs is contingent on such satisfactory evaluations. It is the responsibility of the employee to notify their supervisor and the off-duty coordinator of the employee's ineligibility to perform off-duty jobs due to poor work evaluations and/or performance evaluations or other reasons.
- B. Those officers who have not completed their field training program, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible for secondary employment.
- C. Employees shall not use sick leave or any other paid administrative leave to participate in secondary employment, with the exception of approved time off, vacation or holiday leave.
- D. ALL off-duty jobs shall bear the name of the Chief of Police or his/her designee and shall be approved and posted in PowerDetails. It shall be assumed that once an off-duty job is posted, Department approval for eligible employees to sign up has been granted.

1. Each officer is only allowed to sign up for one shift of a multi-day off-duty job within 48 hours after the detail is posted.
 2. After the off-duty job has been posted for 48 hours or longer, an officer may elect to take a greater percentage or extra shifts of the detail.
 3. Once an employee has signed up for an off-duty job, he/she shall fulfill his/her employment obligation, unless he/she is able to find another employee to fulfill that employment obligation.
- E. A police officer may work a maximum of 20 hours of off-duty jobs; or a total of 65 hours in combination with off-duty and regular duty in each calendar week, whichever is less. All off-duty job hours will be documented in PowerDetails.
- F. Officers shall not continuously work in excess of eighteen (18) consecutive hours. This shall include regular work duty and/or off-duty jobs. Work hours for all outside off-duty jobs must be scheduled in a manner that does not conflict or interfere with the police employee's performance or duty.
- G. A police officer engaged in any off-duty job is subject to call-out in case of emergency, and may be expected to leave his/her off-duty job in such situations.
- H. If an off-duty job has previously been approved or permitted, and if it later appears that such employment is resulting in a conflict of interest or is infringing on the ability of the employee to do his/her job for the City, prior approval for such off-duty jobs may be revoked.
- I. Officers who are assigned as the primary contact or Group Administrator for approved and reoccurring off-duty jobs are permitted to coordinate and assign officers for openings, if applicable. All assignments will be documented in PowerDetails.

Off-Duty Job Approval Process (04-24-04)

Before engaging in an off-duty job, all employees must receive approval from the Chief of Police or his/her designee. The approval process, which is automated in PowerDetails, must be properly and completely filled out and submitted through the chain of command to the Chief of Police, or his/her designee for final approval. Approval will not be unreasonably withheld where the proposed employment will not present a conflict of interest or infringe on the employee's ability to do his/her job for the department. All off-duty must be submitted to the Off-Duty Job Coordinator to be entered into the PowerDetails system.

Should an opportunity arise to work an off-duty job and time restraints do not permit completion of the above process, the shift Lieutenant or Off-Duty Job Coordinator may authorize the off-duty job and will complete the approval process at the first available opportunity.

The application process requires the employee list the employer, address and location of the work site, detailed nature of the work to be performed, and the length of employment. An off-duty job approval must be completed for each separate employer and/or work site.

Use of Departmental Equipment (04-24-05)

If any employee is engaged in any off-duty job which requires wearing the department issued uniform, the complete duty uniform will be properly worn, unless written permission is granted by the Chief of Police or his/her designee to wear the uniform otherwise. If in uniform, the Department issued body armor (vest) shall be worn, with NO exceptions.

If an employee engaged in any off-duty job is required to wear or carry a firearm, only those employees who are properly qualified, certified and authorized will be permitted to do so.

Departmental vehicles are not to be used by members while working off-duty jobs employment, unless the Chief of Police or his/her designee has authorized such use, except as provided by the Department's policy on take home and assigned vehicles. Departmental vehicles that are designated as "spare" can be authorized for use to perform an off-duty jobs detail when the use of a vehicle has been permitted for the job. Unless authorized by the Chief of Police, city vehicles are not authorized for neighborhood security details.

Hold-harmless and/or Indemnification Agreement Required (04-24-06)

Prior to approval of any off-duty jobs detail, the employing entity shall complete a detailed application and agreement, a hold-harmless and/or indemnification agreement and shall forward the same to the Chief of Police or his/her designee. The Chief of Police or the Off-Duty Jobs Coordinator shall maintain this form. This process may also be completed in an electronic format.

Workers Compensation Coverage (04-24-07)

When an employee initiates secondary employment, he/she is contracting with that employer on an individual basis to perform the requested duties. The contract is between the secondary employer and the employee, and he/she merely has departmental consent to use the uniform and equipment of the department to perform the function. The approval process is utilized to scrutinize the employment to protect the image of the Department, to track the amount of hours worked by the employee(s), and approve the uniform and equipment to be used.

The City is not responsible for providing Workers Compensation Coverage on injuries occurring during the course of outside employment or off-duty jobs. It is in the best interest of the employee to ensure the secondary employer indemnify him/her in case of serious injury or, in the event of civil litigation, provide liability insurance coverage.

Off-Duty Jobs Coordinator (04-24-08)

It will be the responsibility of the Special Operations Lieutenant (Off-Duty Jobs Coordinator) to ensure that all waivers, approvals, forms and releases for all off-duty jobs are reviewed and renewed on a yearly basis. It is imperative that all approved off-duty jobs are reviewed

to ensure accuracy, continuity and employee eligibility. The approval process shall be completed in an electronic format using PowerDetails. The Off-Duty Jobs Coordinator is also the position designated by the Chief of Police with overall management, enforcement and oversight for all off-duty-duty jobs.