



MAINE STATE POLICE GENERAL ORDER

E-23

SUBJECT: MAINE STATE POLICE POLICY REGARDING OFF-DUTY EMPLOYMENT

EFFECTIVE DATE: 02.05.2021

EXPIRATION DATE: 02.05.2028

RECENT HISTORY: AMENDED (02.05.2021); AMENDED (08.01.2020); AMENDED (08.28.2019); TECHNICAL AMENDMENT (05.07.2014); REVISED (03.03.2014); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY 11 (07.01.1997)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

MLEAP: 4.05

SIGNATURE OF COLONEL:

A handwritten signature in blue ink, which appears to read "John Cote", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding off-duty employment.

II. POLICY

1. The policy of the Maine State Police is to permit all members of the agency to pursue and secure off-duty employment opportunities, subject to the conditions set forth in this General Order. **MLEAP 4.05-A**

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
- B. Employment. "Employment" means the provision of a service in exchange for money or other compensation of value.
 - 1. "Employment" does not mean charitable or volunteer work or military service.
- C. Member. "Member" means a sworn or civilian employee of the Maine State Police.
- D. Off-duty. "Off-duty" means time during which a member does not have an obligation to perform Maine State Police-related duties and responsibilities.
 - 1. Off-duty time includes, as examples, days off, vacation leave, compensated time off, off-shift time (outside the scheduled 12-hour on-call time), and other approved leave.

IV. PROCEDURE

1. REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT GENERALLY

- A. A member shall not engage in any type of off-duty employment without first being granted the approval to do so, as set forth in this policy.
- B. A request for approval of off-duty employment shall be either granted or denied by the Colonel.
- C. A member's request for approval of off-duty employment must not be granted if: **MLEAP4.05-B**
 - 1. The off-duty employment opportunity would bring discredit to the Maine State Police;
 - 2. Would create or appear to create a conflict of interest; or
 - 3. In the case of a sworn member, performance of the off-duty employment would require the member's use, or potential use, of her or his law enforcement powers.
- D. A member whose request for approval of off-duty employment has been granted shall not use a State-owned vehicle or State-owned equipment to perform off-duty employment, in connection with off-duty employment, or for going to or from off-duty employment.
- E. A member whose request for approval of off-duty employment has been granted shall give priority to performance of Maine State Police duties and responsibilities (for example, extended shifts, emergency call outs, scheduled work times) over any duties and responsibilities the member has that relate to her or his off-duty employment.

2. REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT **MLEAP 4.05-C**

A. A member wanting to request approval of off-duty employment shall submit a memorandum requesting such through her or his Chain-of-Command to the Colonel.

1. The memorandum must include the following information:

- a. The requesting member's name;
- b. The Troop or Unit to which the member is assigned;
- c. A listing of each specialty team to which the member is assigned;
- d. A reasonable description of the off-duty employment work that the member would be performing;
- e. The name and address of the person or business for which the member would be working while off-duty.

(1) If the off-duty employment is self-employment, the member shall indicate such;

- f. A description of the anticipated off-duty employment schedule the member would have; and
- g. An adequate explanation of how the off-duty employment schedule would be able to be performed without interfering with the member's Maine State Police duties and responsibilities and work schedule.

2. A recommendation from the member's immediate supervisor must accompany the memorandum when the memorandum is submitted through the Chain-of-Command.

3. The member also must complete and submit with the memorandum the "Certification" form attached to and incorporated by reference into this policy.

3. REVIEW OF REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT

A. The Colonel shall review and then either grant or deny a request for approval of off-duty employment on a case-by-case basis.

B. In determining whether a request should be granted or denied, the Colonel may consider any factors he or she deems relevant, including, as examples, the following:

1. Past work performance evaluations of the requesting member;
2. Past work attendance of the requesting member;
3. The recommendation of the requesting member's immediate supervisor.

4. RESCINDMENT OF GRANTED REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT

- A. The Colonel may rescind her or his granting of a member's off-duty employment request at any time the Colonel determines that doing so is in the best interest of the Maine State Police.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.

**MAINE STATE POLICE GENERAL ORDER E-23,
MAINE STATE POLICE POLICY REGARDING OFF-DUTY EMPLOYMENT**

CERTIFICATION

I, (*printed name:*) _____, hereby certify –

1. That I **have been provided with** a copy of or access to Maine State Police General Order E-23, *MAINE STATE POLICE POLICY REGARDING OFF-DUTY EMPLOYMENT* (hereinafter “MSP GO E-23”);
2. That I have fully **read** MSP GO E-23;
3. That I fully **understand** MSP GO E-23; and
4. That I **agree to abide by** all of the provisions of MSP GO E-23.

Date: _____

Signature: _____