5.120 – Off-Duty Employment

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The department has the management right to regulate law enforcement related off-duty that is law enforcement-related employment of its employees.

This policy applies to eligibility, approvals, requirements, equipment and uniforms, and restrictions for off-duty employment by department employees. This policy does not apply to employees conducting work outside of law enforcement-related positions.

5.120-POL-1 Off-Duty Employment Eligibility

1. Types of Off-Duty Employment

Sworn employees working an off-duty, law enforcement-related job includes where the sworn employee is serving in a commissioned capacity with the authority to exercise law enforcement authority or where having a commission is a requirement of the job.

Sworn employees working law enforcement related off-duty jobs are held to the same standards of conduct and performance that apply on-duty. Sworn employees must adhere to all department policies and procedures, including those related to use of force.

Sworn employees are responsible for prisoner processing, investigatory paperwork, and reports required by policy. Sworn employees must notify an on-duty sergeant of the submitted report. An on-duty sergeant must approve all reports.

Exception: If a supervisor is working off-duty supervising sworn employees, they will screen arrests and uses of force that occur during the course and scope of the off-duty employment.

Sworn employees working off-duty for an employer that does not require them to take law enforcement action or wear an SPD uniform do not need to submit an Off-Duty Employment Permit.

Sworn employees working off-duty for an employer that does not require them to act in a law enforcement capacity, the sworn employee is not required to wear an SPD uniform.

If the off-duty position is a plain clothes assignment where the sworn employee is acting in a law enforcement capacity, the sworn employee will explain on the Off-Duty Employment Permit (Form 1.30) why they are not wearing an SPD patrol uniform.

2. Employees Must Be Eligible for Off-Duty Employment

To be eligible for off-duty employment, employees must meet these criteria:

- The employee must be a full-time employee of the Seattle Police Department,
- The employee must be in good standing with the department, having completed all required training, certifications, and qualifications,
- The employee must have completed their entry civil service probationary, and
- The employee must not otherwise be prohibited from working off-duty employment.

3. Certain Events May Deny Eligibility for Off-Duty Employment

Eligibility for off-duty employment may be denied during these circumstances:

- Release time
- Bereavement Leave
- Military Leave
- Sick Leave, for an employee's own illness
- Limited Duty
- Long Term Disability
- Family Medical Leave (FML), for an employee's own qualifying medical condition
- Suspension
- Mandatory Administrative Reassignment

A poor work record, significant complaint history, or discipline may result in denial or revocation of off-duty employment eligibility.

Exception: The Chief of Police may grant permission to engage in off-duty employment while on bereavement leave, extended sick leave for an employee's own illness, or FML for a family member's illness.

The employee must submit a written request that includes a doctor's medical recommendation to the Director of Human Resources (HR). If granted, the Director of HR will respond within five (5) business days of receipt of the request.

The employee must have written permission before engaging in off-duty work.

5.120-POL-2 Off-Duty Employment Approvals

1. Employees Must Request Approval for all Law Enforcement-Related Off-Duty Employment and Business Activities

Before engaging in law enforcement related off-duty employment, the employee will submit an Off-Duty Employment Permit (Form 1.30) by email to their chain of command up to the precinct or section captain. The signature boxes may be signed electronically with Adobe or similar software.

The Off-Duty Employment Permit must contain the employer or business name, the street address where work will take place, and specific duties the employee will perform. Employees may not submit vague descriptions such as "various security".

Supervisors and above will ensure that permits are forwarded by email to the next reviewer or to HR promptly.

(See 5.120-PRO-1 Obtaining a Permit for Off-Duty Employment)

The employee may not work until the request has been approved, in writing by email, by their precinct or section captain and the captain of the precinct where the work is to be performed.

Exception: Where insufficient time exists to process an Off-Duty Employment Permit, a supervisor from the employee's section or bureau may authorize employment. This authorization is valid for four (4) days to allow time to process the permit. The temporary authorization will be emailed to the employee.

(See 5.120-PRO-2 Obtaining a Permit for Off-Duty Employment on Short Notice)

2. Approval of Off-Duty Employment is not Automatic

Permits may be denied or revoked when doing so would be in the best interest of the department.

Before approving Off-Duty Employment Permits, the chain of command must verify that the off-duty employment follows this manual section. Approval of a permit that violates this section may be grounds for discipline.

3. Off-Duty Employment Permits Are Valid for a Maximum of One (1) Year, Expiring on the Employee's Date of Hire

Employees must submit a new Off-Duty Employment Permit request each calendar year for renewal prior to working off-duty.

4. The Director of HR Maintains an Electronic File of All Off-Duty Employment Permits

HR will email a copy of any off-duty permit requests by the employee and/or employees' chain of command to the requestor within five (5) business days of the request.

5.120-POL-3 Off-Duty Employment Requirements

1. Sworn Employees are Expected to Take Appropriate Law Enforcement Action When Working Off-Duty

Off-duty sworn employees will assist on-duty officers whenever it is appropriate.

2. Taking Police Action May Convert Time to On-Duty Status

If a sworn employee takes enforcement action related to off-duty employment, that time is paid by the off-duty employer until the end of the off-duty shift. The sworn employee will not receive pay from the department for this time.

The department may pay overtime if law enforcement action requires the sworn employee to work past the off-duty shift, or if the sworn employee was required by department policy to act and doing so prevents the sworn employee from performing the off-duty job.

An on-duty sergeant must approve this overtime prior to, or as soon as practical after, the sworn employee takes law enforcement action.

Overtime earned is paid hour-for-hour for the actual time spent performing the tasks.

3. The Department May Call Upon Sworn Employees Working Off-Duty

The department may call upon sworn employees working off-duty for tasks such as addressing a public safety emergency, processing an arrest, booking a suspect, etc.

A sworn employee working off-duty will be entitled to call back pay if such duty will not permit the sworn employee to return to their off-duty job before the end of that shift.

If the sworn employee can return to the off-duty job, the department will compensate the sworn employee at the rate of time and a half for the actual time spent performing the department duty.

4. Officers and Sergeants Working Off-Duty Must Earn a Minimum Rate of Pay

Officers and sergeants may only work law enforcement related off-duty at a minimum rate of pay equal to the top step of police officer or sergeant.

The total compensation in meeting these rates may comprise pay and other benefits, such as food.

5. Employees Must Log-In at the Beginning of Their Off-Duty Shifts and Log-Off at the End of Their Shifts

Employees working off-duty must have their portable radio.

Employees will log in with Communications at the beginning of their shift and provide this information:

- Their appropriate "Victor" call sign,

- The business or event name and address where they are working,

- The hours they are working, and

- Whether they are working in uniform or plain clothes,

Exception: Employees do not have to log in when working security at T-Mobile Park or Lumen Field where there are on-scene SPD supervisors, and all employees are operating as a group on a radio channel separate from normal radio traffic.

6. Patrol Sergeants and Lieutenants Will Periodically Inspect Off-Duty Employment Locations that are Active During Shift Hours

Sergeants and lieutenants will work to correct any policy violations they discover and may relieve the sworn employee from the off-duty job, if appropriate.

The sergeant or lieutenant will document the issue by email and forward to their supervisor to go through the chain of command, to the Patrol Operations Bureau Chief.

Supervisors may request off-duty permits for their precinct from HR through email. HR will respond by email with the off-duty permits within five (5) business days.

5.120-POL-4 Equipment and Uniforms for Off-Duty Employment

1. Employees Working Traffic Control Must Wear Safety Equipment

While working any off-duty job where overhead hazards exist, each employee working traffic control must wear a department-issued safety vest or raincoat, with the lime green side out, and hard hats. Hard hats must meet the Washington Industrial Safety and Health Act standards. Employees may wear approved rain paints.

2. Sworn Employees Working Off-Duty Will Wear a Seattle Police Department (SPD) Patrol Uniform (Class A or B)

Sworn employees working off-duty will wear a Class A or B SPD patrol uniform with all required equipment.

(See manual sections 9.020 – Uniforms and 9.030 – Equipment)

5.120-POL-5 Restrictions on Off-Duty Employment

To maintain the integrity of the department and its employees, the department prohibits or restricts certain types of off-duty employment activities having a potential for actual or perceived conflicts of interest or that would lower the dignity of the police profession.

1. The Department Prohibits Certain Off-Duty Employment

Employees are prohibited from engaging in the following off-duty employment and business activities:

- Performing tasks other than those of a law enforcement or traffic control nature while in department uniform,

- Any employment in which police authority might be used for private purposes of a civil nature such as repossessing or towing vehicles or acting as a process server or bill collector,

- Employment which requires access to police files, records, or services as a condition for employment,

  Exception: The Bureau Chief having control over such information may grant specific approval for such use.

- Employment which results in other qualified persons being deprived of "rightful" employment and which results in a justified complaint. The department will be the sole judge in these matters,

- Employment which assists in the case preparation for the defense in any criminal action or proceeding,

- Employment by or on behalf of a nightclub or an establishment licensed for or providing adult entertainment,

- Employment directly for any or on behalf of establishments that sell or dispense intoxicating beverages,

  Exception: The department may grant an exception to this prohibition if the employer is a business association that has received specific authorization from the department to hire off-duty sworn employees and/or if the employer's main activity is not the sale or consumption of alcohol such as athletic events, hotels, etc.

- Employment directly for or on behalf of businesses that sell, produce, or dispense marijuana, marijuana-infused products, marijuana extracts or marijuana concentrates,

- Owning, operating, managing, or having a financial interest in a business that sells, produces, or dispenses marijuana, marijuana-infused products, marijuana extracts or marijuana concentrates,

- Owning a private security business after September 1, 1984,

- Owning, operating, managing, or having a financial interest in a business providing security services where the employee utilizes their color of office, position of employment, or access to department information, files, records, or services for private or business gain,

- Owning, operating, managing, or having a financial interest in a private investigation business,

- Performing police functions in uniform for a private employer beyond the jurisdiction of the corporate limits of the City of Seattle,

  Exception: The sworn employee may perform this work with prior written approval of the chief law enforcement officer of the agency having jurisdiction. If sworn employees do not submit the written authorization, they may not wear any part of the Seattle Police uniform or anything that would identify the employee as a Seattle Police Officer.

- Employment involving any form of gambling,

  Exception: Employees may participate as volunteers (not in uniform) in legal gambling activities sponsored by a "Bona Fide Charitable or Nonprofit Organization" as defined in RCW 9.46.0209.

  An employee may hold an office in "Bona Fide Charitable or Nonprofit Organizations" such as churches and fraternal societies wherein one of the statutory mandates of such an office requires their participation in the application process for or signing of city, county, or state licenses authorizing the dispensing of alcoholic beverages or the conducting of legal gambling activities.

  However, this exemption is not an authorization for any other employee activity elsewhere prohibited within this manual.

- Participating in professional sporting events where there is a substantial risk of serious injury, without prior written approval of the employee's Bureau Chief, or

- Any other employment activity not herein defined where there is a law enforcement obligation for close police scrutiny, which would lower the dignity of the police profession, or that creates actual or perceived conflicts of interest.

(See SMC 4.16.070 Code of Ethics – Prohibited Conduct)

2. The Chief May Waive Prohibitions for Pending Retirement

The Chief of Police may waive any provisions listed above if an employee wishes to invest in such businesses prior to leaving city service and has indicated, in writing, a commitment to retire within eighteen (18) months.

3. Employees May Not Work Any Off-Duty Employment While On-Duty

Except for court overtime, a sworn employee will not accept payment from an off-duty employer for the same time paid by the department.

4. Employees Will Not Solicit Off-Duty Work While On-Duty

Employees will not solicit off-duty work while on-duty or at any time that would lead a reasonable person to believe that the regular provision of police services to their business or person may be affected.

5. Employees Will Not Use On-Duty Time to Conduct Investigations for an Off-Duty Employer

Sworn employees may not conduct any investigations or take other law enforcement action on behalf of their off-duty employer while on-duty.

Matters requiring further follow-up may be referred to a sergeant for assignment or to the appropriate follow-up unit.

6. Employees Will Not Disclose Any Confidential Information Obtained in an Official Capacity to Any Off-Duty Employer

7. Supervisory Ranks May Not Work for their Subordinates

Sworn employees holding the rank of sergeant and above will not engage in off-duty employment coordinated, brokered, supervised, or scheduled by a sworn employee of lower rank in the supervisor's direct chain of command.

8. Employees Must Have a Rest Period of at Least Six (6) Consecutive Hours in a Rolling 24-Hour Period

Work includes regular department shift hours, department and/or court overtime, and law enforcement or traffic control off-duty employment.

Work weeks are 0000 hrs. Wednesday through 2359 hrs. Tuesday. Employees must not exceed 90 total hours of work per week when off-duty employment and department work hours are combined. Employees working a department-approved full-time alternative schedule are on a 40-hour week.

Exception: A lieutenant or above may waive the application of this standard for the needs of the department. Exceptions may also be considered for assignments and/or off-duty employment such as traveling security, or overnight security assignments which allow a paid rest period.

This provision does not affect the collective bargaining agreement between the Guild and the City and does not apply to employees working the 24-hour shift in the Harbor Unit when they work that shift.

(See manual section 4.020 – Regular Duty Time, Overtime, and Out-of-Classification Pay)

9. Disability Benefits Are Restricted by Off-duty Employment

The following is an excerpt from RCW 41.20.060, covering the Police Retirement Pension:

> *"Disability benefits provided for by this chapter shall not be paid when the policeman [police officer] is disabled while he [she] is engaged for compensation in outside work not of a police or special police nature."*

LEOFF II sworn employees are not covered by Washington State Industrial Insurance for injuries resulting from off-duty employment.

5.120-PRO-1 Obtaining a Permit for Off-Duty Employment

Employee

1. **Completes** an Off-Duty Employment Permit (Form 1.30).
2. **Submits** by email the completed Permit to a supervisor.

Supervisor

3. **Reviews** sworn employee's work record, complaint history, and discipline history.
4. **Recommends** approval or denial of the Permit.
5. **Forwards** the Permit by email to the lieutenant.

Lieutenant

6. **Recommends** approval or denial of the Permit.
7. **Forwards** the Permit by email to the captain.

Captain

8. **Approves** or denies Permit by email.

9. If the work is performed in another precinct, **forwards** Permit by email to the captain of that precinct for final approval.

Captain (who issues final approval)

10. **Forwards** a copy of the Permit by email to the requesting sworn employee.

11. **Retains** an electronic copy of the Permit.

12. **Forwards** the original Permit by email to HR.

5.120-PRO-2 Obtaining a Permit for Off-Duty Employment on Short Notice

Employee

1. **Completes** an Off-duty Employment Permit (form 1.30).

2. Under "Hours of Employment," **indicates** the hours and the inclusive employment dates.

3. **Marks** the box at the top of the Off-duty Employment Permit specifying "Permit for Off-Duty Employment less than 4 days".

4. **Contacts** a supervisor (in person or by phone) and requests approval.

Supervisor

5. **Determines** approval or denial of the Permit.

6. If approved, the sergeant or above **emails** the sworn employee a signed copy of the Permit.

   - If verbal approval was granted, the employee **prints** the name of the approving sergeant in the signature block. The sergeant **emails** written confirmation within 24 hours, and the employee **attaches** the emailed confirmation to the Permit.

7. **Emails** the original document to HR, via the chain of command.