



Seattle Police Department Policy Manual



5.120 - Off-Duty Employment

Effective Date: 02/01/2019

The Department has the management right to regulate the law enforcement related off-duty employment of its employees. This policy applies to the off-duty employment of Department employees.

5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities

1. Department Policy Applies to Off-Duty Employment

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

Employees are responsible for prisoner processing, investigatory paperwork, and reports required by policy. An on-duty sergeant must approve all reports.

Exception: If a supervisor is working off duty supervising officers, he or she will screen arrests and uses of force that occur during the course and scope of the off-duty employment.

2. Employees Must Be Eligible for Off-Duty Employment

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

- The person 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 civil service probationary period.
- The employee must not otherwise be prohibited from working off-duty employment.

Seattle Police Department Policy Manual

3. Certain Events Suspend Eligibility for Off-Duty Employment

Eligibility for off-duty employment becomes suspended during these circumstances:

- Sick Leave, for an employee's own illness
- Long Term Disability
- Military Leave
- Limited Duty
- Family Medical Leave, for an employee's own qualifying medical condition
- Release time
- Suspension
- Mandatory Administrative Reassignment due to an on-going OPA investigation

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 extended sick leave for an employee's own illness.

The employee must submit a written request that includes a doctor's medical recommendation to the Director of Human Resources. If granted, the permission will be in writing.

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

4. 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) to the employee's chain of command up to the precinct or section captain.

The form must contain the employer or business name, the street address where work will take place, and specific duties the employee

Seattle Police Department Policy Manual

will perform. Employees may not submit vague descriptions such as "various security".

Sergeants and above will ensure that permits are forwarded to the next reviewer or to the Human Resources Section 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 the employee's 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 sergeant from the employee's section or bureau may authorize employment. This authorization is valid for four days to allow time to process the permit.

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

5. 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.

6. Off-duty Employment Permits Are Valid for a Maximum of One Year, Expiring on the Employee's Date of Hire

Employees must submit a new Off-Duty Employment Permit request each year for renewal.

7. The Director of Human Resources Maintains a File of All Off-Duty Employment Permits

8. Employees Must Report Each Off-Duty Shift in Blue Team

Employees will report their off-duty job shifts, using Blue Team, by the conclusion of the employee's next Department work shift.

Each off-duty shift requires a separate Blue Team entry.

Seattle Police Department Policy Manual

The employee will include any event number related to the off-duty job in the "external case number" field. When there are no related events, the field is left blank. The event number created when logging into service with radio is not necessary.

When adding themselves, employees will select their role, matching the type of work performed. (Flagging, Uniformed Security, or Plainclothes Security)

Employees will enter the CAD-compliant address where work was performed, and the name of the person or business directing the work.

Note: As an example, if the employee is flagging traffic for a construction company but is being paid by a third party, the employee will enter the name of the construction company, not the third party.

In the "summary of incident" field, employees enter the number of hours worked.

(See 5.120-PRO-3 Logging Off-Duty Hours Worked via Blue Team)

9. Officers are Expected to Take Appropriate Law Enforcement Action When Working Off-Duty

Officers will assist on-duty officers whenever it is appropriate.

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

If an 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 employee will not receive pay from the Department for this time.

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

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

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

11. The Department May Call Upon Employees Working Off-Duty

Seattle Police Department Policy Manual

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

An officer working off-duty will be entitled to call back pay if such duty will not permit the officer to return to his or her off-duty job before the end of that shift.

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

12. 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.

13. 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 shall 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
- Whether they are working in uniform or plain clothes

Exception: Employees do not have to log in when working security at Safeco Field or Century Link 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.

14. 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

Seattle Police Department Policy Manual

safety vest or the reversible raincoat worn with the lime green side out and hard hats. Hard hats must meet the Washington Industrial Safety and Health Act standards.

15. Patrol Sergeants and Lieutenants Shall 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 employee from the off-duty job, if appropriate.

The sergeant or lieutenant will document the issue and the action taken to correct the problem on an SPD Memorandum, via the chain of command, to the Patrol Operations Bureau Chief.

5.120-POL-2 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 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

Seattle Police Department Policy Manual

- 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 officers 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

Exception: The employee may perform this work with prior written approval of the chief law enforcement officer of the agency having jurisdiction. If 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

Seattle Police Department Policy Manual

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
- 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.

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 months.

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

Except for court overtime, an 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 shall 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

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.

Seattle Police Department Policy Manual

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

Employees holding the rank of sergeant and above shall not engage in off-duty employment coordinated, brokered, supervised, or scheduled by an employee of lower rank in the supervisor's direct chain of command.

8. Employees Must Have a Rest Period of at Least Six 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.

Employees must not exceed 64 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 considered to be 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 actually work that shift.

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 officers 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

Seattle Police Department Policy Manual

Officer

1. **Completes** an Off-Duty Employment Permit
2. **Submits** completed permit to a sergeant

Sergeant

3. **Reviews** officer's work record, complaint history and discipline history
4. **Recommends** approval or denial of the permit
5. **Forwards** the permit to the lieutenant

Lieutenant

6. **Recommends** approval or denial of the permit
7. **Forwards** the permit to the captain

Captain

8. **Approves** or denies permit
9. If the work will be performed in another precinct, **forwards** permit to the captain of that precinct for final approval

Captain who issues final approval

10. **Forwards** a copy of the permit to the officer
11. **Retains** a copy of the permit
12. **Forwards** the original permit to the Human Resources Section

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

Officer

1. **Completes** an Off-duty Employment Permit
2. Under "Hours of Employment," **indicates** the hours and the inclusive employment dates, and

Seattle Police Department Policy Manual

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 sergeant (in person or by phone) and requests approval

Sergeant

5. **Recommends** approval or denial of the permit
6. If approved, the sergeant or above **gives** the 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, **obtains** written confirmation within 24 hours and **attaches** it to the permit.

7. **Forwards** the original document to the Human Resources Section, via the chain of command

5.120-PRO-3 Reporting Off-Duty Hours Worked via Blue Team

Employee

1. **Adds** a new Blue Team incident. The type is "Off Duty"
- 2a. **Enters** any related event numbers in the "External Case Number" field.
- or
- 2b. If there are no related event numbers, **leaves** the "External Case Number" field blank.
3. **Enters** date and time the off-duty job started in the "Date" and "Time of Occurrence" fields
4. **Enters** the street address where the work was performed
5. **Selects** the precinct area where the work was performed for the "Location of Occurrence" field
6. **Enters** number of hours worked in the "Summary of Incident" field
7. **Selects** "Community Member" for the reporting party

Seattle Police Department Policy Manual

8. **Uses** the "Last Name" field to search the existing list of off-duty employers. If there is no match, the employee **enters** the off-duty employer's information
9. **Clicks** "Add Me" to add himself or herself to the entry
10. **Selects** his or her role, matching the type of work performed (Flagging, Uniformed Security, or Plainclothes Security)
11. **Forwards** the entry to the recipient "Off Duty"
12. **Enters** "off duty" in the "instructions" field

Off Duty Administrator

13. **Reviews** the Blue Team entry for formatting accuracy and completeness.
14. **Sends** the entry to QA