

St. Joseph, Missouri Police Department



DIRECTIVE TYPE: GENERAL ORDER		INDEX NUMBER: GO0101
SUBJECT: Off-Duty and Extra-Duty Employment		
ISSUE DATE: January 11, 2001	REVISED: 4/27/04, 7/4/05, 7/21/06,	AMENDS/RESCINDS: GO#17 of April 1, 1998
REVISIONS CONTINUED: 12/5/07, 5/14/13, 1/10/17, 8/7/19		DISTRIBUTION: A

I. Policy

The Department shall provide guidelines to members to inform them of the types of secondary employment that are appropriate and to establish procedures to maintain accountability for the welfare of the Department. These requirements are essential for the efficient operation of the Department and for the protection of the community. Members of the Department, while serving in a private capacity, are subject to the rules, regulations, and policies of the same. No private employer can direct members to overlook illegal situations or ignore rules that members must follow while on-duty. Outside employment shall not interfere or adversely affect a member's primary employment with the City. It is the Department's responsibility to investigate any citizen complaint filed against a member while they are working in secondary employment. The Department may call back to duty any member who is currently working secondary employment.

II. Definitions

- A. Extra-Duty Employment:** Any employment that IS conditioned upon the actual or potential use of law enforcement powers by the member (i.e., working security at a shopping center, business, etc.).
- B. Off-Duty Employment:** Any employment that IS NOT conditioned upon the actual or potential use of law enforcement powers by the member (i.e., working as a mechanic, house painter, etc.)
- C. Secondary Employment:** Any outside employment, which is either off-duty or extra-duty.

III. Procedure

A. Approval of Secondary Employment:

1. Members shall submit written requests for approval of permanent, regularly scheduled, secondary employment prior to engaging in any such employment.

This provision pertains to full-time sworn members and/or civilian members of the Department.

- a. Requests shall be submitted annually to the Chief of Police on the Department's Request for Secondary Employment Form. This form is available in the Office of the Chief of Police. The Chief or their designee will notify the member, in writing, concerning the approval or denial of their request. The Chief of Police shall have sole authority to approve or deny such requests.
- b. Approval is not required for City paid, "posted" extra-duty employment that is temporary in nature. Permanent, regularly scheduled off-duty and/or extra-duty employment not paid by the City requires approval.
- c. Personnel may not engage in secondary employment without the prior written approval from the Chief of Police.
- d. Notwithstanding the procedures outlined in this General Order, the Department will consider requests from private employers and/or other City Department(s) for a specific officer, when deemed appropriate by the Chief of Police.
- e. Unless the Chief of Police authorizes otherwise, no member currently going through the Field Training Officer program shall work secondary employment.
- f. Members on probationary status with the Department may be restricted from engaging in certain types of secondary employment.

B. Limitation on Hours Allowed, Medical Leave/Injury Status, and Disciplinary Action:

1. Hours Allowed:

The Chief of Police has the authority to limit the total number of hours worked for primary and secondary employment, or a combination of both. Commanders and other Department representatives reserve the right to contact a secondary employer to check a member's work record.

2. Medical Leave/Injury Status:

a. Limited Duty/Injured On Duty Status:

Unless approved by the Chief of Police, no full-time member listed as limited duty status, or on "injured-on-duty" (IOD) status, shall engage in any extra-duty employment until that member returns to a regular duty shift. This provision does not apply if off-duty employment is within the light-duty limitations set by the medical doctor (i.e., a non-law enforcement type job).

b. Medical Leave Status (See also Section 10.7.2 of City Personnel Code):

Members may work a secondary job (during a Medical Leave Day) ONLY after their regular shift time has expired. This includes Medical Leave taken for their own illness or that of a child/spouse/parent. In the case where, based on reasonable evidence, a Supervisor believes medical leave is being abused, they may require

individuals to present a certificate for any medical time off before medical leave credit is allowed.

3. Disciplinary Action Status:

Members currently on suspension and/or administrative leave will not engage in law enforcement related secondary employment.

C. Prohibited Secondary Employment:

Secondary employment is expressly prohibited in the following areas for all full-time sworn members and/or civilian members.

1. Private Detective/Security Agencies;
2. Collection Agencies;
3. Marijuana dispensaries, storage or manufacturing facilities;
4. Bail Bonding/Bondsman Agencies;
5. Security/Bouncer at a Bar/Tavern;
6. Process server, reposessor, bill collector, or in any other employment in which police authority might be used/abused to collect money or merchandise for private purposes;
7. Personnel investigations for the private sector or any employment that might require a member to have access to police information, files, records, or services as a condition of employment;
8. Employment that assists (in any manner) in the case preparation for the defense in any criminal or civil action or proceeding;
9. Businesses or labor groups that are on strike; and
10. Other secondary employment not approved by the Chief of Police.

D. Alcohol:

Sworn members shall not consume alcoholic beverages while they are working EXTRA-DUTY employment.

E. Uniforms:

Unless the Chief approves an exception (i.e., plain-clothes security jobs), members engaged in law enforcement related secondary employment must wear the Department's uniform. The uniform must be consistent with the approved "uniform-of-the-day", and be able to pass a uniform inspection.

F. Equipment (Including Department Vehicles):

1. Personal police equipment issued to a member (i.e., OC spray, handgun, handcuffs, baton, and protective vest) may be used while the member is engaged in law enforcement related extra-duty employment. When available, police radios may be used by a member for extra-duty employment due to safety concerns. All other City owned equipment shall not be used by a member for extra-duty employment without approval from Command Staff unless the same is being paid for by the City (i.e., special weapons, surveillance equipment, etc.).
2. Members with assigned vehicles may drive them to and from extra-duty employment (law enforcement related), and when appropriate, for prisoner transport from the employment to the LEC. Assigned vehicles may not be used as part of the extra-duty assignment without appropriate Command Staff approval.

3. Members found to be "hoarding" department equipment for personal use in an extra-duty job shall be subject to disciplinary action. Regular duty members shall come first as far as checked equipment is concerned, unless otherwise directed by the Chief of Police.

G. Communications Center Notification/Involvement:

For safety reasons, members working extra-duty jobs potentially requiring use of law enforcement powers shall notify the Communications Center of the location, names of the member(s) working, radio designation, and the hours they will be working. If the member is working in plain clothes, they may include this information in the notification.

H. Command Authority:

Supervisors shall not work as subordinates to any member of a lesser rank/title while engaged in extra-duty employment that may require law enforcement powers.

I. Off-Duty Employment:

1. No member shall engage in any off-duty employment that is incompatible with the duties, functions, or responsibilities of either the member or the Department.
2. No member shall engage in any off-duty employment that might create a conflict of interest or bring discredit to the Department.
3. No member shall engage in any off-duty employment, which due to the nature of its hours or physical demands may impair the quality and quantity of the member's work while on-duty. Members shall contact a supervisor if this occurs, and supervisors becoming aware of this situation shall ensure the safety of the member and the public is served.

4. Off-Duty Compensation:

- a. Rates of compensation for off-duty, non-law enforcement tasks, may be whatever rate(s) that are mutually agreeable with the off-duty employer.
- b. Payment for services will be paid directly from the off-duty employer to the member so employed.

5. **Off-Duty Scheduling:** Non-law enforcement off-duty employment will be scheduled independently of the Office of the Chief of Police.

J. Extra-Duty Employment Not Paid by the City:

1. Enforcement Action:

- a. All enforcement action shall be consistent with Department rules, regulations, and policies and/or municipal, state, and federal law.
- b. When it is necessary for extra-duty members to take enforcement action, they shall:
 - 1) Cite and release, if appropriate;
 - 2) Call for an on-duty member, if custodial arrest is appropriate;
 - 3) Provide necessary "Booking" information to the on-duty member;
 - 4) Complete all required police reports themselves, before going home; and
 - 5) Sign as the complainant or representative of the business and/or as the arresting member.

- c. If a member finds that multiple arrests are necessary, or uncovers a major crime and/or incident, that member shall be responsible for informing the on-duty Supervisor immediately, and shall thereafter come under their direction.

2. Compensation:

- a. The Fraternal Order of Police will recommend an hourly rate of pay (for its members engaged in extra-duty employment) to the Chief of Police.
- b. Members will be permitted to negotiate a lesser rate of pay other than the one established while engaging in REGULAR LONG TERM extra-duty employment.
- c. Payment for services will be paid directly from the extra-duty employer to the member so employed.
- d. A private employer shall be responsible for paying a member's time associated with any enforcement action the member takes during their employment with the same.
- e. Neither the Department or the City of St. Joseph shall be liable for any taxes, fees, Worker's Compensation, liability insurance, or other benefits not paid or made available by the extra-duty employer and/or the Fraternal Order of Police. If a member is injured while working non-city paid extra-duty employment, they may use medical or accrued vacation hours (when accumulated), but will not receive any other form of compensation (i.e., Worker's Compensation). A member will be required to obtain a doctor's exam allowing the member to return to work if they miss more than three (3) regular work days due to the injury. The exam will be paid for by the member.
- f. Members shall not receive overtime pay for court time/appearance(s) resulting from an arrest made during non-City paid extra-duty employment. If the court date coincides with a member's regular duty shift, it will be considered as part of the same.

3. Scheduling:

- a. Extra-duty law enforcement related employment shall come under the authority of the Chief of Police. The Chief of Police or their designee will approve or deny all public request(s) for extra-duty employment, unless extenuating circumstances exist (i.e., a business owner calls on a weekend to hire member(s) immediately because patrons are planning a disturbance after closing, and the Chief of Police cannot be located).
- b. The Chief of Police shall designate a position responsible for receiving requests for extra-duty employment. After the Chief of Police approves a public request(s) for extra-duty employment, the designee will schedule any member interested in working those jobs.
- c. The designee performs the following functions concerning extra-duty employment:
 - 1) The designee shall keep accurate records concerning requests for extra-duty employment and scheduling of members who

worked such jobs. These records are to be made available to the Chief of Police. The Chief of Police has the authority to release such records to other parties, upon request.

2) Members desiring to work extra-duty jobs will be put on a list maintained by the designee. When scheduling extra-duty job requests the following procedure will be used:

- a) The designee will notify all extra-duty members with the details of the upcoming extra-duty assignment;
- b) Members desiring to work the assignment will reply to the designee with the dates and times they are available to work;
- c) The designee will allow sufficient time for members from all shifts to reply before filling the assignment unless extenuating circumstances exist;
- d) The designee will make every attempt to distribute the available hours evenly among those members available to work the assignment; and
- e) The designee will distribute a final schedule to the member(s) and will post the schedule in roll call.

3) A supervisor may be included when more than four officers are requested for extra-duty employment based on the nature of the event.

d. Extra-duty members are subject to the direction and control of supervisors at the extra-duty location.

g. Any member obligating themselves to work extra-duty employment is expected to be present during such employment. It shall be the responsibility of that member to find an emergency replacement should they not be able to honor the commitment. Unless extenuating circumstances exist, the member shall contact the designate for the name of the member(s) next up on the rotation list before finding such a replacement.

K. Extra-Duty Employment Paid by the City:

1. All extra-duty employment paid by the City must be under the authority and approval of the Chief of Police.

2. All enforcement action shall be consistent with that of an on-duty member.

3. Compensation:

a. Members shall be paid in a manner that is consistent with work periods and overtime provisions of the F.L.S.A. and City compensation schedules.

b. Payment for services will be provided on the member's next regular paycheck.

c. The City of St. Joseph shall be liable for any taxes, Worker's Compensation, liability insurance, and/or other employment benefits deemed necessary during the member's extra-duty time. If a member should be injured while engaged in City paid extra-duty employment,

they will be considered as being under injured on-duty status. Department procedures for members injured on duty will be followed.

- d. Members may submit overtime requests for court time/appearance resulting from an arrest made during City paid extra-duty employment.

4. Scheduling:

- a. Extra-duty law enforcement related employment paid for by the City will be scheduled by a person/position designated by the Chief of Police.
- b. The following functions concerning City paid extra-duty employment will be performed:
 - 1) After Chief of Police approval, the extra-duty employment request(s) for members will be posted in the Roll Call Room, along with all of the necessary information contained therein. The posting of the request(s) for members will occur at the beginning of the shift briefings, on a rotating basis between shifts, to ensure that there is fair and equitable access to all members.
- c. Whenever possible, a Supervisor should be included if more than four members are requested for extra-duty employment at one event.
- d. Members desiring to work the extra-duty job must personally sign the sign up list posted in the Roll Call Room. NO "BUDDY" SIGN-UPS.
- e. Once the available employment slots are filled, the Day Shift Watch Commander or their designee will maintain the list and/or contact those "signed-up" members to ensure they have all of the necessary information for the job.
- f. Any member obligating themselves to work extra-duty employment is expected to be present during such employment. It shall be the responsibility of that member to find a replacement should they not be able to honor the commitment. Once a replacement has been found, the member shall notify the Day Shift Watch Commander or their designee of the change before the job is to begin.
- g. If there is not a sufficient amount of volunteers signed up for an extra-duty job, the Day Shift Watch Commander or their designee shall enlist the same. Those members with the least amount of seniority on the Department will be assigned to such jobs, first. Subsequent assignments will begin at the point where the last list left off, thereby preventing the same members from having to work all such events.
- h. Extra-duty members are subject to the direction and control of Supervisors at the extra-duty location. If no such Supervisor is present at the location, the members will be responsible to the on-duty Shift Supervisor(s).

Chris Connally, Chief of Police

Date