

**Payson City Police Department**  
**Policy / Procedure**

**Outside Employment**

**Purpose**

The purpose of this policy is to provide guidelines for secondary or outside employment. Employment with Payson City Corporation shall be the employee's primary employment. However, Payson City Employees are permitted to engage in secondary or outside employment under Payson City Police Department policies and Payson City Policy Section 1.8 "Outside Employment".

**Secondary or Outside Employment (considered off- duty)**

Definition:

Any employee of the Department who receives wages, compensation or other consideration of value from another employer, or organization or individual not affiliated directly with this Department for services, products(s) or benefits rendered. For purposes of this section, the definition of secondary or outside employment includes those employees who are self-employed.

**Department Sanctioned "Outside Overtime Assignments" (considered on-duty)**

Definition:

Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual that are arranged through the Department. Department Sanctioned Outside Overtime assignments shall be requested and scheduled directly through this Department, by the outside entity, so that the Department may be reimbursed for the cost of wages and applicable benefits.

**Application:**

Any private organization, entity or individual seeking outside security services from members of the Department must submit a written application to the Police Chief in advance of the desired service.

The applicant will be required to enter into an indemnification agreement prior to approval.

The applicant will further be required to provide for the compensation and applicable benefits of all employees requested for such outside security services.

Should such a request be approved, participating employees shall be subject to the following conditions:

- The officer(s) shall wear the Department uniform/identification.
- The officer(s) shall be subject to the rules and regulations of the Department.
- No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
- Compensation for such approved outside security services shall be pursuant to normal overtime procedures although exceptions may be made from time to time with approval of the Police Chief.
- Outside security services shall not be subject to the collective bargaining process.

### **Obtaining Approval**

No employee of the Department may engage in any secondary or outside employment without first obtaining prior written approval of the Police Chief. Failure to obtain prior written approval for secondary or outside employment or engaging in secondary or outside employment prohibited by this policy may lead to disciplinary action up to and including termination.

In order to obtain approval for secondary or outside employment, the employee must complete an Secondary or Outside Employment Approval Permit, which shall be forwarded to the Police Chief for consideration.

If the request for a Secondary or Outside Employment permit is approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year. Any employee seeking to renew a permit shall submit a new Secondary or Outside Employment Approval Permit no later than January 15th.

Any employee seeking approval of secondary or outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

### **Revocation / Suspension of Off-Duty Employment Permits**

The Department and Payson City expressly reserves the right to deny, revoke or suspend any Secondary or Outside Employment Approval Permits submitted to the Department or issued by the Department. In addition, any Secondary or Outside Employment permit may be revoked or suspended under the following circumstances:

Should an employee's performance at this Department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competence, the Police Chief may, at his/her discretion, revoke any previously approved secondary or outside

employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the secondary or outside employment permit.

Suspension or revocation of a previously approved secondary or outside employment permit may be included as a term or condition of sustained discipline.

If, at any time during the term of a valid secondary or outside employment permit, an employee's conduct during secondary or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.

When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved secondary or outside employment permit may be subjected to restrictions similar to those applicable to the employee's full time duties until the employee has returned to a full duty status.

#### **Prohibited Secondary or Outside Employment**

Consistent with the provisions of Utah Administrative Code R477-9-2, the Department expressly reserves the right to deny any Off Duty Employment Approval Permit submitted by an employee seeking to engage in any activity which:

- Interferes with an employee's efficiency performance.
- Conflicts with the interests of the Department or Payson City.
- Gives reason for criticism or suspicion of conflicting interests or duties.
- Involves employment as a process server, re-possessor, or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
- Involves personnel investigations for the private sector or any employment, which might require the police officer to have access to the police information, files, records or services as a condition of employment.
- Assists, in any manner, the case preparation for a defenses counsel in any criminal or civil action or proceeding, which involves Payson City.
- Is for a business or labor group on strike.
- Is for establishments involved in the sale of pornographic materials, or sexual devices, or videos, or provides entertainment or services of a sexual nature.
- Involves any employment at an establishment or for a company whose principal business is the sale, manufacture or transport of alcoholic beverages.

### **Outside Overtime Assignment Arrest and Reporting Procedure**

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### **Special Restrictions**

Except for emergency situations or with prior authorization from the Division Commander, officers assigned to undercover or covert operations shall not be eligible to work Outside Overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

### **Department Resources**

Employees may only use Department equipment or resources in the course of or for the benefit of any secondary or outside employment as described in the Off-Duty Employment Approval Permit and approved by the Chief of Police. Accessing State BCI files while engaged in outside employment is prohibited.

### **Review of Financial Records**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an officer provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

### **Changes in Outside Employment Status**

If an employee terminates his/her secondary or outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Police Chief through the chain of command. Any subsequent request for renewal or continued secondary or outside employment must thereafter be processed and approved through the normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Police Chief any material changes in secondary or outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in secondary or outside employment is material are advised to report this change.

### **Outside Employment While on Disability**

Department members engaged in secondary or outside employment that are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such secondary or outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the secondary or outside employment along with any related doctor's orders, and make a recommendation to the Police Chief whether such secondary or outside employment should continue.

In the event the Police Chief determines that the secondary or outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the secondary or outside employment permit include, but are not limited to, the following:

- The secondary or outside employment is medically detrimental to the total recovery of the disabled employee as indicated by the City's professional medical advisors.
- The secondary or outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.
- The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Police Department, a request (in writing) may be made to the Police Chief to restore the permit.

### **Appeal of Denial of Secondary or Outside Employment**

If an employee's Secondary or Outside Employment Approval Permit is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Police Chief within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to Department Policy and City Policy # 780.

**Additional Considerations**

Secondary or Outside Employment Approval Permits shall be renewed every year. Renewals are due no later than January 15th.

The Police Chief or designee may verbally approve outside employment for short-notice special event requests for off-duty officers.