

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT: OFF DUTY EMPLOYMENT		NUMBER:	2.4.5
		ISSUED:	8/3/2009
SCOPE:	All Police Personnel	EFFECTIVE:	8/3/2009
DISTRIBUTION:	General Orders Manual, and All Police Personnel	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
REFERENCE:		WILEAG STANDARDS 3 rd EDITON: 2.4.7, 2.4.8, 2.4.9	

INDEX AS: Extra-Duty Employment
Off-Duty Employment
Secondary Law Enforcement Employment

PURPOSE: The purpose of this Order is to establish guidelines for off-duty employment by members of the Port Washington Police Department.

This Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. EXTRA-DUTY
- IV. SECONDARY LAW ENFORCEMENT EMPLOYMENT
- V. OFF-DUTY EMPLOYMENT
- VI. LIMITATIONS

I. **POLICY:** It is the policy of the Port Washington Police Department to provide guidelines for off-duty employment.

II. **DEFINITIONS**

- A. **OFFICER:** For this standard only, officer is defined as sworn personnel employed by the Port Washington Police Department and non-sworn personnel who are employed as sworn officers by any other law enforcement agency on a part-time basis.

- B. EMPLOYMENT: Work, as customary trade, craft, service, or vocation in which one's labor or services are paid for by an employer or for which a consideration is received. Employment does not include volunteer charity work.
- C. EXTRA-DUTY EMPLOYMENT: Any employment that is conditioned on the actual or potential use of Port Washington Police Department law enforcement powers by the police department employee and for which there is a contract or agreement between the police department and the employer.
- D. SECONDARY LAW ENFORCEMENT EMPLOYMENT: Any employment by an employee in another law enforcement agency or agencies, which is part-time and the employee is sworn personnel.
- E. OFF-DUTY EMPLOYMENT: Any employment where the employee acts or works as a contracted employee or part-time employee for an employer other than a law enforcement or related agency.

III EXTRA DUTY

- A. The Port Washington Police Department does not permit or engage in extra-duty employment.

IV. SECONDARY (Law Enforcement Related) and OFF-DUTY EMPLOYMENT

- A. Members of this department may engage in Secondary Law Enforcement Related Employment and Off-Duty Employment subject to the approval of the Police and Fire Commission and that Secondary Law Enforcement Related Employment and Off-Duty Employment does not result in a conflict of interest or cause the member to be unfit for regular duties.
 - 1. The employment responsibilities to the Department are primary for any Department members or employees.
- B. Restrictions on Work Days and Hours. The Department needs to ensure, where reasonable and practicable, that its members or employees are not subject to excessive workloads which might adversely affect their health and safety at work, or the safety and welfare of the public. Secondary Employment and Off-Duty Employment which involves long work hours is incompatible with the Department's commitment to the health and safety of its personnel and the public. Therefore, approval of Secondary Employment and Off-Duty Employment shall be conditional upon all of the following:
 - 1. A member or employee shall not work at any Secondary Employment or Off-Duty Employment during their assigned work hours for the Department;
 - 2. A member or employee shall not work more than 4 hours at any Secondary Employment or Off-Duty Employment on the same day that he or she is also scheduled to work for the Department;
 - 3. A member or employee shall not work at any Secondary Employment or Off-Duty Employment for the 4-hour period immediately preceding the start

of their Departmental work shift, unless approved in writing by the Chief;
and

4. A member or employee may work at their Secondary Employment or Off-Duty Employment for an unlimited number of hours on those days when he or she is not scheduled to work for the Department, provided, however, that in no event shall a member's or employee's total work hours at any secondary employment exceed 24 hours in any week.
- C. Request for Approval: A member or employee may, with the prior written approval of the Police & Fire Commission, engage in Secondary Employment or Off-Duty Employment concurrently with their employment by the Department. The purpose of this approval process is to determine that the Secondary Employment or Off-Duty Employment does not have an adverse effect on the primary employment and does not create a conflict of interest.
1. Any employee requesting Secondary Law Enforcement Employment or Off-Duty Employment shall prepare an inter-office report with the subject heading "*Request for Outside Employment*" and submit it to the Chief of Police, for approval.
- D. Approval Required; Withdrawal of Approval; Discipline. In all cases, Secondary Employment or Off-Duty Employment shall not be accepted, undertaken or continued by any member or employee until the necessary approval has been given by the Commission. Approval of Secondary Employment or Off-Duty Employment may be withdrawn at any time if it is determined that Secondary Employment or Off-Duty Employment creates a conflict of interest or has an adverse effect on the primary employment. Members or employees found to be in violation of this policy will be subject to disciplinary action, up to and including dismissal from employment.
- E. Approval Process. A "Request for Approval of Secondary or Off-Duty Employment" form must be completed and submitted to the Chief of Police. The form:
1. May be submitted at any time;
 2. Shall be updated and re-submitted at least annually for Commission review and approval;
 3. Shall be updated and re-submitted immediately upon any significant change in the specific duties or employer outlined in prior request; and
 4. Shall be submitted by December 1 of each year for existing Secondary Employment or Off-Duty Employment that is expected to continue in the succeeding year.

The Chief of Police shall review the application and recommend whether such Secondary Employment or Off-Duty Employment be approved, conditionally approved, or denied by the Commission. However, notwithstanding the Chief's recommendation, the Commission shall have sole discretion and authority to approve, conditionally approve, or deny such Secondary or Off-Duty Employment.

- F. Denial of Requests: Requests for approval of outside employment shall be denied, if the circumstances of the employment are contrary to Department standards, directives and procedures.

- G. Revocation of Secondary Law Enforcement Employment or Off-Duty Employment Status: Secondary Law Enforcement Employment or Off-Duty Employment may be denied or revoked for any of the following reason(s):
 - 1. Any violation of this procedure.
 - 2. Excessive use of sick leave.
 - 3. Low on-duty performances or productivity.
 - 4. Nature of off-duty work.
 - 5. Where conflict of interest exists.

V. OFF-DUTY EMPLOYMENT

- A. Employees may engage in Off-Duty Employment that meets the following criteria:
 - 1. Employment that presents no potential conflict of interest between duties as a Port Washington Police Department employee and duties for a part time off-duty employer.

Some examples of prohibited employment representing a conflict of interest are:

- a. As a re-possessor, bill collector, or other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
- b. Personnel investigations for the private sector or any employment which might require the employee to have access to police information, files, records or services as a condition of employment.
- c. Employment which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
- d. Or a business or labor group that is on strike.
- e. In occupations that are regulated by, or that must be licensed through the police department or the City of Port Washington.

2. Employment that does not constitute a threat to the status or dignity of the police department as a professional occupation.

Some examples of prohibited employment representing a threat to the status or dignity of the police department profession are:

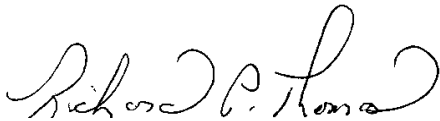
- a. Establishments which sell pornographic books, magazines, videos, or sexual devices, or that otherwise provides entertainment or services of a sexual nature.
 - b. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principle business.
 - c. Any gambling establishment not exempted by law.
- B. Employees engaged in Off-Duty Employment are required to notify the Chief of Police in writing of the Off-Duty Employment in which they are engaged.

VI. LIMITATIONS

- A. The Department needs to ensure, where reasonable and practicable, that its members or employees are not subject to excessive workloads which might adversely affect their health and safety at work, or the safety and welfare of the public. Secondary Employment or Off-Duty Employment which involves long work hours is incompatible with the Department's commitment to the health and safety of its personnel and the public. Limitations on Secondary Law Enforcement Employment and Off-Duty Employment are as follows:
1. Employees who are on medical leave shall be limited in Secondary Law Enforcement Employment and Off-Duty Employment in compliance with medical restrictions set forth by the attending physician(s) and shall not work Secondary Law Enforcement Employment or Off-Duty Employment during what would be their normally scheduled duty hours.
 2. Employees who are on probationary status or have not completed the PTO program will not be granted approval for Secondary Law Enforcement Employment or Off-Duty Employment.
 3. Employees when engaged in Secondary Law Enforcement Employment or Off-Duty Employment are prohibited from wearing the Port Washington Police Department uniform or any part or item of the uniform. Employees are prohibited from using Port Washington Police Department issued equipment when engaged in Secondary Law Enforcement Employment or Off-Duty Employment. Employees are prohibited from utilizing department information, reports, records or other documents for off-duty employment purposes.

4. Employees may work a maximum of 24 hours of Secondary Law Enforcement Employment or Off-Duty Employment per week; or a total of 64 hours in combination with regular duty in each six day work cycle unless the hours of Secondary Law Enforcement Employment or Off-Duty Employment impair his or her ability to safely and efficiently perform their departmental duties.
5. Work hours for Secondary Law Enforcement Employment or Off-Duty Employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
6. Employees engaged in Secondary Law Enforcement Employment or Off-Duty Employment are subject to emergency call-out or call-back in case of emergency, and may be required to leave their Secondary Law Enforcement Employment or Off-Duty Employment in such situations.
7. Employees injured working Secondary Law Enforcement Employment or Off-Duty Employment are ineligible to receive City of Port Washington Worker's Compensation payments for disability resulting from Secondary Law Enforcement Employment or Off-Duty Employment.
8. Employees who engage in Secondary Law Enforcement Employment or Off-Duty Employment that presents a conflict of interest between their employment with the Port Washington Police Department and the Secondary Law Enforcement Employment or Off-Duty Employment, or that presents a threat to the status or dignity of the police department may be subject to discipline.
9. Engaging in Secondary Law Enforcement Employment or Off-Duty Employment is solely and completely at the risk of the employee.

APPROVED:



Chief Richard P. Thomas

DATE:

8/3/09
