

North Ogden Police Department		Policy No: 15
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<i>POLICIES AND PROCEDURES</i>	Effective Date:	
	Review Date:	
	Distribution:	
Subject: Off-Duty Employment		
Authorized Signature:		

I. PURPOSE

The purpose of this policy is to set forth guidelines to govern regular off-duty and extra-duty employment by members of the North Ogden Police Department.

II. POLICY

The policy of this department is to provide guidelines to police employees 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 police department and for the protection of the community.

III. DEFINITIONS

A. Employment:

The provisions of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity.

B. Regular Off-Duty Employment:

Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

IV. PROCEDURE

A. Outside Employment

1. Application for outside employment (extra-duty or regular off-duty).

- a. All members of the North Ogden Police Department must apply for outside employment to the chief of police through the assistant chief.

- b. The assistant chief will approve the application before submission to the chief of police. The assistant chief will use a reasonable amount of time to review the application before forwarding it on to the chief. The assistant chief's standard for approval or denial will always be: "Does the outside employment conflict with the interests of the department or the city?" and "Is the outside employment the type that would reasonably give rise to criticism or suspicion of conflicting interests or duties?"
- c. Applications for outside employment will be obtained from the police secretary or the assistant chief and must be renewed each year. Applications will completely identify the employer, address of the employment site, total hours per week and hours per each day.

2. Prohibited outside employment (off-duty)

- a. No member shall accept employment or engage in any business or professional activity that might require, induce or give an impression that the employee may disclose confidential information gained, by reason of the employee's position with the department, nor will any member accept employment that might impair the independence of judgment in the performance of department duties.
- b. No member of the department may be employed in any place where liquor or beer is dispensed and consumed on the premises without express written permission of the chief of police. No member may be employed where there is gambling or any other business activity of an illegal nature.
- c. No member of the department shall be employed as a bondsman.
- d. No member of the department will accept employment representing a conflict of interest. Conflict of interest is defined as one where the outside employment conflicts with the interest of the department or city. It is further defined as employment that would reasonably give rise to

criticism or suspicion of conflicting interests or duties, examples of which are:

- 1) A process server, reposessor, bill collector, towing of vehicles or in other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
- 2) Personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records or services as a condition of employment.
- 3) In a police uniform in the performance of tasks other than that of a police nature.
- 4) Assists, in any manner, the case preparation for the defense in any criminal or civil action or proceeding. Officers, because of their expertise, may at times be hired by attorneys to appear as expert witnesses in court proceedings. While appearing as such a witness is not in itself a conflict of interest, there does arise a serious conflict when officers agree to testify in cases that have been handled by the police department and where the officer is being hired to testify against other officers of the department. Therefore, blanket disapproval of off-duty employment will exist in those cases where officers are asked to testify in any court proceedings in cases where other NOPD officers will be testifying regarding investigations that they conducted during their regular employment with the police department.
- 5) For a business or labor group that is on strike.
- 6) For a business that sells pornographic books, magazines, sexual devices or videos, or that otherwise provides

entertainment or services of a
pornographic nature.

B. Regular off-duty employment:

Employees may engage in regular off-duty employment that meets the following criteria:

1. Employment of a non-police nature in which vested police powers are not a condition of employment. The work provides no real or implied law enforcement service to the employer and is not performed during the employee's regular department hours of duty.
2. Use of police vehicle to travel to and from regular off-duty employment is not authorized unless it conforms to the stated policy contained in the car-per-officer policy.
3. Officers who accept off-duty employment must clearly understand that they are not in a position to hire themselves out as a North Ogden police officer. When such employment is accepted, the officer does so as a private person. Utah State law relating to powers of arrest, search and seizure, stop and frisk and the use of force in making arrests are considerably more limiting in the case of private persons than in the case of peace officers.
4. The employee agrees to refrain from carrying a department-owned weapon while engaged in secondary employment activities of a non-police nature.
5. The employee agrees to not display any form of North Ogden Police identification while working in a secondary employment capacity.
6. The employee agrees to refrain from verbally or otherwise identifying himself as a North Ogden police officer when taking any action in connection with the off-duty employment.
7. If the off-duty employment requires being armed, the officer or his employer will furnish the firearm and it will be carried, displayed or used in a manner consistent with prevailing law. The officer is forbidden from being armed in an off-duty employment capacity, relying on the statute that allows him to be armed by virtue of the status as a North Ogden police officer. The authority for being armed

in an off-duty capacity must arise from authority acquired from a source other than that provided by virtue of being a North Ogden police officer.

8. Officers working an off-duty security activity shall receive compensation for their services through the entity employing them, not North Ogden City. The business or entity employing the off-duty officer to work as a security officer shall comply with state and federal income reporting and withholding requirements associated with the off-duty officer's wages.

Payment for the provision of off-duty security service to a secondary employer is a financial contract between the private employer and the off-duty officer.

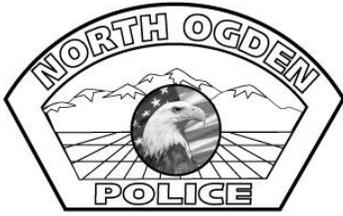
Officers interested in working off-duty in the security industry are greatly encouraged to visit the Internal Revenue Service's and the Utah State Tax Commission's websites for further information and current laws related to reporting and withholding requirements.

C. Limitations

Limitations on regular off-duty employment and extra-duty employment are as follows:

1. A police employee must be in good standing with the department to be eligible for any off-duty employment. Continued department approval of a police employee's off-duty employment is contingent on such good standing. This standing is to be determined by the assistant chief who the employee is accountable to.
2. Those officers who are in a probationary status or who are on a medical or other leave due to sickness, temporary disability or an on-the-job injury shall not be eligible to engage in regular off-duty or extra-duty employment.
3. A police officer may work a maximum of 24 hours of regular off-duty or extra-duty employment or a total of 65 hours in combination with regular duty in each calendar week. There will be no more than 6 hours off-duty work on a regular duty day.

4. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
5. A police officer engaged in any off-duty employment is subject to call-out in a case of emergency and may be expected to leave his off-duty employment in such situations.
6. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to departmental procedure by the assistant chief after due process that such employment is not in the best interest of the department.



NORTH OGDEN POLICE

CHIEF OF POLICE
POLO AFUVAI, JR

CAPTAIN
KEVIN D. WARREN

OUTSIDE EMPLOYMENT FORM

Officer's Name: _____

Employer: _____

Address of Employer: _____

Phone Number of Employer: _____

Hours Expected to Work a Week: _____

Hours Expected to Work a Day: _____

PLEASE READ

An NOPD officer may work a maximum of 24 hours of regular off-duty or part time work per week, or 64 hours in combination with “regular duty” in each calendar week. Off-duty work hours must be scheduled in a manner that does not conflict or interfere with the police employee’s performance duty. Permission for a police officer to engage in outside employment may be revoked where it is determined that such employment is not in the best interests of the department.

Officer: _____ Date: _____
(Signature)

Captain: _____ Date: _____
(Signature)

Chief of Police: _____ Date: _____
(Signature)