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|  | <b>PALACIOS POLICE DEPARTMENT</b>  |                            |
|   | <b>Policy 4.6 Off-Duty Employment</b>  |                            |
|   | <b>Effective Date: 01/04/2021</b>  | <b>Replaces:02/07/2006</b> |
|   | <b>Approved:</b> <i>Milton Rivera</i><br><b>Milton Rivera, Chief of Police</b> |                            |
|   | <b>Reference: 4.05</b>   |                            |

## I. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the department while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the department this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

## II. PURPOSE

The purpose of this policy is to define regulations governing off-duty employment and conduct for an officer who is employed in an off-duty capacity.

## III. DEFINITIONS

- A. Off-Duty Employment: Work not done as part of regular employment by this department but which is performed or which provides services for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law-enforcement duties.
- B. Employment related to law enforcement: Off-duty employment that may entail the use of law-enforcement powers granted by the State of Texas or the City of Palacios.
- C. Probationary year: The period of time measured by one calendar year beginning with the date of hire for non-sworn personnel and the date of completing field training for sworn officers.
- D. Secondary employment: Any off-duty work for pay that is not related to law enforcement. Secondary employment that does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

## IV. PROCEDURES (TBP: 4.05)

- A. General.

1. All employees are eligible to work off-duty employment subject to the requirements of this policy.
2. No employee shall work off duty until completion of the Field Training Program.
3. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment.
4. An employee engaged in any off-duty employment may be called to duty in an emergency.

B. Secondary employment restrictions: conflict of interest.

Employment shall not in and of itself constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity that is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of police department employment.

C. Restriction on off-duty employment that is law-enforcement related.

1. Employment related to law enforcement shall not exceed 16 hours per day, including on-duty time. For example, an employee working a 12-hour tour may work four hours of off-duty employment on the same day, and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time.
2. Officers will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
3. Employment related to law enforcement is not restricted to the city boundaries; however, must be close enough to not interfere with duty schedule.
4. The minimum salary required for officers employed in a law-enforcement related capacity must be at least equal to the rate for a starting officer and may be determined by the Chief of Police for similar types of employment.
5. Serving as a recruiter and receiving compensation for procurement of law-enforcement related jobs for other department employees is prohibited.
6. No employee shall solicit any person or business for the purpose of gaining law-enforcement related off-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.
7. ***Except for within city limits security activities and other employment specifically authorized by the Chief of Police, city-owned vehicles, radios, city uniforms or other equipment shall not be used while traveling to and from or engaging in law-enforcement related off-duty employment.***
8. Officers engaged in law-enforcement related employment shall be subject to the orders of the on-duty law-enforcement supervisor.

D. Administration.

1. Employees must submit a written request to the Chief of Police through the chain of command for any off-duty employment. Employees shall not begin

any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.

- a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.
  - b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the department. Continued permission to work off duty is contingent upon remaining in good standing.
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession or otherwise represents a conflict of interest. Examples of such employment include the following:
    - a. Retailers that sell pornographic materials or provide services of a sexual nature.
    - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business.
    - c. Gambling establishments not exempted by law.
    - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, re-possessors, private investigators, or process servers.
    - e. Performance in department uniform of any tasks other than those of law enforcement.
    - f. Performance of any work for a business or labor group that is on strike.
    - g. Performance of any work regulated or licensed through the department.
    - h. Performance of personnel investigations for private firms, or any employment requiring the officer to have access to police files, records, or information as a condition of employment.
    - i. Performance of any activity that supports case preparation for the defense in any criminal or civil action.
  3. Arrests made while engaged in off-duty law-enforcement related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
  4. Employees shall understand that department liability protection does not extend to willful acts that cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
  5. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer.
  6. Officers will not enforce by arrest, request, or threat any house rules or private employer rules.

#### E. Liability, indemnification, insurance

1. The department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.

2. The department recognizes that an officer in law-enforcement related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and, therefore, an extension of the job. Officers are reminded that their off-duty performance must meet the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

PALACIOS POLICE DEPARTMENT

**OUTSIDE EMPLOYER REQUEST OUTSIDE EMPLOYMENT INFORMATION FILL IN ALL BLANKS:**

Officer: \_\_\_\_\_

Employer: \_\_\_\_\_ Type of Business: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Telephone: \_\_\_\_\_

Work Days: \_\_\_\_\_ Effective Dates From: \_\_\_\_\_ To: \_\_\_\_\_

Hours to be Worked: \_\_\_\_\_ Salary: \_\_\_\_\_

Email Address: \_\_\_\_\_

Payment Type: \_\_\_\_\_ Payment Time: \_\_\_\_\_  
Cash or Check Same Day / Same Week / Other Arrangements

Initial beside each of the following guidelines acknowledging these standards for part-time employment:

\_\_\_ House Rules not to be enforced \_\_\_ Only Peace Officer duties provided

Duties to be performed are described as follows: \_\_\_\_\_

Is the work law enforcement related? \_\_\_ YES \_\_\_ NO

Is the work to be performed in uniform? \_\_\_ YES \_\_\_ NO

\*\*City Limits\*\*

Is the work utilizing city equipment radio/vehicle? \_\_\_ YES \_\_\_ NO

\*\*City Limits\*\*

Will the employer provide Workman's Comp? \_\_\_ YES \_\_\_ NO

Is the principal purpose of the business more that 60% Alcohol related? \_\_\_ YES \_\_\_ NO

Does this job involve working on alcohol licensed premises? \_\_\_ YES \_\_\_ NO

The Above information is true and correct to the best of my knowledge.

Supervisor Name (Printed): \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

APPROVED / DISAPPROVED: \_\_\_\_\_  
circle one Chief signature Date

Comments: \_\_\_\_\_

