

COVINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

Subject: OFF DUTY / EXTRA DUTY EMPLOYMENT

Date of Issue: 01-01-1999

Number of Pages: 5

Policy No. A210

Review Date: 06-01-2007

Distribution: Departmental

Revision Date: 01-13-2016

I. Purpose

To establish guidelines, conditions and restrictions related to outside employment.

II. Statement of Policy

It shall be the policy of the Covington Police Department to allow employees to participate in off-duty or extra-duty employment within the limitations set forth by law and this SOP.

III. Discussion

The nature of law enforcement requires employees to have the ability to work irregular duty schedules, which are often subject to change when meeting manpower needs. Additional, it is necessary that an employee have adequate rest to be alert during the employee's tour of duty. For these reasons, and because certain occupations inherently conflict with an employee's primary responsibility to the department, the department may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interests of the department in furthering professionalization, protecting the reputation of the employee and the department, and ensuring that the department receives full and faithful service in return for employment.

The Covington Police Department allows officers to engage in off-duty/extra-duty employment as long as such off-duty/extra-duty employment does not interfere in any way with the performance of their duties and responsibilities as an officer, and as long as such off-duty/extra-duty employment does not involve the officers in any conflict of interest between employment as officers and the off-duty employment.

IV. Definitions

- A. **Employment** – The provision of a service, whether or not in exchange for a fee or other service.
- B. **Extra – Duty Employment** - Any employment that is conditioned on the actual or potential use of law enforcement powers by the officer employee.
- C. **Off – Duty Employment** – Any employment that will not require the use of law enforcement powers by the off-duty employee.

V. Outside Employment Procedures

A. Applications

An application for approval for off-duty/extra-duty employment will be submitted for each extra-duty or off-duty job worked. Applications for duty-related extra jobs will be filled out completely and signed by the officer. The supervisor and division commander will then approve or disapprove the application and forward the application to the Chief of Police. The Chief of Police retains the authority to approve or disapprove all applications in accordance with the regulations contained herein and such decisions may not be the subject of a grievance or appeal. Applications will be renewed each calendar year.

B. Accountability to the Department

1. No employee may engage in any outside off-duty/extra-duty employment without the prior explicit approval of the Chief of Police.
2. All outside employment is subject to investigation by order of the applying officer's watch commander. If it is determined that an off-duty/extra-duty employment job at any location is not consistent with this policy, the applicant's commanding officer will be notified.
3. The Chief of Police reserves the right to require any employee to discontinue any outside employment, if he determines that the outside employment is inconsistent with this policy.
4. Any employee engaged in outside employment will be expected and required to conduct him/herself in a manner becoming of an officer or employee of this Department.
5. Any conduct occurring during outside employment, which would result in disciplinary action if occurring during on duty hours, may result in the termination of the outside employment and could result in departmental disciplinary action. On-duty field supervisors will be responsible for overseeing the conduct of officers working duty related off – duty employment in their zones, unless there is a Covington Police Department field supervisor also working at the off duty / extra duty job.

VI. Denial or Revocation of Off–Duty/Extra-Duty Employment Application and Request

- A. Application for off-duty/extra-duty employment that does not meet the requirements of these regulations will be denied. If an application is denied or is later revoked, the officer's Watch Commander will be notified immediately.
- B. If an officer's Watch Commander disapproves an application for an off-duty/extra-duty job, the Watch Commander will immediately put the reasons for such disapproval in writing and send the document to the Chief of Police.
- C. The Division Commander, Assistant Chief or Chief of Police may order an off–duty employment permit to be revoked if he finds that the off–duty employment is interfering with the officer's regular duties.
- D. No officer shall work a duty-related job while under suspension by the department or serving in a light duty capacity.

VII. Circumstances Prohibiting Off-Duty/Extra-Duty Employment

No off-duty/extra-duty employment will be worked or authorized if any of the following exists.

- A. The job is duty-related and outside the Covington city limits unless expressly approved by the Chief of Police.
- B. Maximum off-duty/extra-duty employment hours, as provided in section IX C. are exceeded.
- C. The business or location has been determined by the Chief of Police to be unsuitable for off-duty/extra-duty employment or a potential conflict of interest exists.
- D. The employment is on behalf of a labor organization which is on strike; where the employees of the employer are on strike against the employer; or where there is a lockout of employees at the location where the employee is to work.
- E. The employment involves the serving of civil process, the collection of money, or repossession of property.
- F. Part of the off-duty/extra-duty employment occurs during the officer's scheduled duty hours and no authorized leave is being taken. **Under no circumstances will any officer/employee work an off-duty/extra-duty employment job during his regular tour of duty.** (Example: "checking by on-duty", "keeping an eye on the place", or any task unrelated to a regular duty assignment).
- G. An officer agrees or arranges with an employer to receive a flat rate for services from which that officer will pay other officers. (Each officer must be paid individually by the employer.)
- H. If permit or licenses are required or other regulations are imposed on the business, and the business does not comply with such licenses, permits or regulations.
- I. The business has been found to be consistently or frequently in violation of state or federal laws or city ordinances.
- J. The officer has not completed the field training program. (May be waived if the job is off-duty, not extra-duty).
- K. The business or its management requires the officer to enforce "house rules" which are in conflict with state law or federal laws, or city ordinances.
- L. The business or its management restricts the officer from certain areas of the premises to which the public has access.
- M. The individual or business for which the officer works refuses to cooperate in an investigation related to off-duty/extra-duty employment.
- N. When it appears from the applicant's sick record, or other evidence, that secondary employment may impair his health or his ability to discharge his departmental obligations.

- O. Where secondary employment, or the place where it is performed, is such as to impair the officer's efficiency or capabilities as a member of the department, or to interfere with his response to any emergency call.
- P. Where the secondary employment would personally involve the sale of intoxicating liquors, (e.g. clerk in a liquor store or bartender).

VIII. Employees on Leave of Absence

No officer or employee will be permitted to engage in off-duty/extra-duty employment where the officer or employee is on a leave of absence recovering from an illness or injury, unless the officer or employee receives explicit written approval from the Chief of Police prior to engaging in such employment. Written approval for off-duty/extra-duty employment which was obtained before the injury or illness occurred will not be sufficient for purposes of this paragraph.

IX. Off – Duty Employment Hours

- A. Outside employment hours include time spent on extra jobs. For off-duty/extra-duty employment purposes, an officer's workday is defined as that 24 - hour period following the normal reporting time. In any seven-day period in which the officer performs forty (40) hours of regular duty work, outside employment shall not exceed thirty- six (36) hours. In no case, shall an officer work longer than 76 total hours in any seven-day period.
- B. Sick leave taken will not reduce an officer's overall work week. Scheduled overtime worked for the department and off-duty court appearances will reduce the number of hours permitted for duty related and regular off-duty extra jobs.
- C. Under no circumstances may an officer work more than sixteen (16) hours without a rest period. Any sixteen (16) hour work period must be followed by a suitable period of rest of at least six (6) hours.

X. Uniforms

Any employee engaged in duty-related outside employment, where the departmental uniform is required, must comply with all the rules and regulations concerning the wearing of the uniform and equipment to include: Bullet Resistant Vest, Firearm, Taser and Leather Gear.

XI. Emergency Call-In

It must be noted and agreed by the officer and the off – duty employer that the officer's first responsibility is to the City of Covington and the Covington Police Department. If, for any reason, the department has an emergency situation and needs to call off-duty police personnel in to work, the officer will report to duty when called. The Chief of Police or his designee will make the decision to call in off-duty personnel who are engaged in off-duty/extra-duty employment.

XII. Performance Review

The supervisor will continuously review the performance of officers who engage in off-duty/extra-duty employment and will require termination of the job(s) if the officer does not meet his or her departmental responsibilities.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton

Stacey L. Cotton
Chief of Police