
PERSONNEL MANAGEMENT

OFF DUTY EMPLOYMENT

Purpose:

This directive regulates off-duty employment by members of the North Little Rock Police Department, defines off-duty employment and establishes procedures relating to off-duty employment

Policy Statement:

The mission of the North Little Rock Police Department is the protection of lives and property of the citizens and visitors in North Little Rock. It is recognized that the off-duty and extra-duty employment of officers contributes to public safety in the city. It is also acknowledged that officers may have other interests that lend themselves to part-time business opportunities. In order to insure the highest level of police service, the Department must insure members of this Department are physically and mentally able to devote complete attention to their job assignments while on duty and other employment or business does not compromise the mission of the Department or interfere with the operations and effectiveness of the Department

Summary of Changes:

Definitions:

Employment: The provision of a service, whether or not in exchange for a fee, gift, or other service. Employment does not include volunteer charity work.

Secondary Employment (SE): Employment of any member of the department not requiring the use or potential use of law enforcement powers in the provision of services other than for the City of North Little Rock. This includes any business or corporation that an employee owns totally or in part, or is run, operated or supervised by the member, i.e. a personally owned business or partnership, a part-time job outside the criminal justice area, such as sales clerk.

Private-paid Off-duty Employment (PPODE): Any employment by a sworn member conditioned on the actual or potential use of law enforcement powers in the provision of services other than for the City of North Little Rock where the employee is not paid through the City payroll system.

Extra-duty Employment (EDE): Any employment by a sworn member conditioned upon the actual or potential use of law enforcement powers in the provision of services specifically performed for the City of North Little Rock or any private entity having entered into a contractual agreement with the City, and said member is paid through the City payroll system.

Procedures:

1. Private Paid Off-Duty Employment

Prior to working any private paid, off-duty employment, sworn members are required to submit a completed Outside Employment Request form to their immediate supervisor and obtain approval prior to January 31st of each year. Members will complete one request form per place of employment. The request will be forwarded through the member's chain of command for review and recommendation, and then forwarded to the Patrol Division Commander or designee. [CALEA 22. 2. 5a]

1.1 The Patrol Division Commander's Office shall serve as a centralized location for coordinating and monitoring all off-duty employment. A centralized monitoring process is necessary to eliminate duplication of police services. Requests will then be forwarded to the Professional Standards Unit where PPODE records are maintained. [CALEA 22.2.5d]

1.2 A request not clearly allowable under this policy will be forwarded by the Division Commander to the Chief of Police who will ultimately determine if the request is acceptable and that it does not conflict with any of the restrictions of this directive. [CALEA 22. 2. 5c]

1.3 Information regarding permanent or long standing private paid off-duty employment must be updated any time there is a change in the duties assigned or other pertinent change. Officers will submit any changes on an Outside Employment Request form.

- 1.4 Officers may be needed on short notice for Private-paid Off-duty Employment. In such cases, the written request must be approved by a supervisor of the rank of Lieutenant or above prior to working the assignment.
- 1.5 The citizens of North Little Rock should not be required to hire off-duty officers to provide a police service that should be provided through the proper delivery of standard police services by on duty officers.
 - 1.5.1 Prior to the authorization of any new off-duty employment, the Patrol Division Commander or designee shall determine if the off-duty employer is receiving adequate police services.
 - 1.5.2 The Patrol Division Commander or designee may deny a request if it is determined that the off-duty employer is not receiving adequate police services from the City or is entitled to additional police services, such as increased patrols, assistance from the Investigations Division, or other available police services, if applicable.
 - 1.5.3 Officers are prohibited from soliciting business for off-duty police employment opportunities. Officers are permitted to advise persons of the off-duty requirements and assist them in obtaining off-duty officers to perform police functions not provided through normal police services.
 - 1.5.4 It will be incumbent upon individual officers who wish to work off-duty at such businesses to ascertain that the establishment is not prohibited by the department to employ off-duty officers.
- 1.6 All PPODE requests originating from Patrol Administration shall be posted by the Patrol Division Commander or designee.
 - 1.6.1 The Patrol Division Commander will determine the number of personnel, including the need for supervisors, required to work the assignment. Consideration will be given to the number of persons attending the event, type of event, traffic control problems, size of the area and the presence of alcoholic beverages.
 - 1.6.2 Sign up will be on a first-come, first-serve basis once the assignment is posted, unless a specific member is requested by the business or the public; the requested member will then have first opportunity to accept the employment.
 - 1.6.3 Once a request has been submitted, the Patrol Division Commander or designee must be contacted for permission to withdraw. Members may not withdraw less than 24 hours before they are scheduled to work without providing a qualified replacement. Failure to fulfill any employment obligation may result in the suspension of all future off-duty employment opportunities.
- 1.7 PPODE employers who have workers compensation coverage insurance shall include the officer in the coverage, and members will be required to provide the off-duty employer's workers compensation carrier information on the *Outside Employment Request* form. The City's workers compensation provider will conjoin with the PPODE employer's provider to ensure that full workers compensation benefits are provided to officers injured during the course of their off-duty employment. [CALEA 22.2.5e]
 - 1.7.1 Should an injury occur members will complete the *First Report of Injury or Illness form* as follows:
 - 1.7.1.1 The Employment Status box shall indicate "Off-Duty"
 - 1.7.1.2 The Department or Location where Accident or Illness Occurred box shall indicate the name of the off-duty employer and address.
 - 1.7.2 Members are required to report all off-duty employment hours of PPODE on an *Off Duty Employment Report* (DHQ). The report will be submitted to the Office of Professional Standards no later than 10 days following the end of the month being reported.
 - 1.7.3 Members engaged in off-duty employment by an employer that has an off-duty employment contract with the City shall utilize the *Off-Duty Employment Overtime Request form*. (DHQ)
- 1.8 Members are required to advise the communication center via police radio of their work location at the beginning of their off-duty assignment, due to safety issues, as well as policy compliance concerns. Members are also required to advise communications of termination of off duty employment.

2 Extra Duty Employment

The Patrol Division Commander, or designee, will be responsible for staffing extra duty assignments.

- 2.1 The Patrol Division Commander will determine the number of personnel, including the need for supervisors, required to work the assignment. Consideration will be given to the number of persons attending the event, type of event, traffic control problems, size of the area and the presence of alcoholic beverages when making the determination.
- 2.2 Sign up will be on a first-come, first-serve basis once the assignment is posted. Members are not required to submit an *Outside Employment Request* form for Extra Duty Employment.

- 2.2.1 Assignments are posted on departmental e-mail to all members. Supervisors receiving such e-mails shall post assignments as soon as practical and in such a manner as to allow all members to view.
- 2.3 Members may not withdraw less than 24 hours prior to the time they are scheduled to work without providing a qualified replacement. Failure to fulfill an obligation may result in disciplinary action.
- 2.4 While every effort will be made to staff extra duty assignments with volunteers, exigent circumstances may require the Patrol Division Commander to compel a member to work the assignment to insure adequate coverage of the event.
- 2.5 Members injured while engaging in extra duty employment are covered by the City of North Little Rock's workers compensation provider.
- 2.6 Members working extra duty employment will complete overtime pay requests and forward them to the Patrol Division Commander, or designee, for approval. Approved overtime pay requests will be forwarded to the payroll clerk for processing. Pay requests not approved will be returned to the member for correction.
- 2.7 Extra Duty Employment will be paid at the rate of 1/2 times the regular hourly wage. Compensatory time may not be claimed for Extra Duty Employment

3 Secondary Employment

- 3.1 Any member of the department who owns or operates any private business, works on a commission, or receives compensation in any form from any person, or corporation other than the City of North Little Rock will notify the department by submission of an *Outside Employment Request* form through the chain of command to the Chief of Police.
- 3.2 Information regarding the member's business, service, or employment must be renewed any time there is a change in the duties assigned or other pertinent change. A file of the *Outside Employment Request* forms will be maintained in the office of Professional Standards.
- 3.3 Members may not engage in any private business or secondary employment that could reasonably create a conflict of interest. [CALEA 22.2.4]
- 3.4 Members who engage in secondary employment and are injured are not covered by the City of North Little Rock's workers compensation provider.

4 Guidelines and Restrictions [CALEA 22.2.4]

- 4.1 Members may not engage in employment that is a threat to the status, dignity or reputation of the department. Employment representing such a threat includes, but is not limited to:
 - 4.1.1 Employment at establishments that promote obscenity or pornography as defined by the Arkansas Criminal Code;
 - 4.1.2 Any employment where the principal business is the retail sale or transport of alcoholic beverages or where the dispensing or consumption of alcoholic beverages is the principal function of the business or event;
 - 4.1.3 Any employment where the employees or business is involved in a labor or civil rights dispute;
 - 4.1.4 Any employment where the employer expects the police member to enforce the employer's rules and regulations.
- 4.2 Members will not engage in any additional employment which might affect the objectivity and independence of their judgment or conduct in performing their official duties and responsibilities, or will present potential conflicts of interest for members between the departmental duties and the duties for a secondary employer. Some examples are:
 - 4.2.1 As a process server, re-possessor, bouncer, bill collector, towing of vehicles or any other employment in which police authority might tend to be used to collect money or merchandise for private purposes;
 - 4.2.2 Personnel investigations for the private sector or any employment that might require the member to have access to police information, files, records, or services as a condition of employment;
 - 4.2.3 Working in police uniform in the performance of tasks other than of a police nature;
 - 4.2.4 Employment which assists in any manner the case preparation in a civil or criminal action or proceeding;
 - 4.2.5 Working in police employment as an independent contractor, except as authorized by the Chief of Police.
- 4.3 Work hours for all additional employment must be scheduled in a way that does not conflict or interfere with the member's official performance of duty. Special consideration will not be given to scheduling of the member's duty hours to accommodate off-duty employment.
- 4.4 All members of the department engaged in additional employment are subject to call out in cases of emergency and will be expected to leave any other employment in such situations.[CALEA 22.2.5b]

- 4.5 Members on light duty status, modified duty status, sick leave, IOD/worker's compensation, FMLA, administrative leave or suspension are not authorized to work any off-duty employment. The Chief of Police may issue permission for a member to work non-law enforcement related off-duty employment on a case-by-case basis.
- 4.5.1 Members on FMLA for a family member may work off-duty employment, outside of their regularly scheduled duty work hours, as long as the member is on vacation leave, discretionary leave, comp time, or unpaid leave.
- 4.5.2 Members on FMLA for a family member will not work any off-duty employment while on sick leave or sickness in the family leave.
- 4.6 Members absent from duty on sick leave may not engage in off-duty employment during the requested sick leave period, nor can members engage in off-duty employment for 24 hours following the end of the shift for which they took sick leave.
- 4.7 A sworn, probationary member who has not completed the PTO Program will not work any off-duty employment, except, the member may be required to work city related extra-duty, under the supervision of a non-probationary sworn member, at the discretion of the patrol commander (i.e., parades, ball games, city functions). Sworn probationary members who have completed the PTO Program may work law enforcement related off-duty employment with the written permission of the member's Division Commander if the probationary member is under the supervision of a non-probationary sworn member. Sworn probationary members in their second year of probation may work off-duty employment without the immediate supervision of a non-probationary sworn member.
- 4.8 Members of the department may not accept employment with or have a financial interest in any private detective agency or private security agency.
- 4.9 Members of the department may not sell or take tickets, nor may they transfer or exchange customer's money at a business, promotion or special event while in uniform.
- 4.10 Members will not report to duty physically or mentally exhausted to the point that their performance is affected because of any additional employment. Members should not work more than 16 hours in a 24-hour period, including duty hours.
- 4.11 All sworn members working private-paid off-duty, extra duty or secondary employment are required to take law enforcement action within the jurisdiction of this agency during an emergency. Emergency enforcement action may require the sworn member to leave their off-duty employment to take such action.
- 4.12 Members will not accept off-duty law enforcement assignments outside the jurisdiction of the City of North Little Rock without written permission from the Chief of Police.
- 4.13 Non-ranking members of the department are permitted to act as a liaison between an off-duty employer and other members of this agency desiring to work approved off-duty assignments. This may include scheduling and coordinating activities. Members must provide police related services to the off-duty employer in addition to any liaison functions performed. Non-ranking members are not permitted to act in a supervisory capacity over any other members.
- 4.14 Supervisors may perform scheduling and other management related tasks for off-duty employers only as part of their own off-duty employment; however, supervisors may not be paid solely for performing such tasks. Supervisors must regularly provide police-related services to the off-duty employer in addition to management functions (this does not preclude the off-duty employer from paying the supervisor a higher rate of pay in consideration of their additional services).
- 4.15 Members or supervisors will not profit by subcontracting PPODE to other members at a lower rate of pay.
- 4.16 Sworn members employed in off-duty apartment security positions will immediately notify their off-duty employer any time that their ability to perform off-duty work is prohibited by departmental regulations including use of sick leave, FMLA, light or modified duty, IOD, suspension or administrative leave from duty.
- 4.17 Sworn members assigned to undercover positions shall not work any off-duty employment that may compromise their undercover status.

5 Accountability

- 5.1 Sworn members working off-duty police employment will be governed by the policy directives, standards of conduct and rules and regulations of the department. Off-duty sworn members will notify an on-duty supervisor of all reportable incidents, accidents, or injuries in accordance with departmental policy.
- 5.2 Sworn members will turn in all evidence and written reports during or immediately upon conclusion of their off-duty employment.
- 5.3 Sergeants and lieutenants of members working off-duty employment are charged with the responsibility of monitoring their subordinates' work performance. In instances where a member's work performance deteriorates, the member's supervisor will initiate an inquiry to determine if the cause for the decline is related to off-duty employment.

5.4 All paperwork regarding PPODE and SE, must be properly completed, on time, or action will be taken, which could include losing the privilege of working PPODE and/or SE, or other disciplinary action.

6 Limitations on Outside Employment

6.1 To be eligible for outside employment, members must be in good standing with the department. Continued departmental approval of member's outside employment is contingent upon duty performance and compliance with departmental guidelines and standards.

6.2 The Chief of Police will have final approval or disapproval authority for requests of off-duty employment. [CALEA 22.2.5c]

7 Rate of Compensation [GALEA 22.2.5e]

7.1 The following guidelines will be used to establish the rate of compensation for members engaged in employment outside the department.

7.1.1 Secondary employment - The rate of compensation will be negotiated between the member and the prospective employer. Increases in the compensation will be handled in the same manner.

7.1.2 PPODE- Handled as in the same manner as Secondary Employment.

7.1.3 Extra Duty Employment- Handled according to contract.

7.2 Reporting of Income - Personnel who are involved in off-duty employment will keep proper records and report all earnings in accordance with State and Federal laws.

8 Appeals:

Any request for outside employment denied may be appealed to the Chief of Police. The appeal must be submitted in writing within five working days of the member being advised of the denial or revocation. Members may also refer to the contract grievance procedures.

9 Revocation of Approval

9.1 Once granted, approval for outside employment can be revoked when, in the judgment of the member's chain of command, the outside employment becomes incompatible with departmental employment or adversely affects the member's job performance or efficiency.

9.2 In considering the denial of a request or revocation of approval, supervisors will consider:

9.2.1 The member's work performance, attendance record, and disciplinary history;

9.2.2 The member's overall health and fitness;

9.2.3 The member's medical restrictions, injury and sick leave status.

9.2.4 The nature of the proposed employment, and,

9.2.5 When applicable, the existence of appropriate insurance coverage.

9.3 Failure to obey a denial or revocation of off-duty employment may result in disciplinary action, up to and including termination. [CALEA 22.2.5c]

9.4 Failure to provide off-duty employment reports or to submit *Off-Duty Request* forms as specified in this policy directive will result in a denial of PPODE employment privileges.

10 Uniforms

10.1 Sworn members working off-duty employment in any retail establishment will wear standard departmental issued uniforms, unless plainclothes have been approved by the Chief of Police. Sworn members cannot wear individual parts of the uniform, unless approved by the Chief of Police.

10.2 When a member is working either a temporary or permanent plainclothes off-duty assignment; they are required to have a uniformed officer working the assignment with them. Whenever possible, the uniformed officer will take whatever law enforcement action is necessary.

10.2.1 Officers working a plainclothes off-duty assignment in which the potential for law enforcement action is minimal will not be required to work in concert with a uniformed officer.

10.2.2 The Chief of Police must approve all off-duty plainclothes assignments.

10.2.3 Sworn members working plainclothes assignments will wear their weapons fully concealed and will have their police identification and badge readily available.

10.3 Sworn members will only use weapons which comply with PD 11-3.