

## Outside or Off-Duty Employment

### 1020.1 PURPOSE AND SCOPE (STANDARD 10.3)

To avoid actual or perceived conflicts of interest for Department employees engaging in outside or off-duty employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside or off-duty employment. Approval of outside or off-duty employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

#### 1020.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside Employment** - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

**Off-duty Employment** - Employment involving any sworn member of this department who performs law enforcement duties or services for an outside organization, company or individual within this jurisdiction on behalf of the Department. Such off-duty employment shall be requested and scheduled directly through the Department's contracted off-duty employment provider

### 1020.2 OBTAINING APPROVAL (STANDARD 10.3)

No member of this department may engage in any outside or off-duty employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside or off-duty employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside or off-duty employment, the employee must complete an application, either Request for Approval of Outside Employment or Off-duty Employment Request Form, that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

[See attachment: Off Duty Employment Request Form\\_031721.pdf](#)

[See attachment: Outside Employment Form](#)

If approved, the employee will be provided with a copy of the approved permit. The original forms will be retained by the Office of the Chief of Police. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which it is approved.

Any employee seeking approval of outside or off-duty employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

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Details which are outside Prescott City limits shall require prior authorization by the Bureau Commander.

#### **1020.2.1 APPEAL OF DENIAL OF OUTSIDE OR OFF-DUTY EMPLOYMENT**

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file an appeal pursuant to policy.

#### **1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE OR OFF-DUTY EMPLOYMENT PERMITS (STANDARD 10.3)**

Any outside or off-duty employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside or off-duty employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside or off-duty employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside or off-duty employment permits. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.
- (b) If, at any time during the term of a valid outside or off-duty employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.
- (c) The outside or off-duty employment creates an actual or apparent conflict of interest with the Department or City.

#### **1020.3 OFF-DUTY EMPLOYMENT (STANDARD 10.3)**

A sworn Department member may engage in off-duty employment with approval from the Chief of Police.

- (a) Types of off-duty are:
  - 1. Traffic control and pedestrian safety.
  - 2. Crowd control.
  - 3. Security and protection of life and property.
  - 4. Routine law enforcement for public authorities.
  - 5. Plain-clothes assignments (must receive Chief of Police approval.)
- (b) Off-duty job announcements will include significant aspects of the assignment and will be posted by the Department's contracted off-duty employment provider.

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- (c) In general, officers who accept off-duty jobs will not be allowed to use a department vehicle unless:
  - 1. The job posting specifically requests that a police vehicle be at the work site.
  - 2. The officer has a regularly assigned take-home vehicle for responding to major calls for service.
- (d) Off-duty jobs that need to be filled will be pushed out to officers via OfficerTRAK to their mobile devices once received and approved.
  - 1. Officers will select and work jobs based on a first come, first served basis (open.)
- (e) If the off-duty employer changes the start time of the job less than 24 hours before the start of the job, the Department's contract off-duty provider will ask the assigned officer if they can work the altered hours. If they can, no changes will be made, and the assigned officer will work the job. If the officer cannot work the new hours, the job will be canceled and reposted.

#### **1020.4 PROHIBITED OFF-DUTY EMPLOYMENT (STANDARD 10.3)**

No member of this Department shall engage in off-duty employment under the following circumstances:

- (a) Where the employer is involved in a labor or civil rights dispute.
- (b) Where the employer restricts the Department member in any way from performing the duty of a law enforcement representative.
- (c) Where the employer requires a uniformed representative to perform non-law enforcement tasks.
- (d) For private police or security agencies.
- (e) Private investigative work.
- (f) Outside Prescott city limits in the capacity of a law enforcement representative (unless authorized by the Chief of Police)
- (g) At any location where the employer will not hire an adequate number of representatives to handle the situation safely.
- (h) In any capacity for an establishment featuring an "NC-17" or "X-" rated film.
- (i) When the representative would be involved in pictures or advertising and endorsing commercial products while she/he is identified as a Prescott Police Department representative.
- (j) At any location if the reputation of the Department would suffer by having a representative working there.
- (k) Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
- (l) Any employment that involves the sale, manufacture or transport of alcoholic beverages as the principal business.

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- (m) Any gambling establishment.

#### 1020.4.1 OFF-DUTY EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved off-duty assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the off-duty assignment.

#### 1020.4.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Bureau Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

### 1020.5 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

#### 1020.5.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the outside employment work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

### 1020.6 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of

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any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

#### **1020.7 OUTSIDE OR OFF-DUTY EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE**

Department members engaged in outside or off-duty employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside or off-duty employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside or off-duty employment should continue or the permit be suspended or revoked.

In the event the Chief of Police determines that the outside or off-duty employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside or off-duty employment permit while on disability status or administrative leave include, but are not limited to, the following:

- (a) The outside or off-duty employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.
- (b) The outside or off-duty employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to their supervisor.
- (d) The outside or off-duty employment is not compatible with the reason the employee is on administrative leave.

#### **1020.8 CITY OF PRESCOTT EMPLOYEE POLICY**

This policy shall not supersede City of Prescott employee policies or directives. Members shall refer to City of Prescott employee policies in addition to this policy. City of Prescott employee policies can be found on the employee portal, which is available to all members.

## **Attachments**

## **Off Duty Employment Request Form\_031721.pdf**



**Prescott Police Department  
OFF-DUTY EMPLOYMENT REQUEST FORM**

I hereby give notice of my intent to engage in off-duty employment as described below, understanding that such work will neither conflict with my employment with the City of Prescott nor cause any conflict of interest, either actual or potential, in relation to my employment with the City of Prescott. I understand the request will be denied if the work conflicts with the duties, functions or responsibilities of my position with the department. I understand that in order to engage in off-duty employment while in police uniform, I must receive approval from the Chief of Police in advance of performing such off-duty employment and that the approval may be withdrawn at any time. The approval may be denied or withdrawn by the Chief of Police if it is determined the outside off-duty employment actually or possibly may:

1. Physically or mentally impair my ability to do the job requirements by the City of Prescott;
2. Reflect discredit on the City of Prescott or my role as an employee;
3. Be incompatible with the primary discharge of my official duties;
4. Cause or lead to a real or perceived conflict of interest.

Employee Name:			
Position Title:			
Name of Employer:	Off Duty Management		
Employer's Phone No.	877-636-8300		
Employer's Contact:	www.offdutymanagement.com		
Briefly describe the work you will be performing:			
No. of Hours per Day/Week/Mo:	/Day	/Week	/Mo
Signature:		Date:	

**Immediate Supervisor**

**Approved**

☐

**Denied**

☐

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

Date: \_\_\_\_\_

Restrictions/Comments: \_\_\_\_\_

**Department Head**

**Approved**

☐

**Denied**

☐

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

Date: \_\_\_\_\_

Restrictions/Comments: \_\_\_\_\_

*I understand in the event I am injured in connection with this off-duty employment, I may not be covered by the City of Prescott's worker's compensation policy and any expenses incurred as a result of said injury may be my own responsibility.*

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

Date: \_\_\_\_\_



## **Outside Employ From.pdf**



# CITY OF PRESCOTT

## REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

(Pursuant to A.R. 5.09 and 5.09a)

Each outside employment authorization requires a new form

Employee Name: \_\_\_\_\_

Department/Division: \_\_\_\_\_

Position Title: \_\_\_\_\_

Date of Hire with City: \_\_\_\_\_

I hereby request authorization to engage in the outside employment described below. In doing so, I hereby certify that such work is in compliance with A.R. 5.09 and 5.09a, and that it will not interfere with efficient job performance; does not in any way conflict with the interests of the City of Prescott, or my employment with the City of Prescott; does not in any way cause any conflict of interest, either actual or potential, nor present an appearance of an impropriety in relation to my employment with the City of Prescott; and will not require work within eight (8) hours immediately preceding a regularly scheduled work shift with the City. I agree to supply information regarding my outside employment which might reasonably impact upon the decision of my employer to grant, deny, or terminate approval of my request for outside employment. I understand that any approval of outside employment may be revoked if A.R. 5.09 and 5.09a is not continuously met, or if outside work conditions change so as to conflict with the City Code, City Charter or any administrative rules governing employment. I also understand that I may be subject to disciplinary action if I fail to obtain approval for outside employment or comply with A.R. 5.09 and 5.09a.

<b>Name of Company:</b>		<b>Title of Position:</b>	
<b>Supervisor's Name:</b>		<b>Estimated Duration of Job:</b>	
If self-employed, list primary clients:			
Type of work:			
Does the work require any act making use of City knowledge or resources, or in an official capacity such as police responsibilities or fire suppression (explain)?			
Does the work carry a risk of incident or condition which could impair or limit the ability to perform essential functions of City employment (explain)?			
Is there any provision made for indemnification for actions taken in the work?			
Hours of Work (Days/Times Worked):		Total Hours per Day, Week or Month:	
Note: If work is intermittent and does not follow a fixed schedule, state approximate hours and schedule:			

*Attach any additional information regarding this request which may impact the decision to grant, deny or terminate approval.*

**FOR CONTINUING EMPLOYMENT, A NEW REQUEST FORM MUST BE SUBMITTED ANNUALLY ON JUNE 30th. CHANGES IN PREVIOUSLY APPROVED EMPLOYMENT ALSO REQUIRE A NEW REQUEST FORM, AS SOON AS PRACTIABLE AFTER THE CHANGE OCCURS.**

Employee Signature:

Date Submitted:

**Immediate Supervisor Signature**

**Approved** ☐

**Denied** ☐

Restrictions/Reason:

Signature:

Date:

**Department Director Signature**

**Approved** ☐

**Denied** ☐

Restrictions/Reason:

Signature:

Date:

**City Manager Signature**

**Approved** ☐

**Denied** ☐

Restrictions/Reason:

Signature:

Date: