

22.11 Off-duty work as a Peace Officer

22.11.1 Authorization and Definitions

A. Approval. Any Off-Duty or Outside Employment sought by Parker Police Department (“PPD”) personnel is subject to the prior review and written approval of the Chief of Police or Chief’s designee (“Chief” hereinafter).

B. Definitions. For the purpose of this Policy:

i. **Off-Duty Employment** means: employment occurring outside the PPD employee’s on-duty time where the employee performs duties or services on behalf of an outside organization, company or individual, on behalf of PPD or the Town of Parker (the “Town”) pursuant to a written agreement between the Town and an outside organization, company or individual. Such written agreements may include, for example:

- a. Traffic control pedestrian safety
- b. Crowd control or law enforcement services at special events
- c. Routine law enforcement for public authorities

Off duty employment shall be requested and scheduled directly through PPD pursuant to this Policy.

ii. **Outside Employment** means: employment occurring outside the PPD employee’s on-duty time where the employee receives wages, compensation or other consideration of value from another employer, organization or individual: a) not affiliated directly with PPD or the Town; b) and not contracted with PPD or the Town for services, products or benefits rendered. For purposes of this Policy, the definition of outside employment includes PPD employees who are self-employed and not affiliated directly with PPD or the Town for services, products or benefits rendered.

C. Off-Duty Request. Officers wishing to work off-duty shall complete an off-duty work request, including the location, date and time, and description of the work to be performed. The approval may be denied or revoked at any time by the officer’s supervisor or the Chief. Any such denial or revocation is not subject to grievance or appeal.

Any off-duty work outside of La Paz County’s geographical boundaries must be pre-approved in writing by the Chief or the Chief’s delegee. Unless specifically requested and approved, PPD vehicles will not be used for off-duty work outside of La Paz County.

- D. Outside Employment Request.** Officers wishing to work Outside Employment shall complete an Outside Employment request, including the location, date(s) and time(s), and description of the work to be performed. The approval may be denied or revoked at any time by the officer's supervisor or the Chief. Any such denial or revocation is not subject to grievance or appeal.

Unless otherwise denied or revoked, Outside Employment approvals are valid for one year and a new request for approval must be submitted at least 30 calendar days prior to the expiration thereof.

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 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, via the appropriate chain of command, any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

Any outside employment wherein the PPD employee is **not** engaging in employment/services in a peace officer (or substantially similar) capacity must comply with PPD Policy 22.12 and Town Policy 1.6.

- E. Compliance.** Compliance with this Policy is the responsibility of both the employee and the employee's immediate supervisor, who shall bring any violation to the attention of the Lieutenant and the Chief. Failure of any PPD employee to obtain approval in accordance with this Policy is grounds for disciplinary action.
- F.** Off-Duty and Outside Employment shall not be subject to any collective bargaining process or agreement(s).

22.11.2 Eligibility

- A.** Employees on initial probation or within their orientation period are not permitted to work off-duty.
- B.** Employees may not work an off-duty job if the employee has utilized Town sick leave within the previous twenty-four hours.
- C.** Employees may not work an off-duty job while on alternative duty, light/modified duty, administrative leave, sick leave, or continuous FMLA leave.
- D. Lateral Officers.** Lateral officers who become employed by PPD while also possessing pre-existing off-duty and/or outside employment, must submit a written

request to continue the off-duty or outside employment through the same process as any existing department personnel.

- E. Employee Schedule and Duties.** Off-Duty and/or Outside Employment work may not interfere with an employee's performance or schedule with the Department. Off-Duty and/or Outside Employment work shall never occur while an employee is on-duty or otherwise scheduled during the employee's regular PPD duty schedule/shift(s).
- F. Conflicts of Interest.** Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited by PPD and/or the Town for potential conflict of interest. Prior to providing written approval for an outside employment position, PPD 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 request. If, after approving a request for outside employment, the Chief becomes concerned that a conflict of interest exists based on a financial reason, PPD 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 outside employment approval may be revoked pursuant to this policy.

22.11.3 Conduct During Off-Duty Employment

- A.** All officers working Off-Duty continue to be bound by Department policies and the General Orders Manual.
- B.** While working Off-Duty, officers may take those enforcement actions and make those arrests that the officer would if working on-duty. Officers shall immediately notify their supervisor and then submit a written report documenting the circumstances of any of the following should they occur while working off-duty:
 - i. incident involving use of police powers,
 - ii. injury to the officer or others,
 - iii. complaints involving the officer's services,
 - iv. court appearances resulting therefrom, or
 - v. liability concerns.
- B.** Officers shall not perform tasks outside the scope of law enforcement duties when engaged in Off-Duty work (e.g. acting as a cashier while employed to provide law enforcement services).
- C.** Any citizen complaints generated while working off-duty shall be reported by the employee no later than the end of the off-duty shift to the employee's immediate

supervisor. The officer shall request an incident number through Dispatch and gather all available information (e.g. complainant name and contact information, basis for/substance of alleged complaint). If requested, the officer will provide his/her name and badge number to any person requesting to file a complaint.

22.11.3 Prohibited Off-Duty Work

- A.** Any off-duty work that does or may conflict with law enforcement duties or the Department's best interest, as determined in the sole discretion of the Chief, or the Town's best interest, as determined in the sole discretion of the Town Manager, is not permitted. Examples include, but are not limited to, the following: acting as an expert witness in litigation; debt collection; adjusting claims; recovering property covered by a security agreement in default of payment; investigation and/or reconstruction of accidents; private investigations or security consultant services; working as a bouncer; working at the scene of a labor dispute; or working at any business or location where the primary focus is the sale of alcoholic beverages, the dispensing or use of recreational or medical marijuana or the adult entertainment industry.
- B.** While on duty, department personnel shall not conduct any business that may be related to off-duty employment.
- C.** Off-duty employment shall not consist of any work performed for a bail bond or bail recovery entity.

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- B.** Outside Employment shall not:
 - i.** Involve the employee's use of PPD time, facilities, equipment or supplies, the use of the PPD badge, uniform, prestige or influence;

- ii. Involve any act that the employee would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a PPD employee;
 - iii. Involve the performance of an act that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other PPD employee;
 - iv. Involve time demands that would render performance of the employee's duties for PPD below minimum standards or would render the employee unavailable for reasonably anticipated assignments and other job-related demands that occur within or outside regular PPD working hours.
- C. While on duty, department personnel shall not conduct any business that may be related to Outside Employment.
- D. Due to the potential conflict of interest no PPD employee may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position. Any private organization, entity or individual seeking special services for security or traffic control from PPD personnel must follow the guidelines in requesting and scheduling such services directly through PPD via the established off-duty program.
- E. Employees are prohibited from using any PPD or Town equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to PPD or Town official records or databases or through the use of the employee's position with PPD.

22.11.4 Emergency Call to Duty from Off-Duty Work

- A. Officers must inform off-duty employers that PPD may determine at any time, and for whatever duration may be necessary, that all PPD officers are subject to being called upon to perform regular PPD duty and will not be available to work off-duty at such times. Officers are also subject to being called upon to perform PPD duty at any time deemed necessary by PPD (including, but not limited to emergency circumstances); and officers should therefore inform their outside employment of this.
- B. Officers working off-duty shall immediately respond to a call to regular PPD duty.

22.11.5 Maximum Hours and Minimum Hours Between Shifts

- A. No officer may work off-duty or engage in outside employment more than thirty hours in a pay period without taking vacation or compensatory time off from regular duty.

- B.** All officers shall have a rest period of not less than eight (8) continuous hours out of any twenty-four (24) hour period, whether working on-duty, off-duty or outside employment.
- C.** No officer shall work more than twelve (12) hours of off-duty work or outside employment in any twenty-four (24) hour period.

22.11.6 Special Circumstances

The Chief may grant exceptions to these rules, for specific periods or specific events, when doing so is in the best interest of PPD and/or the Town, as determined in the Chief's sole discretion.