



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

TITLE: OFF-DUTY EMPLOYMENT	GENERAL ORDER NUMBER: 400
REFERENCES: Attachment A – Off-Duty Interview Fees	EFFECTIVE DATE: 06/01/2016
REVIEW DATE: 01/01/2019	DISTRIBUTION: A

The purpose of this General Order is to establish a policy and procedure for employees of the Department who seek or presently hold employment in addition to their regularly assigned duties.

400:1 Definitions

Independent Employment

For purposes of all provisions of this general directive, *independent employment* means any work done for a third party, corporation, partnership, other business entity, or for oneself to earn income by means other than employment with the Department. This definition includes sole proprietorships and businesses operated out of an employee's home.

400:2 Employment as an Officer

400: 21 Additional Duty

Within the City of Columbia Heights, no employees shall be allowed to engage in any independent employment as a police officer. Any employment as a police officer within the City that is in addition to an employee's regularly assigned duties shall be considered *overtime duty*, and may be engaged in only when assigned by the Department.

400: 211

Overtime duty assignment forms shall be posted by the Department, and assignments shall be made in accordance with Department policy and union contract.

400:212

While performing overtime duties, employees shall at all times be employees of the Columbia Heights Police Department, and their sole responsibility shall at all times be to the Department. Any employee who is working in uniform shall at all times conform to the standard of dress set forth in existing policy.

400:22 Outside the City

No employee shall be allowed to engage in any type of employment as an off-duty police officer outside the City of Columbia Heights, except pursuant to the Mutual Aid Pact, or when authorized by the Chief.

400:3 Independent Employment

400:31 Conditions

Any independent employment shall be subject to the following conditions:

- The employee shall submit a written application for such independent employment to the Chief; and, if applicable, attach to the application a copy of the proposed employment agreement with the independent employer. The Chief shall sign the application as either approved or not approved. Approval shall be obtained prior to engaging in such employment.

- Approval of independent employment is valid until December 31 of each calendar year. In the event the independent employment continues beyond that date, the employee shall submit a renewal application to the Chief by December 1 of each calendar year.
 - No sworn staff shall wear their uniform, or use any equipment or articles of dress belonging to the Department, or issued by the Department, while conducting independent employment unless approved by Chief of Police. No employee shall act in a manner suggesting that they are performing Department business, or that they are vested with Department authority while engaged in independent employment. While engaged in independent employment, no employee shall identify himself/herself as representing the Columbia Heights Police Department.
 - The Chief may require, as a condition of approval, that the independent employer execute an indemnification agreement in favor of the city of Columbia Heights, in a format approved by the city attorney.
 - The Chief may contact the independent employer to obtain information necessary to determine whether Department approval of the independent employment is appropriate.
 - The Chief may impose any other conditions or limitations on employees' approval that appear necessary in each individual situation, in accordance with the criteria set forth in the denial, restriction, or revocation of approval section of this General Order.
 - No employee shall conduct any business relating to such independent employment while on duty as a Department employee, including possession or use of any equipment or records relating to, or used in the conduct of, such employment.
 - Such independent employment is separate and apart from a employee's duties and responsibilities to the Department, and neither the Department nor the City of Columbia Heights is responsible to the employee as an employer with respect to such independent employment. Further, the employee is not an agent or representative of the Department or the City of Columbia Heights, and neither the Department nor the City is responsible or liable for any actions of the employee.
- 400:32 Legal or Contractual Obligation**
Approval of proposed independent employment does not constitute an endorsement of the independent employer by the City of Columbia Heights. The approval of the proposed independent employment does not create any legal or contractual obligation to the independent employer, or to the employee who has submitted the proposal. The approval of the proposed independent employment may be revoked by the Department whenever the Chief reasonably concludes that continued independent employment of an employee has become inconsistent with the purposes of this regulation.
- 400:33 Interviews**
Interviews given by an employee, apart from those required in the official course of duty, to any third party regarding occurrences the employee witnessed or investigated while acting in his/her capacity as a Department employee, shall be done off-duty.
- 400.331**
The off-duty requirement may be waived by the sergeant or divisional supervisor/manager in the event of hardship, or if deemed to be in the public interest.
- 400:332**
Fees for an hourly rate and mileage may be charged as set forth in **Attachment A – Off-Duty Interview Fees.**

400:4 Restrictions on Independent Employment**400:41 Employees on Sick Leave or IOD**

No employee on sick leave, or injured on duty, shall be permitted to engage in independent employment without prior written approval of the Chief. This approval is separate and apart from the initial approval for independent employment.

400:42 Probationary Employees

Probationary employees shall not engage in independent employment during their FTO training. Probationary employees are also discouraged from engaging in independent employment during the remainder of their probationary period.

400:43 Conflicts of Interest

Certain types of independent employment are inconsistent with the goals of this policy due to actual or perceived conflicts of interest. To preclude this type of problem, the following types of independent employment are prohibited:

- Employment where the employer sells or distributes alcoholic beverages, unless approved on a case-by-case basis;
- Employment in investigative work for insurance companies, collection agencies, attorneys, or bail bond agencies;
- Employment for an employer who the employee knows to have been convicted of a felony, or who associates with convicted felons;
- Employment that involves a labor dispute, other than testimony in a judicial, or quasi-judicial hearing; and
- Employment involving repossession work.
- Employment which features live nude or erotic entertainment, massage or sauna bath.

400:5 Denial, Restriction, or Revocation of Approval**400:51 Criteria**

The Chief may approve, restrict, modify, or deny a request for independent employment. The Chief may subsequently revoke approval based on any of the following criteria:

- The employment creates an actual or perceived conflict of interest with the employee's duties and responsibilities to the Department, or exposes the City to an unreasonable risk of liability;
- The employment would in any way restrict the employee from performing their duties, or would make them unavailable in an emergency situation;
- The employment impairs the employee's ability to perform their duties efficiently and effectively while on duty, whether the impairment is physical, mental, or emotional;
- The employment requires special consideration to scheduling the employee's duty time, other than military/reserve employment; or
- Continued unsatisfactory performance of their duties.

400:6 Voluntary or Uncompensated Activities**400:61 Violation of This General Order**

Voluntary or uncompensated activities need not be disclosed to the Department pursuant to this General Order. However, voluntary or uncompensated activities that violate the purposes of this General Order may be regulated or prohibited by the Department in particular cases; for example, where such activities pose a conflict of interest with an employee's Department employment, or unduly interfere with an employee's performance of Department duties.

400:62 Equipment or Articles of Dress

When engaged in voluntary or uncompensated activities, Department employees are prohibited from using any equipment or articles of dress belonging to or issued by the Department, unless authorized in writing by the Chief or divisional manager/supervisor.

BY ORDER OF:

Scott Nadeau, Chief of Police

[Back to Top](#)

400:7 Work Hours

400:71 Total Work Hours

Employees shall work no more than a total of 16 hours per day, which is a combination of department approved and their independent employer(s).

400:72 Hours between Shifts

Unless there is prior approval by the shift supervisor, employees must have no less than eight hours between the end of an overtime detail, shift holdover, or independent employment work shift and the beginning of an on-duty shift. Mandatory court appearances are excluded.

400:8 Application of Policy

The provisions and requirements of this General Order apply to all types of employment in which any employee may be currently engaged on the date this regulation becomes effective, whether or not previously approved by the Department.