

Outside Employment, Outside Overtime and Extra-Duty Employment

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment, outside overtime or extra-duty employment.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment (Off-duty employment) - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime (KDPS approved contractual overtime) - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

Extra-duty employment- Duties or services performed by members of this department for a private organization, entity or individual, that are requested through the Department. Member compensation, benefits and costs for such outside services are paid directly to the employee and are not reimbursed to the Department. It is the policy of KDPS that extra-duty employment is not allowed.

1020.2 POLICY

Members of the Kalamazoo Department of Public Safety shall obtain written approval from the Chief of Public Safety or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Public Safety in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1020.3 OUTSIDE EMPLOYMENT

1020.3.1 REQUEST AND APPROVAL

Members must submit a memo to their immediate supervisors. The memo will then be forwarded

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through the chain of command to the Office of Professional Standards for consideration.

If approved, the member will be provided with a copy of the approved request. Unless otherwise indicated in writing on the request, approval for outside employment will be valid through the end of the calendar year in which the request is approved. **Members seeking to continue outside employment must submit a new request form at the start of each calendar year.**

The department reserves the right to place restrictions on certain types of outside employment if that employment could potentially reflect negatively on the department or subject the department to potential liability (i.e. police-related employment).

1020.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

1020.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 1. Approval for the outside employment may be re-established when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1020.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Public Safety within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1020.4 REQUIREMENTS

All employees must cease any off-duty employment and return to duty when notified that they are needed for KDPS duty. All employees who engage in off-duty employment shall notify their off-duty employers of this primary obligation.

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1020.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) Employment or activity that is unlawful.
- (b) Ownership or employment in any adult entertainment business.
- (c) Off-duty employment while the employee is on paid sick leave or workman's compensation leave.
- (d) Employment within six hours after the shift for which an employee has used sick leave, not to include family sick leave.
- (e) The use of department time, facilities, equipment or supplies.
- (f) The use of the Kalamazoo Department of Public Safety badge, uniform or influence for private gain or advantage.
- (g) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (h) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (i) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (j) Activities that may conflict with any other policy or rule of the Department.
- (k) Any off-duty employment without the written approval of the Chief or designee.

1020.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer, private security guard, private investigator or other similar private security position.

1020.4.3 DEPARTMENT RESOURCES

Members 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 against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1020.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Public Safety through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Public Safety any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

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1020.4.5 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on administrative leave, modified duty assignment or other restricted light duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Public Safety regarding whether such employment should continue.

In the event that the Chief of Public Safety determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Kalamazoo Department of Public Safety, a written request may be submitted to the Chief of Public Safety to approve the outside employment request.

1020.5 OUTSIDE OVERTIME

1020.5.1 REQUESTS FOR SPECIAL SERVICES - KDPS

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a request to the Chief of Public Safety, or designee, in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments at the overtime rate of hourly + 1/2 based upon employee classification.

- (a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
- (b) The requester will be required to reimburse the Department for the members' compensation, benefits and costs (e.g., equipment use) associated with such outside services
- (c) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).

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- (d) Outside overtime shall be assigned at the discretion of the Chief of Public Safety or the authorized designee in accordance with the collective bargaining agreement.
- (e) The Executive Lieutenant of Operations will coordinate all requests for special services.

1020.5.2 KDPS POLICE RELATED EMPLOYMENT PROCEDURES

An employee who signs up for police-related employment shall be responsible for performing all work associated with that assignment. In addition, any officer signing up to work police-related employment shall adhere to the following:

- (a) Contact the Shift Lieutenants office at the beginning and the end of their overtime employment notifying them of their status.
- (b) Work the hours that are scheduled in Intellitime for the specific overtime employment unless the Shift Lieutenant approves a deviation from the assigned hours.
- (c) Employees are not allowed to remove their names from the OT Events roster without Shift Command approval.
- (d) Officers working off-duty police-related employment shall write the reports relating to crimes involved with that employment. Reports shall be submitted prior to going home, unless approved by the Shift Commander.

Failure to report to an off-duty police related assignment after signing up for it shall subject the employee to progressive discipline the same as if the employee failed to report for on-duty work.

1020.5.3 USE OF KDPS EQUIPMENT FOR CONTRACTUAL ON-DUTY EMPLOYMENT

KDPS equipment may only be used in outside overtime when officers are engaged in outside overtime in their capacity as KDPS officers. The following shall apply:

- (a) KDPS employees may wear their uniform and use their issued portable radio when engaged in approved, police-related employment.
- (b) Officers shall notify Dispatch at the start of their assigned shift providing the location of their assignment and hours that they will be on-duty. Officers shall maintain radio communication throughout the entire shift in case they are needed. Officers shall notify Dispatch that they are going off-duty at the conclusion of their respective shift.
- (c) KDPS vehicles may be used on traffic posts or when the use of a marked cruiser is necessary for the safety of the officer. The officer shall first obtain permission from the zone sergeant to which the vehicle is assigned. Cruisers will not be used solely for transportation to and from a job site.

1020.5.4 ARREST AND REPORTING PROCEDURE

Any public safety officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

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1020.5.5 SPECIAL RESTRICTIONS

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