

# Outside Employment

## 1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy and [Utah Code 53-13-114](#).

### 1021.1.1 DEFINITIONS

**Outside Employment** - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) 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, product(s) or benefits rendered.

**Outside Overtime** - Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 1021.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application. The application will then be given to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit.

Any employee seeking approval of outside 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.

[See attachment: BPD\\_2\\_11\\_14\\_Off\\_Duty\\_Employment\\_Approval.pdf](#)

### 1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.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

### 1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

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- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

### **1021.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of [UAC R477-9-2](#), the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Department or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

#### **1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

Due to the potential conflict of interest no member of this department will generally be permitted to 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 members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

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1. The officer shall wear the Department uniform/identification.
2. The officer shall be subject to the rules and regulations of the Department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime 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 outside overtime assignment.

#### 1021.3.3 SPECIAL RESTRICTIONS

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

#### 1021.4 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 the Department or other agencies through the use of the employee's position with this department. Specific equipment may be approved for use by the Chief of Police.

##### 1021.4.1 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 officer provide his/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 off-duty 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

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permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Status subsection of this policy.

#### **1021.5 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. 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 any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### **1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform the Chief of Police in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The Chief of Police shall review the duties of the outside employment along with any related doctor's orders.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the Chief of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.
- (b) The outside 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 their intentions to their supervisor.

When the disabled employee returns to full duty with the Bountiful City Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

## **Attachments**

## **BPD\_2\_11\_14\_Off\_Duty\_Employment\_Approval.pdf**



**BOUNTIFUL CITY POLICE DEPARTMENT**  
**805 South Main Street**  
**Bountiful Utah 84010**  
**801-298-6000**



**Off Duty Employment Approval**

Employee's Name \_\_\_\_\_ Present Assignment \_\_\_\_\_

Prospective Employer \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_ Start Date \_\_\_\_\_

Nature of Work \_\_\_\_\_ Hours Worked Per Week \_\_\_\_\_

All off-duty outside employment is governed by Bountiful City Policies and Procedures Manual, section 505. If the purpose of the off-duty employment is as a security officer, as authorized pursuant to Utah Code Ann. 53-13-114, read and initial each of the following sections and attach the signed Release, Waiver and Hold Harmless Agreement.

\_\_\_\_\_ I hereby affirm and represent that I will be employed off-duty as a Security Officer, by the employing entity identified above and that I have verified that the above Entity will comply with State and federal income reporting and withholding requirements regarding my off-duty security officer wages. I further affirm that I will inform the Bountiful Police of any change in this off-duty employment entity's policy involving the above requirements.

\_\_\_\_\_ If my off-duty security officer employment is situated outside the corporate limits of Bountiful City, I will not represent myself as a Bountiful City Police Officer during the performance of my duties. In addition, I am not to use any City equipment, other than the personal equipment I would normally expect to use when off-duty or access restricted data from the Department's Records Bureau or Communications Center in connection with my off-duty employment.

\_\_\_\_\_ If I find it necessary to exercise police authority, while employed while off-duty which results in an injury, I will not be eligible for Workers Compensation through Bountiful City.

**Non Law Enforcement/Security Employment (Read and initial)**

\_\_\_\_\_ I fully understand Bountiful City will not provide Liability Insurance Workers Compensation if I become injured while working off-duty employment. I will advise my prospective employer of this policy and their potential responsibility if I receive an injury; however, I may use sick leave, if available, should I become physically incapable of reporting for duty due to an off-duty injury.

\_\_\_\_\_ Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Request is: **Approved** **Denied** \_\_\_\_\_  
 Chief of Police Signature \_\_\_\_\_ Date \_\_\_\_\_



Off Duty Employment Approval continued



**Bountiful City Release Waiver and Hold Harmless Agreement**

I, the undersigned, represent that I am the authorized representative of the employer of Officer \_\_\_\_\_ in this officer’s secondary employment with \_\_\_\_\_. I further represent that I have the authority to act on behalf of said entity in its employment contract with the above officer. I hereby release from all claims, waive all claims against, and agree to defend and hold harmless Bountiful City, its officers, agents, employees, and volunteers from any and all claims that may arise directly or indirectly out of the above officer’s employment with this entity.

**Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_**

**Print Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Title** \_\_\_\_\_

**STATE OF UTAH** )

:ss

**COUNTY OF \_\_\_\_\_** )

PERSONALLY APPEARED before me \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, who duly acknowledged to me that he/she is the signer of the above and foregoing and that the information contained therein is true and correct to the best of his/her knowledge.

\_\_\_\_\_

**NOTARY PUBLIC**