

7.130 OUTSIDE EMPLOYMENT

7.130.1 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 Police Chief prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Police Chief in accordance with the provisions of this policy.

Provisions of this policy are also intended to address issues regarding Department employees engaged in off-duty employment as security officers in accordance with *Utah Code Ann.* § 58-63-304 and § 53-13-114 as amended.

7.130.1.1 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. Outside employment also includes Department employees engaged in off-duty employment as a security officer.

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.

7.130.2 Obtaining Approval

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Police Chief. 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 Off-Duty Employment Approval Permit, which shall be forwarded to the Police Chief for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year. Any employee seeking to renew a permit shall submit a new Off-Duty Employment Approval Permit no later than January 15th.

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.

7.130.2.1 Appeal Of Denial Of Outside Employment

If an employee's Off-Duty Employment Permit is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Police Chief within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to applicable Department grievance policy.

7.130.2.2 Revocation/Suspension Of Outside Employment Permits

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

- (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 Police Chief 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 or continued employment with the Department.
- (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.

7.130.3 Prohibited Outside Employment

The Department expressly reserves the right to deny any Off-Duty Employment Approval Permit submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's performance.
- (b) Conflicts with the interests of the Department or Farmington City.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.
- (d) Employment as a process server, re-possessor, or bill collector towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
- (e) Personnel investigations for the private sector or any employment which might require the police officer to have access to the police information, files, records or services as a condition of employment.

- (f) Assists, in any manner, the case preparation for a defense counsel in any criminal or civil action or proceeding which involves Farmington City.
- (g) For a business or labor group on strike.
- (h) Establishments involved in the sale or pornographic materials, or sexual devices, or videos, or provide entertainment or services of a sexual nature.
- (i) Any employment at an establishment or for a company whose principal business is the sale, manufacture or transport of alcoholic beverages.

7.130.3.1 Outside Overtime

Any private organization, entity or individual seeking outside services from members of the Department must request such services in advance. Such services shall be requested in writing to the Police Chief.

- (a) The Department will set a reasonable fixed hourly rate for outside services, to be paid to the Department by the entity requesting such services (two hour minimum per event).
- (b) Should such a request be approved, participating employees shall be subject to the following conditions:
 1. The officer(s) shall wear the Department uniform/identification.
 2. The officer(s) shall be subject to the rules and regulations of the Department.
 3. No officer may engage in such event 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 at time and one half if eligible under applicable wage and hour policies.
 5. The authorizing police administrator should insure that the contact person, phone number, and billing address of the private entity are forwarded to the executive secretary for billing purposes.

7.130.3.2 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. If outside employment includes Department employees engaged in off-duty employment as a security officer, such employment shall comply with applicable provisions of *Utah Code Ann.* § 53-13-114 and § 58-63-304, as amended.

7.130.3.3 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.

7.130.4 Review Of Financial Records

If before or after approving a request for an outside employment position, the Department is concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her financial records for review/audit. If the employee elects not to provide the requested records his/her off-duty work permit may be denied or revoked.

7.130.5 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 Police Chief through the 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 Police Chief 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.

This policy replaces any previous version/s of Farmington Police policy 7.130