

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 1100

Supersedes: NA

Effective: April 1, 2013

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Dated: May 13, 2003

EXTRA-DUTY EMPLOYMENT

- I. **PURPOSE:** To provide regulations and procedures governing off-duty and outside Employment by department personnel.
- II. **POLICY:** It is the policy of the Upper Merion Township Police Department to allow its personnel to engage in extra-duty employment that does not conflict with primary job assignments or obligations to the Department, and that does not discredit or embarrass the Department or diminish public confidence in law enforcement, or in the Department's commitment to integrity.
- III. **CROSS-REF:** UPPER MERION TOWNSHIP POLICE PERSONNEL MANUAL
UPPER MERION TOWNSHIP POLICE DUTY MANUAL
Policy # 850, DOCUMENTATION OF OFF-DUTY INCIDENTS
Policy # 1300, INTERNAL INVESTIGATIONS

IV. **DEFINITIONS:**

EXTRA DUTY EMPLOYMENT: Any employment that occurs outside of an employee's normal duty status, including both Off-Duty and Outside employment.

OFF-DUTY EMPLOYMENT: Any secondary employment undertaken while in other than duty status which entails actual or potential use of police authority and requires vested police powers as a condition of employment. Off-duty details constitute work assignments that have been agreed upon by a private citizen and/or organization and the Department.

OUTSIDE EMPLOYMENT: Any secondary employment undertaken while in an off-duty status which does not entail the use or implied use of police authority. Work of this type provides no real or potential law enforcement service, and vested police powers are not a condition of employment.

V. **PROCEDURE:**

A. DEPARTMENT APPROVAL:

1. All off-duty employment details must be approved by either the Chief of Police or a Command Officer prior to their posting within the department. Officers may accept off-duty employment details by “signing-off” on the posted notice. Once an officer has signed the notice, thus accepting the off-duty employment detail, he/she has an obligation to cover that detail. If the officer is unable to cover this detail, it is his/her responsibility to secure a replacement officer.
2. Prior to engaging in any outside employment or business, the employee shall submit a written request for approval to do so to the Chief of Police on the department approved form.
3. The following is a list of types of outside employment that are specifically prohibited. This list is not all-inclusive.
 - a. Employment in which police powers may be used for private purposes of a civil nature, such as a private investigator, bill collector or process server.
 - b. Employment in a concern involved in a labor dispute, or any participation in a labor dispute.
 - c. Employment which assists, in any manner, with the case preparation for the defense in any criminal action or proceedings.
 - d. Employment that in any way would discredit Upper Merion Township and/or the Department, such as in establishments which sell pornographic books, magazines, sexual devices or video, or that otherwise provide entertainment or services of a sexual nature.
 - e. Employment where a police badge, uniform, or exercise of police authority is to be used in the performance of the job.
 - f. During periods of sick leave or injury-on-duty absence.

B. PRIMARY DUTY OBLIGATION:

1. A police officer engaged in any extra-duty employment is subject to call-out in case of an emergency, and may be expected to leave his/her off-duty or outside employment in such situations.

2. Officers working off-duty employment must arrive and depart at the specified times for the detail. When an off-duty detail is worked in conjunction with the start or conclusion of a regular duty shift, the officer assigned to the detail must arrange personal time with the shift supervisor to allow for travel time to or from the detail.

C. RESTRICTIONS:

1. A patrol officer may work no more than four (4) hours at an extra-duty employment assignment in the eight (8) hour period preceding or following a scheduled patrol division shift. Investigations division personnel may work no more than eight (8) hours preceding or following a scheduled investigations division eight (8) hour shift. Investigations division personnel on the twelve (12) hour shift are subject to the same time restrictions as patrol officers. No officer may work more than sixteen (16) hours in any twenty-four (24) hour period. The Chief of Police, or his/her designee, shall have the authority to waive these restrictions under special circumstances.
2. Under no circumstances shall the number of hours worked on extra-duty employment interfere with an officer's performance of primary police functions.

D. ACTIVITIES AND DEMEANOR DURING OFF-DUTY EMPLOYMENT:

1. It is expected that officers hired to work off-duty employment assignments will perform in the same manner that is expected of on-duty officers. Organizations hiring off-duty officers are promised a trained, alert, fully uniformed (except in special circumstances) officer who will report on time and act as a professional for the duration of the assignment.
2. Officers engaging in extra-duty employment under the provisions of this policy shall retain all the rights and duties of a member of the Upper Merion Township Police Department, and shall maintain compliance with all established Department policies and procedures applicable to their performance as a police officer.
3. Officers engaged in off-duty employment have the same power and discretion as an on-duty officer, and may arrest or issue a summons based on probable cause, or make an arrest based on a warrant.
4. An officer engaged in any off-duty employment shall at all times take proper action on any offense or condition that would normally require police attention.
5. Other than a brief personal communication, off duty detail officers may not text, view the internet, converse on the phone, check e-mail or engage activity on a smart device unless it is related to the police function. Officers may not eat, smoke, or chew tobacco while in view of the public. Food consumption should be planned to occur prior to or after the detail. Discrete consumption of liquid is permitted. Small portable radios kept out of view and on low volume may be utilized on traffic details, but not on any other type of detail.

E. INJURIES SUSTAINED DURING OUTSIDE EMPLOYMENT:

1. The Department's liability insurance coverage and worker's compensation benefits for work related injuries or disability will not apply when employees are engaged in outside employment. Injuries or disability incurred while working for another employer would be covered by that private employer's worker's compensation plan.

F. REVIEW AND REVOCATION:

1. The Captain of Police shall review approved extra-duty employment and report to the Chief of Police concerning:
 - a. Procedural and operational issues.
 - b. Liability issues.
 - c. Jurisdictional issues.
 - d. Supervisory issues.
 - e. Personnel and management issues.
2. The Chief of Police shall reserve the right to revoke an employee's participation in an extra-duty employment opportunity.
3. The Chief of Police shall reserve the right to revoke the Department's participation in an off-duty employment opportunity.
4. Approval for extra-duty employment may be withdrawn upon the discovery of any conflict of interest or any violation of the conditions for approval stated in this policy, when such employment interferes with the employee's primary duties or if Department disciplinary standards are violated.
 - a. Withdrawal of authorization for extra-duty employment does not constitute a disciplinary action, and any decision regarding the retraction of such privileges shall rest with the Chief of Police. Written notification of such revocation shall be provided to the employee.
5. Failure to obtain written approval, giving false information when requesting approval, or failure to adhere to the provisions of this policy shall result in revocation of approval and possible disciplinary action.

G. EXTRA-DUTY EMPLOYMENT COORDINATION:

1. The coordination of extra-duty employment shall be the responsibility of the Captain of Police.

2. Employees assigned to off-duty employment details will contact the Communications Center prior to responding to the detail, and will maintain radio communications during the duration of the detail.
3. Complaints received for employees assigned to an off-duty detail will be taken by the on-duty shift supervisor and handled in accordance with Policy #1300, INTERNAL INVESTIGATIONS.
4. The on-duty shift supervisor has the authority to reassign employees assigned to off-duty employment details to assist the department in emergency situations.

H. DOCUMENTATION:

1. The Captain of Police, or his/her designee, shall provide for documentation of:
 - a. All employees participating in off-duty assignments, the compensation for those employees, and the reimbursement to the department for their hours worked.
 - b. All correspondence between businesses or organizations requesting consideration of off-duty employment.
 - c. All correspondence, or other documentation, concerning the approval or revocation of extra-duty employment.
2. All officers and employees involved in public safety incidents while off-duty shall complete all proper notification and documentation in accordance with Policy #00.2.2.1, DOCUMENTATION OF OFF-DUTY INCIDENTS.
3. In order to be compensated, employees who work off-duty employment details shall submit a completed Off-Duty Detail form to the appropriate Division Commander within one week of the scheduled date of the detail.

APPROVED: _____ DATE: _____

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TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
 All civilian employees
 Township Manager
 File