

# 114. INDEPENDENT EMPLOYMENT AND VOLUNTEER ACTIVITIES



## RICHFIELD POLICE DEPARTMENT POLICY

Effective Date: 01/05/89  
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Authority: Chief Jay Henthorne

*NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.*

### I. PURPOSE

The purpose of this Policy is to establish guidelines that regulate department employment and volunteer activities to ensure officers are fit for duty at the Richfield Police Department.

### II. POLICY

The status of police officer vests in individuals the responsibility for protecting the lives and property of those in the community they serve. Officer conduct, whether on-duty or off-duty, reflects upon the Department, the City, and the criminal justice system. The reputation of the Department depends upon the professionalism of its officers. The nature of law enforcement requires undivided loyalty and dedication to the Department. An officer must have the ability to work irregular shifts and be available in case of an emergency. When on-duty, an officer must be physically, mentally, and emotionally able to function as a police officer. Responsibilities to other employers or volunteer organizations may interfere or conflict with an officer's primary responsibility to the Department.

### III. DEFINITIONS

For purposes of this Policy, the terms defined in this section have the meanings given them.

**EMPLOYMENT:** Exchange of services for compensation (wage, salary, gift) including self-employment. "Services" include the use of the City of Richfield name and its departments, divisions, units, employees, and employee titles.

**INDEPENDENT EMPLOYMENT:** Employment procured and engaged in by an off-duty police officer without the aid, assistance, or oversight of the Department. Employment would not include family-owned and operated businesses provided they are not prohibited by other parts of this Policy.

**CONFLICT OF INTEREST:** Any activity determined by the Police Administration to be actually or potentially inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of a police officer.

**VOLUNTEER ACTIVITIES:** Elective activities procured and engaged in by off-duty Public Safety employees (police officers) for which there is no wage, salary, gift, or other compensation.

### IV. PROCEDURE

#### APPLICATION

The provisions and requirements of this Policy apply to the following employment:

- 1) All types of independent employment, conducted inside and outside the Richfield city limits.
- 2) All independent employment in which an officer is engaged at the time of this Policy's enactment, whether approved under a prior policy or not, and all independent employment in which an officer seeks to engage.

### **Independent Employment**

No officer **shall** engage in independent employment without prior approval of the Administration. The officer seeking approval **shall** submit a written request for approval to the Chief of Police prior to engaging in the independent employment. Such request **shall** be made upon an official request form. If at any time, whether prior or subsequent to approval, the information submitted for approval changes, the officer **shall** promptly inform the Administration in writing. This requirement includes written notification of cessation of that independent employment. The submitted request form and any changes will be placed in an off-duty employment file.

Probationary officers with less than six months employment may not volunteer or be assigned to either outside employment, or to any non-patrol overtime offered by the department (e.g. athletic events, school dances) except where specific approval from the command staff is granted.

When scheduled to work a duty shift, officers **shall not** work at outside employment plus that duty shift for more than 18 hours within a 24-hour period unless approval has been given by a member of the Command Staff.

The Administration will examine each request considering the nature of the independent employment and the needs and desires of the Department, City, and requesting officer. In determining whether to approve a request, the command staff may contact the independent employer for more information which may include waivers of liability.

### **APPROVAL**

An officer **shall** be notified that the request is approved or disapproved in writing within a reasonable time. Such written notification **shall** become a part of the off-duty employment file. Only after receiving written notification of approval **shall** the officer engage in the independent employment. Approval **shall** be subject to the following conditions and limitations:

- 1) No officer **shall** wear a police uniform or use any equipment or articles of dress belonging to the Department or issued by the Department while engaged in independent employment.
- 2) No officer **shall** carry a firearm, department or privately owned, during off duty employment if carrying the firearm is a condition of employment either stated or implied.
- 3) No officer **shall** act in a manner suggesting that they are performing police business or vested with police authority while engaged in independent employment.
- 4) No officer **shall** conduct any business related to independent employment while on duty as a Richfield police officer, including the possession or use of any Department equipment or records.

Approval of a request **shall not** constitute an endorsement by the City of Richfield of the independent employer or employment. Approval of a request **shall not** create any legal or contractual obligations between the City of Richfield and the independent employer or the requesting officer.

Any independent employment of an officer is separate and distinct from that officer's official duties and responsibilities to the Department. An officer is not an employee, agent, or representative of the Department or City while engaged in independent employment. Neither the Department nor the City is responsible or liable for the actions of an officer while the officer is engaged in independent employment.

Approval remains in effect as specified on the approval form or until terms and/or conditions of employment substantially change the nature of employment. In such case a new approval form must be submitted.

### **Withholding, restricting, amending or revoking approval**

The Administration may withhold, restrict through conditions or limitations, or subsequently amend or revoke approval based upon any of the following:

- 1) The independent employment creates an actual, perceived, or potential conflict of interest.
- 2) The independent employment restricts or could restrict the officer from performing official duties for the Department.

- 3) The independent employment impairs or could impair, physically, mentally, or emotionally, the ability of the officer to efficiently and effectively perform official duties.
- 4) The independent employment requires or could require that special or unreasonable consideration be given to scheduling the officer's duties for the Department.
- 5) The officer has not complied with or is not complying with conditions or limitations imposed upon the approval.
- 6) The Administration reasonably concludes that the independent employment would be inconsistent with the purpose of this Policy.

An officer **shall** be notified of the withholding, restriction, amendment, or revocation of the request for approval and reasons in writing. Such written notification **shall** become part of the off-duty employment file.

#### **Presumptively prohibited independent employment**

The following independent employment activities are presumptively prohibited because of their inherent likelihood of falling within any of the categories for which the Administration may withhold, restrict, amend, or revoke.

- 1) Employment involving, related to, or incidental to the selling, serving, or dispensing of alcoholic beverages.
- 2) Employment involving, related to, or incidental to a labor dispute.
- 3) Employment involving, related to, or incidental to the justice system including service of process, collections or repossession, or bail bond work.
- 4) Employment involving, related to, or incidental to occupations regulated or licensed by the City of Richfield, including operation of a taxi, garbage truck, or towing service.

If an officer is unsure about whether contemplated independent employment falls within any of the preceding presumptively prohibited activities, or believes that an exception should be made due to extenuating circumstances or compelling reasons, the officer should submit a request for approval.

#### **Prohibited independent employment**

No Richfield police officer **shall** engage in police or police-like independent employment within the city limits of Richfield. "Police" employment means the employment of a police officer as a police officer. For example, certain activities or special details, by ordinance or operational procedure, require the presence of a police officer. "Police-like" employment includes employment in which the officer functions in a police-like manner or exercises police-like authority on behalf of the independent employer. Examples of police-like employment include security or security-related and investigative work. All employment as a police officer or in a police-like capacity within the city **shall** be handled through the Department, including rates, charges, billing, officer assignment, and officer payment.

Engaging in independent employment without approval or engaging in prohibited independent employment constitutes sufficient grounds for progressive disciplinary action.

Officers engaging in independent employment do so without approval when they:

- 1) Fail to apply for or receive approval under this Policy.
- 2) Receive approval but fail to comply with conditions or limitations of the approval.
- 3) Receive approval, such approval is subsequently amended, and they fail to comply with the amended approval.
- 4) Receive approval and it is revoked, and the employee continues independent employment.

#### **VOLUNTEER ACTIVITIES**

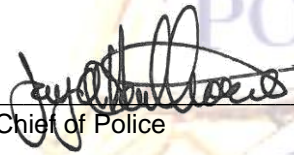
A Richfield police officer **shall not** be required to seek approval for volunteer off-duty activities outside the scope of their employment with the City. Participation in volunteer off-duty activities outside the scope of their employment with the City **shall** be subject, however, to the following:

- 1) An officer **shall not** use any equipment or articles of dress belonging to or issued by the Department unless specifically authorized in writing by the Police Administration.
- 2) Reasonable regulation where such activities, if compensated, would allow withholding, restricting, amending, or revoking approval.

If regulated, the officer **shall** be notified of such regulation and the reasons therefore in writing. Such written notification **shall** become part of the off-duty employment file.

Engaging in volunteer activities contrary to this provision constitutes grounds for progressive disciplinary action.

By Order Of:

  
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Chief of Police

