

# MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> <b>SECONDARY EMPLOYMENT</b>		
<i>Effective Date:</i> <b>4/25/2018</b>	<i>Original Date:</i> <b>05/17/2002</b>	<i>Next Review:</i> <b>4/25/2021</b>
<i>Chapter</i> <b>13</b>	<i>Policy #</i> <b>13.70</b>	<i>Distribution:</i>
<i>References:</i> <i>Extra Duty Employment Worksheet; Agreement for Special Event Police Services Contract Forms; Code of Ethics; Canon of Ethics</i>		

## I. Purpose

In all cases of outside employment, for all members of the department, the primary duty, obligation and responsibility of a department employee is, at all times, to the Police Department. Since the nature of law enforcement requires department employees to work irregular duty schedules and certain occupations inherently conflict with an employee's primary responsibility to the department, the department may impose restrictions on outside employment.

The purpose of this policy is to set forth guidelines to govern secondary employment by members of the Missoula Police Department.

## II. Policy

The policy of the Missoula Police Department is to provide guidelines to law enforcement employees to inform them of types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency and the community.

## III. Definitions

***Employment-*** The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

***Extra-Duty Employment-*** Any employment that is conditioned on the actual or potential use of law enforcement powers by the off duty police officer employee.

***Off duty employment-*** Any employment that will not require the use or potential use of law enforcement powers by the off-duty officer.

***Conflict of Interest-*** Any employment activity that is illegal, inconsistent, incompatible or in opposition to the duties, functions and/or responsibilities with this department.

***Charitable Service-*** Charitable service is defined a police service, in uniform, in which an officer provides a service as a charitable donation to

a recognized non-profit organization. An officer may request permission to provide this type of service in uniform representing the department from a staff officer. Upon approval by a staff officer, the police officer may perform this duty at no cost to the department.

#### **IV. Procedures**

- A. Off duty employment: Employees may engage in off duty employment that meets the following criteria:
1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
  2. Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing a conflict of interest include, but are not limited to, the following:
    - a. Officers who work serving civil process papers, re-possessing vehicles, collecting bills, the business of towing vehicles or any other employment in which police authority might be used to collect money or merchandise for private purposes.
    - b. Work involving personnel or background investigations for the private sector or any employment that might require the police officer to have access to police information, files, records or services as a condition of employment.
    - c. Employment using the police uniform, (badge), in the performance of tasks other than those of a police nature.
    - d. Employment that assists, (in any manner), the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
    - e. Officers who work for a business or labor group that is on strike.
  3. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupational. Examples of employment that constitute such a threat and should be denied include, but are not limited to:
    - a. Establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.
    - b. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
    - c. Any gambling establishment.
- B. Extra-Duty Employment: Police officers may engage in extra-duty employment as follows:

1. Where a government, profit-making, or not-for-profit entity has a contract agreement with the police agency for police officers in uniform who are able to exercise their police duties.
  2. Types of extra-duty services that may be considered for contracting are as follows:
    - a. Traffic control and pedestrian safety
    - b. Crowd control
    - c. Security and protection of life and property
    - d. Routine law enforcement for public authorities, (high school events and University of Montana events)
    - e. Plainclothes assignments
- C. Limitations on off duty employment and extra-duty employment are as follows:
1. Those officers who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in extra-duty employment.
  2. Prior to obtaining extra duty employment, a police employee shall complete the Extra Duty Employment Worksheet and have it approved by a Staff Officer as well as the Agreement for Purchases of Special Event Police Services which needs additional City Administration authorization.
  3. Probationary officers who have completed Field Training Officer course may work extra duty employment while with a confirmed officer.
  4. Work hours for all off duty/extra duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
  5. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.
  6. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to department procedures that such employment is not in the best interest of the department.
  7. Officers, while engaged in law enforcement related employment, shall be subject to the orders of the shift commander. The officer in charge will be assigned/approved by a Staff Officer of the department and this officer is responsible to ensure that all orders/directives/plans are coordinated through the department and communicated to all personnel involved. In the absence of an assigned officer in charge, officers will be subject to the orders of the on duty shift commander.

8. While performing law enforcement related extra duty employment the officers must follow the department's policies, rules, regulations, procedures and standards, in addition to any others that may be imposed by the secondary employer. Where there is a conflict, the department's rules will supersede. Officers engaged in extra duty employment will not perform duties that are functions or tasks of the business.
9. Officers will not have family members or citizen observers accompany them while they are working in an extra duty capacity.

**V. Pay Scale**

- A. All officers, regardless of rank, working, extra duty employment, performing law enforcement related duties will be paid at the minimum rate of time and one half plus fringe benefits.