

<p>Mesa Police Administrative Manual</p> <p>Approved: <i>Chief Frank L. Milstead</i></p>	<p>Subject:</p> <h2 style="text-align: center;">Off-Duty Employment Protocols</h2>	
<p>Effective: October 17, 2012</p>	<p>Chapter: Personnel Functions</p>	<p>Page: 1 of 6</p>

PURPOSE

This order provides Mesa Police Department (MPD) members with guidelines for Department-arranged Off-Duty employment and Outside Employment.

TYPES OF OFF-DUTY EMPLOYMENT

- **City Overtime Off-Duty Employment**
 - Work in conjunction with extra police duties compensated at an overtime rate from City of Mesa (COM) funds by Department member (sworn or civilian) in police uniform.
- **Contract Off-Duty Employment:**
 - Work for an independent company, person, or not-for-profit entity, which is arranged through the Mesa Police Department in police uniform and the service provided is a law enforcement activity by Department member (sworn and civilian). Any Off-Duty employment request for non-police uniformed officers must be approved by Chief of Police or designee.
- **Outside Employment:**
 - Services rendered to an employer other than COM, including self-employment, by a Department member (sworn or civilian) not in Mesa Police Department uniform. These jobs are not arranged through the Mesa Police Department and are non-police related activities.
 - For the purposes of this policy, teaching law enforcement related courses are not considered police related activities.

DEFINITIONS

Off-Duty Job Classifications

- **Lottery Job:** Any City Overtime Off-Duty or Contract Off-Duty job request received by the Off-Duty Hiring Coordinator with greater than two weeks' notice and five or more positions and/or shifts.
- **Non-Lottery Job:** Any City Overtime Off-Duty or Contract Off-Duty job received by the Off-Duty Hiring Coordinator with less than two weeks' notice.
- **Off-Duty Job or Off-Duty Employment:** Refers to any City Overtime Off-Duty or Contract Off-Duty employment.
- **Permanent Jobs:** Authorized Contract Off-Duty jobs which a Department member has been or will be continuously employed on a regular basis.
- **Seasonal Jobs:**
 - Holiday related jobs (i.e.: Easter Pageant, Tempe Block Party and Chicago Cubs Spring Training).
 - These Off-Duty jobs repeat annually but will be distributed through the lottery job procedures and are not permanent.

Off-Duty Employment Forms

- **Notice of Outside Employment Form, MPD 009(F):** [MPD 009\(F\), Notice of Outside Employment](#) completed by Department member to obtain proper approvals prior to working any Outside Employment.
- **Off-Duty Employment Annual Work Permit, MPD 447(F):**
 - [MPD 447\(F\), Annual Work Permit](#) completed and approved by the Department members' chain of command, prior to working any City Overtime Off-Duty, Contact Off-Duty job or Outside Employment.
 - This form approves Department member's Off-Duty employment eligibility.
- **Temporary Employment Agreement, MPD 364(F):**
 - [MPD 364\(F\), Temporary Employment Agreement](#) is required from the independent company, person or not-for-profit entity requesting Off-Duty officers, which includes proof of **Workmen's Compensation** and **General Liability** coverage for any COM employee being allowed to work.
 - This form must be signed by the **Contract** employers and returned to the MPD prior to Department member beginning the Off-Duty job.
- **Uniformed Off-Duty Employment Timesheet, MPD 448(F):**
 - [MPD 448\(F\), Uniformed Off-Duty Officer Time Sheet](#) is required after working an Off-Duty job documenting time worked for an independent company, person or not-for-profit entity.

OFF-DUTY GUIDELINES

- **Uniform Requirements:**
 - All City Overtime Off-Duty and **Contract** Off-Duty Employment must be in uniform, unless otherwise approved by Chief of Police or designee.
 - Any Off-Duty employment requests for uniformed Off-Duty Police Officers must be arranged through the MPD Off-Duty Hiring Coordinator.
 - Members shall work all uniformed Off-Duty employment in **appropriate** uniform as authorized in [ADM 1010 Specific Sworn Uniforms](#).
 - Members working Outside Employment shall not be in a City of Mesa (COM) or Mesa Police Department (MPD) uniform. Departmental safety equipment may be used, if necessary, for officer and public safety, or if approved by the Chief of Police or designee.
- **Job Requirements:**
 - Mesa Police Department Off-Duty employment requests are filled by members on a voluntary basis on their own time.
 - Off-Duty employment is limited to locations within the City of Mesa (COM), unless approved by the Chief of Police or designee.
 - Department- arranged Off-Duty employment is limited to members at the rank of Lieutenant or below.
 - Lieutenants shall not work under a Sergeant and Sergeants shall not work under an Officer.
 - A Department supervisor shall be hired if the Off-Duty job utilizes four (4) or more members, with the fourth member being the supervisor.
- School Resource Officers (SROs) will get first opportunity to work Off-Duty employment at

their assigned schools per event.

- Flextime, vacation or compensatory leave can be used to work Off-Duty employment, if approved by member's supervisor.
- **Member Requirements:**
 - Members interested in working Off-Duty employment are responsible for submitting their correct contact information to the Off-Duty Hiring Coordinator.
 - Members shall not work Off-Duty employment while on Standby pay.
 - Members shall not engage in any Off-Duty or Outside employment which results in mental physical fatigue that would hinder their ability to complete their regularly assigned duties.
 - Employees shall not work more than a combined total of sixteen (16) hours of regularly scheduled duty and off-duty work within a twenty-four (24) hour period.
 - Employees must have a continuous eight (8) hour rest period during each twenty-four (24) hour work period. Twenty-four (24) hour work period means a combination of off duty and on duty work.
 - Exceptions must be approved by the employee's Lieutenant or an on duty Lieutenant prior to working beyond the sixteen (16) hour restriction.
 - When exceptions are granted, the employee must have a continuous eight (8) hour rest period before returning to work.
 - When police action is taken during an Off-Duty job, the member shall notify an on-duty supervisor and complete a Department Report (DR), if required.
 - If police action taken during Off-Duty employment results in overtime, the member will:
 - Notify on-duty supervisor and forward a copy of approved overtime slip to Off-Duty Hiring Coordinator.
 - Notify Off-Duty Hiring Coordinator of any court appearance resulting in overtime.
 - The Off-Duty Coordinator will:
 - Maintain a record of these court appearances.
 - Include information in required report(s) to Commander/Manager.
- **Use of Department Equipment:**
 - The Chief of Police or designee may authorize the use of Departmental equipment, supplies or facilities for Off-Duty employment.
 - A fully marked police vehicle may be required on specific types of Off-Duty jobs. That request shall be specified in the work order, and vehicle usage fees will cover the use of the vehicle on [MPD 499\(F\), Off-Duty Patrol Vehicle Usage](#).
 - Members may use assigned vehicles from East or West Fleet for Off-Duty job, if required.

OFF-DUTY EMPLOYMENT RESTRICTIONS

- **Members Not Authorized for City Overtime and/or Contract Off-Duty Employment:**
 - Members who have not completed the Field Training Officer (FTO) Program.
 - Members who are on medical leave or on leave for illness, disability, an on-duty injury or who are on leave without pay from the COM.
 - Members on Administrative Re-assignment at home or on Disciplinary Suspension, as defined in [ADM 520 Disciplinary Process](#), shall not engage in any City Overtime and Contract Off-Duty Employment, unless approved by the Chief of Police.
 - Officers assigned to positions in which they work in an undercover capacity, unless given written permission from their Division Commander.
 - Reserve Police Officers, unless no full-time officer accepts the Contract Off-Duty within forty-

eight (48) hours of the job starting time.

- Police Service Officers (PSOs) working Off-Duty job other than traffic control.

- **Unauthorized City Overtime, Contract Off-Duty, and Outside Employment Jobs:**

- Any employment or business interests where process service is required.
- Any employment or business interests where the collection of debt is involved.
- Any employment or business interests in private investigative work or investigative work for an insurance company or attorney.
- Any employment or association with another law enforcement agency's Volunteer Reserve Program or as a paid member of that agency.
- Any employment or business interest not in accordance with [ADM 510 Code of Conduct](#).

OFF-DUTY SELECTION AND COMPETITION PROCESS

- **Off-Duty Job Postings:**

- All Off-Duty Employment job openings will be posted within twenty-four (24) hours at FAQs or www.mesaaz.gov/police website under Police off-Duty Jobs if appropriate.
- Employers requesting Off-Duty employment may request specific Mesa Police Officers to be hired for Off-Duty jobs, with the approval of the Human Resources Lieutenant.
- The Off-Duty Hiring Coordinator will send a notification email or place a COM Internet posting informing members of opening(s) to those who have provided their contact information.
- Members will respond to each desired Lottery and Non-lottery Off-Duty job request in writing via email to "PDOffDuty".

- **Lottery Jobs:**

- Lottery Off-Duty jobs shall be assigned based on a random lottery selection of requesting members.
- When a member accepts a Lottery Off-Duty job, but is then unable to work the job, the job listing will be returned to the Off-Duty Hiring Coordinator for re-assignment.
- The Off-Duty Hiring Coordinator will then offer it to the next member selected in the random lottery.

- **Non-Lottery Jobs**

- Non-lottery Off-Duty jobs will be assigned on a first come, first serve basis.
- Members may accept only one (1) Non-lottery Off-Duty job per posting. Exceptions may be approved by the Human Resources Lieutenant.
- When a member accepts a Non-lottery Off-Duty job, but is then unable to work the job, it is the member's responsibility to find a replacement.

- **Permanent Jobs**

- Permanent jobs will be filled via a random lottery selection, unless a specific Department member coordinated the Off-Duty employment job.
- A Department member can coordinate to work a Permanent job in police uniform as long as it is Department-arranged through the Off-Duty Hiring Coordinator.
- Permanent jobs not requiring a police uniform can be arranged through the Department member with approval from his/her chain of command.

- Members are allowed short term, temporary absences without being subject to losing their

Permanent jobs.

- When a Department member can no longer routinely work their assigned Permanent job, he/she may transfer the responsibility to another member.
- The member shall notify the Off-Duty Hiring Coordinator of Permanent job transfer.
- If the member does not transfer the job, the Permanent job will be returned to the Off-Duty Hiring Coordinator and treated as a Lottery job.
- **Off-Duty Job Completion:**
 - Members shall notify the Off-Duty Hiring Coordinator at the completion of their Off-Duty employment shift with the total hours worked.
 - The Off-Duty Hiring Coordinator will track all Off-Duty employment via an electronic database and all Off-Duty employment documentation will be retained for a minimum of three (3) years.

OUTSIDE EMPLOYMENT

- This policy is not intended to restrict the ability of a Department member (civilian or sworn) to be engaged in gainful employment in a non-police related activity, as long as:
 - The employment does not infringe upon the member's work schedule or productivity.
 - It does not infringe upon the Department's management rights as the primary employer.
 - Is in keeping with the Department's professional image.
- Members shall complete a [MPD 009\(F\), Notice of Outside Employment](#) for each Outside Employment position.
 - If the Outside Employment outlined on MPD 009(F) is denied, the reason shall be documented in writing and attached to MPD 009(F).
 - The Department member may request, in writing, that the denial be reviewed by his/her Division Commander, or request a meeting with the Chief of Police who shall make final decision.
- The original MPD 009(F) will be sent to the Off-Duty Hiring Coordinator and a copy will be kept in the member's workstation file.
- MPD 009(F) expires after one (1) year and must be renewed. Members should keep track of form expiration date and complete a new MPD 009(F), forwarded to the Off-Duty Hiring Coordinator.
- All approved Outside Employment or business activity must not interfere with police requirements or the approval may be terminated.
- Approved members shall not represent themselves as a COM employee while working Outside Employment and they shall assume all risks concerning that position.

OFF-DUTY ANNUAL WORK PERMIT

- Prior to working any COM Overtime Off-Duty, Contract Off-Duty, or Outside Employment, Department members must have completed and submitted [MPD 447\(F\), Annual Work Permit](#), approving employment eligibility.
 - [MPD 447\(F\), Annual Work Permit](#) must be renewed each calendar year.
 - A copy of the approved Off-Duty Annual Work Permit will be placed in the member's work station file.
 - The original approved Off-Duty Annual Work Permit will be maintained by the Off-Duty Hiring Coordinator.
- Department members' eligibility status is subject to removal at any time at the discretion of the

Chief of Police or designee.

- Supervisors will check member's complaint history by contacting Internal Affairs. The existence of a complaint history in itself not a determining factor for the member becoming ineligible to work Off-Duty employment.
- The Off-Duty Hiring Coordinator shall be notified when a member is deemed ineligible to work Off-Duty employment.
- When a member is deemed ineligible to work Off-Duty employment:
 - The reasons for not recommending eligibility shall be documented in writing, placed in the member's work station file, and reviewed by the Division Commander.
 - The member may request in writing the denial be reviewed by the Chief of Police.

OFF-DUTY EMPLOYMENT VIOLATIONS

- The Human Resources Commander/Manager:
 - Has the authority to place a Department member on Off-Duty employment probationary status for violating any provision of this order, including, but not limited to, not showing up for or being late to a scheduled Off-Duty job.
 - Will conduct an inquiry into any alleged violations of this Off-Duty Employment order by contacting the parties involved to determine the validity of the allegations.
 - Shall make written notification to the Department member outlining the specific reasons the member is being placed on Off-Duty employment probation or suspension.
- Off-Duty Employment violations will be handled in the following manner:
 - The first incident of missing or being late to a scheduled Off-Duty job within twelve (12) months may result in Department member being placed on probation for thirty (30) days.
 - A second incident within twelve (12) months will result in suspension from Off-Duty employment for thirty (30) days.
 - A third incident within twelve (12) months will result in suspension from Off-Duty employment for ninety (90) days.
 - Additional incidents within a twelve (12) months period will result in suspension from Off-Duty employment for up to one (1) year.
 - Any member placed on Off-Duty employment suspension is given the opportunity to meet with the Executive Officer - Assistant Chief if he/she would like to have the decision reviewed.
- Off-Duty employment privileges can be suspended if a member receives any form of Department discipline.

References:

- [ADM 510 Code of Conduct](#).
- [ADM 520 Disciplinary Process](#)
- [ADM 1010 Specific Sworn Uniforms](#)
- [MPD 009\(F\), Notice of Outside Employment](#)
- [MPD 364\(F\), Temporary Employment Agreement](#)
- [MPD 447\(F\), Off Duty Employment Annual Work Permit](#)
- [MPD 448\(F\), Uniformed Off Duty Officer Time Sheet](#)
- [MPD 449\(F\), Off-Duty Patrol Vehicle Usage](#)

