

1.7.1 Conditions of Work

I. POLICY

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

II. PURPOSE

To provide sworn officers with guidelines on the department's regular and extra/off duty employment policy, where the actual or potential use of police powers is possible or expected.

III. DEFINITIONS

1. **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.
2. **Extra-Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer.
3. **Regular Off-Duty Employment:** Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

IV. PROCEDURES

A. Departmental Approval

Sworn personnel must receive agency permission to engage in regular or extra/off duty employment, where the actual or potential use of police powers is possible or expected. All requests for any additional employment are to be submitted through the chain of command.

1. The Chief of Police or his/her designee shall approve all off duty employment under the provisions of this general order.
2. Prior to approval, the Chief of Police or his/her designee shall review employment requests and consider the following:
 - a. Procedural and operation issues

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- b. Liability issues
- c. Jurisdictional issues
- d. Supervisory issues
- e. Personnel and management issues

B. Revocation

The Chief of Police shall reserve the right to revoke the department's participation in an extra duty detail. Upon just cause, the Chief of Police reserves the right to revoke off duty employment, where the actual or potential use of police powers is possible or expected.

C. Behavior and Demeanor during Extra/off Duty Employment

Sworn personnel working off duty [no connection to the Johnstown Police Department] in a position, in which the actual or potential use of police powers is possible or expected, are not granted the protection/benefits provided to on duty Johnstown Police personnel. Personnel are expected to display high ethical standards and subscribe to the agencies value/ethics statement regarding off duty behavior.

Sworn personnel working extra duty details for the police department shall retain all the rights and benefits. Personnel shall maintain compliance with all established departmental policies applicable to their performance as a police officer.

D. Off Duty Employment

The Captain of Police shall maintain all correspondence, or other documentation, concerning the approval, review or revocation of off-duty employment. Employees may engage in regular 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.

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2. Employment that present no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing conflict of interest include, but are not limited to the following: These types of employment are prohibited.
 - a. Officers who work as a process server, repossesses, or bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.
 - b. Work involving personnel 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 uniforms 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.
 - f. Officers who work in occupations that are regulated by, or that must be licensed through, the police agency or its civilian board.
3. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment that constitute such a threat and should be denied include, but are not limited to:
 - a. Establishment 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 sales, manufacture, or transport of alcoholic beverages as the principal business.
 - c. Any gambling establishment.

E. Extra-Duty Employment

Police officers may engage in extra-duty employment through the department that include, but not limited to:

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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, but not limited to 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
 - e. Plainclothes assignments
- F. Limitations on regular off duty employment and extra duty employment are as follows:
1. In order to be eligible for off duty employment, a police employee must be in good standing with the department. Continued departmental approval of a police employee's off duty employment is contingent on such good standing.
 2. Those officers who have not completed their probationary period or who are on medical or other leave due to sickness, temporary disability, or an on duty injury shall not be eligible to engage in regular or extra duty employment.
 3. Prior to obtaining off duty employment, a police employee shall comply with department policies for granting approval of such employment. Officers must submit, in writing, a detailed explanation of duties and hours of the off duty employment to the Chief of Police PRIOR to accepting the off duty employment.
 4. Work hours for all off 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 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 policies that such outside employment is not in the best interests of the department.

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Effective Date:

Date: June 13, 2006

By Order Of:

Craig Foust
Chief Of Police