

WEST JORDAN POLICE DEPARTMENT

GENERAL DIRECTIVE

No. 011

REVISION DATE: February 10, 2012  
TO: All Police Department Personnel  
SUBJECT: Extra-Duty and Off-Duty Employment  
ORIGINATION DATE: December 1, 2000

PURPOSE

To establish guidelines governing off-duty employment

POLICY REQUIREMENT

Due to the confidential nature of police work and expectations of extra-duty and off-duty employees, as well as inherent risks to the City associated with certain types of off-duty employment, the department has an obligation to regulate the types of off-duty employment in which employees may be involved.

DEFINITIONS

**Employment**

The provision of a service for personal monetary gain.

**Extra-Duty Employment**

The provision of public safety services to other governments within the City by assignment of the Department. These assignments are compensated to the participating officers by the City at guaranteed overtime rates, and fees due to the City and from the other government for such public safety services are as provided in the City's fee schedule.

**Off-Duty Employment**

Either or both Regular Off-Duty Employment and/or Special Off-Duty Employment.

**Regular Off-Duty Employment**

Any employment that will not require the use or potential use of law enforcement powers, and will not involve the use of City uniform, badge or equipment.

**Special Off-Duty Employment**

Any employment that is conditioned on, or reasonably expected to contemplate, the actual or potential use of law enforcement powers. This type of off-duty employment may be uniformed special off-duty employment or non-uniformed special off-duty employment.

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Prior to accepting any offer of off-duty employment, a department employee must submit the following forms to his/her direct supervisor for approval through the chain of command.

- The “Off-Duty Employment Request” form found on the Department “T” Drive (FORMS & FORMATS); and
- The “Conflict of Interest Disclosure” form found on the City’s Intranet (HR, Employee Forms). This must be completed whether or not an actual conflict exists.
- For Extra-Duty and Special Off-Duty Employment, a signed agreement with City and the outside employer is required. The forms of this agreement (differing as between Extra-Duty and the two forms of Special Off-duty employment) are available on the Department “T” Drive (FORMS & FORMATS)

A list of all approved Department employees’ off-duty employment commitments is located on the Department “T” drive (Administration) and is updated from time to time. Supervisors and employees are to review this list regularly to ensure accuracy. If an employee’s off-duty employment is terminated, a memo stating such must be submitted to the officer’s direct supervisor.

### 1. Conflicts of Interest

Regardless of the type of off-duty employment described in this Policy, certain types of off-duty employment present conflicts of interest and are expressly prohibited. Thus employees may engage in off-duty employment only when:

- A. The employment presents no potential conflict of interest between the duties as an employee and the duties expected by the secondary employer. Some examples of employment that represent a conflict of interest, and thus would not be permitted as general off-duty employment, include:
  - 1. Process server, bill collector, towing or repossessing vehicles, or any other employment that the appearance of police authority might appear to be used to collect money or merchandise for private purposes.
  - 2. Investigations for the private sector or any employment that might require or tempt a police officer to have access to police information, files, records, or services as a condition or expectation of employment.
  - 3. Employment that requires wearing a department uniform or badge, except as otherwise specified in this policy.
  - 4. Case preparation for the defense in any criminal or civil action or proceeding.
  - 5. Providing security for any private, business or government activity, except as otherwise specified in this policy.
- B. The employment does not diminish the status or dignity of the Department and its officers, including but not limited to
  - 1. Sexually oriented businesses as defined in the 2009 City Code.

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2. Any employment involving the sale, manufacture, or transportation of alcoholic beverages as the principal business.
3. Any activity constituting gambling.

## 2. General Rules

- A. The Department will make every effort to equitably distribute extra-duty employment opportunities to all interested officers. However, assignments may be based on factors other than equity, as long as the assignment decision is not based on race, color, national origin, religion, sex, age, or any other protected class. Some of these factors may include, but are not limited to; specialized training or skills, employer requests, special equipment requests, and experience.
- B. Officers may not engage in extra-duty or special off-duty employment while the officer is on sick leave or workers' compensation leave from regular service with the Department. Officers may not engage in extra-duty or special off-duty employment while on restricted duty.
- C. Officers may not engage in extra-duty or special off-duty employment while on administrative leave, unless authorized by the Chief.
- D. Work hours for all off-duty and extra-duty employment must be scheduled in a manner that does not conflict with or interfere with the officer's performance of regular duties.
- E. Officers engaged in extra-duty or off-duty employment are subject to call-out in case of Department need or emergency, and may be required to leave their extra-duty or off-duty employment assignment in such situations.
- F. All Extra-Duty and Special Off-Duty Employment must be approved in advance by the Chief.
- G. Officers on probation may not participate in Extra-Duty or Special Off-Duty employment arrangements.
- H. Authorization for any officer to engage in Extra-Duty or Special Off-Duty employment arrangements may be revoked at any time upon a determination by the Chief that such employment for the officer is not in the best interest of the Department.

## 3. Extra-Duty Employment. (Security, Traffic Control, and Emergency Medical Services within the City, in City Uniform and Badge, and Using City-issued Arms and Equipment)

- A. These assignments are presumed to render benefits to the City generally. Thus these assignments are reserved for security, traffic control, and/or emergency medical service for non-profit entities and other governments operating within the City.
- B. These assignments are deemed to be on-duty service, and will be scheduled by the Department as any other Department assignment, with participation open to everyone in accordance with standard duty assignment policies and practices. Officers interested in accepting such assignments should make that interest known to their supervisor.
- C. Officers operating under Extra-Duty assignments will appear in the appropriate City uniform and badge and may function with all assigned City equipment and vehicles.

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- D. Prior to commencing any assignment or series of Extra-Duty assignments, the Chief or a designee will obtain a written agreement/acknowledgement from the entity for which service is requested. (A form agreement for this purpose is available on the Department "T" drive under "Extra-Duty Agreement".)
- E. Participating personnel will be compensated through the City payroll system, and time spent on an Extra-Duty assignment will qualify for guaranteed overtime pay.
- F. The City will take full responsibility for all workers compensation and liability risks in connection with Extra-Duty situations.
- G. The Department may choose from time to time to manage Extra-Duty service opportunities through the City Special Events coordinator and policy.
- H. Officers who sign up to work an Extra-Duty Employment assignment and fail to report for the assignment will be restricted from working any extra-duty assignments as follows
  - First offense restricted for one month.
  - Second offense restricted for two months.
  - Third offense restricted for one year.

The Department shall forward a memorandum articulating the facts and finding of the restriction, including the length of the restriction, to the offending officer with a copy to the officer's supervisor.

Any additional Extra-Duty assignments that the offending officer has signed up to work, that are within the period of their restriction, shall be re-opened to other officers under the guidelines of this policy.

An officer that has been restricted from working Extra-Duty assignments may appeal the restriction to the Chief.

#### 4. Types of Permitted Off-Duty Employment

The two types of approved off-duty employment are:

##### A. Regular Off-Duty Employment

This type of off-duty employment is of a non-police nature in which vested police powers are not a condition or expectation of employment; the work provides no real or implied law enforcement service to the employer; and is not performed during assigned hours of regular duty with the department. A non-exclusive example of regular off-duty employment would be work as an automobile mechanic.

##### B. Uniformed Special Off-Duty Employment—(Security, Traffic Control and Emergency Medical Services Inside or Outside of the City.)

1. Uniformed Special Off-Duty Employment involves wearing a department uniform or badge and using City equipment while providing security, traffic control and/or emergency medical services for any private, business or government activity.

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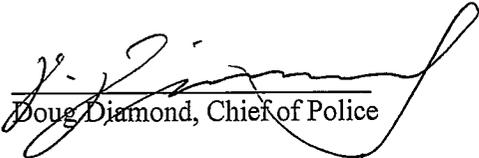
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2. These assignments are not scheduled or otherwise managed on City time or using City resources.
3. Prior to commencing any assignment or series of Uniformed Special Off-Duty assignments, the Chief or a designee will be provided with a signed written acknowledgement and agreement from the entity for which service is requested. A form agreement for this purpose is available on the Department "T" drive under "Uniformed Special Off-Duty Agreement". It is the responsibility of the officer initiating the particular Uniformed Special Off-Duty arrangement to obtain the needed agreement from the "T" Drive and then to facilitate its review and signing by the contemplated outside employer. The signed agreement is then provided to the Chief or a designee for approval and filing.
4. An officer accepting an offer for Uniformed Special Off-Duty Employment will negotiate with the employer to receive directly such compensation as may be agreed.
5. Officers engaged in Uniformed Special Off-Duty employment are not acting as City employees and are responsible for their own actions except to the extent provided in the Uniformed Special Off-Duty Agreement.

**C. Non-Uniformed Special Off-Duty Employment** does not require or involve using any City uniform or equipment.

1. Such employment opportunities are not scheduled or otherwise managed on City time or using City resources.
2. Officers will NOT appear in any part of a City uniform and will NOT show badge or use City arms, equipment and/or vehicles in connection with a Non-Uniformed Special Off-Duty employment.
3. Prior to commencing any assignment or series of Non-Uniformed Special Off-Duty assignments, the Chief or a designee will be provided with a signed written acknowledgement/agreement from the entity for which service is requested. A form agreement for this purpose is available on the Department "T" drive under "Tier 2 Special Off-Duty Agreement". It is the responsibility of the officer initiating the particular Non-Uniformed Special Off-Duty arrangement to obtain the needed agreement from the "T" Drive and then to facilitate its review and signing by the outside employer. The signed agreement is then provided to the Chief or a designee for approval and filing.
4. An officer accepting an offer for Non-Uniformed Special Off-Duty Employment will negotiate with the contemplated outside employer to receive directly such compensation as may be agreed.
5. Officers engaged in Non-Uniformed Special Off-Duty employment are not acting as City employees and are responsible for their own actions.

  
Doug Diamond, Chief of Police

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