



Police Department

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DEPARTMENT GENERAL ORDER 20-17

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 07-36

DATE: September 24, 2020

SECONDARY EMPLOYMENT

I. PURPOSE.

The purpose of this General Order is to establish regulations and procedures governing secondary employment privileges for sworn and non-sworn Department personnel.

The regulation of secondary employment is necessary to maintain an efficient organization that is mentally and physically alert. Public order and safety will thereby be better preserved. In addition, such regulation will prevent conflicts of interest and loss of public image because of the type of employment engaged in by Department personnel.

II. DEFINITIONS.

- A. Secondary Employment - any job or employment, to include self-employment, in which either sworn or non-sworn personnel are engaged, wherein same are compensated by an entity other than the City of Clayton. Secondary employment may be conditioned on the actual or potential use of law enforcement powers by a sworn department employee or be totally removed from such considerations.
- B. Conflict of Interest – a conflict between a Department employee’s personal interest (or interest of his/her secondary employer) and the duty of the employee to the Police Department and to the public.

III. APPLICATION PROCEDURE.

- A. Prior to engaging in any secondary employment or business, full time employees shall complete the Approval Request Form for Outside Employment.
1. An Approval Request Form for Outside Employment form shall be completed in all cases.
 2. The information on the application shall be complete, accurate, and shall reflect the significant aspects of the proposed secondary employment. The application shall be submitted to the applicant's supervisor who shall review and endorse the application recommending approval or disapproval. When disapproval is noted, the supervisor shall indicate the reason(s). The application shall be forwarded through the chain of command to the Chief of Police.
 3. The Chief of Police shall have final authority to either approve or deny a request for secondary employment. If a request is denied, an employee may submit a memorandum through the chain of command seeking a review by the Chief.
 4. Upon approval of the request, the employee will receive a copy of the form which will serve as authorization to work. Secondary employment may begin prior to signed approval by the Chief; however, such employment must be clearly within the restrictions established in Section VI.
 5. The form, when approved by the Chief, will be authorization to work for a period of not more than one (1) calendar year, or until termination of the specific employment that was authorized. All permits shall expire December 31 of each year. Any secondary employment performed after expiration of the permit will be deemed without permission. The permit also authorizes only such work specifically designated on the permit.
 6. As permits to work secondary expire on December 31 of each year, renewal of the permit may only be accomplished by submitting a new form.
 7. The Chief of Police shall have the authority to revoke any authorization for secondary employment, should circumstances change or arise that may constitute an actual or perceived conflict of interest or any employment that would reflect unfavorably on the Department.
 8. Part time employees shall provide the department with an Approval Request Form for Outside Employment.

- B. No commissioned officer of the rank Lieutenant or above, and no civilian in the rank of Supervisor or above, shall engage in secondary employment unless the employee obtains the Chief's approval before the employee begins such employment.

IV. DEPARTMENTAL RESPONSIBILITIES

- A. Commissioned Employees – A police officer, while engaged in secondary employment, shall at times take proper action on any offense or condition of which he has, or acquires knowledge and which normally would require police attention including arrest and the making of reports.
- B. No employee shall work:
 - 1. At any employment or in any location which will tend to bring the Department into disrepute or to reduce his/her efficiency or usefulness as a Department employee;
 - 2. In any employment requiring affiliation, membership or allegiance tending to influence his/her conduct in a manner inconsistent with the proper discharge of duties as a police officer or with the responsibility to the department or in the public interest;
 - 3. In a police uniform at the performance of tasks other than of a police nature, and then only in or on such premises or places as are approved by the Chief of Police;
 - 4. As a server, waiter/waitress, bar tender, food preparer, "bouncer", security officer or as a member of supervision or management in any business or location where the sale of alcoholic beverages or beer, for consumption on the premises, is the principle business;
 - 5. In any employment involving the towing of vehicles, or for any business or service which has a contract with the City of Clayton;
 - 6. In any employment requiring the service of civil process either full or part time;
 - 7. On investigations or other work in which the employee may avail himself/herself of access to police information, records, files, or correspondence. As a private investigator or private detective or in any capacity where the primary purpose of such employment is to gather information for, or appear as witness in civil or criminal action;
 - 8. For any municipality or state office at a police task or as an investigator for another government agency;

9. For a business or company that is on strike;
10. In excess of a total of 72 hours per calendar week, including regular assignment, overtime and secondary employment;

Example: The Police Officer has a total of 72 hours they can work during the calendar week and they have already worked 50 hours for the Department. They will then be allowed to work 22 hours at secondary employment that week.

11. As a uniformed private watchman or security officer, or for a private security agency, security firm or security corporation, or as an investigator for another government agency.
 12. In Clayton Police uniform outside the City boundaries unless exempted by the Chief of Police;
 13. In another agency's uniform;
- C. Secondary employment is prohibited during those hours when a Department employee is being paid by the City of Clayton, to include the following:
1. Sick Leave.
 2. Scheduled duty hours.
 3. Non-duty or disability leave.
- D. All employees shall comply with the Federal and State guidelines for reporting of income from secondary employment for income tax purposes.
- E. Department members who are subpoenaed to attend court due to secondary employment shall notify their immediate supervisor of same at the earliest practical time. The department shall accommodate court subpoenas and, in those cases where the subpoena originated from secondary employment within the City's jurisdictional boundaries, will not only make the time available for the employee to attend court, but pay overtime compensation as necessary. In those instances where a subpoena may originate from secondary employment outside of the City, the employee shall generally be required to utilize personal leave time to cover absences for court and will not received overtime compensation.
- F. Employees seeking secondary employment must secure workers compensation from their secondary employer or acknowledge their acceptance of no such coverage.

- G. The Office of the Chief of Police shall have oversight authority to assure adherence to the policies and processes contained within this Order.
- H. Any officer engaged in secondary employment within the City of Clayton, shall notify the on-duty watch commander as to their location, nature of employment, hours working, and any other pertinent information that may be relevant should assistance be needed. Officers should have their portable radios with them while conducting secondary and alert the on-duty watch commander when the detail is completed.

V. CONFLICT OF INTEREST, REMOVAL FROM ASSIGNMENT

If, after a Department employee has entered upon a secondary employment, a conflict or imminent conflict arises between the employee's police duties and the interest of his/her secondary employer, the employee shall be removed from any case, investigation or other matter involving the secondary employer, and another Department employee shall immediately be assigned in his/her place.

It shall be the duty of all department employees to report to their supervising officers the fact of such a conflict or imminent conflict of interest exists or may exist. All cases of such actual or imminent conflict of interest shall also be reported forthwith, through channels, to the Chief of Police.

VI. COORDINATING OFFICER

The commander of the Field Operations Bureau shall serve as the department coordinator for secondary employment. Employment requests which are directed straight to the Police Department will be forwarded to the Field Operations Bureau commander. He shall evaluate each request to determine its acceptability, record the pertinent information on a "Part-time Employment Form" and post the employment request to be filled. Secondary employment requests that are not handled through the department shall be submitted individually, through the appropriate chain of command, to the commander of the Field Operations Bureau. Upon his review, individual requests will then be forwarded to the Chief of Police for initial approval.

In conjunction with the administration of direct requests for secondary employment, the commander of the Field Operations Bureau shall maintain a file system where such requests are entered for reference purposes. Should problems or questions arise regarding secondary employment of this type, the commander of the Field Operations Bureau shall consult with the Chief of Police, and adjustments and/or corrective action taken.

Should some significant action or aspect occur in relation to an employee's involvement in secondary employment, the commander of the Field Operations Bureau shall ensure

that all appropriate documentation be obtained and entered in the employee's personnel file.

VII. REVOCATION OF SECONDARY EMPLOYMENT PRIVILEGE.

Permission to engage in secondary employment may be terminated at any time at the discretion of the Chief of Police. In addition, should it be determined that a department employee has, through either commission or omission, violated a department rule, regulation, order, or standard, the employee may be barred from engaging in secondary or off-duty employment in accordance with current department policy.

VIII. DOCUMENTATION OF SIGNIFICANT ASPECTS OF EMPLOYMENT.

Employee Requests for Outside Employment and Part-time Employment Forms shall include the date and anticipated duration of the secondary employment, the name, address, and phone number of the employer, the type of business or work, the nature of expected duties, the identity of the employee(s) involved, and approval signature.

Upon approval by the Chief of Police and City Manager, completed Employee Requests for Outside Employment shall be placed into the appropriate employee's personnel file. Completed Part-time Employment Forms shall be maintained in a file by the commander of Field Operations Bureau for a minimum of a calendar year commencing on the date of employment detail.

Incidents which involve the use of law enforcement power on the part of sworn employees engaged in secondary employment shall be documented via police incident report as appropriate. This may be handled internally through normal reporting processes for those incidents occurring within the City, or where an officer may be employed outside of the City, by the law enforcement agency having legal jurisdiction over the incident scene. In the case of the latter however, significant actions with which the department shall be interested will generally be limited to those cases involving a fatality, injury, potential civil liability, or some other significant or unusual aspect. Should such criteria be met, the department will endeavor to obtain a copy of the incident report and the officer(s) involved shall be required to draft an internal memorandum detailing the specifics of the event. Such memorandums shall be directed to the commander of the Field Operations Bureau through the appropriate chain of command. He, in turn, shall then forward same to the Chief of Police for review.

Injuries sustained by sworn employees during secondary employment shall be documented in the same manner as that provided for the use of law enforcement power.

In those instances where a department employee's actions result in a complaint or commendation being filed with the management of a secondary employer, the affected officer/employee shall notify their immediate supervisor of same. This information shall be forwarded to the commander of the Field Operations Bureau and should the complaint

or commendation be deemed sufficiently noteworthy to warrant official action and/or investigation on the part of the department; the employee may be requested to record their actions via internal memorandum.

Should a civil suit be filed against an employee because of actions taken during secondary employment, the affected employee(s) shall notify their immediate supervisor as soon as practical and provide same with a copy of the appropriate legal papers. This information shall then be forwarded to the commander of the Field Operations Bureau, who in turn, shall notify the Chief of Police.

Police incident reports, internal memoranda, and other documentation connected to an officer/employee's secondary employment shall be appended to each individual employee's "Approval Request Form for Outside Employment," or the "Part-time Employment" Form. In the case of the latter, the commander of the Field Operations Bureau shall be responsible to generate a hard-copy of the employment form. The documents will then remain in each individual employee's personnel file until the Chief of Police determines that continued retention of the material is unnecessary. At that point, all documentation, except for the secondary employment approval forms, shall be purged.

BY ORDER OF:

A handwritten signature in black ink, appearing to read "Mark J. Smith". The signature is fluid and cursive, with a large, sweeping flourish at the end.

MARK J. SMITH
Chief of Police

MJS:sak