



DEPARTMENTAL REGULATIONS  
CONCORD POLICE DEPARTMENT

GENERAL ORDER 13  
EFFECTIVE DATE: 12/2010  
REVISION DATE: 12/2010  
REVIEW DATE: 12/2012  
I.D. NUMBER: 303

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Chief of Police

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**OUTSIDE EMPLOYMENT**

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**A. POLICY STATEMENT**

1. The Concord Police Department wishes to ensure that any secondary or off-duty employment by any of its employees does not constitute a conflict of interest or in any way interferes with the employee's ability to perform their police duties. It is the policy of the Concord Police Department that no employee shall own a private business, or work for compensation as an employee in a private business or public agency outside their regular City employment without first obtaining the written approval of the Chief of Police.

**B. GENERAL**

1. The purpose of this General Order is to establish guidelines for employees of this department who engage in off-duty employment.
2. The department discourages off-duty employment for the following reasons:
  - .1 City Policy & Procedure No. 41 states, "Entitlement to paid sick leave shall not occur while an employee is absent from work....due to disability or illness arising from compensation employment other than with the City of Concord."
  - .2 If a liability situation as a result of off-duty employment arises, the aggrieved party may or may not name the City in a civil action. In the event that the City is named in a civil suit, the employee should assume that the City will not defend him/her in the action.
  - .3 Potential conflicts of interest may exist between the employee's duties as an employee of the Concord Police Department and as an employee of another organization.
  - .4 Outside employment may interfere with the employee's efficiency in performance of his or her duties due to fatigue or other factors.
  - .5 Outside employment may interfere with the employee's ability to work overtime or to respond to call-outs in case of emergencies or other duty-related business.

**C. DEFINITIONS**

**Employment:** The provision of goods or service, whether or not in exchange for a fee or service.

**Outside Employment:** Outside employment is any employment exclusive of employment with the Concord Police Department, including owning a private business for personal or financial gain.

**D. PROCEDURES**

1. Eligibility

- .1 In order to be eligible for outside employment, a Police employee must be in good standing with the Department. Issues which may affect good standing include poor sick time usage history, sustained citizen or internal complaints, and/or poor personnel evaluations. Continued Departmental approval of outside employment is contingent upon such good standing.
- .2 Those employees who are on probation, or who are on medical or other leave due to sickness, temporary disability, or an on-duty injury, or whose duties are restricted shall have their eligibility reviewed by the Chief of Police. Department members engaged in outside employment who are placed on Administrative Leave will immediately have their eligibility reviewed by the Chief of Police. When the departmental member who was placed on Administrative Leave returns to full duty, and his/her privileges were suspended, a request in writing may be made to the Chief of Police to restore their outside employment privileges. When the Chief of Police or his designee, determines the member's outside employment should be discontinued, they will be notified in writing from the Chief of Police.

## 2. Requests for Outside Employment

- .1 The employee wishing to engage in outside employment shall submit a City of Concord "Outside Employment Request" (Attachment 1) via their chain of command, to the Chief of Police.
- .2 The request must be submitted far enough in advance to allow for a thorough review. If this is a new request and not a renewal, the employee shall not begin the outside employment unless and until the request has been approved by the Chief of Police.
- .3 As a condition of approval, the secondary employer may be required to sign an indemnity agreement (Attachment 2) provided by the City of Concord Police Department, whereby the employer agrees to hold harmless the City of Concord for any loss, liability or damages of any type caused by the employee by reason of this secondary employment. The indemnity agreement may be required when, in the opinion of the Chief of Police, the nature of the secondary employment creates a moderate to high degree of risk that the Police Department may incur litigation costs and/or civil liability as a result of the employee's secondary employment. This indemnity agreement will be submitted along with the completed "Outside Employment Request."
- .4 The employee's Division Commander shall review the request and forward it to the Chief of Police with any recommendations. Pursuant to Government Code Section 1126, the Chief of Police may prohibit an employee from engaging in outside employment for any of the following reasons:
  - .01 The employment involves or raises the potential for the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his/her local agency office or employment.
  - .02 The employment involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his/her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her local agency employment or as a part of his/her duties as a local agency officer or employee.
  - .03 The employment involves the performance of an act in other than his/her capacity as a local agency officer or employee which act may later subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he/she is employed.
  - .04 The employment involves time demands that would render performance of his/her duties as a local agency officer or employee less efficient.

- .5 Employees who are currently holding secondary jobs must immediately complete an “Outside Employment Request.” This will be reviewed through the same process as an employee who has not received approval. These employees may continue to work their secondary job until they are notified in writing otherwise.
- .6 Outside Employment Requests are subject to annual review by the department and any approval of such requests may be withdrawn as deemed appropriate by the Chief of Police. If the conditions of outside employment substantially change, the employee must submit a new request.
  - .01 At the time the employee’s supervisor completes their trimester or annual performance appraisal, the supervisor will verify with the employee he/she has a valid request on file with the department.
- 3. Responsibility
  - .1 The responsibility of ensuring his/her outside employment activities comply with this Departmental Order shall rest with the employee requesting or receiving permission to engage in outside employment. Failure to maintain current approval for outside employment may be considered grounds for discipline.
  - .2 An employee engaged in approved outside employment is subject to call-out in case of emergency, or other duty-related business and will be expected to leave his/her outside employment in such situations and report to the Police Department.
- 4. Renewal of Outside Employment Permit
  - .1 Any employee engaged in approved outside employment shall renew his/her request to maintain such employment on an annual basis each year during the month of January. This request shall be made on the form entitled “Outside Employment Request” via chain of command to the Chief of Police.
- 5. Appeal Process
  - .1 If an employee's request for approval for secondary employment is denied by the Chief of Police, the employee may appeal the decision through the grievance procedure as outlined in City Policy & Procedure 37.29.

## **E. CONFLICT OF INTEREST**

- 1. Due to legal restrictions on police officers engaged in off-duty security (PC 70), all off-duty private security employment is prohibited.
- 2. The Chief of Police may at any time, revoke permission for any and all outside employment which he believes is a conflict of interest, or which has an adverse effect on an employee’s efficiency or effectiveness in the performance of his/her regular Concord Police Department duties.
- 3. The following outside activities represent a conflict of interest and shall not be approved. Although this list is not all-inclusive, these situations represent clear and established conflicts of interest.
  - .1 Employment at establishments whose primary purpose is the sale, distribution or service of alcoholic beverages or medicinal marijuana.
  - .2 Employment requiring the service of civil subpoenas or processes.

- .3 Employment at locations that will tend to bring the Department into disrepute, or to reduce an employee's efficiency and effectiveness in his/her regular Concord Police Department duties.
  - .4 Ownership of companies, or employment with companies that perform private investigation work during which the employee may avail him/herself of police information, files, records, correspondence, technology or communications equipment.
4. The Outside Employment Request shall not be approved if the Chief of Police believes that such employment would interfere with the employee's duty requirements at the Concord Police Department.
- .1 The employee must not expect and shall not receive special consideration in scheduling, shifts or assignments for the benefit of any outside employment.
  - .2 The outside employment must not interfere in any way with the regular City duties of the employee in order for the Outside Employment Request to be granted.
  - .3 Such employment or hours shall not physically or mentally fatigue the employee to the point that the performance of his/her duties may be affected. Determinations related to fatigue and work performance shall rest with the employee's immediate supervisor.
  - .4 Employees shall not wear any part of their police uniforms in the performance of outside employment, nor shall sworn personnel represent themselves as Concord Police Officers, except as required by law.
  - .5 Employees shall not use their Police credentials or position to promote sales, make collections, or influence the actions of others while engaged in outside employment or otherwise performing any duties related to the outside employment.
  - .6 Employees shall not use any City or Department resources, equipment, materials or communication capabilities while engaged in or in furtherance of outside employment. This applies to departmental cellular telephones.
  - .7 Outside employment and employee's activities in connection therewith must not reflect negatively upon the City of Concord or the Police Department.
  - .8 Employees shall not use their City position to advertise or to obtain an advantage over any business competitors.
  - .9 All work for the outside employer shall be conducted on the employee's off-duty time and not on the premises of the City or Department, unless specifically approved in writing by the Chief of Police.