

Off Duty Employment

1027.1 PURPOSE AND SCOPE

The following guidelines are provided to inform police officers of legal restrictions placed on them to ensure conflicts of interest do not exist.

1027.2 POLICY

As per the Rules of Conduct, section 1.23, any member working outside of the police department on their own time in any type of work or job where pay and/or benefits are received, shall comply with all restrictions and controls as prescribed by state law and department orders. Prior to working said job officers shall file a CPD #71 with their supervising Lieutenant to be forwarded to the Chief of Police. The Chief of Police has the discretion to approve or disapprove any request for off duty employment and may revoke permission at any time.

Members working off-duty shall be subject to the rules, regulations, procedures and order of the police department and shall act in a professional manner at all times.

Probationary members will not work any off duty jobs until eighteen months from their date of hire with the department. All other off-duty employment must be approved by the Chief of Police.

Members shall not engage in any outside employment while out on sick, sick/injured, limited duty or suspension unless permission to do so is granted by the Chief of Police.

Work hours for all outside and off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.

1027.3 PROCEDURE

Procedure

- (a) Prior to assuming said job, officers shall file a CPD #71 with their supervising Lieutenant to be forwarded to the Chief of Police.
- (b) Upon approval, the signed CPD #71 will be forwarded to the Captain of Administration.
- (c) Jobs that are considered "security or watchman" type jobs will require individual forms and approval for each and every event or detail. The following exceptions will apply for long-term "security" type jobs:
 1. An officer for a school, church, business etc. at a recurring type job. [EX: Security for bingo every Tuesday at a specific site] can file one form to cover an entire year.
 2. An officer working 2 -3 days at a lawn fete, store opening etc., can file one form for the entire event just listing days and hours to be worked.
- (d) Forms must be renewed or filed with the office of the Chief of Police annually, no later than the last business day each January. This includes officers employed by a business either as owner, or has some proprietary interest in a business. In such case a single form describing the business, type of service performed or products sold and

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the approximate days and hours the employee will be working at this enterprise will be filed. This form shall be filed at the time the employee starts this business then in January of each subsequent year the employee continues to be involved in the enterprise.

All sworn personnel in this department will strictly adhere to this policy.

Probationary employee's WILL NOT work ANY off duty jobs until eighteen months from their date of hire with the police department.

In addition, the following restrictions apply to all off - duty employment:

- (a) Off duty employment cannot interfere or conflict with the regular duties or regulations of the police department.
- (b) Off duty employment cannot effect the physical condition of the officer to the extent it impairs his ability to efficiently perform his duties.
- (c) Whenever a uniform is required as a condition for off - duty employment, the uniform will be worn as specified by the department including the proper hat.
- (d) When a firearm is carried as a requirement of the officer's off duty employment, only the Glock 40 caliber semi-automatic, model 22 or 23 are authorized.
- (e) An officer may not be employed in a position that is specifically prohibited by law.
- (f) An officer may not be employed in a position that may constitute a threat to the dignity of the police profession.
- (g) Any reimbursement for court time will be governed by the collective bargaining agreement.
- (h) No officer while on sick, sick/injured, or limited duty status may engage in any outside, off-duty employment.
- (i) Prior to starting the off duty employment detail, officers will notify Dispatch of their location and hours of work. (This applies to security related employment only.)

1027.4 LEGAL RESTRICTIONS

ABC Law - 128

- (a) Police officers shall not have any interest, either directly or in-directly, in the manufacture or sale of alcoholic beverages.
- (b) Police officers shall not be employed at any retail license establishment where the consumption of alcoholic beverages is permit-ted on premises except when authorized by the ABC Board and the Chief of Police. Employment in a licensed establishment for off-premise con-sumption (deli, etc.) is not prohibited under this procedure.

General Municipal Law Article 18/Public Officer's Law Article 4

State of New York Municipal Police Officers are also subject to the provisions of the Public Officer's Law, Article 4, or General Municipal Law, Article 18, respectively. These statutes deal mainly with

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conflicts of interest. They impose certain prohibitions on activities by public officers and employees of municipal governments. The prescribed activities include:

- (a) Disclosure of confidential information learned in the course of official duties.
- (b) Providing services relating to matters before an agency of the employing government.

The same law also imposes several affirmative duties including:

- (a) Disclosure of any interest in any contract or dealings with the employing government;
- (b) Disclosure of the fact that a municipal or state employee has an interest in any real property for which an application for any sort of variance is made;

These statutes also contain or authorize the adoption of codes of conduct for state or municipal employees as the case may be relating to conflicts of interest.

Election Law 17-110

This law prohibits a police officer from using his office or powers to aid or oppose any political party, to reward or retaliate against any police officer with respect to voting or party affiliation, or to solicit funds for a political party or other such organization.

Racing, Wagering and Breeding Law - 107

This law prohibits police officers from holding any office or employment with any firm that is licensed to conduct pari-mutual racing; conducts business at racetracks where pari-mutual race meets are conducted; owns or leases to a licensed entity racetrack at which pari-mutual racing is conducted, or participates in the management of any licensee conducting pari-mutual racing.