



Peoria Police Department Policy and Procedure Manual

Policy 3.10

Off Duty Assignments



I. POLICY

It is the policy of the Peoria Police Department that employees be permitted to work off-duty jobs subject to the procedures outlined in this policy. It is further stipulated that professional and consistent standards, both in appearance and performance, for off-duty employment be maintained at all times to ensure a positive public image. This policy applies to all off-duty employment. Off-duty employment is also regulated by the City of Peoria Administrative Regulations 90-03, Section 53.

II. DEFINITIONS

Off-duty work. Off duty work is defined as work that is law enforcement related and where the employer is other than the City of Peoria. (22.3.3)

III. PROCEDURES

A. Off-duty Employment

1. The Chief of Police shall designate an Off-duty Work Coordinator, who shall be responsible for coordinating all off-duty work requests and assignments that are received by the Peoria Police Department and/or worked by Peoria Police Department employees. (22.3.4.d)
2. Employees shall only be eligible to work in a police related capacity when capable of performing full duty assignments. Employees, while on approved limited duty assignments due to an injury or sickness, employees on FMLA, employees in a no-duty status, and employees off work on paid sick leave status shall not be authorized for any off-duty employment, regardless of where it is to be worked.
3. Nothing in this policy should restrict the ability of a department employee to be engaged in gainful self-employment of a non-police related activity as long as the self-employment does not infringe upon the employee's work schedule, the reputation, effectiveness, or convenience of the Peoria Police Department as the employee's primary employer.

B. Authorization

1. Off-duty Request Memorandums. Requests for authorization of Off-duty employment shall be sent through the normal chain of command on the established form for approval and then forwarded to the Off-Duty Work Coordinator. (22.3.4.a)
 - a. Only one off-duty memorandum for authorization is required for off-duty work that is generated through the Peoria Police Department.
 - b. A separate off-duty memorandum for authorization is required for off-duty work that is coordinated or arranged directly by the outside vendor/contractor. The memorandum shall document significant aspects of employment, including dates, times, places of employment, and Workman's Compensation information. (22.3.4.e)
 - c. An employee must have completed at least eight months of their initial probationary period of 12 months to be considered for off-duty work. The approval is based on employee experience, the nature of the off-duty work, and review by the Chief of Police, on a case-by-case basis.
 - d. To work department approved and scheduled off-duty work through the Off Duty Work Coordinator, the employee must submit a memorandum requesting to be added to the department's off-duty list.

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- (1) The memorandum is submitted up through the chain of command for approval.
 - (2) Once the memorandum is approved, the employee will be added to the off-duty work list.
 - (3) Memorandums of interest shall be submitted through the chain of command at shift change. The initial sign up period each shift change will last for two weeks and will be done via department seniority. At the end of the two week time period, new names will be added to the bottom of the list in order of signing up without regard to seniority.
 - (4) Once approved the employee must sign up for off duty in TeleStaff for the hours and days they are available. (22.3.4.c)
2. Chief's Authorization. Any off-duty employment must be authorized by the Chief of Police. The required authorization is necessary when the employee generates an off-duty job for an outside organization that is either requesting specifically that employee or is of a continuous nature for an indefinite period of time.
 3. Maximum Hours. No employee shall be allowed to exceed twenty-two (22) hours of off-duty employment per payroll week, without advanced approval from the Chief of Police or designee. (22.3.4.b)
 4. Revocation. An employee's supervisor may request, through the chain of command, revocation of authorization upon showing cause that the off-duty employment is in any way interfering with or impeding job performance.
 - a. The granting of a request for off-duty employment does not create a right of continuation of the approval.
 - b. The Chief of Police may, at any time, revoke the approval by providing written notice to the employee. (22.3.4.c)
 5. Charities. Sworn personnel may not donate law enforcement related services to a charitable or non-profit organization.
 - a. The Fair Labor Standards Act provides that employers may not "suffer or permit" employees to perform for "free" duties comparable to those they are compensated for.
 - b. Nothing prohibits an employee from making a comparable financial donation back to the charitable organizations following payment.
 6. While performing off-duty employment that is police related, employees shall conform to the Peoria Police Department Policies and Procedures Manual. (22.3.4.b)
 7. Reserve Officers. Reserve officers are not authorized to work police related off-duty jobs.
 8. Identified performance problems may result in removal, after notice to the employee, from the off-duty rotation for a period of time to be determined by the Chief of Police based on individual circumstances.
 9. Outside City Limits. Employees can be assigned through private agencies to provide uniformed traffic control for construction sites outside the Peoria City limits. Any other type of assignment outside the Peoria City limits would require authorization from the Chief of Police.
- C. Off-Duty Job Requests for Officers (22.3.4.e)
1. 72 Hour notice. Requests for off-duty officers to work should be submitted to the Off-Duty Work Coordinator, at least 72 hours in advance of the time the officer(s) is needed. If the Department is not notified of cancellation by the entity, which requested the off-duty employee at least 24 hours prior to the start of the event, that entity is responsible for paying the employee the 3-hour minimum charge.
 2. Eligibility list. The Off-Duty Work Coordinator shall maintain an eligibility list comprised of officers and sworn first line supervisors who have applied for and are authorized to work off-duty.

3. Seniority.
 - a. The Peoria Police Department will maintain a seniority list for all employees willing to perform off-duty assignments.
 - (1) Off-duty assignments for any law enforcement-related job opportunities made available through the Peoria Police Department designated off-duty work coordinator will be distributed by seniority.
 - (2) Peoria Police Department seniority does not apply to off-duty work coordinated or arranged directly by an outside vendor/contractor.
 - b. When available, the Peoria Police Department will offer off-duty work opportunities only to employees in order of their appearance on the list.
 - (1) Offers of off-duty work will be made in sequential order through the list, with new opportunities being offered first to the employee following the one who accepted the last offer.
 - (2) When the list is exhausted, offers will return to the top of the list.
 - (3) This procedure is intended to equalize the opportunities for off-duty work among all employees on the list.
4. Supervisors. When working as a supervisor of a team, the supervisor shall be paid at the designated supervisor rate of pay. On all other assignments, the supervisor shall be paid at the regular Department off-duty rate. Except when working as a supervisor, sworn supervisory officers shall not exercise supervisory powers or status while working an off-duty assignment.
 - a. Three officers are permitted to work an off-duty assignment without a supervisor being present unless a supervisor is specifically requested and paid for by the employer.
 - b. A supervisor is required at an off-duty assignment any time the total number of officers exceeds three. If the total number of officers exceeds eight, a second supervisor shall also be required.
 - c. Lieutenants are prohibited from working off-duty assignments that are not supervisory in nature.
5. When a supervisor is required, only supervisors and “WOOC-ing” supervisors shall be utilized for filling the supervisor position. On those assignments, all other positions on the team shall be filled by non-supervisory personnel from the off-duty list.
6. Failure to appear. Employees failing to appear at an off-duty assignment shall be considered absent without leave, unless the officer has a valid excuse for not being able to respond to an assignment, and:
 - a. Gives a two (2) hour minimum notice;
 - b. Contacts the Off-Duty Work Coordinator; and
 - c. Finds their own replacement
 - d. Employees who fail to appear at the off-duty assignment, and who fail to meet the above requirements shall be removed from the rotation schedule for the following time periods:
 - (1) First Offense – Supervisory Counseling and an IPR entry.
 - (2) Second Offense – Ninety (90) day suspension from the Off-Duty Rotation Schedule and a follow-up IPR entry (leading toward a “2” rating in dependability).
 - (3) Third Offense – Six (6) month suspension from the Off-Duty Rotation Schedule plus a Written Reprimand.

- (4) Fourth Offense – Removal from the Off-Duty Rotation Schedule for one (1) year plus a Written Reprimand. At the end of one (1) year, the employee shall then reapply.
 - e. The offenses will be monitored in twelve (12) month increments with the clock starting at the first offense.
 - f. Any employee who misses such an assignment shall forward a memorandum through the Chain of Command detailing the circumstances of the absence.
 7. Communications. Upon reporting for duty at the off-duty job site, employees will advise Communications via radio (using the "Ocean" identifier) of the fact that they are performing an off-duty job, the location, and the estimated ending time of the assignment. The employee will also notify Communications when their off-duty job is actually terminated.
 8. Off-duty coordination.
 - a. The Peoria Police Department Off-duty Work Coordinator is responsible for all coordination of off duty work.
 - b. Employees who are contacted directly by a business or organization to provide off-duty services shall not accept a coordinating role for any off duty assignment.
 - c. The employee shall refer the business or organization to the department's Off-Duty Work Coordinator.
 - d. Employees shall not make contact with a business or vendor to solicit off-duty work for themselves or for the Peoria Police Department.
 9. Uniform. Employees engaging in off-duty assignments shall wear the uniform of the day, or as otherwise directed by either the Off-Duty Work Coordinator or a lieutenant.
- D. Prohibited Off-duty Employment (22.3.3) (22.3.4.b)
 1. Certain types of off-duty employment are prohibited for the following reasons:
 - a. Conflict of Interest. Employment that has the potential to create a conflict between the employee's duties as a police officer and their duties for the outside employer. Such employment may confront the employee with having to enforce the law against the employer's interest. Examples would be laws on serving liquor after hours or to minors and providing special advantage to private interests at the expense of a public interest.
 - b. Threats to the Status or Dignity of the Police. Employment that adversely effects the department or lowers the dignity of the police profession. Decisions on employment that may fall into a prohibited category are made on a case-by-case basis. An example would be a bouncer at a bar.
 - c. Unacceptable Risk of Injury. Limitations on employment that presents a high potential for injury are intended to avoid injuries that would deny the department of the employee's regular duty. Such limitations also involve the issue of who is to pay compensation for injury and the employee's eligibility for retirement if an injury is permanently disabling.
 2. Members of the Peoria Police Department shall not work for or perform the following activities:
 - a. For an ambulance company or wrecker service with which the City has entered into a contract for services, bail bond agency, private security guard company, taxi service, escort service, adult bookstore, adult theater, adult entertainment center, or any adult oriented business.
 - b. Serve civil processes or work as a private detective or investigator, or any position where the purpose of employment is to gather information for or appear as a witness in a civil action.
 - c. Businesses Serving Alcoholic Beverages. Employees shall not work in any capacity or have ownership in a business engaged primarily in the sale of alcoholic beverages for on premise consumption.

- d. Accept employment as the result of a labor dispute. This restriction does not apply to the employee who was employed by the establishment prior to the labor dispute and continues to perform the same duties during the dispute with no additional duties, which might place the employee in a confrontation between labor and management.
- e. Work outside the Peoria City limits in any capacity, except traffic control/direction, while carrying or utilizing City of Peoria police equipment including firearm, badge, identification card, etc. The exception to this section is working security at the University of Phoenix stadium under the direction of the City of Glendale.

E. Restrictions (22.3.4.c)

1. Employees on suspension due to disciplinary action shall not work any police-related off-duty jobs that require the wearing of a City of Peoria Police uniform or exercise of authority as a peace officer of the State.
2. Employees shall not work off-duty while being listed as off for sickness, injury, or emergency leave.
 - a. Any employee taking sick or emergency leave shall not engage in off-duty employment within eighteen (18) hours of the time they would have normally begun work unless supervisory approval is obtained.
 - b. An employee assigned to light duty shall not engage in off-duty employment while in this status without written authorization from the Chief of Police.
3. Employees shall not use police identification, authority, or powers while engaged in the collection of debts, bills, or checks.
4. Employees shall not work off-duty for any person who is a known convicted felon to the employee or who is openly associating with individuals the employee knows are convicted felons.
5. Employees shall not engage in off-duty employment which requires the performance of police related services without being armed with a department approved firearm.
6. No employee shall engage in off-duty employment that in any way discredits City employment, detracts from employee performance and proficiency, or takes preference over off-duty or overtime required by the Peoria Police Department. Decisions on employment that may be in conflict with this are made on a case-by-case basis.
7. Probationary officers must have completed at least 8 of their 12 months probation, and obtain written approval of the Chief of Police, prior to being placed in off-duty employment of a police nature.
8. Authorization for off-duty employment for probationary supervisors shall be discretionary based upon their job performance and IPR entries.
9. Authorization for off-duty employment shall be revoked by the Chief of Police for any employee whose probationary period is extended until job performance is satisfactory.
10. Employees shall not refuse to respond to a citizen request for aid while in uniform and on an off-duty employment status.
11. Only the Chief of Police or his designee may approve or cancel off-duty work requests.
12. All employees shall have eight (8) hours of uninterrupted rest within any twenty-four hour period (midnight to midnight) before working an off-duty work assignment.
13. Employees in a compensated "on-call" status shall arrange for coverage when performing any off-duty work.

F. Off-Duty Employment Arrests (22.3.4.b & e)

1. Employees are advised to use discretion in making arrests during off-duty employment. Employees should refer to Peoria Police Department Policy and Procedure 1.01, Law Enforcement Agency Role, for additional information regarding arrests.
2. Off-duty sworn personnel have the same power and discretion as one in an on-duty status and may arrest for misdemeanor or felony offenses with probable cause. The following information is intended as a guideline for off-duty arrests:
 - a. Felonies or violent crimes
 - (1) Off-duty employees shall take police action in the event a felony or violent crime occurs in their presence during their off-duty assignment.
 - (2) The off-duty employee will contact an on-duty supervisor.
 - (3) An on-duty officer shall be called to take custody of the prisoner, if necessary. The on-duty officer will perform the booking process, and conduct necessary follow-up investigation to assist the booking process.
 - (4) The off-duty employee shall contact Communications for an IR number and complete all necessary paperwork as if the arrest were made on-duty. The employee will be considered on-duty at that time and be compensated by the City of Peoria in lieu of the off-duty employer.
 - (5) In instances that occur outside the Peoria City limits, the employee will take appropriate action and report the offense to the local law enforcement agency.
 - b. Misdemeanors
 - (1) Off-duty employees will use discretion when making an arrest for a misdemeanor crime occurring during their off-duty assignment.
 - (2) The off-duty employee will contact an on-duty supervisor if an arrest is made.
 - (3) Employees will issue citations in lieu of arrest when feasible.
 - (4) An on-duty officer may be called to assist with follow-up investigation, if necessary.
 - (5) The off-duty employee shall contact Communications for an IR number and complete all necessary paperwork.
 - (a) The employee will be compensated if they are completing an arrest and/or paperwork when they are working in the capacity as a City of Peoria police officer.
 - (b) The employee will author the report after the remainder of their off-duty assignment.
 - (c) The employee will hold a report taken during their off-duty assignment unless the report includes anyone being booked into jail, involved in a domestic violence situation, and/or there is a break between the employee's off-duty assignment and reporting back to their regular work assignment.
 - (6) In instances that occur outside the Peoria City limits, the employee shall report the offense to the local law enforcement agency, if necessary.
 - c. If an employee during, or as a result of, authorized off-duty employment, effects a physical arrest, issues a citation in lieu of detention, is subpoenaed to court, is injured, receives a complaint, and/or other significant event, that employee shall submit either a memorandum or the written Incident Report if a report is generated, through the chain of command to the Chief of Police relaying all pertinent details of the incident. This information will then be forwarded to the Off-Duty Work Coordinator who will maintain a file of such incidents. (22.3.4.e)

G. Injury (22.3.4.e)

1. If an injury or sickness is due to non-police related activity, there is no liability of any nature on the part of the City of Peoria.
2. Employers must provide a Certificate of Insurance to verify they hold Workman's Compensation and General Liability insurance before authorization will be granted for employees to perform off-duty services.
 - a. The Certificate of Insurance must list "assigned Peoria Police Officer(s)" as additional insured.
 - b. The Peoria Police Department will not assign employees to work for entities that do not provide such a certificate.

H. Special Needs (22.3.4.b)

1. Specialized police equipment (other than the equipment issued to the employee for routine duty use) required for off-duty employment, other than for the City of Peoria, will require the advanced approval of the Operations Division Deputy Chief.
2. If four (4) or more employees are to be hired for an event or an assignment, one of the employees will be of a supervisory rank and will be in charge of and responsible for the detail.
3. When a supervisor is required, the supervisor shall be paid the current supervisor rate. Supervisors filling an officer position as a substitute or in an emergency situation will be paid the officer rate.

I. Reporting

1. All off-duty, law enforcement related work (security, traffic direction, etc.), regardless of the vendor, shall be reported-by entering the off-duty work in TeleStaff, if that pay period is closed from entries then the hours are entered on an off-duty form approved by the department and forwarded to the Off-Duty Work Coordinator, who will enter the hours in TeleStaff for the employee.
2. Each and every assignment, whether arranged by the department Off-Duty Work Coordinator, the employee, or an outside organization shall be reported. Information required shall include:
 - a. Organization paying for services.
 - b. Date and times worked to match exactly with any pay documents submitted to the organization paying.
 - c. Location where services provided.
 - d. All hours worked must be provided.
3. The Off-duty Coordinator shall complete a monthly report of all off-duty jobs filled and the employees who filled them. This report shall be forwarded through the chain of command to the Chief of Police by the 10th day of each month.

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