

1.02-10

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
OUTSIDE EMPLOYMENT**



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

REV. 4/12

POLICY STATEMENT

It is the policy of this police department to allow officers and civilian employees to engage in outside employment that does not negatively reflect on the department or adversely influence an employee's ability to perform regular duties for the city of Dayton. Because certain occupations inherently conflict with an employee's primary responsibility to the department, the department may impose conditions on outside employment or may prohibit certain outside employment altogether. Determination of the degree of limitation will be based upon the interest of the department in furthering professionalism and protecting the reputation of the department and the employee.

I. POLICE RELATED OUTSIDE EMPLOYMENT

A. INCOMPATIBLE EMPLOYMENT

No officer shall engage in outside employment that is incompatible, adverse to or in conflict with their responsibilities to the department. Incompatible employment shall include, but not be limited to:

1. Per the Charter of the City of Dayton, an employee is prohibited from being deputized or commissioned for or employed in any other law enforcement, special police, law enforcement-related consulting agency, the State of Ohio, or a county, township, or municipal government or to voluntarily work with any other of the previously listed entities, without written permission from the Chief of Police.
 - Employees who volunteer their services with another government agency without receiving any form of compensation in return may not be in violation of this section and should seek clarification through the City of Dayton's Code of Ethics Committee by contacting Human Resources.
2. Any establishment where the dispensing of alcoholic beverages is the primary business (nightclubs, bars, etc.) or for any companies that contract with these establishments (this does not preclude an officer from working for the company; however, they cannot work any contracts or jobs within the company that would violate this section).
3. Officers may perform police-related functions while working for establishments that possess a liquor permit which authorizes alcoholic beverages upon the premises of the permit holder, but only when the primary business of the permit holder is not the dispensing of alcoholic beverages. Officers shall be permitted to work in establishments such as entertainment/sporting complexes, large restaurants or hotels when the officer is performing such duties as crowd control, traffic control, or general security, provided the officer does not work in the area where alcoholic beverages are actually dispensed (bar, concession stand, etc).
4. Owning, managing or working in a bar or tavern in any capacity.
5. Collecting bad debts, including credit cards and checks.
6. Any business or function, the operation of which requires a permit, or license, and the proper permit or license has not been obtained; or the activities engaged in at the business or functions are not in compliance with the requirements of the permit or license.
7. In any capacity on the inside of the building where a "for profit" bingo game is taking place. However, officers may work in a security or traffic control capacity on the outside of a building where a bingo game is operating.
8. Functions, or businesses, in which the activities engaged in are of such a nature that they may bring embarrassment, disrespect, or dishonor to the department.
9. Any employment where the hours worked are such that they could adversely affect the officer's job performance during his on-duty status with the police department.



10. No officer shall accept outside employment at any place where a strike is in progress, a strike vote has been taken, a strike authorized or any place that may cause the officer to become involved in a labor dispute.
11. Any supervisor having knowledge of an employee working outside employment that violates departmental policy shall forward a special report detailing the violation to the Office of the Chief of Police.
12. The fact that an officer will not be paid for his services shall not be cause for exemption from any of the provisions for procedures dealing with outside employment with the exception of recognized charitable organizations.

B. OFFICER'S RESPONSIBILITIES

1. An officer shall be responsible for conduct expected and required of him as an officer of the Dayton Police Department even though engaged in outside employment.
2. An officer must comply with all federal, state, and local laws, regulations, and licensing requirements that apply to their off-duty employment.
3. An officer will only use City equipment in the course of their off-duty employment or business that has been authorized for off-duty use by the Chief of Police or their designee.
4. An officer filing complaints in the capacity of their off-duty employment is prohibited from listing any City of Dayton address as their place of employment. They are to list the address of the off duty employer they were working for at the time the incident occurred.
5. An officer is prohibited from wearing uniforms or garments that identify them as off-duty police officers. Officers working in a uniformed or identified capacity for an off-duty employer should be identified as security.

C. REPORTS

1. While engaged in outside employment, officers shall complete all reports and forms that would have to be completed if they were on duty when becoming involved in an incident where they act as a Dayton Police Officer.
2. Officers may not receive compensation from the City of Dayton for attending court when they are subpoenaed for an activity they performed while acting in the capacity as an employee of an off-duty employer. Therefore, officers filing complaints in the capacity of their off-duty employment are prohibited from listing any City of Dayton address as their place of employment. They are to list the address of the off duty employer they were working for at the time the incident occurred. (Exceptions are when the officer acts in the capacity as a Dayton Police Officer while performing their off-duty employment).

D. DEPARTMENT APPROVAL OF OUTSIDE EMPLOYMENT

1. Outside Employment Request
 - a. An officer who is engaged in off-duty employment or business must submit the Off-Duty Employment Request Form, F-669, to the Chief for permission to do so prior to commencing the off-duty employment.
 - Officers engaging in off-duty employment or business are to update their status between January 1st and January 15th of each year through submission of another F-669 to the Chief.
 - b. When an officer terminates any off-duty employment or business previously reported to and permitted by the Chief, a report advising the Chief of such termination will be executed on the Off-Duty Employment Request Form, F-669.
 - c. The Chief of Police or his designee may revoke any previously approved employment requests that are determined to be in conflict with the Department's outside employment policy.
 - Officers will be notified in writing by the Office of the Chief of Police if approval for outside employment is revoked.



- d. Non-sworn personnel will submit their requests on the same Off-Duty Employment Request Form, F-669, to the Chief for permission to do so prior to commencing the off-duty employment and during the same time frames. They are only required to complete those sections of the form that pertain to non-sworn personnel.
 2. Probationary employees shall not engage in any outside employment during their academy training or probationary period.
 3. No department employee shall engage in outside employment of any kind while carried on sick, sickness in family or injured on duty status, except by specific written permission of the Chief of Police.
 4. No department employee, while carried on restricted duty, shall engage in any outside employment which requires, or could reasonably be expected to require, the employee to perform any function beyond the scope of limitations placed upon the employee's department assignment by virtue of the condition which requires the restricted duty status.
- E. USE OF POLICE RECORDS PROHIBITED
- No employee shall, while on or off duty, request, review, search, copy, remove or forward any information from any police record, LEADS or MIS for their or any other use, in connection with any outside employment, except as specified below.
1. Record checks of suspects shall be allowed in accordance with established department procedures.
 2. Officers obtaining copies of any authorized police report in connection with any outside employment shall pay the prescribed fee, if applicable.
- F. OVERTIME BENEFITS
1. No officer or civilian shall be entitled to any overtime benefits from the City of Dayton, for any court appearance or other activity performed while engaged in, or as a direct result of, outside employment.
 2. Officers appearing in court while on-duty for a case arising from their off-duty employment where they were not acting in the capacity of Dayton Police Officers must place themselves on leave for the duration of the hearing, trial, etc. They must notify their immediate supervisor of the court case and enter the case information in the remarks section of the court attendance form.
- G. Use of City Vehicles for Outside Employment
1. The use of a city vehicle for outside employment shall require authorization in writing from the Office of the Chief of Police.
 2. Employees who have Level 1 or Level 2 status for their unmarked vehicles are **not** exempt from this order and must have written authorization from the Chief of Police in order to utilize a take-home vehicle for outside employment.