
Outside Employment

1023.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1023.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1023.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Application for Outside Work Permit which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid one year through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Application For Outside Work Permit in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

[See attachment: Outside Work Revised August 2016.pdf](#)

1023.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1023.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

San Leandro Police Department

San Leandro PD Policy Manual

Outside Employment

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1023.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

1023.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

San Leandro Police Department

San Leandro PD Policy Manual

Outside Employment

1023.3.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1023.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1023.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1023.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1023.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work

San Leandro Police Department

San Leandro PD Policy Manual

Outside Employment

permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the San Leandro Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1023.7 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 87-07.

Attachments

Outside Work Revised August 2016.pdf



JEFFREY TUDOR
CHIEF OF POLICE

APPLICATION FOR OUTSIDE WORK PERMIT

Except as expressly authorized by the Chief of Police, all members are prohibited from engaging in any other business or occupation, which would, by virtue of its demand upon the member's rest time, hamper his/her ability to respond to and work diligently at his/her primary employment.

Members desiring to engage in outside employment shall complete this application in accordance with departmental procedure. Upon reasonable request, permission to engage in such employment will not be withheld except for good cause.

Intended employer: _____

Address: _____
(Number) (Street)

(City) Phone: _____

Supervisor/Co. Rep. _____ Phone: _____

Describe in detail the nature of the intended employment, geographic areas affected; days and hours to be worked; starting and finishing times:

The following rules and regulations shall govern members in their off-duty employment. Any violation of these rules shall be cause for refusal, cancellation, or revocation of an outside work permit.

Should the permit be granted, the employee agrees and understands the following conditions. **NO OFFICER OR EMPLOYEE SHALL WORK:**

1. In any employment or in any location which will tend to bring the Department into disrepute, or to reduce his/her efficiency or usefulness as an officer or employee of the Department
2. In any employment requiring any affiliation, membership or allegiance tending to influence his/her conduct in a manner inconsistent with the proper discharge of his/her duties as a police officer, or with his/her loyalty to the Department, or the public interest.

3. In police uniform at the performance of tasks other than of a police nature.
4. In any employment requiring the service of civil process, either full or part-time.
5. On any investigations or other type of employment in which an officer or employee may use his/her access to police information, records, files, or correspondence, in the furtherance of such secondary employment.
6. For any other municipality or political subdivision of a county or state, except by the express permission of the Chief of Police.
7. In any employment where the authority of his/her public office or affiliation with this Department is used, either expressly or implied, in the furtherance of such secondary employment.
8. In excess of twenty (20) hours per week.

A police officer, while engaged in off-duty employment, shall at all times take proper action on any offense or condition of which he/she has, or acquires, knowledge and which normally would require police attention.

In consideration of the granting of this off-duty work permit for which this request is made, the member expressly and specifically waives any and all rights which the undersigned may now or hereafter have against the City of San Leandro or the California State Employees Retirement System. This waiver shall apply to, and be in effect only as to disability caused by, or arising out of the employment for which this request is made.

The member further agrees that, in the event the member receives any Workers' Compensation Benefits under the provisions of the Labor Code of the State of California, because of any injury or sickness caused by or arising out of the employment for which this request is made, and because of said injury or sickness, the undersigned applies for sick leave from the City of San Leandro, that any sick leave benefits granted to the member shall be reduced by the amount of Workers' Compensation benefits received because of such injury or sickness.

Submitted by: _____

Unit Assignment: _____

Date: _____

**SAN LEANDRO POLICE DEPARTMENT
APPLICATION FOR OUTSIDE WORK PERMIT**

EMPLOYEE: _____

REVIEW:

Supervisor: _____ Date: _____

Approve

Disapprove

Division Commander: _____ Date: _____

Approve

Disapprove

Bureau Commander: _____ Date: _____

Approve

Disapprove

Police Chief: _____ Date: _____

Approve

Disapprove

COMMENTS:

PLEASE NOTE: This permit, if approved, is valid for one year.