

## Outside Employment

### 1021.1 PURPOSE AND SCOPE

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 and the City's Executive Director of Human Resources.

#### 1021.1.1 DEFINITIONS

**Outside Employment** - Any activity such as, but not necessarily limited to, consulting, teaching, advising, testing or assaying, performing analyses or examinations, the practice of one's profession, or other work performed in addition to the official responsibilities of a full-time City employee. Most outside employment includes compensation, but some volunteer activities may also be included.

### 1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police and the City's Executive Director of Human Resources. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy, or the City's Outside Employment Policy, may lead to disciplinary action.

In order to obtain approval for outside employment, the member must complete a Request to Engage in Outside Employment form and submit the form to their immediate supervisor. The request forms will then be forwarded to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved form. Unless otherwise indicated in writing on the approved form, the outside employment authorization will be valid through the end of the calendar year in which the form is approved. Any member seeking to renew outside employment authorization shall submit a new Request to Engage in Outside Employment form in a timely manner.

Any member 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.

#### 1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If a member's Request to Engage in Outside Employment form is denied, the member may file a written notice of appeal to the Executive Director of Human Resources within five (5) days of the date of denial.

The City Personnel Board may, upon the request of the member, review any action taken pursuant to the provisions of Santa Ana Municipal Code Section 9-16 and report its findings to the City Council and the City Manager.

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### 1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT APPROVAL

Any authorization to engage in outside employment may be revoked or suspended under the following circumstances:

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

### 1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Request to Engage Outside Employment form submitted by a member seeking to engage in any activity including but not limited to:

- (a) Involves the member'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 member's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the member, 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 member's duties as a member of this department
- (c) Involves the performance of an act in other than the member'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 member of this department
- (d) Involves time demands that would render performance of the member's duties for this department less efficient
- (e) Employment at establishments whose primary purpose is the sale, distribution or service of alcoholic beverages
- (f) Employment requiring the service of civil subpoenas or process

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- (g) 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 Santa Ana Police duties.
- (h) 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.
- (i) Ownership of companies, or employment with companies, that performs private security work within the city limits of Santa Ana.
  - (a) Ownership of companies, or employment in companies that provide private security work outside the city limits of Santa Ana may be approved at the discretion of the Chief of Police.
    - (a) As a condition for approval, the secondary employer in such cases must sign an indemnity agreement provided by the Santa Ana Police Department, whereby the employer agrees to hold harmless the City of Santa Ana and the Police Department for any injuries caused by the officer acting as a security guard (including indemnification for legal fees and/or damages that are incurred by the City because of or related to the secondary employment by the employee.
    - (b) The secondary employer must provide the Police Department with a copy of the certificate for Workers' Compensation insurance. The secondary employer must also sign a statement that he/she recognizes that while the Police employee is working in an off-duty status as a security guard or in any other capacity and the Police employee is injured, the secondary employer is liable for any Workers' Compensation benefits to which the Police employee may have right.

#### 1021.3.1 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.

#### 1021.4 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.

##### 1021.4.1 REVIEW OF FINANCIAL RECORDS

Members 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). Prior to providing written approval for an outside employment position, the Department may request that an member provide his/her personal financial records for review/

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audit in order to determine whether a conflict of interest exists. Failure of the member to provide the requested personal financial records could result in denial of the Request to Engage in Outside Employment. 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 member provide his/her personal financial records for review/audit. If the member elects not to provide the requested records, his/her authorization to engage in outside employment may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

#### **1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

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

Employees shall 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.

#### **1021.6 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 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 and 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 the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment authorization, a notice of revocation of the member's authorization will be forwarded to the involved employee, and a copy placed in the member's personnel file..

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

- (a) The outside employment is medically detrimental to the recovery of the disabled member, as indicated by the City's 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 Santa Ana Police Department, a request (in writing) may be made to the Chief of Police to restore the outside employment authorization..