

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: August 15, 2017	DATE EFFECTIVE: August 18, 2017	NUMBER: SO17-011	PAGE: 1 of 8
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: <b>Manual Revision – <del>3-800-3-801</del> Off Duty Employment</b>			APPROVED BY: <i>Chief Arradondo</i>

MP-8806

**Introduction:** This policy is being updated to allow a bureau head to approve off-duty work for probationary employees at specific sites. The policy number is being changed to 3-801 (instead of 3-800) to make it consistent with policy numbering throughout the manual.

Effective with the issuance of this Special Order, Section 3-800 of the MPD Policy and Procedure Manual shall be amended as follows:

**~~3-800~~3-801 OFF-DUTY EMPLOYMENT (05/09/00) (07/25/01) (03/07/03) (06/10/03) (04/23/04) (02/10/06) (5/16/12) (08/18/17)**

(A-D)

**I. PURPOSE**

To provide employees with information related to policy rules and regulations for off-duty employment.

**II. POLICY**

Minneapolis Police Department employees who work off-duty are subject to the rules, regulations, ordinances, and the policies and procedures of the City of Minneapolis and Minneapolis Police Department.

In all cases of off-duty employment the primary duty, obligation, and responsibility of an employee is to the City of Minneapolis and the MPD. This policy applies to all off-duty employment.

The term "officer" is used generically in this document and does not assume a level of rank, such as Patrol Officer. For the purpose of this policy, the term "officer" applies to a sworn employee working in a capacity relating to their status as a law enforcement officer.

The term "employee" refers to all employees whether sworn or civilian, working off-duty in a civilian capacity.

Nothing in this policy provides a guarantee of off-duty employment to any employee.

All off-duty approvals expire on December 31<sup>st</sup> of each calendar year. Approval requests must be submitted annually.

### **III. RULES/REGULATIONS/PROCEDURES**

#### **A. General Policies**

1. All MPD employees who pursue off-duty employment must apply for and receive approval, before the off-duty employment commences. Unpaid/volunteer positions do not require completion of the Off Duty/Employer Site Approval Request Form.
2. If more than one officer is working at an off-duty job site, the senior officer present at the job site is responsible for compliance with City and MPD rules and regulations by all officers working off duty at that job site.
3. If a complaint is received about the conduct of an officer working an off-duty job, the supervisor who received the complaint will follow MPD policy and procedure in investigating the complaint. On-duty supervisors may do periodic inspections of officers working at off-duty employment sites.
4. Employees shall adhere to all local, state and federal tax laws and revenue agency income reporting requirements.
5. The official blue police uniform, worn in conformity with MPD rules and regulations, is authorized for use in off-duty employment within the City limits if the officer is able to work in uniform for the MPD.
6. Use of the official blue uniform in off-duty employment outside the city limits must be pre-approved by the Chief or the Assistant Chief.
7. Officers needing to wear plain clothes for off-duty employment shall obtain permission from the employee's precinct or division commander. A notation shall be made in the comments section on the officer's off-duty application that states the reason for the officer to be dressed in plain clothes.
8. The following circumstances may be grounds for suspending, denying or revoking permission to work off-duty:
  - a. Performance of outside employment while on duty;
  - b. The off-duty work interferes or conflicts with MPD duties or availability for emergency duty;
  - c. When an employee's ability to perform his/her duties for the MPD is impaired due to his/her off-duty employment;

- d. Failure to adhere to the call sign/radio usage policy;
  - e. Failure to file an off-duty employment application; and/or
  - f. As part of disciplinary action where off-duty employment is related to the finding.
9. Off-duty officers working at an approved off-duty employment site shall immediately send written notice to the Chief or Assistant Chief if a labor dispute should occur.
- a. The written notice shall contain the location at which the officer is working and the duties required of that officer. Each case will be reviewed by Police Administration for conflicts of interest.
  - b. Off-duty employment approval may be suspended for the duration of the labor dispute.
10. Officers may generally be allowed to only use marked squads for off-duty employment. Unmarked squads will not be used for off-duty employment without permission from the precinct commander.
- a. Permission to use a marked squad for off-duty employment shall be obtained from an on-duty supervisor in the precinct/command from where the marked squad is taken.
  - b. All units/divisions permitting use of marked squads shall maintain a sign-out log. The sign-out log will include the officer's name, badge number, hours of off-duty employment and the site name and location of the off-duty work site.
  - c. The use of a marked squad for off-duty employment outside of the City limits must be approved by the Chief or the Assistant Chief.
11. Officers with marked squads at off-duty work sites shall:
- a. Notify MECC of their work-site location and receive a "call sign" number if one has not already been permanently assigned to that work site;
  - b. Be in full uniform while in possession of a squad;
  - c. Transport all property, prisoners or other individuals for law-enforcement purposes;
  - d. Ensure that all squad usage is law-enforcement related;
  - e. Park the squad in a legal and visible location; and
  - f. Comply with MPD Policy & Procedure Section 4-402 Vehicle Idling.
12. Officers working off-duty employment shall contact the on-duty supervisory staff of the precinct where they are performing their off-duty employment for probable cause authorization.

13. Officers working off-duty employment within the City of Minneapolis will handle police calls that are brought to their attention while working off duty, as they would if they were working on duty.
14. All reports shall be completed during the off-duty employment in which the incident occurred, and submitted for supervisory review and signature in the precinct where the off-duty site is located.
15. Compensation for arrests or work occurring during or resulting from the off-duty shift, including all travel time, shall be paid for by the off-duty employer if the arrest or work involve only the off-duty employees.
16. Officers working off-duty shall not intentionally seek assistance from on-duty MPD staff when not needed or take unnecessary action in an attempt to create a claim for compensation payable by the MPD.
17. The following provisions apply when an employee working off-duty is directed by MPD to act or otherwise becomes engaged in activities unique to law enforcement thereby qualifying for compensation from MPD:
  - a. Compensation shall be paid on an hour for hour basis at the rate specified in the Labor Agreement. However, the call-back minimum provisions of the Labor Agreement shall not apply.
  - b. Officers shall note in the comments section of the overtime entry in Workforce Director, the name of the off-duty site/employer and the shift hours that the officer was scheduled to work for the off-duty employer. Overtime entries not containing this information shall be rejected by the officer's Supervisor.
  - c. The officer shall take appropriate action so that he/she is not compensated by the off-duty employer for the same hours for which he/she is compensated by MPD.
18. The provisions of paragraph 17, above, also apply to arrests and paperwork that result from an arrest made by an officer when not on duty or while working an off-duty job. Officers shall note in the comments section of the off-duty entry in Workforce Director, the case control number from the arrest and the type of arrest (misdemeanor/felony). Overtime entries not containing this information shall be rejected by the officer's Supervisor.
19. Portable radios shall not be used for off-duty employment outside the City of Minneapolis without the prior permission of the Chief or Assistant Chief.
20. Officers working off-duty within the City of Minneapolis shall contact Channel 7 and provide their name, badge number, hours of off-duty employment, location of the off-duty work site and obtain off-duty call sign. Channel 7 maintains list of call signs for specific off-duty locations and those assigned call signs shall be used.
21. If the off-duty employment is at a location that does not have a permanent call sign, Channel 7 will assign a temporary call sign for that location.

22. All officers shall contact Channel 7 at the end of their off-duty shift to log off.
23. An officer working off-duty shall preface radio transmissions with “OFF-DUTY” followed by the call sign.

## **B. Application & Approval Process**

1. To apply for off-duty employment approval employees must submit an electronic application through the Workforce Director system for each job site, including off-duty employment that is not scheduled at the precinct, but is paid on the employee’s City paycheck (i.e. Detox Van, Park Board, or other City departments, etc.). Incomplete applications will not be approved.
2. Off-duty employment applications shall be submitted at least 72 hours in advance to allow for review and approval by the employee’s supervisor before the off-duty employment commences.
  - a. Applications received less than 72 hours in advance of off-duty employment may be approved verbally or via email by the employee’s precinct/division commander.
  - b. The employee shall enter the request into Workforce Director during their next regularly scheduled shift for MPD, noting in the comments section the date and from whom they received approval to work the off-duty job.
3. The applicant’s immediate supervisor shall review each application and make recommendations for approval or denial based on criteria in this policy. The applicant’s precinct commander, or in the case of civilian employees, the employee’s supervisor, shall make the final determination of eligibility for off-duty employment, with the following exceptions:
  - a. Any employee applying to work for another law enforcement agency; or
  - b. An officer applying to work outside the City of Minneapolis.
4. The Chief or the Chief’s designee shall approve applications for an employee to work off-duty for other law enforcement agencies and for an officer to work off-duty outside the City of Minneapolis, prior to such off-duty employment commencing.
  - a. An employee shall not be approved to work for another law enforcement agency unless such agency has entered into a standard defense and indemnification agreement (“agreement”) with the City of Minneapolis.
  - b. Agreements must be signed by the employee, the MPD and the other agency and submitted to Research & Policy Development.
  - c. Requests to deviate from the standard defense and indemnification agreement language should be forwarded to Research & Policy Development for review and approval by the City Attorney’s Office.

- d. Employees are not authorized to enter into any other agreements that obligate the City of Minneapolis.
5. If an application is denied, the applicant has the right to appeal the decision through their chain of command.

### **C. Employer / Site Approval Requests**

1. Employees are prohibited from entering any new employer/sites in Workforce Director.
2. Establishment of new employer/sites on the master list of approved employer/sites in Workforce Director will be done by authorized Research & Policy Development personnel.
3. Employees shall complete MPD form #MP-9067 (Request for off-duty employer/site approval) and submit to Research & Policy Development for approval and entry into Workforce Director. Incomplete forms will not be processed.
4. An MPD contact person must be designated for each off-duty employer/site employing officers within the City of Minneapolis. Only persons employed by the MPD in a sworn position may serve as an MPD contact person. Exceptions to the MPD contact requirement will be handled on a case by case basis.
5. The responsibilities of the MPD contact person include but are not limited to:
  - a. Scheduling officers who have received approval to work at the off-duty site.
  - b. Maintaining a list of employees approved to work at the site.
  - c. Serve as a liaison between the MPD and off-duty employer/site.
  - d. If serving as the Contact Person for an off-duty job that is related to a large-scale event for which the MPD may prepare an Incident Action Plan (IAP), the Contact Person shall communicate with the Precinct Commander of the precinct where the event will take place at least 72 hours prior to the event. Time spent communicating with the Precinct Commander and coordinating planning shall be compensated by the off-duty employer unless prior approval is given by the MPD for payment by the MPD.
  - e. There will be no brokering of officers. For example, no officer may gain remuneration by the work of another officer. However, the MPD contact person responsible for scheduling officers to work may receive additional pay from the off-duty employer for that service at the employer's discretion, as long as it is not paid from a portion or percentage of another officers' wages. An officer's contract/agreement to work an off-duty job must be directly with the off-duty employer and not with another officer.

#### **D. Restrictions and Prohibitions**

1. Officers are subject to supervision by the precinct in which they are working and are subject to inspection.
2. Officers working off-duty in uniform, or in a capacity so as to be readily identified as a Minneapolis police officer, shall not consume alcoholic beverages while so employed.
3. All employees are prohibited from working off-duty under the following conditions:
  - a. For any business that is not compatible with police work; (i.e., bartending, rave gatherings, repossession work; any establishment that provides adult entertainment in the form of nude, semi-nude or topless exhibitions).
  - b. If the employment requires the officer to wear a uniform and the employee is not authorized to work in uniform for the MPD.
  - c. If the employment requires the officer to carry a firearm and the officer: is not authorized to carry a firearm; is on non-enforcement duty assignment; is on suspension or administrative leave; has failed to successfully complete required training or qualification with department-authorized firearms.
  - d. While on limited duty (unless the Chief or Assistant Chief grants permission).
  - e. While on a leave of absence, unless allowed under the Labor Agreement.
  - f. While on sick leave or IOD status.
  - g. For an employer who wishes to have an off-duty officer assist in a labor dispute or strike.
  - h. Where the nature of the off-duty engagement constitutes a conflict of interest with the employee's duties for the MPD.
  - i. Employment as a private investigator without a private investigator license.
4. Within the City of Minneapolis, officers are allowed to work at establishments, events or other premises where alcoholic beverages of any kind are served subject to the following conditions:
  - a. A minimum of two off-duty officers shall be working unless the precinct commander has determined a different minimum for a specific establishment.
  - b. The job site of off-duty officers is limited to the exterior of the establishment.
  - c. Off-duty officers shall not work in the capacity as a bouncer or screen patrons for admission or exclusion from the establishment.

- d. Off-duty officers shall not enter the establishment except to respond to an emergency situation or to use the rest room.
5. If an employee exceeds 64 hours of work (on and off-duty combined) in a 7-day period, the employee shall notify their Precinct/Division Commander. The 7-day period is defined as beginning on Sunday at 0000 hours and ending on Saturday at 2400 hours.
6. Probationary employees are prohibited from off-duty employment, ~~including buyback~~ unless the specific job site is approved by a bureau head for probationary employees to work off duty. This includes Park Police "Extra-Duty" jobs. (08/18/17)
7. An employee shall not submit time documents to the City or an off-duty employer that will result in being paid by more than one employer for the same time period.
8. Employees shall report all off-duty income to all local, state and federal tax or revenue agencies and shall pay the applicable taxes on all off-duty income. Payment for off-duty work shall be made in an appropriate and private manner to avoid any perception of impropriety.