I. POLICY

The general nature of law enforcement requires deployment and staffing planning that may subject Department members to irregular work schedules or short-notice work schedule changes. Additionally, it is important that members have adequate rest to be alert during their regularly-assigned tours of duty. For these reasons, and because certain activities are inherently incompatible with a member’s primary responsibility to the Davis Police Department, the Department may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the Department and ensuring that the Department receives full and faithful services in return for its expenditure of resources.

Department members accepting outside employment should be aware that they may not be entitled to legal representation, payment of an adverse judgment, or other benefits from the City that are usually afforded a member while working on duty. Members should realize that when they accept off-duty employment, they are generally being hired to perform specific duties for an employer. Thus, Davis Police member engaging in off-duty employment should have a firm commitment from their secondary employer concerning any subsequent legal representation or other benefits that may become necessary as a result of the member’s conduct in protecting the secondary employer’s interests.

The Department recognizes that Section 1126 of the Government Code establishes the ultimate control of prohibited activities in the Department’s Extra and Off-Duty Employment Policy. In addition to meeting all Department requirements for extra and off-duty employment, all employment must be permissible under the rules contained in City of Davis Administrative Policy 3.08, “Conflict of Interest.” Finally, all approved extra-duty and off-duty employment must be compatible with the ethical standards of policing and cannot conflict with the duties and responsibilities of our primary profession.

II. PURPOSE

A. The purpose of this policy is to:


2. Set forth the conditions by which members may engage in extra-duty and off-duty employment.
3. Identify the process for obtaining and renewing a work permit.

4. Establish procedures for accepting requests by private employers for extra-duty hiring of Davis Police Officers.

5. Assign responsibility for liability and workers’ compensation claims in circumstances involving extra-duty and off-duty employment.

B. Definitions

1. Extra-duty employment is any activity or service performed as a peace officer for compensation by a full-time sworn Davis Police Officer which is apart from their normal duty assignment.

2. Off-duty employment is any activity or service performed by a member for compensation that does not involve the exercise of regular peace officer powers.

III. TYPES & CONDITIONS FOR EXTRA & OFF-DUTY EMPLOYMENT

A. For the purposes of this Policy, important distinctions will be made for the four types of extra and off-duty employment, which are:

1. Regular off-duty employment, which is the type that does not generally involve the use of peace officer powers. This type of employment is generally permitted, subject to the provisions contained in this policy.

2. Employment as security officer with a licensed security agency, which is generally not permitted.

3. Extra-duty employment as a contracted security officer through the Davis Police Department as provided in Section VI of this policy. Officers employed under this section may exercise peace officer powers pursuant to 70 P.C.

4. Extra-duty employment with another law enforcement agency where the member acts as a peace officer, as defined in Chapter 4.5 (commencing with section 830) of Title 3 of Part 2 of the Penal Code. Officers employed under this section may exercise peace officer powers only under the authority of their secondary employer. Davis PD assumes no responsibility for the exercise of peace officers powers under this provision.

B. Department approval to work extra-duty and off-duty is automatically suspended whenever the member is sick or injured, suspended from duty, or on paid administrative or parental leave. Probationary members may be denied the ability to engage in extra-duty and/or off-duty employment.

C. While the Police Chief may generally suspend a member’s permit to work extra-duty and/or off-duty employment at their sole discretion, the Police Chief may also suspend a permit for violations of Department Rules and Regulations, for violating provisions of this policy, or if the work in anyway presents an actual or apparent conflict of interest with the member’s primary employment at Davis PD. The terms of any suspension shall be provided in writing to the affected employee and their Division Commander.

D. Members engaging in extra-duty and off-duty employment shall maintain the necessary level of physical and emotional fitness to perform assigned duties. The Department may, at their sole
discretion, limit the number of hours an employee may work in any day or the number of hours a member may work in any extra or off-duty capacity.

E. Members may not engage in any extra-duty or off-duty employment that:

1. Involves any employment, activity or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to, duties as an employee of the Davis Police Department or with the duties, functions or responsibilities of the Davis Police Department.

2. Involves, for private gain or advantage, the use of City time, facilities, equipment or supplies; or the badge, uniform, prestige or influence of one’s official position, unless the work is permitted under III, A, 3 of this policy.

3. Involves the member directly selling/dispensing alcoholic beverages.

4. Is part of a court proceeding. Examples include, but are not limited to, civil process server, bail bondsman, debt collection, eviction officer, or court reporter.

5. Would tend to bring the Police Department into disrepute, or present a possible conflict of interest. As a general rule, off-duty employment as a private security officer or private investigator is inherently incompatible with one’s primary employment at the Davis Police Department and creates either an actual or apparent conflict of interest.

6. Includes duties associated with a labor strike, lockout, picketing, or other tangible demonstration of a labor dispute.

IV. WORK PERMIT

A. Process

1. Members seeking permission to work any extra or off-duty employment must first complete and submit the Work Permit Form and then receive final approval prior to accepting any extra or off-duty employment. The applicant should anticipate ten work days for final approval or denial of the Permit.

2. The applicant’s Division Commander must recommend approval or denial of the request. Consideration shall be given to the applicant’s work history, sick record, probationary status, training needs, and disciplinary history.

3. Final approval of a Work Permit is determined by the Police Chief. For sworn personnel, appeals of the Police Chief’s denial shall be governed by the grievance procedure as provided in Article VII of the City’s Personnel Rules. For all other personnel, the Police Chief shall have final authority to approve or deny the request. A member may submit a written request for reconsideration that will be decided by the Police Chief.

4. Approved Work Permits are valid for the remainder of the current calendar year. Permit renewals are required prior to the start of the new calendar year. Members who work only under the provisions of Section III, A, 3 of this policy are not required to renew their work permits.

5. Following Department review and a determination that the proposed outside employment is not incompatible with Department employment, a member shall not change the nature or location of outside employment without having first submitted the proposed change for Department review.
V. LIABILITY AND WORKERS' COMPENSATION

A. Extra-duty and off-duty employment has certain restrictions and liabilities that members must recognize and acknowledge.

1. Section 70, Penal Code, prohibits peace officers from accepting private payment for performance of an official police duty, except when working in the capacity as described in section III, A, 3 or 4 of this policy.

2. While employed in off-duty employment as described in Section III, A, 1, 2, or 4 in this policy, the secondary employer is responsible for any workers’ compensation or similar insurance benefits in instances when an off-duty member is injured, disabled or killed while engaged in that outside employment. Off-duty workers’ compensation claims with the City will be denied pursuant to Section 50922, Government Code, and Section 3600.2, Labor Code.

3. Members working extra-duty employment under the provisions of Sections III, A, 3 of this policy will receive workers’ compensation protection.

4. While employed under the provisions of Section III, A, 1, 2, or 4 of this order no civil liability protection is provided by the City. Exceptions may be recognized if off-duty members, not engaged in private security duties, are compelled to exercise peace officer powers in response to a public emergency.

VI. SUPPLEMENTAL POLICE SERVICES

A. Extra-Duty

1. Public and private entities may request supplemental police services (extra-duty officers), which are provided by police officers not otherwise engaged in regular duty assignments.

2. The prospective employer will complete the Supplemental Police Services Request Form at least fourteen days prior to the employment date.

3. For private sector employers, payment must be received in advance by the Finance Department; public entities will be billed for services rendered. The fee charged is that fee contained in the master fee schedule.

4. A special account will be maintained by the Finance Department to receive funds from supplemental police service requests, and to make payment to officers employed under this program.

5. Under no circumstances are members permitted to solicit a request for supplemental police services.

6. Selection of eligible officers for this type of extra-duty employment will be the responsibility of the designated department administrator. Every effort will be made to ensure a fair and equitable assignment of personnel.

7. Extra-duty members employed in this capacity must comply with the same Department regulations, including uniform requirements, as if they were on duty. They shall also be afforded the same liability and insurance protection as on-duty members.
8. Requests for more than four officers at a location may require that a 
supervisor also be 
assigned. Absent an assigned supervisor, extra-duty members are accountable to the duty 
Watch Commander.

9. Officers working extra-duty assignments may exercise peace officer powers. Extra-duty 
officers making arrests should turn over any arrested person to on-duty personnel as soon as 
practical so that the extra-duty officer may remain at their assignment.

Darren Pytel
Police Chief

Created
1/91

Revised
6/92
9/93
6/94
1/95
10/99
9/00
11/05: Section VIII.G. modified to reflect change in responsibility from Inv. to Patrol Lt.
11/09: changes to various provisions.
07/11: Section III B modified. VI.B. modified to reflect 14 day notification; Section VI.C 
modified to include worker’s compensation endorsement.
09/11: Section VI modified to exclude liability and workers compensation enforsements.
03/16: Change to III,E,3 involving alcohol
5/19
Reviewed
12/00, 1/03, 1/04, 11/05, 10/07, 10/11, 12/17