

OUTSIDE EMPLOYMENT	Document Number	GO 405
	Effective Date	11-16-2011
	Revision Date	10-07-2013
	Revisions	Underlined
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	Approval:	HSK

1. PURPOSE

The purpose of this policy is to set forth the limitations for outside employment of all members of the Hawai'i Police Department.

2. PERSONS AFFECTED

All department personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that all members shall be limited only to approved types of employment outside of their primary duties as members of the department.

4. DEFINITIONS

Outside Employment – the participation in any other calling or engaging in any other business for emolument or compensation and the acceptance, either directly or indirectly, of any kind of payment for any service performed, either directly or indirectly, from any person, firm, company or corporation other than the Hawai'i County Police Department. "Outside Employment" shall not be confused with Special Off-Duty Employment as defined in General Order 413.

5. RESPONSIBILITIES

- 5.1. Police Chief – The Police Chief shall be the sole authority to which a request for outside employment is either granted or denied by a requesting member.
- 5.2. All members who desire to engage in outside or off-duty employment must recognize that their primary duty, obligation and responsibility at all times are to the police department.
- 5.3. Members must also recognize that employment or activity shall be within propriety and the employee and/or the department will not be compromised, nor will the employee's efficiency or the efficiency of his unit or division be affected.

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- 5.4. Members are subject to call at any time for emergencies, special assignments or overtime duty, and no outside or off-duty employment may infringe on this obligation.
- 5.5. Members who are directed to report for duty on their days off or who are required to work overtime will do so.
- 5.6. Police officers while engaged in outside or off-duty employment shall, at all times, take proper police action on any offense or condition which would normally require police attention.
- 5.7. In any situation involving labor controversy of any kind which in any way affects the secondary employment, members have a responsibility to contact the Police Chief to seek his advice. Such advice will be acted upon as given.
- 5.8. Members shall be guided by Article XIV, Code of Ethics, of the Hawai'i County Charter as amended, Outside Employment Policy of the Hawai'i County Police Commission, and any or all applicable Civil Service Rules and Regulations, County Ordinances or State Statutes. In the event of questionable employment or activity, the Police Chief may request an advisory opinion from the Office of the Corporation Counsel and/or the County Board of Ethics.

6. SANCTION TO ENGAGE IN OUTSIDE EMPLOYMENT

- 6.1. Members are expressly prohibited from following any other calling or engaging in any other business, employment, or service at any time for compensation or any kind of payment except as provided herein.
- 6.2. Members are permitted to engage in outside employment after duty hours, during furlough or leave periods or when under disciplinary suspension provided such employment is not inconsistent or incompatible with, or does not interfere with, the proper discharge of their duties, or in any way reduce their effectiveness as members of the police department.
- 6.3. Members engaged in outside employment shall not be entitled to claim for injury leave from the police department in the event of injury sustained while being employed by any private individual, organization or concern.

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6.4. Members engaged in outside employment shall provide a certified copy of their attendance record, upon request by a commanding officer.

7. REQUEST FOR OUTSIDE EMPLOYMENT

7.1. Members who wish to engage in outside or off-duty employment shall submit a *Request for Outside Employment form* to the Police Chief via his commanding officer.

7.2. The completed form, with the required signatures, shall be submitted at least seven (7) scheduled working days prior to the date the member wishes the employment to become effective.

7.3. Police officers shall be required to notify outside employers in writing that they are police officers. A copy of the written notification shall be attached to the *Request for Outside Employment form* upon submittal for approval.

7.4. On approval of the application, the original shall be placed in the personnel file; a copy shall be returned to the applicant; and a copy shall be forwarded to the unit commander.

7.5. All unit copies shall be kept in the unit files in the order of their date of approval for a period of twelve (12) months, after which they shall be reviewed to determine the member's outside employment status.

7.6. Upon a satisfactory review by the unit commander, the member's permit to engage in outside employment may be validated for an additional twelve (12) month period, should the member wish to continue his outside employment status.

7.7. It shall be the member's responsibility to inform the unit commander of any revisions, changes or terminations to the member's outside employment status.

7.8. The unit commander upon receipt of information which revises or changes the member's outside employment status may require the member to submit a new *Request for Outside Employment form* for approval.

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- 7.9. On completion or termination of the employment, the member's permit shall be returned to the Chief's Office via the unit commander with the termination date noted thereon.
- 7.10. Unit commanders will review the outside employment file on a monthly basis to insure that members are not engaging in outside employment beyond the conditions and limitations of their approved requests.
- 7.11. Commanding officers will continuously review the performance of members who engage in outside employment and will recommend its termination if the member does not meet his departmental responsibilities to the fullest extent.
- 7.12. An approved request for outside employment may be cancelled at any time by the Police Chief.

8. RESTRICTIONS ON OUTSIDE EMPLOYMENT

Members shall not engage in any outside employment where:

- 8.1. The outside employment or the place where it is performed is such as to bring either the department or the member into disrespect or disfavor, or involve the member in violations of the rules and regulations or general orders.
- 8.2. The outside employment or the place where it is performed is such as to impair the member's efficiency or capabilities as a member of the department, or interfere with his response to emergency calls.
- 8.3. The outside employment would require the member to appear in the police uniform, or conduct investigations or avail himself of official police equipment, records, documents, files or police services, or involve service of civil process.
- 8.4. The outside employment would involve the collection of bills or accounts or require the use of police power for private purposes of a civil nature.
- 8.5. The outside employment would involve the sale, mixing, or serving of intoxicating liquors in open containers, or work as a doorman or bouncer. The Police Chief may grant exceptions to non-sworn personnel.

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- 8.6. The outside employment would involve the operation of a tavern, bar or other establishment where the principal business is the sale of intoxicating liquors for consumption on the premises. The Police Chief may grant exceptions to non-sworn personnel.
- 8.7. The outside employment would involve operation or control of any taxicab or is connected with the towing of vehicles.
- 8.8. The outside employment would involve the use of the member's name in any type of advertising.

9. EMPLOYMENT OF OFFICERS IN SALES AND SECURITY

9.1. General Limitations

- a. In accordance with the provisions of the union contract, officers may seek approval for employment in sales or security as long as the criteria set forth in this General Order is met.
- b. Officers shall not use their police status, either directly or indirectly, to influence the outcome of any business transaction.
- c. Officers shall terminate any outside employment if the employer or employer's parent firm comes under investigation or official scrutiny for unlawful, unethical, or deceptive practices, and shall provide such information as may be required to assist in the investigation or scrutiny.
- d. Violation of any of the above requirements may result in withdrawal of approval for an officer's outside employment and/or disciplinary action.

9.2. Limitations on Sales Equipment – Prohibited When:

- a. Sales or distribution of police equipment, personal protection safety devices, or security devices: i.e. locks, safes, alarms.
- b. Sale of any service or commodity to county or state agencies, except those presently permitted by special duty.

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- c. Sale or distribution of obscene or pornographic materials or any other product or service that appeals to prurient interest.
- d. Sale or distribution of gambling devices or gambling paraphernalia.
- e. Sale of drugs, narcotics, or any narcotic paraphernalia.

9.3. Limitations on Security Employment

- a. Officers may be employed by firms offering security services. However, they shall not own, operate, or have any financial interest in such a firm, nor shall they donate their time or services to one.
- b. Officers employed in security work may not carry or use firearms except when:
 - It is legally required that a firearm be carried in the performance of duty, or;
 - The employer has current written authorization from the Police Chief.
 - In either case, the employer shall furnish the firearms.
- c. Officers employed in security work shall not provide bodyguard service.

10. RESERVE OFFICERS

- 10.1. The restrictions on outside employment as outlined in sections 8 and 9 of this General Order will also apply to Reserve Officers. Reserve Officers are exempt from filling out a *Request for Outside Employment* form as outlined in section 7.1 of this General Order.
- 10.2. All Reserve Officers shall submit a memorandum via their Commander to the Police Chief, listing each type of employment they are involved in. This memorandum shall be updated upon a Reserve Officer ending employment, or beginning new employment.