



City of Racine Police Department  
**Policy and Procedure**

**Number: 113**

Subject: <b>Part-Time Outside Employment</b>		
Date Issued: <b>06/16/1978</b>	Effective Date: <b>11/4/16</b>	Revision Number: <b>8</b>

**POLICY**

Members desiring any part-time, outside employment (to include OJ law enforcement employment, law enforcement related employment, and non-law enforcement related employment, either single date or multiple date events or employment) shall obtain authorization from the Chief of Police prior to accepting or undertaking any outside employment. A probationary employee is prohibited from engaging in any outside employment during his/her probation period (18 months, unless extended).

**DEFINITIONS**

***Conflicts of Interest –***

- Where the employment would provide the officer with special advantage by virtue of his/her office
- Where employment would compromise the confidentiality of Department records and/or investigations
- Where the employment would bring discredit to the Department or where the employment would undermine the public's expectation of impartiality
- Where the employment would compromise the officer's ability to enforce the law, exert command authority, or effect discipline
- Where the officer's official position can be used to serve private interest
- Where the employment would assist any principal in a criminal or civil proceeding
- Where the employment would be directly connected to the serving of intoxicating beverages, or by working for any such licensed place of business other than to provide general order maintenance outside the licensed premises.

***Employment*** – For the purposes of this policy, employment is the provision of service, whether or not in exchange for a fee or other service. Employment does not include charity work. Employment includes relationships where the member is acting in a W4 employment capacity or an independent contractor capacity.

***Independent Contractor*** – An agreement in which the member is considered a contractor providing services for a specified amount. No taxes or other withholdings are taken out of the contracted payment and the member is solely responsible for reporting income according to federal and state laws.

***OJ LE Employment*** – Any employment by another law enforcement agency where the officer is employed in the capacity of a sworn law enforcement officer, deputy, or agent.

***LE Related Employment*** – Any employment conditioned upon the actual or potential use of law enforcement powers by the police officer employee, not including actual employment by another law enforcement agency

***Non-LE Related Employment*** – Any employment that will not require the use or potential use of law enforcement powers by the off-duty police officer employee.

**Outside Employer** – Any outside entity, person, or business that is offering or providing employment to a Member.

**W4 Employment** – Employment in which the member is considered an employee of the business. The Member fills out a W4 withholding form and has FICA, Social Security, Medicare, Federal and State taxes withheld.

## PROCEDURE

### MEMBER

Members desiring any form of part-time employment shall proceed as follows:

1. Members must understand the following when considering part-time outside employment:
  - a. Officers must apply for and receive approval prior to engaging in any part-time outside employment.
  - b. As determined by the Chief of Police, officers will not engage in any part-time outside employment that is a conflict of interest.
  - c. Officers will comply with all provisions of City Ordinance Section #2-408.
  - d. Officers will not engage in any Non-LE Related Employment while wearing any part of the Racine Police Department Uniform.
  - e. In addition to the above, the following relates specifically to LE Related Employment:
    - 1) LE Related Employment shall be performed in police uniform only (unless the Chief of Police, or his/her designee, specifically authorizes plainclothes dress for the LE Related Employment).
    - 2) LE Related Employment is intended to promote good order in schools and other settings open to the public. LE Related Employment for private functions, or in those settings, as determined by the Chief of Police, that create the appearance of governmental authorities as enforcers of private enterprise, is a conflict of interest.
    - 3) All rules and procedures that would normally apply to a City of Racine Police Department on-duty officer shall apply in LE Related Employment.
    - 4) Officers engaged in LE Related Employment shall understand that the liability for workers compensation claims while employed in a LE Related Employment capacity will not automatically involve the City of Racine, unless it is otherwise determined by law.
  - f. Officers engaged in OJ LE Employment shall understand that the liability for workers compensation claims while employed in an OJ LE Employment capacity will not involve the City of Racine, unless it is otherwise determined by law.
  - g. All approvals will be non-expiring, and a member does not need to renew an approved application.
2. Prior to accepting or undertaking any part-time, outside employment, prepare and submit an Application for Part-Time Outside Employment (PP138). This form must be completed by the member and forwarded to their Shift/Unit Commander electronically.
3. Promptly notify your Shift/Unit Commander of any change in status of part-time outside employment via an Application for Part-Time Outside Employment (PP138) form.
  - a. This would include termination of the contract/agreement (whether verbal or written) by the employee or employer.
  - b. This would include a change in the “type of work” or “hours of employment” as originally described in the Application for Part-Time Outside Employment.
4. To enhance officer safety, all members working LE Related Employment shall,

- a. At the beginning of their part-time outside employment shift, notify the Racine County Communications Center via radio or phone of their location and the anticipated duration of the shift.
- b. Upon completion of the shift, the officer will also advise Communications that their shift is done.
5. Supervisory approval is required to initiate an investigation on city time and will be granted only for exceptional circumstances. Examples include incidents where:
  - a. Immediate Property Inventory is required.
  - b. The member's initial investigation leads to an investigation of broader scope requiring use of department resources not available to the member at the part-time location, i.e., multiple interview rooms, or access to department records.
6. If authorized to come to the department, or to respond to the Racine County Jail, duty time (time logged in the City of Racine TMS) will be limited to actual time spent. Members shall clock in and out to record time logged.
  - a. This is not a Special Call-In as defined in the Memorandum of Agreement between the City of Racine and the Racine Police Association.
  - b. A Member shall not receive concurrent compensation from both the part-time outside employer and the City of Racine Police Department.
7. When a member suffers an injury while working in a part-time outside employment capacity,
  - a. They shall report that injury to their immediate supervisor or employer for the part-time outside employment and to the City of Racine, for recording purposes only.
  - b. If the member was injured while taking law enforcement action and they were not employed in an OJ LE Employment capacity, the on-duty procedure for reporting injury shall be followed.

## SUPERVISOR

1. At any time, should you feel a member's part-time outside employment is interfering with the member's ability, availability, or willingness to perform effectively in his/her full-time capacity as a law enforcement officer for the City of Racine, counsel the member to determine if there are issues that can be resolved short of withdrawal of permission to participate in outside part-time employment.
  - a. If the issues can be resolved as a result of this conference, make an entry in the member's work history file to document the basic circumstances and the manner in which they were resolved.
  - b. If the issues cannot be resolved at the supervisory level with a conference:
    - 1) Prepare a memorandum detailing the circumstances and recommended action (withdrawal or modification of currently approved part-time employment).
    - 2) Forward the memorandum to the Shift/Unit Commander for review.
2. During the annual performance appraisal of members under your supervision, ensure that all employment listed in a member's work history file is current and validated.
  - a. If there are any employers listed in the members work history file which are no longer active – where the member is no longer working – change the disposition to "Expired", enter the effective date, and enter comments explaining the nature of the separation from employment with that employer.
  - b. If there are employers that the member is working for which are not entered into the member's work history file;

- 1) Determine if there has been a clerical, or tracking, error which is the cause for the missing permission, and if so, ensure that the clerical error is corrected,
- 2) Otherwise, advise the member that they are to cease any further work for the employer until the member properly applies for permission to work and receives approval for the employment.
- 3) If the member was working off-duty without proper approval ensure that the appropriate level of coaching and/or supervisor's complaint is initiated.

## SHIFT/UNIT COMMANDER

1. Review the Application for Part-Time Outside Employment (PP138) and any supporting documentation for accuracy and completeness. Interview the affected member if necessary.
  - a. If approved, complete the Shift/Unit Commander's Approval/Denial section of the form.
  - b. If denied:
    - 1) Indicate the reason for the denial in a memorandum directed to the Chief of Police.
    - 2) Complete the Shift/Unit Commander's Approval/Denial section of the form.
  - c. Forward the Application for Part-Time Outside Employment to the Division Commander for his/her review.
2. During a member's performance appraisal process or when recommended by the Supervisor, review the performance of your shift's or unit's members to determine if part-time employment interferes with the member's performance or responsibilities to the department.
  - a. Recommend cancellation or modification of part-time outside employment when part-time employment interferes with the member's performance or responsibilities to the department.
    - 1) List the facts and circumstances in a memorandum and forward it to the Chief of Police through your Division Commander.
    - 2) Inform the affected member of your recommendation.
    - 3) Once the Chief of Police returns a decision, notify the affected member of the Chief's decision and file a copy in the Shift/Unit records.
  - b. Make an entry in the member's work history file.
3. When receiving employment status or duty change information from a member, review and forward that information to your Division Commander.

## DIVISION COMMANDER

1. Review the Application for Part-Time outside Employment and any supporting documentation. Request additional information if necessary.
  - a. If approved, complete the Division Commander's Approval/Denial section of the form.
  - b. If denied:
    - 1) Indicate the reasons for the denial in a memorandum directed to the Chief of Police.
    - 2) Complete the Division Commander's Approval/Denial section of the form.
  - c. Forward the Application for Part-Time Outside Employment and any supporting documents to the Chief's Administrative Assistant.
2. Upon receipt of a memorandum from the Shift/Unit Commander recommending the modification of terms or termination of a member's approval to retain part-time

outside employment, prepare a cover letter to the Chief of Police indicating your recommendation and forward it with the Shift/Unit Commander's memorandum to the Chief of Police.

3. When receiving employment status or duty change information from a Member, review and forward that information to the Chief's Administrative Assistant.

### **CHIEF'S ADMINISTRATIVE ASSISTANT**

1. Review the Application for Part-Time Outside Employment and any supporting documentation; request additional information if necessary.
2. If approved,
  - a. Enter the Part-Time Outside Employment into the member's work history file.
  - b. Return a copy of the approved form to the applicant notifying them that they are approved.
3. If denied:
  - a. Forward the application for Part-Time Outside Employment to the Chief of Police for review.
  - b. If the Chief of Police chooses to reverse the denial, approving the Part-Time Employment:
    - 1) Enter the Part-Time Outside Employment into the member's work history file in RMS Phoenix.
    - 2) Return a copy of the approved form to the applicant notifying them that they are approved.
  - c. If the Chief chooses to deny the application,
    - 1) Enter the Part-Time Outside Employment into the member's work history file with the disposition of "Denied".
    - 2) Enter the rationale for the denial into the member's work history file.
    - 3) Return a copy of the denied form along with a copy of the rationale for the denial to the applicant notifying them that they are denied.

### **CHIEF OF POLICE OR DESIGNEE**

1. Review the denied Application for Part-Time Outside Employment and any supporting documents; request additional information if necessary.
2. Decide if you will deny or approve the application.
  - a. Return the application to the Chief's Administrative Assistant with the final disposition.
  - b. Include your rationale for reversing the decision to deny, if you approve the application.
3. Upon receipt of a Division Commander's package indicating a request to modify or terminate a member's approval for part-time outside employment:
  - a. Review the recommendation for cancellation or modification of a member's part-time outside employment.
  - b. Request more information if necessary.
  - c. Draft a memorandum to the affected member informing him/her whether or not they can continue their outside employment, or if any restrictions, such as a reduction in the number of work hours, are established.
  - d. Forward the memorandum containing your decision to the Shift/Unit Commander through the Division Commander.
  - e. Forward a copy of the memorandum to the Chief's Administrative Assistant.

4. All Part-Time Outside Employment approvals are subject to review by the Chief of Police.

**RELATED  
PROCEDURES**

[107 – Overtime](#)

[215 – Performance Appraisals](#)

[1801 - City Ordinance, Chapters 2-407, & 2-408.](#)

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