
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

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ISSUED DATE: 11/21/2019
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SUBJECT: Off-Duty Employment

REFERENCE: CALEA Ch. 22

CROSS REFERENCE:

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I. PURPOSE

- A. The purpose of this policy is to set forth guidelines to govern off-duty employment by all members (sworn and non-sworn) of the Department.

II. POLICY

- A. The policy of the Department is to provide guidelines to sworn and non-sworn members of the Department to inform them of the type of off-duty employment that is appropriate, establishing procedures to maintain accountability for off-duty employment by Department members, and to regulate off-duty employment. These requirements are essential for the efficient operation of the Department and for the protection of Department employees, the Department, and the community.

III. DEFINITIONS

- A. Off-Duty Employment: The provision of a service, whether or not in exchange for a fee or service, provided to a public organization or private business, enterprise, firm, etc.
- B. Law Enforcement/Security Related Off-Duty Employment: Any employment that is conditioned on the actual or potential use of police powers by a sworn police officer.
- C. Non Law Enforcement/Security Related Off-Duty Employment: Any employment that will not require the use or potential use of police power by off-duty employees.

IV. REQUESTING PERMISSION TO WORK OFF-DUTY

- A. All Department personnel that desire to engage in off-duty employment must submit a written request for each new or amended employment activity to their immediate supervisor. The immediate supervisor will review the form to ensure that it is filled out completely and accurately. The supervisor will interview the employee considering the following questions:
1. Is the employee taking any college hours?
 2. Is there cause for concern with the employee working at the requested business?
 3. Has the employee submitted a complete and up to date listing of ALL current off duty employment/college hours?
 4. Verify that the employee will be working within the guidelines as set forth in Section VI of this general order.
- B. The request will be submitted on the Off-Duty Employment Approval Form (attached to this General Order). Each form submitted should contain information on all outside employment, including the date, time and place of employment. The employee will submit a complete list of all off duty employment, (both police related and non-police related) each time a new employment is added or requested.

1. The employee's respective Bureau Director or the Chief of Police, may approve off-duty employment requests.
 2. All approved requests will be forwarded to and maintained by the Chief's Office.
 3. Officers must submit an updated Off-Duty Employment Form by January 10 for each calendar year. A new form is also required anytime an employer is added or deleted, anytime there is a change in job tasks, hours, or location, or when there is a change in hours requested.
- C. Off-duty employment is a privilege granted by the Department, which is regulated by the Bureau Directors, with overall approval granted by the Chief of Police.
1. Employees granted off-duty employment are to conduct themselves accordingly with respect to the policy, procedure, rules, and regulations of the Department. An employee must be cognizant of his or her place in society as a police department employee. The public expects a police department employee to conduct him or herself in a manner as to inspire confidence and respect for the position of public trust that he or she holds. Consequently, an employee granted the privilege to work off-duty subjects themselves to close scrutiny with respect to his or her off-duty employment, which can be rescinded at any time.
- D. The privilege to work off-duty may be rescinded temporarily or permanently at the discretion of the employee's Bureau Director upon approval of the Chief of Police, or at the discretion of the Chief of Police.

V. GUIDELINES FOR OFF-DUTY EMPLOYMENT

- A. All personnel engaged in off-duty employment will do so only after receiving approval for such employment by their respective Bureau Director, the Bureau Director, the Chief of Police's designate, or the Chief of Police, if appropriate.
- B. Unless authorized by the bureau director or the Chief of Police, the class "A" or "B" uniform will be worn while working off-duty, unless such employment is non law enforcement/security related off-duty employment, as defined in this order.
1. If plainclothes are authorized, no Department equipment or any portion of the uniform will be displayed. Any equipment that is carried must not be visible. Business casual attire is not approved for law enforcement/security related off-duty employment.
- C. An officer engaged in any off-duty employment will leave the off-duty employment in the event they are called back to duty.
1. Any employee whose position of employment requires that they not leave a post until relieved (e.g., security at a bank) should note this in their request for outside employment (the Off-Duty Employment Approval Form).
- D. The primary duty and obligation of each employee is to the Department. Members of the Department who are directed to report for duty, required to appear in court, or required to work overtime will do so regardless of the fact that such activities may interfere with the off-duty employment.
1. Excessive use of sick time by an employee may result in the revocation or refusal of a request for outside employment.
 2. Personnel who engage in any off-duty employment after being denied permission to engage in such employment will be subject to discipline for insubordination.
 3. Independent of any other discipline, personnel who violate Department employment guidelines may also have current and future permission to engage in off-duty employment revoked.
- E. The approval of an Off-Duty Employment Approval Form authorizes only such work and conditions of employment as is designated on the form.
- F. The officer and the off-duty employer will bear the responsibility for legal actions arising from off-duty employment. The Unified Government will not be liable for:
1. Any court appearance resulting from off-duty employment.
 2. Injury and worker's compensation claims resulting from off-duty employment.
- G. Kansas Police & Fire Retirement Disability Benefits state that if a member becomes disabled (i.e., the disability was incurred) while working for any employer other than your participating employer (Kansas City Kansas Police Department) under the Retirement System, no disability benefits from the Retirement System are payable. KSA 74-4960(3), *Disability benefits; procedures and reports*

VI. LIMITATIONS ON OFF-DUTY EMPLOYMENT

- A. In order to be eligible for off-duty employment, a police employee must be in good standing with the Department. Continued agency approval of a police employee's off-duty employment is contingent on such good standing and the stipulations of this order.
1. Any officer serving a suspension is not allowed to engage in law enforcement/security related off-duty employment.
 2. Those officers who are on medical, FMLA, or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in off-duty employment.
 3. Pursuant to Article 21, Section 21.9, F, (f), 3 of the Memorandum of Understanding, officers placed on restrictive sick leave, shall be restricted from off-duty related employment.

- B. Off-duty employment will generally be limited to a certain number of hours.
1. There are no restrictions to the number of hours officers may work on non-law enforcement/security related off-duty employment.
 2. Any employee engaged in law enforcement/security related off-duty employment will work no more than four (4) hours on any duty day.
 - a. An employee can work more than four (4) hours on a duty day if he or she has the approval of their Bureau Director.
 3. Any employee engaged in law enforcement/security related off-duty employment will work no more than twelve (12) hours on a non-duty day.
 - a. An employee can work more than twelve (12) hours on a non-duty day if he or she has the approval of his or her Bureau Director.
 4. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
- C. Employees may not engage in off-duty employment that meets the following criteria:
1. Employment that presents potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing a conflict of interest include, but are not limited to, the following:
 - a. Officers who work as a process server, repossessing work, or bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.
 - b. Work involving personnel investigations for the private sector or any employment that might require the officer to have access to police information, files, records, or services as a condition of employment.
 - c. Employment using the police uniform in the performance of tasks that are not related to security or law enforcement activity.
 - d. Employment that in any manner assists the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
 2. Officers may not engage in off duty employment that constitutes a threat to the status or dignity of law enforcement as a professional occupation. Specifics listed hereafter assist in defining limitations:
 - a. As outlined in Rules and Regulations (3.31) :
 - (1) Officers shall not engage in any non- police related employment (or personally owned business) that involves the sale of alcoholic beverages.
 - (2) Officers shall NOT be employed by any business establishment that sells alcoholic beverages for consumption on the premises of said establishment. This relates to any club or bar that is not a restaurant.
 - (3) The Department recognizes that many businesses (i.e. restaurants, bowling alleys, rental halls, etc.) located within Kansas City, Kansas serve alcohol. Officers may request to work at such establishments, but off duty employment will be approved on a case by case basis. Final approval will be at the discretion of the Chief of Police.
 - (4) Officers may conduct off duty work in large recreational complexes (serving alcohol) located within special development districts (i.e. Kansas Speedway, T Bones, and Sporting K.C.) as designated by the Unified Government and providing the Chief has expressly approved of such employment.
 - b. Officers may work off duty security at liquor stores, retail convenience stores, and grocery stores that sell alcoholic beverages. This is due to no alcohol being consumed on the premises.
 - c. Employment at a casino or business that functions primarily as a gaming or gambling establishment, excluding exceptions as defined by the Chief of Police.

VII. ESTABLISHMENTS UNDER STRIKE CONDITIONS

- A. Any type of off-duty employment at establishments or businesses with employees on strike constitutes a conflict of interest. Such employment could significantly undermine the credibility of the Department. The Department must maintain a status of neutrality and impartiality in these instances.
1. Department personnel will not accept off-duty employment with any company, business, or organization, which has employees conducting strike activities against said establishment. Employment, as expressed in this context, is meant to include employment in a security capacity as well as any other capacity (i.e., performing general duties associated with that type of business or industry).
 2. Department personnel will suspend off-duty employment they hold with any establishment operating under strike conditions.

VIII. OFFICER RESPONSIBILITIES

- A. Officers involved in off-duty employment encompassing a law enforcement or security capacity are bound by the same rules of conduct and Department policies required of on-duty officers.
 - 1. Off-duty officers will be responsible for all reports arising from off-duty employment.
 - 2. Off-duty arrests will be performed in compliance with General Order 1.08, Detention and Arrest Procedures, section X.
 - 3. Officers are responsible for notifying the Bureau Director or the Bureau Director's designate of any modifications to work schedules, job tasks, locations, or any other relevant information to the off-duty position in accordance with section IV A of this order.
- B. Officers involved in off-duty are required to notify Police Communications, via Police Radio, that they are working Off-Duty and provide the location. Officers will also advise dispatch when they go out of service.
 - 1. During large scale events, i.e. Sporting Kc or NASCAR, dispatch may be sent a copy of the off duty roster for referral.
- C. Officers involved in off-duty employment that is not related to law enforcement/security are bound by the same rules of conduct and Department policies required of all Department personnel.
 - 1. Officers are responsible for ethical and professional conduct and compliance with the rules and regulations of the Department.
 - 2. Modifications of work schedules, job tasks, and other relevant information will be reported to the bureau director or his or her designate when they occur.