

Geneva Police Department GENERAL ORDERS		OFF-DUTY EMPLOYMENT	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure SECTION 75 <input type="checkbox"/> amends:		cross-reference: General Municipal Law §208-d and §207-c Racing, Wagering and Breeding Law §107	
effective date: 12.5.03		issue/amend/review date: 12.5.03 / 10.24.13 / 10.24.19	
		Accreditation/Recognition standards: NYS L.E.A.P.:	

I. PURPOSE	The purpose of this General Order is to establish and describe the policies and procedures for personnel wishing to obtain off-duty employment.
II. DEFINITIONS	<p>A. <u>Off-Duty Employment</u>- employment other than by the Geneva Police Department by an officer, including self-employment. This includes all occasions in which an officer renders any service in exchange for any fee or compensation, regardless of whether the officer is considered an “employee”, “contractor”, or any other status. This does not include work or services performed in connection with the ownership of rental property by an officer.</p> <p>B. <u>Regular Off-Duty Employment</u>- Off-duty employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.</p> <p>C. <u>Security-Related Off-Duty Employment</u>- Any off-duty employment that involves the use of police-related skills and expertise, involves services related to security, protection of persons or property, or private investigation.</p>
III. POLICY	<p>A. No officer of the Geneva Police Department may engage in any employment other than with the City of Geneva Police Department without approval in advance from the Chief of Police as set forth in this Order. Volunteer services to charitable organizations shall not require approval unless it is volunteer security work, but shall adhere to all other requirements of this General Order.</p> <p>B. Officers will not wear, possess, or use department uniforms, insignia or equipment of any kind, including but not limited to department-issued firearms, handcuffs, portable radios, defensive sprays, impact weapons, etc. in their off-duty employment, unless prior approval from the Chief of Police.</p> <p>C. Officers engaged in off-duty employment will not hold themselves out to be a police officer, or represent themselves to be a Geneva Police Officer in performing such employment.</p> <p>D. Employees shall not devote any of their on-time duty to the pursuit of any private business or employment, private enterprise, or personal association.</p> <p>E. Officers will not use department equipment or resources to further any off-duty employment, private business, private employment, or private enterprise. This includes but is not limited to telephones, photocopy equipment, computers, and associated equipment, e-mail, or department stationary.</p> <p>F. Total off-duty employment cannot exceed twenty (20) hours per week. <i>See General Municipal Law, (GML), §208-d.</i></p>

<p>III. POLICY (CONT.)</p>	<p>G. Any officer suffering an injury or illness arising out of off-duty employment will not be granted leave with pay nor any other benefit pursuant to General Municipal Law §207-c. Any officer who is unable to perform duties as a result of such an off-duty injury or illness may use sick time or other leave.</p> <p>H. The City of Geneva will not be liable for any actions arising from an officer's off-duty employment. Officers engaging in off-duty employment will not be indemnified by the City of Geneva for any actions done pursuant to their off-duty employment, nor will the City of Geneva bear any responsibility to defend the officer in such action or pay for any such defense. Officers should ensure that they are sufficiently protected through indemnification or insurance from another source.</p>
<p>IV. LIMITATIONS ON OFF-DUTY EMPLOYMENT</p>	<p>A. The officer applying for additional employment approval is responsible for ensuring that no disqualifying conditions as set forth in law or this Order exist prior to accepting such employment.</p> <p>B. If <u>at any time</u> during the employment any such conditions are discovered by the employed officer, he/she will immediately notify his/her supervisor and terminate such employment.</p> <p>C. As provided in the General Municipal Law, Officers' off-duty employment must not:</p> <ol style="list-style-type: none"> 1. Interfere or conflict with his/her regular duties as a member of the Department or his/her availability for emergency duty; or 2. Affect his/her physical condition to the extent that it impairs his/her ability to efficiently perform such duties. <p>D. Additional causes for disapproval of off-duty employment shall include but are not limited to:</p> <ol style="list-style-type: none"> 1. Those occupations specifically denied to a Police Officer by law, e.g. bartender. 2. Those occupations which by their nature constitute a conflict of interest, or such conflict can be reasonably inferred, as determined by the City of Geneva Code of Ethics, or the Chief of Police. 3. Where the member's use of sick time is of such proportions as to indicate that additional employment would further add to his poor state of health and would further impair the ability to discharge his police duties. 4. Where as a condition of employment, any department-issued equipment, or the exercise of police authority, is to be used in the performance of such employment. 5. Where access to any department files or information is part of such employment. 6. Any involvement in a labor dispute other than official police involvement as mandated by law. 7. The Racing, Wagering and Breeding Law, §107 prohibits police officers from holding any office or employment with any firm that is licensed to conduct its business at a racetrack or that owns, leases or manages a racetrack. 8. Officers performance falls below that of department standards. 9. Officer who is currently on Paid/Unpaid Administration Leave. 10. Any other just and reasonable cause.

<p>V. GENERAL CONDITIONS FOR OFF-DUTY EMPLOYMENT</p>	<p>A. Officers may engage in regular off-duty employment that:</p> <ol style="list-style-type: none"> 1. Does not represent an actual or potential conflict of interest between the duties of a law enforcement officer and the duties of the off-duty employer; 2. Does not constitute a threat to the status or dignity of law enforcement as a professional occupation; or 3. Is not prohibited by law. <p>B. Some examples of employment that may be prohibited include, but are not limited to the following:</p> <ol style="list-style-type: none"> 1. Process server, repossession services, bill collector; vehicle towing, or any other employment in which police authority might be used to collect money, property, or merchandise for private purposes. 2. Work involving personnel investigations for the private sector or any employment that might require officers to have access to police information, files, records, or services as a condition of employment. 3. Employment using the department-issued uniforms or equipment in the performance of tasks other than those of a police nature. 4. Employment that assists in any manner the case preparation for the defense in any criminal action. 5. Employment that is related to civil litigation or case preparation for civil litigation that may constitute an actual or potential conflict of interest. 6. Employment with a business or labor group that is on strike. 7. Employment in an occupation that is regulated by or that must be licensed through the department. 8. Employment in establishments that sell pornographic, or obscene books or magazines, sexual devices or videos, or otherwise provides entertainment of a sexual nature. 9. Employment in any gambling establishment. 10. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business (e.g., bartender, bouncer).
<p>VI. APPLICATION AND APPROVAL PROCEDURES</p>	<p>A. <u>General Limitations</u></p> <ol style="list-style-type: none"> 1. Officers who have not completed their field-training period shall not be eligible to engage in off-duty employment. 2. Officers who are on medical or leave due to sickness, temporary disability, or an on-duty injury, may be denied permission to engage in off-duty employment. 3. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the officer's performance of duty.

<p>VI. APPLICATION AND APPROVAL PROCEDURES (CONT.)</p>	<ol style="list-style-type: none"> 4. Officers engaged in off-duty employment are subject to recall in case of an emergency, and may be expected to leave their off-duty employment in such situations. 5. Permission for officers to engage in off-duty employment may be revoked when it is determined pursuant to department procedures that such off-duty employment is not consistent with applicable law or the provision of this Order. In such cases, the Chief of Police will notify the officer in writing of the revocation and the reason(s) for such revocation. Upon receipt of such notification, the officer will immediately terminate the employment. <p>B. <u>Off-Duty Employment Request</u></p> <ol style="list-style-type: none"> 1. Officers shall complete an Off-Duty Employment Request Form and submit it to his/her shift sergeant. 2. The sergeant shall complete the appropriate sections of the Request Form and recommend either approval or disapproval and forward it to the duty Lieutenant. 3. The Lieutenant will review the Request Form and recommend either approval or disapproval and forward the Request Form to the Chief of Police. Reasons for disapproval shall be cited including, but not limited to those listed in § IV of this Order. 4. The Chief of Police will review the request and will make the final decision whether to approve or disapprove the request. If the Chief of Police does not approve the request, the requesting officer will be informed of the reason(s) for the denial in writing. <p>C. All approvals must be renewed on an annual basis (March 1st) except those approvals in force less than sixty (60) days which not need be renewed until the following March 1st.</p> <p>D. Officers will complete and submit the Off-Duty Employment Request Form to the Chief by the deadline given on the Request Form.</p>
<p>VII. SECURITY RELATED OFF-DUTY EMPLOYMENT</p>	<p>A. All provisions of this Order apply to security-related off-duty employment. In addition, the following special conditions also apply if officers request to work in security-related off-duty employment:</p> <ol style="list-style-type: none"> 1. The officer will submit a copy of any badge or identification furnished by the prospective employer identifying the officer as an employee of that business. 2. The officer will be considered an employee of that business while actively working part-time and will identify him/herself as an employee of that business and not as a member of the Geneva Police Department. 3. Officers <u>will not</u> be permitted to use any Geneva Police Department Identification Card or Badge while working such additional employment. 4. If affecting an arrest while acting in an additional employment capacity, the officer will make the actual physical arrest in the same manner as a non-sworn citizen and then turn the arrested person over to an on-duty police officer as soon as possible. Officers making arrests pursuant to their security-related off-duty employment will also adhere to the arrest procedures as outlined in § VIII of this Order.

VII. SECURITY RELATED OFF-DUTY EMPLOYMENT (CONT.)	<p>5. Officers will appear in any subsequent court action relating to this arrest on the officers' own time with no compensation by the Geneva Police Department. Officers on-duty at the time of the court appearance, will be required to request time off for the off-duty employment-related court appearances. No officer will appear in court in uniform nor act as a representative of the Geneva Police Department for such court appearances.</p>
VIII. OFF-DUTY EMPLOYMENT ARREST PROCEDURES	<p>A. All arrests made pursuant to off-duty employment will be made as a private citizen, not as a Police Officer of the Geneva Police Department. In making arrests pursuant to off-duty employment, the following procedures will be followed:</p> <ol style="list-style-type: none"> 1. The off-duty officer making the arrest will make arrangements to turn the prisoner over to on-duty police officers of the appropriate jurisdiction and will take no steps or action to process the arrest as a police officer. 2. Officers shall not list their address as 255 Exchange Street, or use any other reference to the Geneva Police Department, on any department reports (e.g. Case Reports, Accusatory Instruments). Officers will use the private employer's address or their own personal residence. 3. All reports, statements, accusatory instruments, etc., relating to an off-duty arrest shall be completed by the on-duty officers who are assigned responsibility for the call in the same manner as they are completed for any arrest made by a private citizen. 4. All references to the off-duty officer will not include his or her Geneva Police Department rank or title. 5. Off-duty officers making arrests will not sign on to, access, or use in any way, any computer system or records, nor will they access or use any departmental records in whatever form. Any necessary activity of this sort will be performed by the on-duty officer(s) assigned to handle the matter. 6. If, during off-duty employment, the officer deems it necessary to exercise police action not related to the off-duty employment, the off-duty officer may act as a Geneva Police Officer in accordance with all department policies, procedures, orders, directives, rules, and regulations. <p><u>Example 1</u>: An officer has off-duty employment as a security guard in a convenience store and observes an individual steal property from the store. Any action taken to apprehend the perpetrator and/or recover the property may not be done as a Geneva Police Officer.</p> <p><u>Example 2</u>: An officer has off-duty employment as a security guard in a convenience store and observes a robbery in progress on the street outside the store. The officer may exit the store and take action as a Geneva Police Officer.</p> <p style="text-align: right;">Approved By</p> <p style="text-align: right;">MICHAEL J. PASSALACQUA <i>CHIEF OF POLICE</i></p>