

Outside Employment

1016.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for sworn OPS employees engaging in outside employment, all sworn OPS employees shall obtain written approval from the Hospital Police Chief prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Hospital Police Chief in accordance with the provisions of this policy. All requests for outside employment, approved or denied, shall be forwarded to the Chief of Law Enforcement (CLE).

1016.1.1 DEFINITIONS

Outside Employment - Any sworn employee of OPS who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with OPS for services, product(s) or benefits rendered.

1016.2 OBTAINING APPROVAL

No sworn OPS employee may engage in any outside employment without first obtaining prior written approval of the Hospital Police Chief. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Hospital Police Chief for consideration.

If approved, the employee will be provided with a copy of the approved Outside

Employment Application. Unless otherwise indicated in writing on the approved Outside Employment Application, an Outside Employment Application will be valid through the end of the calendar year in which the Outside Employment Application is approved. Any sworn OPS employee seeking to renew an Outside Employment Application shall submit a new Outside Employment Application in a timely manner.

Any sworn OPS employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial. (Pen. Code § 70(e)(3).

1016.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If a sworn OPS employee's Outside Employment Application is denied or withdrawn by OPS, the employee may file a written notice of appeal to the CLE within ten days of the date of denial.

1016.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT OUTSIDE EMPLOYMENT APPLICATIONS

Any Outside Employment Application may be revoked or suspended under the following circumstances:

- (a) Should a sworn OPS employee's performance at OPS decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Hospital Police Chief may, at his or her discretion, revoke any previously approved Outside Employment Application(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the Outside Employment Application
- (b) Suspension or revocation of a previously approved Outside Employment Application may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid Outside Employment Application, an employee's conduct or outside employment conflicts with the provisions of department policy, the Outside Employment Application may be suspended or revoked
- (d) When a sworn OPS employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved Outside Employment Application may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1016.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code section 1126, OPS expressly reserves the right to deny any Outside Employment Application submitted by a sworn OPS employee seeking to engage in any activity which:

- (a) Involves the employee's use of DSH time, facilities, equipment or supplies, the use of the DSH badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than OPS for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of OPS that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of OPS
- (d) Involves time demands that would render performance of the employee's duties for OPS less efficient

1016.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code section 70, and because it would further create a potential conflict of interest, no sworn OPS employee may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from sworn members of OPS must submit a written request to the Hospital Police Chief in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through OPS.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the OPS uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of OPS.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Hospital Police Chief.

Any employee making an arrest or taking other official police action while working in an approved outside assignment shall be required to complete all related reports in a timely manner pursuant to OPS policy. Time spent on the completion of such reports shall be considered incidental to the outside assignment.

1016.3.2 OUTSIDE ASSIGNMENT

1016.4 DEPARTMENT RESOURCES

Sworn OPS employees are prohibited from using any DSH equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of DSH or other agencies through the use of the employee's position with OPS.

1016.4.1 REVIEW OF FINANCIAL RECORDS

Sworn OPS employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. (Gov. Code, § 3308; Gov. Code, § 1126). Prior to providing written approval for an outside employment position, OPS may request that an employee provide his/her personal financial records for review/ audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work Outside Employment Application. If, after approving a request for an outside employment position, OPS becomes concerned that a conflict of interest exists based on a financial reason, OPS may request that the employee provide his/her personal financial records for review/ audit. If the employee elects not to provide the requested records, his/her off-duty work Outside Employment Application may be revoked pursuant to the Revocation/ Suspension of Outside Employment section of this policy.

1016.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a sworn OPS employee terminates his or her outside employment during the period of a valid Outside Employment Application, the employee shall promptly submit written notification of such termination to the Hospital Police Chief through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Sworn OPS employees shall also promptly submit in writing to the Hospital Police Chief any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1016.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Sworn OPS employees engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Hospital Police Chief whether such outside employment should continue.

In the event the Hospital Police Chief determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work Outside Employment Application, a notice of revocation of the member's Outside Employment Application will be forwarded to the involved employee, and a copy attached to the original work Outside Employment Application.

Criteria for revoking the Outside Employment Application include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the designated medical provider.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with DSH, a request (in writing) may be made to the Hospital Police Chief to restore the Outside Employment Application.