




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 1-20		Effective Date March 20, 2023	Review Date July 25, 2022	Reviewing Division Administration
Subject OFF-DUTY EMPLOYMENT	<input type="checkbox"/> New Policy <input type="checkbox"/> Amends <input type="checkbox"/> Replaces <input checked="" type="checkbox"/> Revised		This policy shall apply to personnel assigned to the following divisions: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division	
References VLEPSC: PER.04.01 CALEA				
 <hr/> Chief of Police or Designee		March 20, 2023 <hr/> Date		

I. PURPOSE

The purpose of this policy is to define regulations governing off-duty employment and conduct while employed in an off-duty capacity.

II. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the Department while simultaneously eliminating conflicts of interest. To this end, the Chief of Police shall manage according to whatever reasonable controls he or she deems necessary to either restrict or regulate the conduct of employees. It is the policy of the Department, therefore, to prohibit off-duty employment when it may either impair efficiency or conflict with employees' duties and responsibilities.

III. DEFINITIONS

Off-duty Employment

Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded provided it is not performed in uniform. This excludes on-duty and secondary employment by the Winchester Police Department, which is covered by (enter policy name here).

IV. PROCEDURES

A. General

1. Employees in a training status (academy and field training), on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment. An employee engaged in any off-duty employment may be called to duty in an emergency.
2. Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, and responsibilities of employment.

B. Administration

1. Employees must submit the Outside Employment Request form to the Chief of Police through NEOGOV for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.
2. The approved request is subject to periodic review by the Chief of Police or his/her designee. Employees shall communicate any changes in information contained on the form to the Chief of Police or his/ her designee as soon as possible.
3. The Chief of Police may revoke permission to work off-duty if the employee fails to perform adequately on-duty or receives disciplinary action. To be eligible for permission to work off-duty, employees must be in good standing with the Department. Continued permission to work off duty is contingent upon remaining in good standing.
4. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law enforcement profession, or otherwise represents a conflict of interest. Examples of such employment include:
 - a. Retailers which sell pornographic materials, or provide services of a sexual nature;
 - b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business;
 - c. Gambling establishments not exempted by law;
 - d. Any firm connected with the towing or storage of vehicles, bill collecting, bodyguards, repossessioners, private investigators, process servers, or taxi cab drivers;
 - e. Performance in Department uniform of any tasks other than those of law enforcement;

- f. Performance of any work for a business or labor group that is on strike;
 - g. Performance of any work regulated or licensed through the Department;
 - h. Performance of personnel investigations for private firms, or any employment requiring the employee to have access to police files, records, or information as a condition of employment;
 - i. Performance of any activity which supports case preparation for the defense in any criminal or civil action; or
 - j. Performance of any polygraph examinations for public agencies or private firms.
5. Requests involving private security should be handled through non-regular employment, when applicable. When not applicable and being requested through the off-duty employment process, the Chief of Police or designee will consider the request on a case by case basis.

C. Liability, Indemnification, and Insurance

The Department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment. If injured in off-duty work, the employee shall immediately notify his or her immediate supervisor and submit a detailed report of such injury to the Chief of Police within forty-eight (48) hours of the injury.