

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: OCTOBER 24, 2019

NUMBER: 5.12 – PERSONNEL

SUBJECT: OUTSIDE EMPLOYMENT

RELATED POLICY: [5.12](#)

ORIGINATING DIVISION: TRAINING/EMPLOYEE DEVELOPMENT
COMMAND: HUMAN RESOURCES

NEW PROCEDURE:

PROCEDURAL CHANGE: **MINOR CHANGES**

SUPERSEDES: DP 5.12 – 12/27/2018

I. PURPOSE

This Department procedure establishes guidelines for outside employment.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

The San Diego Police Department does not impose unnecessary restraints on the personal lives of City employees. However, it is recognized that standards should be provided to prevent conflicts that may occur between employees' City work and their outside employment activities. (Cal. Gov. Code § 1126; City of San Diego Council Policy 000-04; City of San Diego Administrative Regulation 95.60 § 3.5; City of San Diego Personnel Regulation G-6).

IV. PROCEDURES

A. Members may engage in outside employment, enterprise, or business subject to the limitations and procedures described below.

NEW

- B. Probationary officers are generally not eligible for outside employment.
- C. Members shall not engage in any outside employment, enterprise, or business, that:
 - 1. Is incompatible or in conflict with the proper discharge of their official duties; or
 - 2. Would tend to impair their independence, judgment, or action in the performance of such duties.
- D. Outside employment, enterprise, or business activities considered incompatible or in conflict with members' official duties include, but are not limited to, those which:
 - 1. Use City time or facilities;
 - 2. Use the prestige or influence of City or Department employment for private gain or advantage;
 - 3. Use official information not available to the general public for private gain or advantage;
 - 4. Involve receiving or accepting money or other consideration from anyone other than the City of San Diego for the performance of acts done in the regular course of employment or duty;
 - 5. By nature, hours, or physical demands, would impair the required quality or quantity of the member's work for the Department;
 - 6. Reduce the effectiveness or efficiency of the Department;
 - 7. Tend to increase the City's payments for Sick Leave, Worker's Compensation benefits, Long Term Disability or Industrial Leave benefits; or
 - 8. Would result in criticism or discredit to the City or Department.

(Cal. Gov. Code § 1126; City of San Diego Council Policy 000-04; City of San Diego Administrative Regulation 95.60 § 3.5; City of San Diego Personnel Regulation G-6).
- E. Specifically, members may not engage in outside employment as private investigators, process servers, debt collectors, bodyguards, or in a police-regulated business within the City.

The following list of police-regulated businesses described in San Diego Municipal Code Chapter 3, Article 3 is provided to commanding officers as a guide when considering requests for approval of outside employment:

1. Adult Entertainer/Nude Entertainer Business (SDMC 33.3601 – 33.3611)
2. Alarm Permit – Commercial/Residential (SDMC 33.3701 – 33.3723)
3. Auto Dismantler (SDMC 33.0901 – 33.0905)
4. Card Bingo Games for Charity/Non-Profit (SDMC 33.3401 – 33.3412)
5. Card Room Business/Employee (SDMC 33.3901 – 33.3923)
6. Casino Parties (SDMC 33.4101 – 33.4110)
7. Going Out Of Business Sale (SDMC 33.1006 – 33.1006.6)
8. Commercial Amusement Establishments (SDMC 33.1600 – 33.1670)
 - a. Arcade
 - b. Bowling Alley
 - c. Poolroom/Billiard Parlor
 - d. Shooting Gallery
 - e. Skating Rink
 - f. Circus/Carnival/Rodeo
 - g. Theater/Revue
9. Entertainment After Hours On-Going/Single One Time (SDMC 33.0801 – 33.0817)
10. Entertainment Establishment (SDMC 33.1501 – 33.1514)
11. Figure Studios (SDMC 33.2001 – 33.2007)
12. Firearms/Guns Dealer/Employees (SDMC 33.4201 – 33.4212)
13. Holistic Health Practitioner/Business (SDMC 33.4401 – 33.4410)
14. Massage Therapist/Massage Establishment (SDMC 33.3501 – 33.3529)

15. Merchandise Coupon Sales (33.2710 – 33.2714)
 16. Money Exchange (SDMC 33.4300 – 33.4311)
 17. Outcall Nude Entertainer/Business (Escort Services) (SDMC 33.2801 – 33.28.14)
 18. Pawn Shop/Second Hand Dealer/Junk Dealer (SDMC 33.1101 – 33.1106)
 19. Pedi cabs (SDMC 33.4601 – 33.4627)
 20. Peep Show Establishments (SDMC 33.3301 – 33.3325)
 21. Private Street Patrol Service (SDMC 33.2901 – 33.2902)
 22. Promoter (SDMC 33.0701 – 33.0707)
 23. Solicitor/Curb Painter (SDMC 33.1401 – 33.1411)
 24. Swap Meet (SDMC 33.3200 – 33.3208)
 25. Tobacco Retailers (SDMC 33.4501 – 33.4519)
- F. Members may not employ individuals in outside employment who are also employed by the Department as their on-duty subordinates.
- G. Members may not engage in any outside employment (except private security guard employment) that requires the carrying of a firearm.
- H. Unless teaching for the Regional Public Safety Training Institute, members engaging in outside employment shall not wear the uniform or use equipment or supplies provided by the San Diego Police Department. This prohibition does not apply to the use of members' bulletproof (ballistic) vests.
- I. Members engaging in outside employment or enterprise requiring certification, licensing, or permits are responsible for obtaining said certification, licensing, or permits. The prestige or influence of the San Diego Police Department may not be used to obtain certification, licenses, permits or outside employment.
- J. Pursuant to the Memorandum of Understanding between the San Diego Police Officers Association and the City of San Diego (Superior Court Case Number 693875), the following sections pertain to private security guard employment:
1. Officers must be working full-time (not on light or IOD [Injured On Duty] status) to be eligible to engage in outside employment;

2. Members engaging in private security guard employment that requires the use of a firearm will be authorized to only carry a personal firearm and personal ammunition for which they have authorization on file (PD-899) with the Human Resources Division of the Police Department (Refer to Department Procedure 1.05, Firearms Procedures, for further reference);
 3. Officers may only work off-duty at fixed locations (malls, buildings, etc.) in the division where they are assigned to work on-duty with the approval of their commanding officer. Transportation systems (trolley, buses, etc.), sports venues, and special events are excluded from this provision;
 4. Active duty members shall not operate that portion of a security guard company that utilizes the services of off-duty sworn members of the San Diego Police Department. "Operate" is defined as having day-to-day control of, and responsibility for, the activities of the security guard company such as recruitment, hiring and firing, and scheduling of personnel and work assignments. This provision is not intended to limit the ability of police officers to own or operate a security company during their off-duty hours utilizing the services of sworn personnel of other law enforcement agencies. In addition, this provision does not apply in any manner to a sole proprietor who does not utilize the services of sworn personnel of the San Diego Police Department. The Chief of Police, at his/her discretion, may waive the requirements of this section;
 5. Sworn members of the Department shall continue to have the ability to work off-duty with a private security company or hire themselves out as sole proprietors for security work in accordance with terms and conditions provided in the stipulated agreement; and,
 6. Supervisors cannot engage in outside employment that requires them to supervise individuals who are also employed by the Department as their on-duty subordinates.
- K. Members are required to furnish the Department with satisfactory evidence that the outside employer possesses a current policy of Workers' Compensation insurance. Employees hired as consultants, employed by government agencies, or self-employed, are not required to show proof of Workers' Compensation insurance.

- L. Because engaging in outside employment may prolong the recovery of a member on injury, industrial or sick leave, or on light-duty assignment, members on such leave or assignment must obtain the permission of their treating physician, and approval of their commanding officer, prior to engaging in outside employment (City of San Diego Administrative Regulation 63.00, Section 4.3, Subsection F.4.e, City of San Diego Administrative Regulation 95.60, Section 3.5 (b), Civil Service Rule X, Sections 4, 5, and 8, City of San Diego Personnel Manual Index Code G-6, II, B). This does not apply to officers employed off-duty as private security guards as they cannot be on light-duty or injured-on-duty status, in accordance with Section IV. J. 1 of this procedure.
- M. Members shall immediately notify their commanding officer if conditions change in their outside employment, enterprise, or business, which may render it incompatible or in conflict with the proper discharge of their official duties, would tend to impair their independence, judgment, or action in the performance of such duties, or could result in criticism or discredit on the Department and/or the City.

V. **APPLICATIONS FOR OUTSIDE EMPLOYMENT**

- A. All requests for outside employment shall be processed as expeditiously as possible. Unless circumstances prevent it, a decision will be made within ten business days of the initial request on all requests for outside employment.
- NEW

B. An employee requesting approval for outside employment shall submit a signed Request for Approval of Outside Employment or Enterprise form (PD-208, Revised December 2018) through their chain of command. The triplicate NCR version of this form is no longer being accepted. An employee requesting permission to engage in outside employment as a private security guard shall also complete an “Indemnification Agreement Regarding Claims Against the City of San Diego” form signed by the employee and the outside employer. These forms are available via the “F” drive, in the Templates\Administrative folder.
- C. By requesting approval of outside employment or enterprise and signing the request for authorization form, the Department member agrees to provide, upon request of the San Diego Police Department, any and all work schedules, time sheets, or salary statements from their outside employer for the purpose of an audit or investigation. Failure to provide such documentation upon request may be grounds for denial of the request for outside employment or revocation of the employee’s approval to hold outside employment.
- D. The employee's commanding officer will approve or deny requests for outside employment based on a supervisor's investigation of the following:
 - 1. The employee's work performance (employee must be meeting standards);

2. The employee's medical restrictions, injury or sick leave status;
3. The existence of appropriate policies of insurance; and,
4. The nature of the proposed employment or enterprise.

The commanding officer may consult with the assistant chief in the officer's chain of command prior to acting on the request.

- E. After commanding officer action has been taken on the employee's request for outside employment, the original request will be forwarded to the Assistant Chief of Training/Employee Development for signature.
- F. The Assistant Chief in charge of Training/Employee Development or designee will review all requests for outside employment.
- G. The request will then be forwarded to the Human Resources Unit for filing. The employee will receive a copy of the approved request. Completed requests will be kept in the Human Resources Unit for a period of three years. Requests can be accessed by the employee submitting the request, members of that employee's chain of command, or by members conducting investigations where outside employment status is relevant to the investigation.
- H. All approved requests for outside employment expire on December 31st and must be renewed by January 1st of each year.

VI. APPEAL OF DENIAL

Any denial of or modification to a request for outside employment may be appealed to the Chief of Police. An appeal must be submitted in writing within ten business days after the employee has been advised that an outside employment request has been denied or modified. The appeal will be conducted similar to a "Skelly" type hearing with the Chief of Police or designee having ultimate authority over material submitted and whether witness appearance is necessary. Members who have had the employment request denied may not continue outside employment regardless of the pendency of appeal.

VII. REVOCAION OF APPROVAL

- A. Once granted, approval for outside employment may be revoked by the commanding officer when, in his or her judgment, such employment becomes incompatible with employment with the San Diego Police Department or detrimentally affects the employee's job performance and/or efficiency.

- B. The Chief of Police or designee may review any such revocation made by a commanding officer and may take such action as he or she deems appropriate. An appeal of such revocation must be submitted in writing within ten business days to the Chief of Police after the employee has been notified in writing that an approval for outside employment has been revoked. The appeal will be conducted similar to a “Skelly” type hearing with the Chief of Police or designee having ultimate authority over material submitted and whether witness appearance is necessary.
- C. At any time, the Chief of Police may revoke an approval of outside employment. An appeal of such revocation must be submitted to the Chief of Police in writing within ten business days after the employee has been notified in writing that an approval for outside employment has been revoked. The appeal will be conducted similar to a “Skelly” type hearing with the Chief of Police or designee having ultimate authority over material submitted and whether witness appearance is necessary.
- D. Members who have had the outside employment approval revoked may not continue outside employment regardless of the pendency of appeal.
- E. Failure to obey an order of revocation will result in disciplinary action.

VIII. PROCEDURES FOR MEMBERS WHO TEACH DURING NORMAL WORK HOURS

- A. For purposes of this procedure, teaching is considered outside employment.
- B. Members will notify their supervisor in advance of the teaching date.
- C. Members will request vacation, compensatory time, or approved unpaid time (“Red A”) and submit the appropriate leave slips.
- D. Adjustments to a member's normal work hours that are made to accommodate teaching commitments will be documented utilizing form PD-951, San Diego Police Department Interoffice Communication. This form is available via the F: drive, in the Templates\Administrative folder. The document is entitled, “Outside Employment Adjusted Work Hours.” On the “Subject” line, note "Adjusted Work Hours." This adjustment must occur in the same work week and no overtime will be authorized.
 - 1. Use form PD-951 to briefly describe the tasks to be performed. This form requires approval of the first-line supervisor.
 - 2. Supervisors may deny individual requests for adjusted hours.

3. A member who's outside teaching does not fall within the purview of the Regional Public Safety Training Institute, or is not otherwise sanctioned or supported by the Department, will use this option only with the approval of their commanding officer.
- E. Divisions will maintain records of vacation, compensatory time, or adjusted work hours for teaching for a period of two years, and members are encouraged to maintain duplicate records.
- F. Members whose outside teaching does not fall within the purview of the Regional Public Safety Training Institute, or is not otherwise sanctioned or supported by the Department, must have approved adjusted hours or use vacation, compensatory time, or approved unpaid time ("Red A") for the entire time they are absent from work, including travel time.
- G. Members whose outside teaching falls within the purview of the Regional Public Safety Training Institute, or is otherwise sanctioned or supported by the Department, must have approved adjusted hours or use vacation, compensatory time, or approved unpaid time ("Red A") for the actual scheduled instructional time.
- H. Department members will be accountable for submitting the appropriate documentation (i.e., PD-951, leave slip) to account for all time teaching Academy or In Service Training personnel during the member's normal Department work hours. This documentation is only needed when using leave time or adjusted work hours to teach. In addition, any leave time, adjusted work hours or 11-86 time shall be submitted for supervisor approval in the Redbook.
- I. Except in extreme situations, the documentation must be submitted to their immediate supervisor at their command one week prior to the teaching assignment.
- J. Although this process is typically limited to adjunct instructors who teach Academy and/or In Service Training personnel, this same process shall be used any time Department members are allowed to use leave time, adjusted hours or 11-86 time for outside employment.
- K. Use of City-owned Vehicles for Teaching
 1. Members authorized to use a City-owned vehicle outside normal working hours must adhere to Department Procedure 1.16, Off-duty Use of Department Take-home Vehicles.
 2. Members not assigned a take-home vehicle will adhere to the following procedures:

- a. Members teaching during normal working hours, whose outside teaching falls within the purview of the Regional Public Safety Training Institute, or is otherwise sanctioned or supported by the Department, may, with the permission of their supervisor, use a City (Department) vehicle to travel from the work place to the teaching site.
- b. Use of City-owned vehicles is prohibited for travel to teaching sites for outside teaching that does not fall within the purview of the Regional Public Safety Training Institute, or is not otherwise supported or sanctioned by the Department.