



KANSAS CITY, MO. POLICE DEPARTMENT

PERSONNEL POLICY

DATE OF ISSUE

8-6-13

EFFECTIVE DATE

8-7-13

NO.

630-7

SUBJECT

Policy Series 600: Awards and Assistance
630 – Off-Duty Employment

AMENDS

REFERENCE

Title 17, Code of State Regulations RSMo 313.004(10)
Policies 818-8 & 1005-1
Board Resolution 97-8
Legal Bulletin 13-6
Section 88-805-804-I of Municode Zoning and Development Code
Code of Federal Regulations Office of Personnel Management
Department Memorandum 12-14

RESCINDS

PPBM 630-6

I. INTRODUCTION

The department allows members to participate in off-duty employment. This written directive addresses the policies and procedures relating to off-duty employment.

II. TERMINOLOGY

- *A. **Secondary Employment Management SyStem (SEMS)** – The department approved database system to manage all off-duty employment activities.
- B. **Coordinator** – An individual responsible for the recruitment, scheduling and management of other officers as part of their duties for an off-duty employer.
- *C. **Restaurant** – Is an establishment primarily engaged in serving prepared food to the public and in which sales of such prepared foods and meals constitutes more than 50% of the establishment’s gross income, pursuant to Chapter 10 of the municipal code (Section 88-805-04-I of the Zoning and Development Code of Municode).
- *D. **Tavern or Nightclub** – Is an establishment that is primarily engaged in serving alcoholic liquor for consumption on the premises and in which the serving of prepared food, live entertainment and dancing are permitted (Section 88-805-04-I of the Zoning and Development Code of Municode). For designation as a tavern or nightclub the establishment must derive more than 50% of its annual gross sales from alcoholic beverages. For department purposes a rental event space will not be automatically considered a tavern or nightclub, that determination will be made by the Off-duty Employment Section on a case by case basis.
- *E. **Immediate Relative** – An individual with any of the following relationships to the employee:
 1. Spouse, and parents thereof;
 2. Sons and daughters, and spouses thereof;
 3. Parents, and spouses thereof;
 4. Brothers and sisters, and spouses thereof;

5. Grandparents and grandchildren, and spouses thereof;
6. Domestic partner and parents thereof, including domestic partners of any individual in 1 through 5 of this definition;
7. Any individual related by blood or affinity or whose close association with the employee is the equivalent of a family relationship (e.g., long term friendship, legal guardian or conservator, or has the power of attorney for the other).

III. POLICY

- A. The Administration Bureau Commander, or designee, will have responsibility to publish specific directives relating to the operational aspects of SEMS from time-to-time as may be necessary for its efficient operation.
- *B. The Employment Unit Commander, or designee, will have the discretion to decide and/or alter the staffing requirements for all law enforcement related off-duty employment based on the specific event and any mitigating factors which would otherwise affect the safety of the officers and patrons attending a location or event.
- C. All off-duty employment, to include pool assignments, self-initiated assignments (paid or unpaid), and any self-employment or private business enterprise, must be entered into SEMS for proper authorization.
- D. Off-Duty Employment Office Pool assignments will be entered by the Off-Duty Employment Coordinator or his/her designee.
- E. All members will be considered eligible to work assignments posted in SEMS, unless the member's privileges to do so have been denied, revoked, or forbidden for reasons outlined in this policy. Members may apply for available assignments by logging into SEMS and applying for available assignments.
- *F. All members must update their SEMS profiles when they are transferred and bi-annually to ensure their contact information is up to date.
- G. Off-duty employment approval status for employees and employers is valid from year-to-year and must be resubmitted for approval only in the event of suspension or revocation of approval.
- H. Off-duty employment rates will be established by the Chief of Police and published in January.
- I. Commanders and other official department representatives may, at their discretion, contact off-duty employers to verify a member's off-duty employment application or work record.

- *J. Supervisors will periodically review the off-duty records of subordinates within the SEMS system to ensure off-duty work is not compromising department work.
- K. Probationary police officers are forbidden to engage in any law enforcement-related off-duty employment or any off-duty employment which involves wearing a police uniform. This does not apply to department overtime assignments such as DUI Checkpoints.
- L. A member is forbidden to work off-duty employment while on funeral leave, an injury day, or a sick day (unless assigned to the Sick Leave Pool on unpaid leave status). A sick or injury day includes the twenty-four hour period following the start of an assigned tour of duty.
- *M. A member is forbidden to work an off-duty assignment while working on-duty for the department.
- N. All members are forbidden to engage in off-duty employment directly or indirectly for:
 - *1. Any person who has been convicted of a felony offense pursuant to Title 18, Section 922 of the United States Code (see Legal Bulletin No. 13-6 for further information).
 - *2. Any person who engages in unlawful activities or operates a place in which unlawful activities are conducted.
 - 3. Any riverboat gambling establishment including work on any part of the property of any such establishment.
 - 4. Any establishment promoting or allowing nudity or semi-nudity including work on any part of the property of any such establishment.
 - *5. Any secondary employment activity, the result of which could be considered detrimental to the best interest of the Kansas City Missouri Police Department or in conflict with its goals, objectives, and procedures.
- *O. Tavern or Nightclub Employment
 - 1. All members will be required to be in uniform at all times when working for a tavern or nightclub.
 - 2. Off-duty member's responsibility will be to patrol the exterior of the establishment which includes entry/exit points, parking lots, on-street parking, or other exterior areas designated by the establishment.
 - 3. A minimum of three (3) law enforcement members are required to work at all establishments which are considered to be a tavern or nightclub as defined in Section II, D.

4. Off-duty members are forbidden to work on the interior of a tavern or nightclub unless responding inside on an emergency situation.
5. Off-duty members working for a tavern or nightclub will notify the dispatcher if they are responding inside the tavern or nightclub to resolve an emergency situation. An on-duty supervisor will respond to assist the off-duty members.
6. Off-duty members are forbidden to be employed in any capacity contrary to that of a law enforcement officer such as a bouncer, doorman, or other similar agent of the establishment.
7. Off-duty members who are working off-duty for a business who has a liquor license or should have a liquor license will follow the current written directive entitled, "Tavern or Nightclub Response Report."

P. City or State Liquor Control Card

1. Sworn and non-sworn members cannot apply for or obtain a city or state liquor control card for the purpose of owning a tavern or nightclub as defined in Section II, D.
2. Sworn and non-sworn members cannot apply for or obtain a city or state liquor control card for the purpose of dispensing or selling alcoholic beverages in a tavern or nightclub as defined in Section II, D.
3. Only non-sworn members may obtain a city or state liquor control card to dispense or sell alcoholic beverages in a business that is not a tavern or nightclub as defined in II, D.

Q. Off-duty employment privileges may be denied or revoked if:

1. A member does not comply with department policies.
2. The member's performance during on-duty hours is determined to be unsatisfactory by the member's division commander.
3. The member's on-duty performance is adversely affected by the off-duty employment.
- *4. The off-duty employment contradicts the member's unit manual or unit procedure.

R. A member who wishes to utilize a division resource (e.g., vehicle) must obtain permission from the division commander who has direct control and accountability for that resource.

S. All members are forbidden to own, operate, or manage a private security company.

- *T. All members are forbidden to work for an immediate relative who own, operate, or manage a private security company.

- U. All members are forbidden to work for a business if they are to be employed as a result of a labor dispute. Members already working for a business which becomes involved in a labor dispute are forbidden to work in any capacity that might place the member in a confrontation between labor and management.

- V. Sworn Members
 - 1. The legal authority vested in a sworn member working off-duty employment in a law enforcement capacity is limited to the enforcement of federal law, state statutes, and municipal ordinances. Members will not use police authority to enforce a private employer's policies and regulations.
 - 2. The provisions of this policy apply to reserve officers with the exception of their primary profession or employment, however, reserve officers' primary employment must comply with Section III, M, N, S, and T.
 - 3. A member will not submit a claim for, nor will the department pay for, any court time/overtime for any court appearance resulting from an arrest made during off-duty employment.
 - 4. Uniform and dress requirements:
 - a. Members in uniform will:
 - * (1) Carry their department issued radio.
 - * (2) Keep the radio volume at an audible level to maintain communication with the dispatcher.
 - (3) Wear a department approved bullet resistant vest.
 - b. Members in plain clothes will:
 - (1) Be prepared to present their department identification and badge when taking enforcement action.
 - (2) Have ready access to a department approved firearm and handcuffs.
 - * (3) Carry their department issued radio as long as it does not compromise the integrity of the plain clothes assignment.
 - 5. The member's division commander must approve exceptions to the uniform or dress code requirements.
 - 6. Sworn members may be employed within the city limits of Kansas City, Missouri by private security companies properly commissioned to

provide guard or security service to clients, provided the nature and circumstances of employment are not otherwise contrary to provisions of this policy.

7. Sworn members are forbidden to seek or be granted private officer commissions, or to act as private security personnel as this term is defined, or may be defined in Title 17, Code of State Regulations.
8. Sworn members on suspension are forbidden to work any assignment which requires the wearing of the police uniform or need for police authority.
9. Sworn members in limited duty status, or assigned to the Sick Leave Pool while on unpaid leave status, may work an off-duty employment assignment if the following conditions are met:
 - a. Permission is granted from the department physician, psychiatrist, or psychologist,
 - b. The assignment does not require the wearing of a police uniform or the need for police authority,
 - c. The assignment does not require greater physical demands than those of the limited duty assignment, and
 - d. The request is approved by the Employee Benefits Unit commander.
10. Members are forbidden to work off-duty in a law enforcement capacity for another law enforcement agency.
11. If a sworn member is injured in the course of approved off-duty employment, the member's entitlements to Workers' Compensation, injury leave, and other benefits afforded a member injured on duty will be decided on a case-by-case basis in accordance with the following guidelines:
 - a. A member performing services or police services for the benefit of the off-duty employer and in the scope and course of the off-duty employment must look to the off-duty employer for benefits. The member will not be entitled to those benefits normally afforded a member injured on duty.
 - b. If the activities of the officer are exclusively for the benefit of the Board of Police Commissioners and the Kansas City, Missouri Police Department and are police activities outside the scope of the off-duty employment, the member will be entitled to those benefits normally afforded a member injured on duty.
 - c. If the activity that results in the injury is deemed to be a benefit to the off-duty employer, the Board of Police Commissioners,

and the Kansas City, Missouri Police Department, the member may make claim to those benefits afforded a member injured on duty. The fact the member is exercising police power which may be deemed to benefit the public at large will not be sufficient to permit a claim to be made against the department. The decision will be based on whether or not the member was operating within the scope and course of the off-duty employment.

- W. Non-sworn members are forbidden to work off-duty in a law enforcement capacity unless the member is either a reserve officer or holds a private officer commission.
- X. Commanders and supervisors are forbidden to work in a law enforcement capacity under the direction of any member of a lesser rank/title.
- *Y. Commanders, civilian managers and directors desiring off-duty employment in any capacity must submit a memorandum annually to the Chief of Police for prior approval. The memorandum must outline specific detail regarding the proposed off-duty employment. A copy of the approved memorandum will be sent to the Off-Duty Employment Section for record keeping.
- Z. Commanders who work off-duty employment in a law enforcement capacity shall be permitted to work only those assignments which are commensurate with their rank and position within the department.

IV. GUIDELINES

- A. Prior to scheduling or working any off-duty employment, a member must obtain approval from the Off-duty Employment Section through SEMS. Tavern or nightclub assignments must be approved by the Employment Unit Commander, or designee, prior to the assignment.
- B. When time constraints prevent a member from receiving prior approval through SEMS to work an off-duty assignment, a member will:
 - 1. Seek approval from a supervisor.
 - 2. Submit the off-duty employment information through SEMS prior to working the assignment.
 - 3. Include in the comments section of SEMS the name and serial number of the supervisor giving approval for the assignment.
- C. Individual members will be responsible for entry of all other types of off-duty employment, but may also enter pool assignments if receiving the initial off-duty employment request from the employer.
- D. Prior to submitting an employer for approval in SEMS for management of off-duty employment, the member submitting the employer must conduct an

appropriate criminal history record check of the individual employer or principal business owner to ensure the appropriateness of establishing the off-duty employment relationship. Requests for assistance in making this determination should be directed to the Off-Duty Employment Coordinator's Office.

- *E. All members will close out assignments in SEMS within thirty (30) days of working the assignment.
- *F. All members will not be allowed to work an off-duty pool assignment until previous assignments are closed.
- G. Recommendations to revoke or suspend a member's off-duty employment privileges for cause, as outlined in Section III, Q, will be documented and forwarded via e-mail through the member's chain of command, to the Off-Duty Employment Section.
- *H. Sworn members will contact the dispatcher of the division they are working the off-duty assignment in and give their 10-41/10-42 times and the location of the off-duty assignment. The Communication Unit will assign an off-duty radio number. If the member is not carrying a department issued radio, they will provide a phone number they can be reached at while working the off-duty assignment.
- I. When both on-duty and off-duty officers are involved in a single incident, the on-duty officers shall have the final authority to determine how the situation is to be handled and what arrests, if any, are to be made.
- J. When circumstances arise which will prevent a member from working any law enforcement related off-duty assignment, the member will:
 - 1. Notify the coordinator for the specific off-duty assignment as early as possible prior to the scheduled assignment so the assignment may be released for reassignment. The member may also use the department approved database system to self-cancel the assignment if outside the prohibited self-cancellation time period.
 - 2. Find a suitable replacement and transfer the assignment to another member who is eligible for and agreed to work the assignment if not released by the coordinator or when unable to self-cancel the assignment. E-mail notification from the member originally scheduled to work the assignment will be generated automatically by the department approved database system.
- K. Failure to report for assignment may result in the member being suspended from off-duty employment privileges. The length of the suspension will be determined by the member's chain of command upon a recommendation from the Employment Unit Commander.
- L. Members shall prepare necessary police reports while working off-duty employment in a law enforcement capacity.

1. The case report number will be obtained from the patrol division responsible for the area in which the off-duty employment is located.
 2. Police reports generated during the course of off-duty employment will be processed in accordance with policies and procedures established for the Automated Report System (ARS).
- M. A sworn member who is assaulted and detains a suspect while working off-duty employment in a law enforcement capacity should request an on-duty officer to respond to the scene. The on-duty officer will complete an assault report listing the off-duty officer as the victim. The suspect may also be charged with any appropriate crime under applicable state laws and city ordinances, including obstructing and resisting a city officer.
- N. Coordinators will:
1. Identify themselves as such during the application process for off-duty employment.
 - *2. Enter all law enforcement assignments into Secondary Employment Management System (SEMS).
 3. Not receive a fee or commission other than an hourly fee schedule rate for coordinator duties.
 - *4. Advise employers of the current off-duty pool rates.

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners on this _____ day of _____ 2013.

Lisa Pelofsky
Board President

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