


<p>Clarksville Police Department GENERAL ORDER Clarksville Tennessee</p>	<p>Date of Issue 3/28/2008</p>	<p>Page 1 of 7</p>	<p>G.O. C-21</p>
<p>OFF DUTY EMPLOYMENT</p>		<p>REVISED 10/13/2020</p>	
<p>AUTHORIZING AUTHORITY</p> 	<p>BY AUTHORITY OF Chief David Crockarell</p>		
<p>I. POLICY</p> <p>It is the policy of the Clarksville Police Department is to provide guidelines to Officers concerning the types of secondary employment in which they may engage and to establish procedures for such employment.</p> <p>This policy should ensure that the Department and Officer do not fall into disrepute and that conflicts of interest are avoided. These requirements are essential for the efficient operation and for the protection of Officers, the Department, and the community. This policy will also assist in the fair and equal distribution of off-duty employment.</p> <p>This General Order only applies to Officers. However Civilian Employees are reminded of City of Clarksville Personnel Policy 95-2 Secondary Employment.</p> <p>II. DEFINITIONS</p> <p>A. Employment: The providing of a service in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.</p> <p>B. Non-Color of Law Employment: Employment that does not involve the use or potential use of law enforcement powers by the Officer.</p> <p>C. Color of Law Employment: Employment for a third party that is conditioned on the actual or potential use of law enforcement powers by the Officer.</p> <p>D. Temporary Off-Duty Employment: Employment for an outside entity (other than the City of Clarksville) which is of limited duration (normally less than 2 months).</p> <p>E. Permanent Off-Duty Employment: Employment for an outside entity (other than the City of Clarksville) which is expected to last for several months or more. These positions will generally have no set date for the employment to end.</p> <p>F. Seniority: Refers to departmental seniority not rank. Unless job requires a Supervisor.</p>			

III. CONFLICT OF INTEREST

The Employment should not present a potential conflict of interest with the Officers duties and responsibilities with the Clarksville Police Department.

- A. Officers may not work as a process server, repossession, bill collector, towing vehicles, or any other employment in which police authority might be used to collect money or merchandise for private purposes.
- B. Officers may not work as investigators in the private sector if such employment might require the Officer to have access to police information, files, records, or services as a condition of employment.
- C. Officers may not work in uniform in the performance of tasks other than those of a law enforcement nature. For example, they are prohibited from enforcing company rules or procedures.
- D. Officers may not engage in employment that assists the preparation of civil or criminal cases.
- E. Officers may not engage in color-of-law employment for a business or labor group that is on strike.
- F. Officers may not work in occupations that are licensed or regulated by the Clarksville Police Department.
- G. Officers are prohibited from engaging in employment that constitutes a threat to the dignity or discredits, the Clarksville Police Department or City of Clarksville. Examples of such employment are but not limited to:
 - 1. Establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.
 - 2. Any employment where the primary function is the sale, manufacture, or transport of alcoholic beverages. (examples Night Club, or Bar)
- H. Officers may not engage in any employment that, in the opinion of the Chief of Police, will place the Clarksville Police Department, the City of Clarksville, or the Officer in disrepute, or is counter to the mission of the Department.
- I. No CPD employee (Officer or Civilian) shall work for any other employee of the department in an off-duty capacity if they are in the same chain of command and / or holds Supervisor authority over the other.

IV. NON-COLOR OF LAW EMPLOYMENT

All members (Officers and Civilians) who wish to participate in non-color of law employment must submit a request form and receive approval from the Chief of Police or their designee before engaging in such employment. Also see City of Clarksville Personnel Policy 95-2 Secondary Employment.

V. OFF DUTY COLOR OF LAW EMPLOYMENT

A. Officers may engage in off duty color of law employment as defined by the Chief of Police. The duties may include but not limited to:

1. Traffic control and pedestrian safety.
2. Crowd control.
3. Security and protection of life and property.
4. Routine law enforcement for public authorities.

B. Limitations, Requirements, and Procedures

1. In order to be eligible for off-duty employment, an Officer must be in good standing.

An Officer may be prohibited from engaging in off-duty employment if they are found to be by the Chief of Police:

- a. While engaged in off-duty employment, acts in an unprofessional manner or violates policy.
 - b. While engaged in off-duty employment, sleeps on duty, reports late, or violates other rules of the secondary employer if such violation bring discredit on the Officer or Department.
 - c. Acts in a manner that causes the Chief of Police or their designee to believe that they cannot be allowed to work an off-duty job with little or no supervision.
 - d. In the opinion of the Chief of Police or their designee, the employment is not in the best interest of the Clarksville Police Department, the City of Clarksville, or the Officer.
2. The following Officers shall not engage in off-duty Color of Law employment.
 - a. Officers on disciplinary leave.
 - b. Officers on administrative leave with or without pay.
 - c. Officers who are on medical leave or other leave due to sickness, temporary disability, or an on the job injury.

- d. Officers who are on Maternity Duty or Maternity Leave.
 - e. Officers who are on Military Leave.
 - f. Officers who have not completed 12 months of service.
3. Prior to obtaining off-duty employment, an Officer shall comply with procedures for granting approval. Work hours must be scheduled in a manner that does not conflict or interfere with the Officer's normal duties.
 4. All off-duty, color of law employment will be processed through the Chief of Police or their designee.
 5. An Officer engaged in any off-duty employment is subject to call-out in case of an emergency and may be expected to leave their off-duty employment in such situations.
 6. All Officers, when working color of law employment will advise the appropriate Supervisor and Dispatcher of the location and times of employment.
 7. When engaged in any color of law employment, Officers shall comply with all rules and regulations. Officers will respond to any circumstance occurring in their presence or immediate area that poses a threat of bodily harm, or damage to or loss of property, even if the incident may not be regarded as a matter of concern by the private employer.
 8. Officer working off-duty, color of law employment are expected to take minor reports (e.g., vandalism, theft, etc.).
 9. The Chief of Police or their designee has the authority to allow Officers to work at certain location where alcoholic beverages are consumed as long as the primary function of the establishment is food service. Officers will not be allowed to work at such establishments during hours when food is no longer served and the primary business is serving alcohol.
 10. An Officer, when working color of law employment must be in uniform.
 11. Any color of law employment requiring five or more Officers will require a Supervisor to be in charge.
 12. Officers shall not solicit off-duty, color of law employment for themselves or others.

C. Insurance

1. The employer shall procure a commercial general liability policy of insurance, with coverage in an amount of not less than \$1,000,000 million, and naming the City of

Clarksville as an additional insured, and shall provide the City, through the Clarksville Police Department with a certificate of insurance evidentiary same.

2. The insurance carrier is required to notify the Police Department within thirty (30) working days prior to termination of coverage.
3. If at any time the required insurance coverage expires, and is not renewed, or the insurance carrier terminates coverage, the Officer's employment at that location shall also be terminated.
4. An apartment provided to an Officer (rent free or at reduced rent) is considered permanent off-duty employment and must comply with the liability insurance requirement.
5. Governmental or quasi-governmental employers are exempt from the liability insurance requirement.

D. Posting and Selection Off-Duty Employment

The determination as to whether to classify a position Permanent or Temporary will be made by Chief of Police or their designee. In some cases, because the terms of employment may change over time, positions may be reclassified after employment has commenced.

1. Permanent Off-Duty Employment

- a. The Chief of Police or their designee will compile and maintain a list of Officers that are interested in Permanent Off-Duty Employment and each permanent off-duty job held by each Officer. Officers will only be allowed two permanent Off-Duty Color of Law jobs. A courtesy apartment will be considered a permanent Off-Duty Color of Law job.
- b. The list will be sorted by seniority. It will document the number of Permanent Off-Duty jobs held.
- c. If an Officer currently has a permanent Off-Duty Color of Law jobs and decided to quit that job they will have to wait 30 days before they can bid for another job.
- d. Any permanent off-duty employment will be announced by e-mail. Officers will be allowed seven days to respond to the posting if they are interested in bidding for the position. Only those interested in the position need to respond. A file containing all responses will be maintained.
- e. The position shall be awarded to the Officer with the least number of permanent Off-Duty Color of Law jobs and ties will be decided by department seniority.

- f. Any incident that occurs during any non-Departmental duty employment shall be reported to the Chief of Police or their designee.
2. Temporary Off-Duty Employment
- a. The Chief of Police or their designee will compile and maintain a list of Officers that are interested in temporary off-duty work.
1. The list will be sorted by departmental seniority and the previous jobs worked.
 2. Jobs will be awarded based upon the number of previous jobs awarded and ties decided by departmental seniority.
 3. At the beginning of each Fiscal Year all jobs that are older than two and half years will be removed from the list and will no longer be considered in the bidding process.
- b. Any temporary off-duty employment will be announced by e-mail. Officers will be selected based upon the response to the e-mail and their position on the rotating list. A file containing all responses will be maintained.
- c. Officers with two permanent off duty jobs will not be allowed to bid for Temporary Off-Duty Employment.
- Note: The Chief of Police or their designee may allow an Officer with two permanent off duty jobs to bid on Temporary Off-Duty Employment if there are no bids during the first bid process in order to fill the request.
- d. In some cases, the Chief of Police or their designee may receive requests that will not allow them to give the seven day notice. In these cases a shorten bid process, or no bid process (first Officer to respond) is authorized.
- e. All "temporary" job locations shall employ the Officer for no less than four (4) hours.
3. Any incident that occurs during any off duty employment shall be reported to the Chief of Police or their designee.

VII. PERMANENT OFF DUTY "SITE COORDINATORS" RESPONSIBILITIES

Each "permanent" job location shall have one person designated as a "Site Coordinator". This point of contact will be responsible for:

- A. Providing the Chief of Police or their designee with the appropriate insurance paperwork.
- B. Contacting the Chief of Police or their designee if a vacancy occurs at that respective location.

- C. Site Coordinator will prepare a monthly report of the hours requested by the site and hours worked by each of the Officers at their site. The Chief of Police or their designee will review these reports to see that the hours worked are distributed fairly.

VIII. VOLUNTARY EMPLOYMENT

Any Officer wishing to volunteer their time for color of law, employment shall still be required to complete an off-duty employment form and shall also provide the required certificate of insurance by the employer to the Chief of Police or their designee.

IX. CATEGORIES OF PAY / HOURS OF EMPLOYMENT

A. Category I:

Color of law employment not involving directing traffic or traffic control.

Rate: \$30.00 per hour

B. Category II:

Color of law employment involving traffic control. This includes traffic control at construction areas, special events, or any employment where the Officer is required to change or redirect speed or direction of vehicles.

Rate: \$35.00 per hour

X. REVIEW PROCESS

The Chief of Police or their designee shall conduct an annual review of this General Order and shall make the necessary revisions.

XI. CANCELLATION

This General Order shall remain in force until revoked or revised by the Chief of Police.