



Lexington Police Department

Lexington, Kentucky

GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

G.O. 1973-15K Off-Duty Employment

Rescinds: GO 1973-15J

References: CALEA Chapter(s)

Effective Date: 10/04/15

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I. PURPOSE

The purpose of this policy is to set forth guidelines concerning off-duty employment of officers and civilian employees of the Lexington Police Department.

II. POLICY

It shall be the policy of the Lexington Police Department to regulate, review, approve, and revoke off-duty employment by department employees when that employment falls within the guidelines of this policy. Regardless of the type of off-duty employment, an employee's primary duty and allegiance must remain with the Lexington Police Department. Off-duty employment cannot be permitted to create a conflict of interest with an employee's duties as a member of the police department, nor reflect unfavorably on the department. Any employee working off-duty employment under the provisions described in this policy shall abide by all department policies and procedures.

III. PROCEDURES

A. Definitions:

Off-Duty Employment: The provision of services, with or without a department vehicle, to any other person or entity except the Lexington-Fayette Urban County Government and includes self-employment which involves any use of the employee's personal time in providing goods or services to another for profit. For officers, and for purposes of documentation, it also includes volunteer work while wearing the Lexington Police Department uniform.

Employee: Any officer or civilian employee of the Lexington Police Department.

B. Approval for Off-Duty Employment

OFFICERS

1. An officer shall not work any off-duty employment, including volunteer work in uniform or as a courtesy officer for rental property (with or without compensation), until a Form 260 ("Off-Duty Work Authorization") is submitted and has been approved.

2. For off-duty employment that also requires the employer to complete and submit a Form 261 (“Off-Duty Employment Agreement for Employment of Off-Duty Police Officer of the Lexington Police Department”) and provide the required Certificate of Insurance, these forms must also be submitted to the Public Integrity Unit prior to review.

a. Any outside employment wherein the actual or potential use of law enforcement powers is anticipated requires the submission of:

1. Form 260
2. Form 261
3. Certificate of Insurance

b. Any off-duty employment that involves an officer, acting as a private person*, providing security out of county also requires the submission of the following:

1. Form 260
2. Form 282

a. Form 282 is Form 261, along with an additional page called “Off-Duty/ Out of County Signature Acknowledgement”.

3. Certificate of Insurance

* KRS 431.005(6) states: “A private person may make an arrest when a felony has been committed in fact and he or she has probable cause to believe that the person being arrested has committed it.”

3. Once the appropriate form(s) are received in the Public Integrity Unit, they are reviewed by the Chief or designee (typically the commander of the Public Integrity Unit, and/or other Chief’s designee) and approved or disapproved.

4. After review, the Public Integrity Unit will notify the employee, via email, of the approval or disapproval of the off-duty employment request.

5. Part-time employment with the LFUCG does not require review by the Chief of Police or designee.

6. An officer shall notify the Public Integrity Unit, in writing, of any changes in the terms of his or her off-duty employment.

CIVILIAN EMPLOYEES

1. Under ordinary circumstances, it is not necessary for a civilian employee to

complete any form or obtain approval in order to work off-duty employment. A civilian employee shall not begin any off-duty employment that involves providing any type of security-related services (including volunteer work) until an "Off-Duty Work Authorization" (Form 260) is completed, submitted to the Public Integrity Unit and reviewed and approved by the Chief of Police or designee.

a. If a civilian employee has any questions regarding the status of his or her off-duty employment, he or she should contact the Public Integrity Unit for clarification and assistance.

b. If additional forms are required to be submitted, based upon the nature of the civilian employee's requested off-duty employment, the Public Integrity Unit will notify the civilian employee and provide forms, as needed.

2. Civilian employees will not be permitted to work any off-duty employment that represents a potential conflict of interest, or that constitutes a threat to the status or dignity of law enforcement as a professional occupation. This prohibition includes any employment involving the sale, manufacture, or transfer of alcoholic beverages as the principal business.

C. Revocation of Approval

1. Approval to work any off-duty employment may be revoked upon determination by the Chief of Police or designee that the employment is in any way impairing or interfering with the performance of an employee's duties as a member of the department.

D. General Restrictions and Guidelines for Off-Duty Employment

1. Officers on suspension shall not work any off-duty employment that may require an officer to wear a Lexington Police Department uniform, carry a department weapon or invoke police authority.

2. No department employee shall work any off-duty employment while marked on sick leave or funeral leave. Any department employee who takes sick leave or funeral leave shall not engage in any off-duty employment within the same twenty-four (24) hour period.

3. Any officer on disability or assigned to modified duty shall contact the Public Integrity Unit and request to receive approval to continue to work previously approved off-duty employment. Criteria for the review of off-duty employment for an officer on disability or assigned to modified duty shall include, but are not limited to, the following:

a. The off-duty employment is not detrimental to the full recovery of the disabled or modified duty officer, based upon a physician's professional judgment.

b. The officer's impairment or injury will not prevent him or her from safely performing the off-duty employment.

4. No department employee shall use department facilities, equipment or records in conjunction with any off-duty employment, and shall not use on-duty hours or department facilities to coordinate, arrange or otherwise provide for his or her own personal off-duty employment or that of any other police department personnel.

5. An officer shall be permitted to use his or her assigned take home vehicle to drive to and from his or her off-duty employment, as long as he or she otherwise complies with the terms of the current collective bargaining agreements and department regulations regarding use of take home vehicles. Use of the take home vehicle will be noted on the Form 260.

a. "Public safety", for purposes of this section, shall include but not be limited to employment requests which would otherwise necessitate the assignment of regular officers or situations in which use of the uniform would protect the officer (e.g. directing traffic) and would establish a public presence benefiting the public.

b. Officers desiring to wear their uniforms off duty must indicate the request on the Form 260. Duty uniforms shall be worn with approved off-duty employment in which the Chief of Police or designee determines that public safety requires the use of the uniform. Exceptions to the duty uniform for off-duty employment should be noted on Form 260 and approved by the Chief of Police or designee.

c. Providing security services without an additional public safety component shall not support a request for off-duty uniform use.

6. No department employee shall work for an off-duty employer who has a reputation for being involved in criminal activity or work any off-duty employment that may cast an unfavorable light on the police department.

7. If a Form 261 (or Form 282) is required, the officer's prospective employer shall contact the Public Integrity Unit, which will provide the employer with information concerning the Certificate of Insurance requirements and the necessary forms. The Certificate of Insurance shall also name the LFUCG as "Certificate Holder". It shall be the officer's responsibility to monitor the expiration dates of the insurance coverage to ensure the insurance remains in force throughout the term of his or her employment with the off-duty employer. While performing off-duty employment, each officer will be covered only by the off-duty employer's general liability and workers' compensation insurance policy, unless otherwise required by law. An officer receiving any form of compensation for providing security, or an officer in a courtesy officer position providing security at a rental property must also obtain this coverage prior to performing any duties.

8. No department employee shall participate, directly or indirectly, in any labor dispute during his or her off-duty hours.
9. An officer shall not work on any case for his or her off-duty employer and the police department at the same time, nor shall an officer work on any case arising out of his or her off-duty employment while on duty unless:
 - a. Directed to do so by a supervisor, or
 - b. Immediate action is required and there is insufficient time to receive approval from a supervisor.
10. Off-duty employment will not be authorized for an officer that:
 - a. Requires special consideration to be given to scheduling an officer's on-duty hours.
 - b. Requires an officer to assist in the case preparation for the defense in any criminal action or proceeding, or in any civil case involving potential liability for the Lexington-Fayette Urban County Government.
 - c. Requires an officer to use police authority, or the color of police authority, for private purposes of a civil nature. For example, officers shall not use police identification, credentials, or law enforcement powers while engaged in serving civil process, private investigation work, collection of debts, bills or checks, or property repossessions.
 - d. Requires an officer to sell, dispense or serve alcoholic beverages.
 - e. Requires an officer to work in an establishment that has as its primary business the sale of alcoholic beverages as a "bouncer", security guard, or in any other capacity that may require him or her to invoke police authority.
11. Prior to beginning an off-duty assignment, an officer working in uniform and/or providing police services and/or utilizing an LFUCG vehicle shall notify E911 by radio of the following:
 - a. Location of assignment
 - b. Start and ending times (updated as necessary)
 - c. Whether the assignment is uniform or non-uniform
 - d. Whether the officer is utilizing his or her marked cruiser

NOTE: If there are multiple officers working the same off-duty assignment, the notification requirement may be completed by one of the officers on behalf of all the officers working the assignment. The officer may contact

E911 by telephone and provide the appropriate information for all involved officers.

12. If at any time any department employee considers him or herself aggrieved by a decision of the Chief of Police or his or her designee regarding off-duty employment, he or she may automatically appeal the decision, in writing, to the Commissioner of Public Safety, and then to the mayor.