

BERLIN POLICE DEPARTMENT
BERLIN, MARYLAND

SUBJECT: OFF-DUTY/SECONDARY EMPLOYMENT		NO: 500 S-1
APPROVED/EFFECTIVE DATE August 9, 2004	AMENDS	RESCINDS
DISTRIBUTION A	REFERENCES: Ocean City Police Department 2004 General Orders	

.10 PURPOSE

The purpose of this policy is to set forth guidelines to govern off-duty/secondary employment by members by of the Berlin Police Department.

.15 DEFINITIONS

- A. Employment: The provision of a service, whether or not in exchange for a fee or other service. This does not include voluntary charity work.
- B. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.
- C. Regular Off-Duty Employment: Any employment that will not require the use, or potential use, of law enforcement powers by the off-duty employee.

.20 PROCEDURES

- A. Regular Off-Duty Employment: Employees may engage in off-duty employment that meets the following criteria:
 - 1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employee and is not performed during assigned hours of duty.

2. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for their secondary employer. Some examples of employment representing a conflict of interest are:
 - a. As a process server, reposessor, or bill collector, reposessor of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
 - b. Personnel investigations for the private sector or any employment, which might require the police officer to have access to police information, files, records, or services as a condition of employment.
 - c. In police uniform in the performance of tasks other than that of a police nature.
 - d. Which assists (in any manner) the case preparation for the defense in any civil, action or proceeding.
 - e. For a business or labor group that is on strike.
 - f. In occupations that are regulated by, or that must be licensed through the police department.
 3. Departmental equipment may not be utilized during off-duty employment.
 4. An exception to the above rule is officers working the area schools for sports events. When working schools functions officers may utilize departmental equipment and will be compensated directly by the school.
- B. Extra-Duty Employment: Police officers may engage in extra-duty employment as follows:
1. Where a government, profit-making or not-for-profit entity has a contract agreement with the police department for police officers in uniform or plain clothes who are able to exercise their police duties.

2. Types of extra-duty services, which may be considered for contracting, are:
 - a. Traffic control and pedestrian safety
 - b. Crowd Control
 - c. Security and protection of life and property (i.e. school sports events)
 - d. Plainclothes assignments
 3. All extra-duty employment must occur within the corporate limits of the Town of Berlin or areas in which mutual aid has been evoked.
 4. The Chief of Police will have authority and control over extra-duty employment.
- C. Limitations on regular off-duty employment and extra-duty employment are as follows:
1. In order to be eligible for off-duty employment, a police officer must be in good standing with the department. Continued departmental approval of a police employee's off-duty employment is contingent on such good standing.
 2. Those officers who have not completed at least 90 days of service with the department as a police officer, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury, shall not be eligible to engage in regular or extra-duty employment.
 3. Prior to obtaining off-duty employment, a police employee shall comply with departmental procedures for granting approval of such employment, or registration for extra-duty employment. Personnel must submit a 95 requesting secondary employment and have it approved by the Chief of Police prior to engaging in off-duty employment.
 4. A police officer may work a maximum of 30 hours of off-duty regular or extra-duty employment or a total of

70 hours in combination with regular duty in each calendar week.

5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
6. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and maybe expected to leave his/her off-duty or extra-duty employment in such situations.
7. Permission for a police employee to engage in outside employment may be revoked where it is determined, pursuant to departmental procedure, that such employment is not in the best interests of the Berlin Police Department.

8. Employment that does not constitute a threat to the status or dignity of the police as a professional occupation. Examples of employment presenting a threat to the status of dignity of the police profession are:
 - a. Bouncers in nightclubs, bars, liquor establishments.
 - b. Any employment involving the sale, manufacture or transport of alcoholic beverage as the principle business.
 - c. Any gambling establishment not exempted by law.
 - d. Any establishment, which provides entertainment or services of a sexual nature.