

Outside Employment and Outside Overtime

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - It entails duties or services performed by any member of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered. Outside employment also includes duties or services performed by sworn personnel of this department in which the sworn personnel may actually or potentially be required to exercise law enforcement authority for the secondary employer, and for which there is no agreement between UMBPD and that secondary employer.

Outside overtime - Duties or services performed by sworn and non-sworn members of this department for a private organization, entity or individual, that are requested and scheduled directly through the department or that are requested pursuant to a contract or other agreement between the department and the private organization, entity, or individual. Member compensation, benefits and costs for such outside services are reimbursed to the department.

Extra-Duty Employment – Extra-duty employment is a subset of outside overtime that entails duties or services only by sworn personnel for another employer in which the sworn personnel may actually or potentially be required to exercise law enforcement authority, and which is pursuant to a contract, Memorandum of Understanding, or other agreement between UMBPD and that other employer.

1021.2 POLICY

Members of the University of Maryland, Baltimore Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Members requesting to work outside employment must submit UMBPD Form 80-118 (Outside Employment Application Form) and members requesting to work outside overtime must submit UMBPD Form 95 or memorandum. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or outside overtime, or engaging in outside employment or outside overtime that is prohibited by this policy, may lead to disciplinary action.

1021.3 OUTSIDE EMPLOYMENT AND OUTSIDE OVERTIME

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1021.3.1 REQUEST AND APPROVAL

Members must submit the UMBPD Form 80-118 for outside employment and UMBPD Form 95 or memorandum for outside overtime to their immediate supervisors. The request will then be forwarded through the chain of command to the Chief of Police or authorized designee for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form before the end of January each year. Approved requests for outside overtime shall have the approval period designated in the UMBPD Form 95 or memorandum.

1021.3.2 DENIAL

Any member whose request for outside employment or outside overtime has been denied shall be provided with a written notification of the reason at the time of the denial.

1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment or outside overtime is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment or outside overtime may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment or overtime may be related to the deficient performance.
 - 1. Approval for the outside employment or overtime may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment or overtime conflicts with department policy or any law.
- (c) When the outside employment or overtime creates an actual or apparent conflict of interest with the Department.

1021.3.4 APPEAL

If a member's request for outside employment or outside overtime is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal via UMBPD Form 95 or memorandum with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy 1003.

1021.4 REQUIREMENTS

1021.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

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- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the University of Maryland, Baltimore Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.
- (g) Any entity that is (COMAR 19A.04.02.04):
 - 1. Subject to the authority of that member of the Department.
 - 2. A contractor or subcontractor with this department or that is negotiating a contract with the Department.
- (h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).
- (i) Employment prohibited by District local law enacted pursuant to COMAR 19A.04.01.03.
- (j) Members who are on sick or other medical leave, accident leave, or limited duty status may be required to submit documentation from a health care practitioner certifying fitness for the duties, obligations, or responsibilities of outside employment.

1021.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

- (a) Members of this department are permitted to pursue external employment opportunities as private security personnel, guards, private investigators, or in similar private security roles, provided they adhere to this policy, and specifically section 1021.4.3., below.
- (b) Members of this department are permitted to pursue external employment opportunities as law enforcement officers only as extra-duty employment, as defined above, and pursuant to an agreement between UMBPD and the external employer.
- (c) Members of this department are prohibited from pursuing outside employment opportunities with external employers where the exercise of law enforcement authority may be necessary.

1021.4.3 GENERAL PROVISIONS FOR OUTSIDE EMPLOYMENT

- (a) Liability Protections

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1. Sworn members of the UMBPD enjoy liability protection for both on and off-duty performance of official duties. However, this protection does not cover willful acts causing injury or damage, actions conflicting with established UMBPD policies that the officer knew or reasonably should have known and does not extend to officers actively engaged in outside employment.
 2. The UMBPD assumes no liability for injuries, damages, or civil actions arising from outside employment activities. Members are not eligible for Workers Compensation through UMB for such injuries.
- (b) Bringing Discredit on the UMBPD - Members engaging in outside employment must avoid bringing discredit to the UMBPD or any of its members. Outside employment activities should not actually or potentially conflict or appear to conflict with the interests, purposes, or mission of the UMBPD.
- (c) Limitations
1. Outside employment hours are restricted to four (4) hours per day on duty days or ten (10) hours per day on non-duty days, with a weekly limit of 20 hours. Adjustments may be made for employees working less than 40 hours per week for the UMBPD due to approved leave.
 2. Outside employment is prohibited during an assigned tour of duty.
 3. Favoritism, such as granting leave or rearranging shift schedules, based on outside employment is strictly prohibited.
 4. Outside employment should not be associated with establishments primarily dispensing alcoholic beverages, except for catered non-profit events.
 5. Members must not disclose their UMBPD association in the course of their outside employment, except as required on an employment application.
 6. Employment as a vendor servicing the University of Maryland, Baltimore's community is not allowed.
- (d) Emergency Situations - Sworn members are designated as essential employees and must be available to return to duty at any time during a UMB emergency.
- (e) Using Police Records and Services - The use of UMBPD files, services, and records for the purposes of outside employment is prohibited.
- (f) Attending Court - Members attending court due to actions taken during outside employment will do so during their off-duty time. Members scheduled for UMBPD duty at the trial time must use leave, with no compensation assumed by the UMBPD.
- (g) Police Authority and Use of Equipment - The police authority, including arrest powers and firearm use, is non-transferable to outside employment. Members engaged in outside employment with the potential use of law enforcement powers may not carry UMBPD police-issued weapons, wear the UMBPD uniform, or use UMBPD issued equipment.

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1021.4.4 REVIEW OF FINANCIAL RECORDS FOR OUTSIDE EMPLOYMENT

Prior to approving outside employment, the Department may request that a member provide personal financial records for review if the Chief of Police determines that a conflict of interest may exist.

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the outside employment pursuant to this policy.

1021.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1021.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment or outside overtime, along with any related orders (e.g., administrative, medical), and make a recommendation through the chain of command to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment or outside overtime should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment or outside overtime, a notice revoking approval of the outside employment or outside overtime will be forwarded to the member and a copy attached to the original request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment or outside overtime is medically detrimental to the total recovery of the disabled member, as indicated by medical certification.
- (b) The outside employment or outside overtime requires performance of the same or similar physical ability, as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

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When the member returns to full duty with the University of Maryland, Baltimore Police Department, a written request must be submitted through the chain of command to the Chief of Police to approve the outside employment or outside overtime request.

1021.5 OUTSIDE OVERTIME

1021.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored, and compensated through the Department as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.
- (b) The requestor will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requestor will be required to reimburse the Department for the member's compensation, benefits, and costs (e.g. court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
 - 4. Outside overtime shall not be subject to the collective bargaining process.
- (e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

1021.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1021.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Bureau Commander, undercover officer or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

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1021.6 DEPARTMENT RESOURCES FOR OUTSIDE EMPLOYMENT

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using their position with this department to gain access to official records or databases of this department or other agencies.