

## SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 22.3

### OUTSIDE EMPLOYMENT, EXTRA DUTY EMPLOYMENT, DIVISIONAL OVERTIME AND STADIUM OVERTIME

AMENDED APRIL 2015

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#### **22.3.1 Outside Employment (General)**

##### DEFINITION:

Outside employment involves an employee who chooses employment in a secondary field not related to being a police officer with the Santa Clara Police Department.

##### PURPOSE:

The role of a police officer is a unique one in society and, as such, some limitations and restrictions regarding off-duty activities apply to those who hold that position. Because police officers are required to be objective and impartial when carrying out their responsibilities, and rely exclusively upon facts and information provided to them, it is imperative that there not appear to be a conflict of interest on the part of those officers. Therefore, and recognizing that many police officers wish to engage in outside employment in order to augment their income, the legislature has empowered chief executives of law enforcement agencies to declare certain types of outside employment as inconsistent with and/or in conflict with the fundamental responsibilities of a police officer.

Since respect for law enforcement officers is paramount to their ability to perform their job, engaging in outside employment which would bring discredit, disrespect or embarrassment to that officer and/or his or her agency would be considered incompatible and in conflict with the officer's primary role as a police officer.

Upon application as set forth in [City Manager's Directive 51](#), the City Manager may authorize employment or occupation of said employee which does not conflict with City employment, does not conflict with any of our [Civil Service Commission Rules or Regulations](#), and complies with California Government Code Section 1126. The employee will be notified if the requested employment is either approved or denied, and may direct any written appeal of a denial through the Chief's Office for City Manager's reconsideration.

**Government Code Section 1126** -- This section states that a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.

Pursuant to Section 1126, an officer or employee of the Santa Clara Police Department is prohibited from engaging in any outside employment, activity, or enterprise if it, for example:

- Involves the use for private gain or advantage of his or her Department time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of the Police Department or,
- Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City of Santa Clara for the performance of an act which the officer or employee, if not performing the act, would be required or expected to render in the regular course or hours of the Police Department or as a part of his or her duties as a police officer or employee, or
- Involves the performance of an act in other than his or her capacity as a police officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the Santa Clara Police Department, or
- Involves the time demands as would render performance of his or her duties as a police officer or employee less efficient.

These four examples illustrate circumstances under which outside employment is prohibited, but are by no means the only reasons that may be used to deny such work. Other types of outside employment that are conflicts of interest include, but are not limited to:

- Security Guard
- Private Investigator, within this or counties directly adjacent to this county
- Bartender
- Bouncer
- Sales clerk position in a liquor store, or gun dealership
- Process server
- Repossessor
- Debt collection
- Criminal Defense attorney
- Card Dealer, handicapper, change maker, machine repairperson, keno runner, pit boss, table waitress, or employment in any gaming establishment where the employment is directly related to the primary purpose of the employer
- Bodyguard
- Skip tracer
- Funeral Escort where traffic control or the wearing of a uniform which resembles that of a police officer is required

Any employee who refuses to work overtime or to report for call-back duty, when such refusal is made because of a conflict with outside employment, shall be deemed to be in violation of this order, and shall be subject to disciplinary action up to and including dismissal. Likewise, the same disciplinary action may be taken against individuals who violate their off-duty employment authorizations or work without complying with [CMD 51](#).

Approved requests are subject to review and may be revoked for cause, in which case the revocation will be effective as indicated in the notice to the employee.

On an annual basis, the City Manager's office will survey all employees who were authorized to work outside employment jobs during the previous year. The purpose of this survey will be to ensure that all employees that are engaged in employment outside of their positions with the City are properly approved for such work.

### **22.3.2 Extra Duty Employment - Sworn Personnel**

In addition to the requirements for approval of outside employment, sworn personnel are subject to the following provisions regarding extra-duty overtime while working in a law enforcement function representing the Santa Clara Police Department:

The fee for police officers working Extra Duty Overtime events, will be the individual officer's overtime rate which is based on their respective rank and salary step.

#### **SERVICE AGREEMENT - WAIVER:**

All approved requests for Extra Duty Overtime police employment will require the person or agent requesting the service to sign a service agreement/waiver prior to the officers being assigned. Equipment, including vehicles, may be assigned by the Police Department based on the nature and duration of the work to be performed. This policy is not intended to curtail or interfere with non-police/security part-time employment approved by the City. The City is under no obligation to provide or approve extra duty police employment. Reserve Police Officers may be substituted for regular officers based on the as-needed work policy of the City.

- At all times while working in an extra duty overtime assignment, officers are required to adhere to all the policies and procedures of the Santa Clara Police Department.

The Field Operations Division secretary will be responsible for the scheduling and posting of all extra duty overtime assignments.

### **22.3.3 Extra Duty Overtime Employment - Non-Sworn Personnel**

In the event Non-Sworn personnel are able to work extra duty overtime, their compensation is based on their overtime rate: if the employer is a third party (pedestrian crossing at the Convention Center, etc.), pay is the only available option. If the assignment is a City-sponsored function (Art and Wine Festival, traffic control for a City event, etc.), then overtime may be compensated by CTO or pay.

### **22.3.4 Initial Pay-Job Request Form (Appendix A)**

Upon initial request by an employer to hire an off-duty police officer, the Field Operations Division secretary will fill out a Pay-Job Request Form with pertinent information as to organization requesting service, type of service requested, type of duties to be rendered by officer, etc. The completed form will be reviewed by the day shift Lieutenant or Division

Captain, and a decision made as to the appropriateness of the request with regards to the types of police duties desired. This form, along with a General Service Agreement filled out by the employer, will be forwarded to the Chief of Police for final approval/disapproval.

### **22.3.5 Employer Information Fact Sheet (Appendix B)**

The Field Operations Division secretary will send out to prospective employers an Employer Information Fact Sheet regarding pay jobs for police personnel. This document will state that officers are only able to enforce applicable Federal, State, and local laws and ordinances. Officers cannot enforce company, business, or school rules or regulations, perform random searches without probable cause, act as a “bouncer” on instructions of a business/bar owner, etc. Any other questions regarding extra duty employment should be answered before the General Service Agreement is completed by the requesting organization.

This agreement further explains that the police personnel shall at all times be subject to the exclusive direction, supervision, and control of the Police Department.

All officer conduct will be highly professional, and all law enforcement actions taken will be those authorized by the employee’s status as a California police officer.

### **22.3.6 Extra Duty Overtime Assignments**

#### **DEFINITION:**

Extra duty Overtime Assignments are defined as requests by outside organizations/employers for police services at specific events or functions. The outside organizations/employers will pay for the personnel costs of the Police Officers working such events. Police officers working these events will do so during their time off from their normal duties for the Santa Clara Police Department.

**SIGN-UPS:** Extra duty overtime sign-up sheets are to remain on the rear bulletin board in the Briefing Room. They are to be taken down only by the division commander or his/her designee.

**CHANGES:** No changes will be made on the sign-up list without approval by a supervisor, who will line out the name of the officer who no longer wishes to work, and initial the change. It will be the responsibility of both the officer and the approving supervisor to attempt to locate a replacement prior to allowing the cancellation. The supervisor should give consideration to the timeliness of the cancellation and the ability to fill the assignment, prior to approving the change. Once the change has been allowed, the approving supervisor shall notify the Divisional Secretary. No “white out” shall be used to remove a name, and the original officer’s name (and the approving supervisor’s initials) must be clearly readable.

**SUPERVISORS:** No supervisor will be allowed to sign up on assignments that require four (4) or fewer officers, except as in indicated below. Assignments requiring more than four (4) officers will be at the ratio of a maximum of one (1) Sergeant for every four (4) officers assigned. This includes assignments handled exclusively by Reserve Department personnel.

It shall be the responsibility of all supervisory personnel to ensure that extra duty overtime assignments are made available to all personnel in an equitable fashion. At the direction of the Division Commander or his/her designee, the number of extra duty overtime sign up slots available to the same officer may be limited, to insure an equitable distribution of overtime. Overtime needs specific to a divisional operation or a duty-specific assignment will be filled within the Division before being offered to all departmental personnel. See [General Order 22.3.7](#) for additional information.

**SPLIT ASSIGNMENTS:** Officers shall not split assignments, or sign up for only that portion of an assignment that does not overlap his/her normal duty hours, without the permission of his/her supervisor. Split assignments will only be permitted after all other requests for personnel to work the assignment have been exhausted.

**UNFILLED POSITIONS:** Overtime lists that are not filled seven (7) days prior to the event will be open to any officer, including supervisors, before being sent to the Reserve Department. Supervisors filling officer slots will, in addition to the basic responsibilities of the detail (i.e. arrests and reports), retain their supervisory responsibilities. Short notice requests for officers or requests for large numbers of officers as described below may require exceptions to this policy.

**RESERVE OFFICERS:** When an extra duty overtime request is received and posted, any vacancies that remain at 0800 hours five business days prior to the date of the assignment will be referred to the Reserve Department designee for staffing.

If the Department receives an overtime request for a large number of officers that obviously cannot adequately be staffed with off-duty regular officers, then a reasonable number of the requests will be immediately referred to the Reserve Department for staffing.

**VOLUNTARY REQUESTS:** Events sponsored by civic or charitable organizations that have security services provided by the Reserve Department personnel on a volunteer basis shall continue to be staffed with Reserve Officers should these continuing events become paid assignments, providing there is no significant change in the duties associated with the event.

**COMPENSATION:** All extra duty overtime assignments will be on a pay-only basis and are not eligible for compensatory time off (CTO) (the Team 200 detail is an exception to this policy, in that officer may be compensated in CTO).

**REST PERIOD:** Recognizing the need for reasonable rest periods, an employee may not work discretionary extra duty overtime in excess of sixteen (16) hours in any 24-hour period. Additionally, during any 24-hour period, no employee shall be allowed to work a combination of his/her regular shift plus discretionary overtime that would be in excess of sixteen (16) total work hours. During any 24-hour period, there must be at least eight (8) consecutive hours of rest.

### **22.3.7 Divisional Overtime**

**DEFINITION:** “Divisional Overtime” is defined as overtime to fill or replace critical staffing needs essential to a specific divisional operation or duty-specific assignment (examples of such overtime would be Diplomatic Protection assignments, Patrol Team Officer/Sergeant replacements, and specific Community Services Unit details. This is a partial list of examples and is in no way intended to be a comprehensive list).

**SIGN-UPS:** Divisional Overtime sign-ups may be completed through sign-up lists, direct contacts or prior arrangements. As with extra duty overtime assignments, it shall be the responsibility of all supervisory personnel to ensure that Divisional Overtime assignments are made available to all qualified personnel in an equitable fashion. Overtime that is four (4) or more days away shall be posted, so all eligible employees have the opportunity to sign up for it. At the direction of the Division Commander or designee, the number of overtime slots that an officer or sergeant could sign up for may be limited to insure an equitable distribution of the overtime. Officers interested in a filled overtime slot may list their name as an “alternate.” Divisional personnel replacement request lists are not to be forwarded to the Reserve Department.

**CHANGES:** No changes will be made on the sign-up list without approval by a supervisor, who will line out the name of the officer who no longer wishes to work, and initial the change. It will be the responsibility of both the officer and the approving supervisor to attempt to locate a replacement prior to allowing the cancellation. The supervisor should give consideration to the timeliness of the cancellation and the ability to fill the assignment, prior to approving the change. Once the change has been allowed, the approving supervisor shall notify the Divisional Secretary.

No "white out" shall be used to remove a name, and the original officer's name (and the approving supervisor's initials) must be clearly readable.

At no time is this policy meant to limit the ability of supervisory personnel or their designee to fill critical staffing needs as they arise. At time, the need for replacement personnel may require exceptions to this policy. This policy shall not affect the current practice of emergency holdover or callback overtime due to unforeseen staffing needs.

**SPLIT ASSIGNMENTS:** Officers and sergeants shall not split assignments, or sign up for only that portion of an assignment that does not overlap his/her normal duty hours, without the permission of his/her supervisor. Split assignments will only be permitted after all other requests for personnel to work the assignment have been exhausted.

**UNFILLED POSITIONS:** Posted Divisional Overtime lists for officers that are not filled five (5) days prior to the need will be open to any officer within the Department. Posted Divisional Overtime for sergeants that are not filled five (5) days prior to the need will be open to any sergeant within the Department, subject to the approval of the Division Commander.

**COMPENSATION:** Either Compensatory Time Off (CTO) or pay shall be available.

**REST PERIOD:** Recognizing the need for reasonable rest periods, an employee may not work discretionary extra duty overtime in excess of sixteen (16) hours in any 24-hour period. Additionally, during any 24-hour period, no employee shall be allowed to work a combination of his/her regular shift plus discretionary overtime that would be in excess of sixteen (16) total work hours. During any 24-hour period, there must be at least eight (8) consecutive hours of rest.

### **22.3.8 Santa Clara Stadium Overtime**

**DEFINITION:** The Santa Clara Police Department has law enforcement jurisdiction for all activities and events held at the Santa Clara Stadium. The Santa Clara Police Department Special Events Unit has the responsibility of organizing, managing and planning staffing for such operations associated to the Stadium. All Santa Clara Police Department personnel who work at a Stadium event will be working in an extra duty overtime assignment.

**SIGN-UPS:** Stadium event extra duty overtime positions will be posted by the Special Events Unit for review by all department personnel.

**POSITION ASSIGNMENTS:** Stadium event assignments may vary as to specific duties based on the type of event and deployment requirements for the event. The Special Events Unit will determine the specific assignments and duties for each officer/employee who signs up for the event. The specific assignment and duties of such assignment may not be listed at the time the overtime list is posted. Certain personnel may be assigned to specific positions based on their training and experience, at the discretion of the Special Events Unit.

**UNFILLED POSITIONS:** It is the desire of the Special Events Unit, to have Santa Clara Police Department personnel fill all available overtime positions for Stadium events. For larger Stadium events, there will be a need for more personnel than the Santa Clara Police Department can provide. For such events, the Special Events Unit will coordinate with other law enforcement agencies to provide additional personnel and resources.

**SPLIT ASSIGNMENTS:** Split assignments will only be permitted in extraordinary situations and with the pre-approval of the Special Events Unit.

**CHANGES:** No changes will be made on the Stadium overtime sign-up list without the approval of the Special Events Unit.

**COMPENSATION:** Only pay will be available to department personnel working Stadium overtime assignments.

**REST PERIOD:** Recognizing the need for reasonable rest periods, an employee may not work discretionary extra duty overtime in excess of sixteen (16) hours in any 24-hour period. Additionally, during any 24-hour period, no employee shall be allowed to work a combination of his/her regular shift plus discretionary overtime that would be in excess of sixteen (16) total work hours. During any 24-hour period, there must be at least eight (8) consecutive hours of rest.

### **22.3.9 Flexing of Regular Work Schedule to Work Overtime**

As a general rule, employees are **not** allowed to modify or “flex” their regular work schedule or use paid leave so that they may work overtime. This general rule includes flexing an employee’s regular day off and/or the employee’s start and end time of their regularly scheduled work shift.

Employees are not allowed to seek court continuances (traffic, criminal, or civil) to work an overtime assignment without prior supervisor approval.

The Chief of Police or his designee may at his/her discretion designate certain events a “Flex Event.” Employees would be allowed to flex their regular work schedule or use paid leave and work these events as overtime, provided all of the following conditions are met:

- The employee is in an assignment that allows flexible scheduling. Examples of assignments that allow flexible scheduling are typically found in the Services Division and Investigations Division. Assignments that typically do not allow flexible scheduling include Uniformed Patrol, Communications, and Records.
- The employee’s supervisor has determined that minimum staffing requirements for the day of the Flex Event will be met without the employee being present.
- The employee’s supervisor has pre-approved the schedule flex.
- For full-shift flexes, the employee must be able to flex his/her schedule within the two-week pay period to ensure compliance with all applicable labor laws. When the start time of a Flex Event partially overlaps with the employee’s regular work shift, the employee may choose to do a partial shift flex and cover the overlap period with paid leave accruals.

Employees should be aware that their regular work duties take precedence over a Flex Event assignment. Flex Event assignments can be cancelled or cut short due to events that require an employee to return to their regular assigned duties.



Appendix A

**SANTA CLARA POLICE DEPARTMENT -- PAY-JOB REQUEST  
FIELD OPERATIONS DIVISION**

Name of Organization \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

Phone and Fax \_\_\_\_\_

\_\_\_\_\_

Reason for Request \_\_\_\_\_

Duties Desired by Requester \_\_\_\_\_

(size of crowd, etc.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s)/Time(s) \_\_\_\_\_

\_\_\_\_\_

Number of Officers \_\_\_\_\_

Uniform/Plainclothes \_\_\_\_\_

Approved: \_\_\_\_\_

## Appendix B

Santa Clara Police Department  
City of Santa Clara  
601 El Camino Real  
Santa Clara, California 95050

**EMPLOYER INFORMATION FACT SHEET**

This information fact sheet is being sent to all prospective employers of Santa Clara Police Officers who are considering entering into a General Service Agreement with the City. The services provided by Police Officers through pay jobs for private individuals, schools or businesses are very important to you, and we would like to insure that what officers can or cannot do in this type of employment is clearly understood by all concerned parties.

The City's Police Department Personnel shall be used only in the performance and capacity of California Peace Officers. This means that they will be able to enforce all State laws, local ordinances and regulations, and applicable Federal laws. Police personnel may not enforce individual business regulations or customs, many school rules or campus regulations on student behavior, or perform random searches without sufficient legal probable cause. Further, they may not act as a "bouncer" on instructions of a business, bar, or restaurant owner.

Officers can and will maintain the peace in any given situation, provide security services and crowd control at special events, direct vehicular traffic, and deal with the illegal behavior of individuals breaking laws.

Lastly, the Police Officer shall be at all times subject to the exclusive direction, supervision, and control of the Santa Clara Police Department.

It is our expectation that all officers conduct themselves in a highly professional and efficient manner. If you have any further questions, please contact the Field Operations Division Secretary at (408) 615-4750.