

STATE OF UTAH
State Tax Commission
Motor Vehicle Enforcement Division
POLICIES AND PROCEDURES

Policy #:
0004

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Effective Date:
01/25/1996

Revision Date:
07/13/2011

SUBJECT: Off-duty or Secondary Employment

I. Purpose

The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of this division.

II. Policy

These requirements are essential for the efficient operation of the division and for the protection of the community.

III. Definitions

- A. Employment: The provision of a service, whether or not in exchange for a fee or other services. Employment does not include volunteer charity work.
- B. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the division 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.
- D. Security Officer: means an individual who is armed or unarmed and is employed to securing, guarding, or otherwise protecting property or the life and well being of human or animal life.

IV. Procedures

There are two types of off-duty employment in which an employee may engage:

A. Regular Off-Duty Employment:

Employees may engage in employment that meets the following criteria:

1. Employment of a non-police nature in which the vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer 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 performed for their secondary employer. Some examples of conflict of interest are:
 - a. A process server, reposessor, bill collector, towing 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 division 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 those of a

police nature.

d. Which assists (in any manner) the case preparation for the defense in any criminal or 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 division or its civilian board.

g. A security officer, in which the employer requires the officer to use his law enforcement authority to make an arrest.

3. 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 the division are:

a. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.

b. Any Employment involving the sale, manufacturer or transport of alcoholic beverages as the principle business.

c. Any gambling establishment not exempted by law.

B. Extra-Duty Employment: Division officers may engage in extra-duty employment as follows:

1. Where a government, profit-making or non-profit entity has a contractual agreement with the division for officers in uniform 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.

d. Routine law enforcement for public authorities.

e. Plainclothes assignments.

C. Security Officer Services: Division officers may engage in Security type employment if:

a. The employer of the off duty peace officer complies with State and Federal withholding requirements.

b. The employee shall provide written notification to the Division to work off-duty as a Security Officer.

c. The employee should not use his authority as peace officer and if a custody arrest is made it is done as a citizen.

d. any use of Department provided equipment must be approved by the Director.

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 division officer must be in good standing with the department. Continued departmental approval of a

- division officer's off-duty employment is contingent on such good standing.
2. Prior to obtaining off-duty employment, a division officer shall comply with division procedures for granting approval of such employment, or registration for extra-duty employment.
 3. A police officer may work a maximum of 24 hours off-duty regular or extra-duty employment; or a total of 64 hours in a combination with regular duty in each calendar week.
 4. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
 5. A division officer engaged in any off duty employment is subject to call-out in case of emergency, and may be expected to leave his/her off-duty or extra-duty employment in such situations.
 6. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interest of the division.
 7. Division vehicles may be used provided that the officer carry a firearm, handcuffs, and police identification at all times, and are willing to take appropriate police action when necessary.

Warning

This directive is for division use only and does not apply in any criminal or civil proceedings. The division policy should not be constructed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this directive will only form the basis for division administrative sanctions.

By the Order of



Signature of Director