



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 22.9

### TITLE: OUTSIDE EMPLOYMENT

**EFFECTIVE: 01/14/2018**

**REVISED: Replaces Policy (1040)**

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#### PURPOSE

To avoid actual, perceived or potential conflicts of interest for department employees engaging in outside employment, the New Orleans Police Department requires all employees to obtain prior written approval from the Superintendent of Police before engaging in any outside employment.

#### POLICY STATEMENT

1. The nature of law enforcement requires Department employees to ensure outside employment does not interfere with or compromise their ability to fulfill their responsibilities to the Department. Department employees must have the ability to work irregular schedules subject to change to meet deployment needs. It is also necessary that employees have adequate opportunity to rest so they are alert during their tour of duty.
2. For these reasons, and because certain activities are inherently incompatible with an employee's primary responsibility to the Department, the Department may impose conditions on outside employment or may prohibit it altogether.
3. Approval of outside employment requests by employees shall be at the discretion of the Superintendent of Police in accordance with the provisions of this Chapter.

#### DEFINITIONS

**Employee**—An individual who works for the NOPD and is either full-time or part-time and paid. This excludes volunteers and Reserve Officers.

**Outside Employment**—The engagement of any employee of the Department by another individual, business, establishment, organization, or on a self-employed basis, where the Department employee is privately paid and is performing duties of a non-police function (e.g. Accountant; Lifeguard; Attorney; Real Estate Agent; Sales Representative; etc.). Due to the nature of outside employment services which may be authorized under this policy, any request to carry a weapon while working in an outside employment capacity must be approved in advance by the Superintendent of Police.

An officer's employment status while on a paid detail/secondary employment assignment is not outside employment for the purposes of this Chapter. Such employment is governed by the

Office of Police Secondary Employment policies and applicable law.

**Short-Term Outside Employment**—Outside employment that is worked on a non-recurring schedule for the same employer.

**Permanent Outside Employment**—Outside employment that is worked on a recurring schedule for the same employer.

### APPROVAL PROCESS

4. No employee of this Department may engage in any outside employment without prior written approval of the Superintendent of Police.
5. Failure to obtain prior written approval for outside employment or engaging in outside employment otherwise prohibited by this Chapter shall subject the employee to disciplinary action.
6. The employee must:
  - (a) Complete an **Outside Employment Authorization Form (Form #22)**;
  - (b) Attach a printout of their attendance record for the previous 12 consecutive months; and
  - (c) Submit **Form #22** and attendance record to his/her immediate supervisor.
7. Once reviewed and approved by the employee's immediate supervisor, the application will then be forwarded through the employee's chain of command to the Superintendent of Police for consideration and final approval.
8. If the application is disapproved by any reviewer in the employee's chain of command prior to reaching the Superintendent of Police, the application, along with the written reason for the disapproval recommendation, shall continue in the review and approval process.
9. Employees are prohibited from working the requested outside employment until final approval of the Superintendent of Police has been given. **There are no exceptions from this requirement.**
10. Each reviewing authority in the requesting employee's chain of command shall consider the following when reviewing an Outside Employment Authorization form:
  - (a) The nature of the outside employment requested;
  - (b) Any actual, perceived or potential conflicts as outlined in this Chapter;
  - (c) The occupation and duties in which the employee will engage;
  - (d) The employee's overall attendance record for the previous 12 consecutive months;
  - (e) All sick leave usage will be considered, including those instances which were documented;
  - (f) The employee's Departmental work performance;
  - (g) The employee's disciplinary history; and
  - (h) Any other factors that may affect the requesting employee's ability to fulfill his or her duties as an NOPD employee.
11. If the employee's request to work outside employment is approved, the employee will be provided with a copy of the approved application signed by the Superintendent or his/her authorized designee.
12. Unless otherwise indicated in writing on the approved application, an approved

application will be valid for a maximum of one year and shall be renewed each year in the month of the employee's birth.

13. Any employee seeking to continue a previously approved outside employment must submit a new application for renewal in a timely manner.
14. Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the submission of the initial application.

#### **APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

15. In all instances where a reviewing authority disapproves an Outside Employment Authorization Request, he/she shall note the reasons for disapproval (e.g., poor attendance, poor performance, disciplinary problems) on an Interoffice Correspondence (Form #105).
16. The Interoffice Correspondence shall be attached to the Outside Employment Authorization Request and continue through the chain of command for final approval/disapproval by the Superintendent of Police.
17. A copy of the disapproval, along with a copy of the Interoffice Correspondence listing the reason(s) for disapproval, shall be forwarded to the requesting employee by the supervisory officer disapproving the request.
18. The employee will have the option of submitting an Interoffice Correspondence in response to the disapproval to the Superintendent of Police. The employee's interoffice correspondence in response to the disapproval shall contain signature spaces with the designation CONCUR / DO NOT CONCUR for the appropriate employees in the employee's chain of command.
19. If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Superintendent of Police within 10 days of the employee's receipt of denial.

#### **REVOCACTION / SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION**

20. Any approved outside employment application may only be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension.
21. Revocation or suspension of an approved outside employment will only be imposed after the employee has exhausted the appeal process outlined in this Chapter.
22. The outside employment may be revoked:
  - (a) If an employee's regular duty work performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be shown to be related to the employee's performance.
  - (b) At the discretion of the Superintendent, in which case the Superintendent shall notify the employee of the "intent to revoke" a previously approved outside employment application.
  - (c) After the appeal process has concluded, the revocation will remain in force until the employee's regular duty work performance directly related to the outside employment has been re-established to the minimum level of acceptable

- competency.
- (d) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.
  - (e) The outside employment creates an actual, perceived or potential conflict of interest with the Department or the City.

### **GENERAL INFORMATION**

- 23. Outside employment shall not interfere with the employee's performance of duty.
- 24. While working outside employment, employees shall conform to all departmental policies, procedures, rules and order.
- 25. Employees shall not perform or engage in outside employment during their regular tour of duty (See: **Rule 4: Performance of Duty, paragraph 3 – Devoting entire time to duty.**)
- 26. Employees shall not work outside employment that would render the performance of their duties to the department below minimum acceptable standards or render the employee unavailable for reasonably anticipated overtime assignments.
- 27. No employee, including Reserve officers, shall work more than 16 hours and 35 minutes within a 24-hour period (the 24-hour period begins the first time the employee reports for either regular duty or secondary employment allowing for a minimum of eight hours of rest within each 24-hour period). These hours are cumulative and include normal scheduled work hours, overtime, off-duty secondary employment, and outside employment.

### **RESTRICTED OUTSIDE SECURITY EMPLOYMENT**

- 28. Due to the high potential for a conflict of interest, no employee of this department may engage in any outside employment as a private security guard, private investigator or other similar private security position.
- 29. No officer may engage in outside employment as a law enforcement officer for any other public agency without prior written authorization of the Superintendent of Police.

### **RESTRICTED OUTSIDE EMPLOYMENT**

- 30. Employees shall not work outside employment in the following occupations:
  - (a) Any occupation where a conflict of interest with the City of New Orleans or the New Orleans Police Department can reasonably be demonstrated.
  - (b) Bartenders, cocktail waiters or waitresses.
  - (c) Doormen, bouncers, barkers, or ticket takers.
  - (d) Bail or bonding companies, or agents for same (Bounty Hunters);
  - (e) Collection agents for any private person or entity.
  - (f) Any facet of land-based or river boat casino style gaming as listed below:
    - i. No employee shall work as a shuttle operator for any location owned or leased by a casino consortium;
    - ii. No employee shall provide security for patrons attending or departing a gaming establishment;
    - iii. No employee shall engage in outside employment where their duties include supervising casino employees, managing casino employees, background investigations of casino employees, or providing private security for any

- gaming establishment; or
  - iv. No employee shall engage in outside employment as a dealer, croupier or other such employment in any gaming establishment.
- (g) Any facet of the Electronic Gaming Industry as listed below:
- i. Employment as a wholesale/retail technician, who repairs, delivers, installs, or in any manner services video poker machines, slot machines, or any other electronic gaming industry machines or equipment;
  - ii. Employment in any manner as a security officer for the wholesale/retail, repair or servicing divisions of the Electronic Gaming Industry;
  - iii. Employment as a wholesale/retail route agent responsible for the collection of monies generated by electronic gaming machines; or
  - iv. Employment as a wholesale/retail route agent responsible for selling electronic gaming equipment, or any other facet for the sole purpose of providing security for wholesale/retail electronic gaming machines or equipment.

31. Employees who are qualified as an Expert Witness shall not engage in employment in any proceeding involving an official New Orleans Police Department investigation or report in Orleans Parish Criminal District Court, Traffic Court or Municipal Court, or when the City of New Orleans is an adverse party in a Civil Suit and such employment would create a conflict of interest. Situations raising a question of a potential conflict of interest in litigation matters will be resolved by the Superintendent of Police.

#### **DEPARTMENT RESOURCES**

32. Employees 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 of access to official records or databases of this department or other agencies through the use of the employee's position with this department. (See: Rule 6: Official Information, paragraph #1 – Security of records).

#### **TRAINING AND HANDLING OF CANINES – OUTSIDE EMPLOYMENT**

33. Employees engaging in the training and handling of canines as outside employment are subject to the following restrictions:
- (a) Employees shall not use, nor allow to be used, any equipment belonging to the New Orleans Police Department. This shall include, but shall not be limited to, department canines and all dogs authorized to be used as NOPD canines, and those owned by employees and trained on department time).
  - (b) No department canine shall be used for stud services; and
  - (c) Employees shall not use, nor allow others to use, their positions as employees of the New Orleans Police Department as a quality or feature for the procurement of business. (See: **Rule 3: Professional Conduct, paragraph #2 – Abuse of position**).

#### **ATTORNEYS – OUTSIDE EMPLOYMENT**

34. Employees who are attorneys are permitted to practice law subject to the following restrictions:
- (a) No licensed attorney who is an employee of the New Orleans Police Department shall be permitted to represent any person in criminal proceedings which were instituted by or on behalf of the City of New Orleans or the New Orleans Police Department.
  - (b) No licensed attorney who is an employee of the Department shall represent any individual in any cause of action which was the subject of any official New

Orleans Police Department investigation or report, including Administrative Reports.

- (c) No licensed attorney who is an employee of the Department shall represent any individual, corporation, partnership, association or other entity in any civil litigation in which the City of New Orleans or the New Orleans Police Department is an adverse party.
- (d) No licensed attorney who is an employee of the Department shall illegally compensate any person for having referred any cause of action to that employee. (See: **Rule 3: Professional Conduct, paragraph #5 – Referrals**).

#### **CHANGES IN OUTSIDE EMPLOYMENT STATUS**

- 35. If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Superintendent of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this Chapter.
- 36. Employees shall promptly submit in writing through the chain of command to the Superintendent of Police any material changes in an approved outside employment including any change in the number of hours, type of duties or demands. Employees who are uncertain whether a change in outside employment is material shall report the change.