

BERKELEY POLICE DEPARTMENT

DATE ISSUED: January 26, 2012

GENERAL ORDER P-20

SUBJECT: OUTSIDE EMPLOYMENT

PURPOSE

- 1 - The purpose of this policy is to define "outside employment" for Police Department personnel, identify who is affected by the policy and outline the procedure for obtaining approval for outside employment.

POLICY

- 2 - City Manager approval is required for all outside employment ventures undertaken by full-time employees. City employees may not carry on, concurrently with their public service, any private business or undertaking which affects their time, or the quality of their work in the City, or which casts discredit upon or creates embarrassment for the City of Berkeley.

DEFINITIONS

- 3 - Outside employment includes self-employment and employment by others.
 - (a) Self-employment: Includes the offering for sale of goods or services on a regular or periodic basis or by contract as an independent contractor. Self-employment does not include the management of one's own investments.
 - (b) Employment by others: Means the creation of an employer-employee relationship between the employee and an employer other than the City of Berkeley.
 - (c) Exclusions: Outside employment does not include non-paid voluntary involvement.
 - (d) Public Office: No employee shall accept appointment to the deputyship or assistantship of any County or State office or position, or otherwise incur an obligation of civil public service outside his/her municipal employment without first obtaining the recommendation of the Chief of Police and the City Manager.

PROCEDURES

- 4 - Department personnel requesting to engage in outside employment, as defined above, are required to seek approval from the City Manager through the Chief of Police. The procedure is as follows:
 - (a) Complete City of Berkeley "Request to Engage in Outside Employment" form and submit to supervisor for Chief of Police recommendation.

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- (1) This form is available through the Professional Standards Division Captain.
 - (b) The Chief of Police will complete the Recommendation section and approve or disapprove. If approved, the Chief of Police will send the form to the Personnel Director for review and comment.
 - (c) The Personnel Director will review and forward the request to the City Manager for approval or disapproval.
 - (1) If the City Manager approves, the form is routed to the Tax and License Administrator, the Purchasing Agent and the Personnel Director.
 - (2) If the City Manager disapproves, the form is returned to the Chief of Police for return to the employee.
 - (d) The Personnel Director will file the original copy of the request with the employees records and return a duplicate copy to the employee via the Chief of Police.
- 5 - Changes and terminations of outside employment should be noted by filing a supplemental report directed to the Personnel Department with a copy to the Professional Standards Division Captain..
- 6 - In addition to the policies and procedures described in sections 1 through 4 which apply to all City employees, all Police Department employees must obtain the written permission of the Chief of Police **on an annual basis** to engage in any outside employment. Because of the potential liability which may accrue to the City of Berkeley, the Chief of Police has the right to refuse/deny/revoke any requests for outside employment.
- (a) Employees interested in carrying on outside employment longer than one year must renew their "Outside Employment" status with the Chief of Police. Renewal may be accomplished by submitting a written memorandum **at the beginning of each calendar year**, directed to the Chief of Police via the Professional Standards Division Captain, describing the following:
 - (1) Full description of outside employment, including terms and conditions of such employment,
 - (2) the duration of the assignment, and
 - (3) the name, address and telephone number of the employer.

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- (b) The submission of the City of Berkeley form (Request to Engage in Outside Employment) is the only requirement for the first year of employment, all subsequent years (requests for renewal) must be submitted as a memorandum as defined in sub-section (a).

References: California Government Code Section 1126
City of Berkeley Administrative Regulations 2.10