



MEDFIELD POLICE DEPARTMENT

POLICY NO. 4.29

OFF DUTY EMPLOYMENT

MASSACHUSETTS POLICE
ACCREDITATION STANDARDS
REFERENCED: **22.3.3, 22.3.4, 22.35**

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ISSUING AUTHORITY:

Michelle Guerette
Chief of Police

BACKGROUND:

It is important that Medfield Police Department employees are able to provide for themselves and their families and meet their financial obligations. While employees often work overtime and paid details to augment their salaries, some may wish to pursue employment outside of the Department. However, Medfield Police Department employees must hold the trust and confidence of the public in order to do their jobs effectively. Therefore, it is important to avoid secondary employment that over-taxes the employee, damages public confidence, creates real or perceived allegiances to individuals or organizations, or creates a conflict of interest. Employees must not engage in any off-duty employment that creates or is likely to result in these conditions.

Generally, employees should avoid working in areas that are heavily regulated by criminal statutes or set up excessive risk of conflicts of interest, such as the serving of alcoholic beverages, bail bond services, investigative work for insurance companies, private guard services, collection agencies, or attorneys who practice certain types of law. Obviously, Department employees must avoid involvement in unlawful activities for financial gain.

All personnel engaging in outside employment should clearly understand that their primary obligation is to the Police Department and the community they serve. Employees must not perform work that will make them unavailable in emergencies,

exhaust them, require special scheduling or excessive shift swapping, or either bring the Department into disrepute or impair its operation or efficiency.

POLICY:

Employees may not engage in secondary employment without first obtaining the authorization of the Chief of Police. Employees may not engage in secondary employment that creates an unreasonable risk of conflict of interest, or that will damage public confidence. The employee's primary employment obligation is to the Department. **[22.3.4(a)]**

PROCEDURES:

Conduct of public employees is regulated under M.G.L. c. 286A, the state's Conflict of Interest Law (COIL). In some cases, this Department's policies are more restrictive than those of the COIL. Therefore, officers should be aware that even though something is not prohibited by state law, it may still violate Department rules or policy. Under the COIL a public employee may not:

1. Accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;¹
2. Use or attempt to use his official position to secure for him or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;²
3. Act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude:
 - a. That any person can improperly influence or unduly enjoy his favor in the performance of his official duties; or
 - b. That he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person;³

NOTE: An employee may be able to insulate himself by disclosing the appearance of a conflict of interest to the appointing authority.⁴

4. Accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority; ⁵ or

¹ M.G.L. c. 268A, §23(b)(1).

² M.G.L. c. 268A, §23(b)(2).

³ M.G.L. c. 268A, §23 (b)(3).

⁴ M.G.L. c. 268A, §23 (b)(3).

⁵ M.G.L. c. 268A, §23 (c)(1).

5. Improperly disclose material or data within the exemptions to the definition of public records, which were acquired in the course of his official duties nor use such information to further his personal interest.⁶

PROHIBITED EMPLOYMENT [22.2.3]

Employees may not accept any outside employment where the use of law enforcement powers are a condition of employment or are likely to be used. Entities or persons wishing such services must hire a police detail. **[22.3.4(b)]**

Employees may not knowingly work for an employer who is a known convicted felon, or who openly associates with convicted criminals. Employees may not work on any matter that may create a conflict of interest, or perceived conflict of interest, with the Department.

This includes, but is not limited to the following:

1. Private detective work or investigations;
2. Collection or credit agency services; and
3. Work for or as a private attorney on any criminal matters.

Note: This does not include military service.

Work that constitutes a threat to the status or dignity of law enforcement as a professional occupation is prohibited. This includes, but is not limited to:

1. Nude dancing establishments;
2. Pornographic books, magazines, videos, implements, etc., as a principal business;
3. Owning an establishment where the serving of alcoholic beverages is the principal business;
4. Working primarily as bartender;
5. Working in any capacity in the field of medical marijuana; and
6. Working at gaming establishments.

Working as a Private Attorney

No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.⁷

⁶ M.G.L. c. 268A, §23 (c)(2).

⁷ M.G.L. c. 268A, §17(a).

No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.⁸

A municipal employee may take uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary or other personnel administration proceedings with respect to those proceedings.

Employees who are attorneys may not engage in the practice of criminal law, consult or act as a paralegal, or engage in any civil matters involving the Town of Medfield, or in front of any boards or commissions of the Town of Medfield. Employees who are attorneys shall not be precluded from representing themselves in any action involving the Town.

This is not applicable to National Guard or Reserve military attorneys in the performance of their military duties.

Probationary Employees

During the full time Basic Recruit Police Academy and the field training portion of their employment, probationary police officers are not authorized for secondary employment. Non-sworn personnel may seek secondary employment, as authorized by the Chief of Police, at any time.

Authorization Process [22.3.4(c)]

Employees must submit a written request to the Chief of Police before commencing any outside employment. The request must include the following information:

1. Name and address of prospective employer;
2. Name of principal and/or part owners;
3. A description of prospective employment duties; and
4. Numbers of hours per week to be worked.

The Chief of Police will review the request and consider the potential for a conflict of interest for any negative impact that the employment may have on the Department.

An employee may be required to submit an Ethics Commission Disclosure of Appearance of Conflict of Interest form to comply with M.G.L. c 268A, §23(b)(3). A letter of authorization and a copy of any Disclosure of Appearance of Conflict of Interest forms shall be filed in the employee's personnel file.

Employee's already working secondary employment on the issuance date of this policy must apply for authorization within 60 days.

⁸ M.G.L. c. 268A, §17(c).

Authorization Conditions

The Chief of Police may approve secondary employment, subject to such conditions or restriction as he deems necessary. Secondary employment authorization is for a particular employee to perform a particular job function for a particular employer.

Duration of Authorization

Authorization for secondary employment is valid until such authorization is suspended or revoked or the employment ceases. Authorization for off-duty employment may be revoked at the discretion of the Chief of Police. Upon revocation, the employee will be notified in writing. **A decision to reject or revoke outside employment may be appealed to the Board of Selectmen.**

Private Paid Details

Officers shall be allowed to work private paid details that are assigned under the direction of the Chief consistent with the CBA. No officer shall be allowed to work any detail that has not been assigned to him by the Department. Officers working paid details are required to adhere to the same standards of conduct as when they are working for the Town of Medfield. The Chief of Police may suspend an officer's right to work details for cause. **[22.3.5 (d)]**