

Multiple jobholding ✓

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Chief of Police, Burlingame
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9:30 A.M.
Police Chiefs' Section

... "MOONLIGHTING" -- METHODS OF CONTROL.

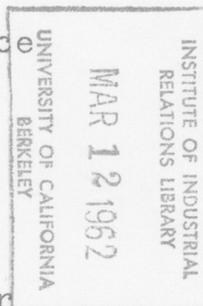
[Address before the League conference] October 24, 1961, ✓

At this point in the panel discussion we have heard two presentations on this controversial subject of moonlighting. We have heard the case stated that off-duty employment can be justified, and we have heard the case stated for the opposite opinion that off-duty employment should not be allowed. We have also heard that according to the League of California Cities Salary Survey of 1961 that nearly nine times as many cities in California allow outside work as those who have an outright prohibition against the practice. With this fact available, that moonlighting, although not desirable, is permitted in the vast majority of Police Departments, we can move on to the question of control.

It appears obvious that the departments permitting this practice must seek to regulate or limit the off-duty work by initiating certain definite controls in the form of ordinances or rules and regulations. Without such control, the privilege of engaging in outside work will most certainly be abused and the Department Head will find he has officers working in full-time, 40-hour a week, outside jobs. Any officer with such a work load is going to neglect one of his jobs--and our concern, of course, as police administrators, is that the police job not be neglected.

The following may be used as guide lines in setting up necessary controls:

[Berkeley, League of California cities] 1961. ✓



1. ORDINANCE OR CIVIL SERVICE RULE STATING GENERAL POLICY.

There are many ways and means of controlling outside employment; of prime importance, however, is the ordinance or rule that establishes the authority itself to control. This may place the authority in a Personnel Board, the City Manager or City Council, or the Chief of Police. The City of Burlingame establishes this authority with a Civil Service Rule as follows:

"Outside employment by a City Employee shall be a privilege subject to the approval of the City Manager or the Department Heads which he may designate."

2. DEPARTMENTAL ORDER DETAILING GENERAL POLICY.

The Departmental Order may include any or all of these controls:

A. Work Permit Required.

No officer should be allowed to engage in any outside employment without first obtaining a Work Permit Form. This procedure requires a written application by the officer to obtain the permit and allows the issuing authority an opportunity to evaluate each case on its own merits. Permits are valid for a specific time, usually not to exceed 6 months, and in the event of changes in employment, such as, change of employer, change of location of employment, change of type of work, etc., a new application must be submitted. The permit should authorize only such work as is specifically designated on the permit.

B. Types of Work Allowed.

Each request to engage in outside work should be considered individually, but certain types of work are incompatible and should be so designated in the Departmental Order and listed as prohibited. Included would be any employment which will tend to bring the department into disrepute, any employment requiring affiliation, membership or allegiance tending to influence the officer's conduct in a manner inconsistent with the proper discharge of his duties as a police officer, any business where the manufacture, transportation or sale of liquor is the principal business, any business requiring the service of civil process, or any business in which he may avail himself of his access to police information, records, files or correspondence.

C. Hours of Work.

A ceiling on the number of hours permitted on outside work should be established. Twenty hours per week would seem to be the maximum possible without affecting the officer's efficiency on his police job.

D. Waiver Regarding Injury.

The application form should include a waiver in regards to injuries occurring in outside employment, such as:

"In consideration of the granting of approval for this outside work the undersigned expressly and specifically waives any and all rights which the undersigned may now or hereafter have against the City of Burlingame and/or the California State Employees' Retirement System as to disability caused or arising out of the employment for which this request is made.

"The undersigned further agrees that in the event the undersigned receives any Workmen's Compensation benefits under the provisions of the Labor Code of the State of California because of any injury or sickness caused by or arising out of the employment for which this request is made and because of said injury or sickness the undersigned applies for sick leave from the City of Burlingame, that any sick leave paid to the undersigned shall be reduced by the amount of Workmen's Compensation benefits received because of such injury or sickness."

E. Sick Leave Record.

An officer whose sick leave record indicates the lack of strength to sustain both Departmental and outside employment should not be allowed to engage in outside employment.

3. STRICT ENFORCEMENT OF DEPARTMENTAL ORDER.

In order to ascertain if these controls are effective, certain periodic checks must be made which would include verification of hours and type of work with the employer. Most employers are cooperative in this respect when they realize that Departmental policy regulates outside employment, but in the

event they are not, investigative techniques, that I am sure you are familiar with, must be employed.

All complaints, whether anonymous, or originating from unions, employers, or fellow employees on the outside job, should be thoroughly investigated.

Initiation of these controls can regulate the practice of moonlighting and prevent the abuse of the privilege discussed earlier.

In conclusion, however, we would like to mention one problem inherent to outside work that does not readily lend itself to measurement or control. Answer with me, if you will, these questions: In an officer's eagerness to go off duty on time in order to get to his outside job on time -- How many arrests are not made? How many people are not questioned? How many citations are not written? How many suspicious circumstances are not investigated?