

Multiple jobholding

Edward J. Allen
Chief of Police, Santa Ana, California
October 24, 1961, 9:30 a.m.
Police Chiefs Department

OFF-DUTY EMPLOYMENT SHOULD NOT BE ALLOWED.

[Address before the League Conference] October 24, 1961.

The controversial subject of off-duty employment is one which demands careful study and attention. The problem ought to be thoroughly discussed with the administrative head of the city (the mayor or city manager) and the members of the city council. If possible, an ordinance should be enacted defining the type of employment to be considered and the authority of the Chief of Police as the sanctioning power. The City of Santa Ana has such an ordinance which is presented herewith:

ORDINANCE: Section 2275 (Outside Employment)

"Employees in the competitive service shall not engage in any employment or sales or service outside of their regular City employment, except with the written approval of the Department Head and consent of the City Manager. Such permission may be granted for intermittent or casual employment in sales, services, or in connection with educational programs, if the request contains a statement as to the nature and frequency of the employment. The Department Head, in approving or denying the request, shall state whether or not such employment will, in his opinion, interfere in any way with the proper performance of the employee's duties, and said application shall be denied by the Department Head or City Manager if he has reasonable cause to believe that such outside employment will be inconsistent, incompatible, or in conflict with his duties as a City employee and shall so state his reasons for denial and such reasons shall be stated in writing by the Department Head or City Manager. Permission to engage in outside employment will be granted for a period not to exceed six (6) months and any extension will be considered a new case. The Personnel Board may, upon request of the employee, review any action taken pursuant to the provisions of the Section and report its findings to the City Council and the City Manager."

INSTITUTE OF INDUSTRIAL RELATIONS LIBRARY
MAR 12 1962
UNIVERSITY OF CALIFORNIA BERKELEY

Whether or not an ordinance exists, the key words which the police chief executive ought to consider in connection with

[Berkeley, League of California cities] 1961.

outside employment are INCONSISTENCY, INCOMPATIBILITY, and CONFLICT with police duties. Using this criteria, almost all types of "outside" employment would seem to be precluded with the exception of services in "connection with educational programs." Certain types of "sales" with respect to home-centered hobbies and talents might likewise be considered.

Most "outside jobs" naturally tend towards the development of employer-employee loyalties, and dual allegiance in a police officer is unthinkable. The public interest must ever remain a police officer's sole consideration and this allegiance, this loyalty is paramount and indivisible. In the early years of the century former President Woodrow Wilson put it precisely:

"The obligation of a policeman is as sacred and direct as the obligation of a soldier. He has no right to prefer private advantage to public safety. He is a public servant, not private employee, and THE WHOLE HONOR OF THE COMMUNITY IS IN HIS HANDS."

Some years later former President Calvin Coolidge expanded on the role of a police officer in society:

"The DUTIES which a police officer owes to the State are of the most exacting nature. No one is compelled to choose the profession of a police officer, but having chosen it, everyone is obligated to perform its duties and live up to the high standards of its requirements. To join in that high enterprise means the surrender of much individual freedom. The police officer has chosen a profession that he must hold at all peril. He is the outpost of civilization. He cannot depart from it until he is relieved. A great and honorable duty, to be greatly and honorably fulfilled.

"But there is toward the officer a corresponding duty by the State. It owes him a generous compensation for the perils he endures for the protection of society. It owes him the knowledge of security that is to be his from want in his declining years. It owes him that measure which is due to the great importance of the duties he discharges."

Police requests for outside employment are predominantly economic; i.e., the officer "needs" the extra money. In communities where this is true the remedy lies with the city fathers and not in outside employment. A police officer, like every other employee, is entitled to a fair and decent living wage. Many communities and states in the Union are derelict in their duty to their police officers as witness the pitifully low wages paid in too many sections of the country. Where economic "need" is an actuality "outside" employment requests are more sympathetically understood. However, the assertion of such "need" can hardly be true in California where police officers on local, county, and state levels are paid considerably higher salaries than those paid by other states in the Union. Indeed, police officers from other states have often said that if their salaries were commensurate with those paid in California, they would not seek outside employment.

I wonder. It seems to me that economic "need" is not always the compelling reason. Rather than "need" I should think that economic "uplift," the raising of living standards would be a more veracious reason. Few would decline the opportunity to make more money no matter how high their regular salary.

Even so, if more money is the underlying cause, why not request additional work on the department itself? Such "inside" work would eliminate the necessity and/or the desire for outside employment. How about forty-eight hours a week instead of forty? Or fifty-six hours instead of forty-eight? Or twelve hours a day rather than eight? This would increase

the paycheck, but I doubt that even the most vociferous advocates of "outside" employment would agree to such proposals. Yet, the rate of pay on their "outside" jobs rarely exceeds that of their day or hourly rate as police officers.

Many types of off-duty employment also retard law enforcement's achievement of professional status. This is not to denigrate "outside" jobs as demeaning in nature. Every type of legitimate gainful employment is ennobling and contributory to the public weal, but all work is not of professional stature or status. In the trades there is an aphorism which states that a "shoemaker should stick to his last." It would seem that such advice is equally sound for the professional man or woman as a matter of dignity, respect, and esteem. Would not doctors, lawyers, engineers, etc., damage their professional prestige, and perhaps even the confidence of their patients and clients if they accepted unrelated "outside" jobs merely to increase their incomes?

Additionally, there appears to be a legal and moral question involved in the "renting" of public police authority for private gain. A public police officer is vested with public authority for the public good and it is highly questionable, both legally and morally, for a police officer to "rent" this public authority for private gain. The public authority vested in him is not his to sell, nor should it be available for hire by private interests. There are private police and patrol agencies specifically licensed for private guard, patrol, protective, and investigative purposes. For a public police officer to enter into outside areas of labor, business, or trades which have no bearing on law

enforcement would, of course, be inconsistent with his duties as a police officer.

To sum up, it appears obvious that:

- a. Most outside employment would engender "outside" loyalties, thus rendering the police officer less objective, hence less efficient and effective in his public duty.
- b. The plea of economic need could be answered by additional work as a police officer on his own department by a six rather than a five-day week, or a ten to twelve rather than an eight-hour day.
- c. Outside employment entails additional health and accident hazards.

The exception is inherent in the sentence: "Such permission may be granted for intermittent or casual employment... in connection with educational programs." Participation in "educational programs" should not be merely permitted, but encouraged. A person learns by teaching. He thereby becomes more knowledgeable and proficient by virtue of the necessity for studious research. Additionally, such participation serves to raise his own professional standards as well as the standards of his department and of law enforcement generally.

All other outside employment which the chief reasonably concludes to be INCONSISTENT, INCOMPATIBLE, or in CONFLICT with regular police duties ought to be denied.