

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS
CHAPTER 202
PERSONNEL

Effective date: 12/18/19

Revision date: 9/16/19

Rescinds: GO 202.5 (6/04/97)

New materials underscored

Accreditation Standards: 22.2.4

OUTSIDE EMPLOYMENT
G.O. 202.5

I. PURPOSE

To establish conditions, limitations, considerations and definitions relating to Outside Employment for sworn and nonsworn personnel.

II. POLICY

The policy of this Department is to provide guidelines to sworn and nonsworn personnel to inform them of the types of outside employment, which are appropriate; and to establish procedures to maintain accountability for the welfare of the Department. These requirements are essential for the efficient operation of the Department and for the protection of the community.

III. DEFINITIONS

DEPARTMENT: The Maui Police Department.

EMPLOYEE: Any member of the Maui Police Department.

EMPLOYER: Any person, firm, business, or corporation other than the Maui Police Department, who desires to employ off-duty employees.

OUTSIDE EMPLOYMENT: Employment of non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

SPECIAL OFF-DUTY EMPLOYMENT: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

IV. AUTHORIZATION

A. Outside Employment may be authorized upon written approval of the Chief of Police, if the employment or activity is within propriety and the employee and/or the Department will not be compromised, nor will the employee's efficiency or the efficiency of the employee's unit or division be affected.

- B. In conformance with the requirements of Article 45, Section B of Unit 12 Agreement, outside employment in sales or securities may be authorized upon written approval of the Chief of Police.
- C. Outside employment shall include enlistment in any military organization such as the Army National Guard, Air National Guard, Army Reserve, etc.

V. PROCEDURES

Any request for authorization to engage in outside employment or activity shall be submitted on MPD Form 702 at least 14 days prior to the anticipated commencement date of employment.

- A. All employees are enjoined from engaging in outside employment until they have received authorization by written approval from the Chief of Police.
 - 1. All requests for authorization shall be completed in its entirety as accurately as possible to insure the validity of each specific request.
 - 2. The employee shall then submit the completed form to his/her commanding officer for comments and/or recommendations.
 - 3. The commanding officer shall then submit the completed forms via official channels to the office of the Chief of Police for final disposition.
 - 4. The employee shall be informed of final disposition as soon as practicable. If approval for the request is denied, the employee shall be provided the reasons for the denial in writing.
 - 5. When outside employment is continuing on a yearly basis, employees are required to re-submit MPD Form 702, 14 days prior to expiration date. In January of each year, an Administrative Order will be distributed to all elements reminding employees of this annual requirement.
 - a. The Outside Employment MPD Form 702 expires one year after the date the Chief of Police authorizes employment.
- B. To ensure compliance with the rules, regulations, and procedures set forth in this general order, all employees are required to re-submit MPD Form 702 for the following conditions:
 - 1. Transfers from one bureau, division, district, section to another.
 - 2. Reallocation to a higher class.
 - 3. Promotion to a higher position.

4. Any changes relative to specified duties, number of hours worked, and position, would invalidate authorization and require the employee to re-submit MPD Form 702.
- C. In the areas of questionable and/or unethical outside employment, the Chief of Police may require employee to submit a disclosure of interest prior to approval to ensure compliance with Article 10, Code of Ethics, Maui County Charter dated 01/01/83.

VI. CONDITIONS OF OUTSIDE EMPLOYMENT

The following conditions shall be applicable to all outside employment:

- A. The employee shall not wear the official police uniform, conduct police investigation or avail himself to official police equipment, records, documents, files or police services, or involve service of civil process.
- B. The employee shall not collect bills, accounts, or use his /her police power for private purpose or a civil nature.
- C. The outside employment shall not involve the sale, mixing, or serving of intoxicating liquor in open containers, or work as a doorman or bouncer.
- D. The outside employment shall not involve the operation of a tavern, bar or other establishment where the business involves the sale, manufacture or distribution for the sale of intoxicating liquor.
- E. The outside employment shall not involve the operation, control or ownership of any taxicab or towing vehicle.
- F. All police officers authorized to perform “Outside Employment” shall not carry their service weapons, supplemental weapons, or other issued equipment while working for any persons, firm, company or corporation other than the Maui Police Department. Only officers assigned to “Special Off-Duty Employment” shall be authorized to carry their service revolvers, supplemental weapons, or other issued equipment, while working for an employer other than the Maui Police Department.
- G. The County of Maui and the Maui Police Department shall not be held liable for any of the employee’s activities directly related to his/her outside employment.
- H. Employees shall not engage in any outside employment, which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.

VII. SALES – CONDITIONS AND RESTRICTIONS

Sales in areas, which may violate ethical standards, will be determined on a case-by-case basis.

- A. Prohibited employment in sales in the following areas:
1. Sales or distributorship of police equipment or personal protective or safety devices either to police personnel or the public.
 2. Sales of any service or commodity to the County of Maui or the State of Hawaii, except those permitted by special duty.
 3. Sales or any form of employment dealing with the sale, distribution, display and/or viewing of obscene or pornographic material, movies, devices or any other product or service which appeals to prurient interest.
 4. Sales or distributorship of security devices, i.e. locks, safes, or alarm systems.
 5. Sales of gambling devices, including pinball machines or any other gambling paraphernalia.
 6. Sales of drugs, narcotics or any narcotic paraphernalia.

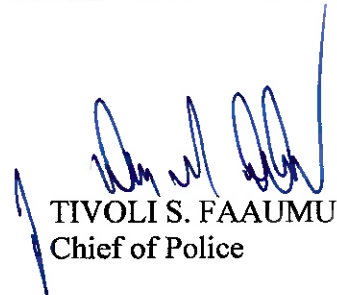
VIII. SECURITY EMPLOYMENT – CONDITIONS AND LIMITATIONS

- A. Employees may accept employment with firms offering security services but may not own, operate or have a financial or domestic interest in such a firm.
- B. While engaged in security employment, employees will not carry or use firearms except when (1) the security employment legally requires that a firearm be carried in the performance of duty, or (2) the employment presently operates with firearms permits approved by the Chief of police. In such cases, the outside employment employer must furnish the firearm, and each employee so employed shall be required to abide by General Order No. 307.1 of the Maui Police Department relating to the issuance of required firearms permits.
- C. Employees engaged in security employment shall not cloak such employment with official police authority, wear an official police uniform, conduct police investigations or avail themselves of official police equipment, records, documents, files, or police services other than the normal “called for services” afforded to the public.
- D. Bodyguard service is not permissible.

IX. GENERAL CONSIDERATIONS

- A. Any employee engaged in outside employment will immediately terminate such employment if the outside employer or parent organization comes under scrutiny or investigation for unlawful, unethical or deceptive activities, and will provide information as required to such scrutiny or investigation.

- B. Under no circumstances will employees use their police status either directly or indirectly to influence the outcome of any transaction.
- C. The conduct of employees in any form of outside employment shall not bring discredit or disrepute upon themselves or the Department.
- D. Each employee shall ensure that outside employment will not interfere with attendance, punctuality, duties or responsibilities as an employee of the police department. An employee is prohibited from performing outside employment whenever on sick or injury leave.
 - 1. There shall be a “six hour rest period” from completion of an outside employment activity to the start of an employee’s regular tour of duty.
- E. An employee engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave the off-duty or special off-duty employment in such situations.
- F. Permission for an employee to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interest of the Department.
- G. Outside employment shall not be confused with Special Off-Duty Employment as defined on page 1 of this directive and in General Order No. 202.4.
- H. Violation of any of these provisions may result in the withdrawal of approval of outside employment and/or disciplinary action.
- I. Any disagreement on the application for outside employment shall not be subject to the provisions of Article 32, Grievance Procedure, Unit 12 Agreement. Instead, resolution of said agreement shall be through appeal to the Mayor in the County of Maui. The decision of the respective agent or agencies shall be final and binding on the parties. Civilian employees shall adhere to the grievance procedures defined in their respective Bargaining Unit Agreements for the Hawaii Government Employees Association and the United Public Workers.


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