

12 OFF DUTY EMPLOYMENT/ACTIVITIES

Department Order #: 04-09 (Previously issued under #s 39-07 and 31-02)

A. POLICY STATEMENT

1. This policy is established in accordance with Section 56(2) of the Nova Scotia *Police Act*. The purpose of this policy is to set forth guidelines to govern off duty employment and activities by members of the Halifax Regional Police.

B. DEFINITIONS

1. Application: means a written request in the approved format from a member to the Chief of Police, for permission to engage in off duty employment or activity.
2. Conflict of Interest: means a conflict between an officer's personal and/or business interests and their responsibility and/or duty as an officer of the HRP and includes actual or perceived conflicts and those situations which have potential to be actual or perceived conflicts, those which will bring discredit on the reputation of the Halifax Regional Police or undermine the public confidence in same. A conflict of interest can exist whether or not a member is receiving a direct salary, financial compensation or a benefit.
3. Consent: means written consent of the Chief of Police.

4. Off Duty Employment/Activities: also known as secondary employment/activities is defined as any activity, business, undertaking or calling in which a member participates while not on duty whether or not it involves financial gain or other benefit or consideration. An extra duty assignment is not considered to be off duty employment.

C. POLICY

1. Engaging in any off duty employment/activities without prior authorization from the Chief of Police is prohibited.
2. Approval of a member's off duty employment/activities is contingent on the member being and continuing to be in good standing and may be withdrawn by the Chief of Police at any time for any off duty employment/activities which, in the Chief's opinion, gives or may give rise to a conflict of interest, or potential conflict of interest, or the appearance of a conflict of interest or potential conflict.
3. Members shall not engage in off duty employment/activities that:
 - a. Interfere with or adversely impact, or is likely to interfere with or adversely impact, the performance of duties and responsibilities as an HRP member.
 - b. Place, or is likely to place, the member in a position of conflict of interest. See also **POLITICAL ACTIVITY**.
 - c. the member has an advantage derived from employment as a member of HRP.
 - d. Places the member in violation of any section of the Code of Conduct and Discipline in Part 2 of the *Police Act Regulations*.
4. When the issue of conflict of interest arises as a result of a member's off duty employment/activities, the matter shall be referred to the Chief of Police for review and resolution.
5. Subject to the consent of the Chief of Police, a member may invest in a business or venture other than those prohibited, and may accept off duty employment in an occupation other than those prohibited, providing the member's:
 - a. Participation does not create a conflict of interest with his/her duties as a peace officer or is likely to do so.
 - b. Participation in the business, venture or employment is not obtained as a result of being employed as a member of the HRP.

- c. Effectiveness and performance as a peace officer is not adversely affected.
- d. Position as a peace officer is not demeaned.
- e. Participation does not constitute full-time employment.

6. HRP members will not, either inside or outside the Halifax Regional Municipality:

- a. Invest in any of the following businesses or ventures or accept employment in any of the following occupations:
 - i. bill collector;
 - ii. security guard or other security work;
 - iii. taxi or limousine driver, or the owner or operator of a taxi or limousine service;
 - iv. owner, operator or employee of an establishment in which alcohol is consumed and/or in which gambling occurs;
 - v. insurance adjustor or investigator;
 - vi. private investigator;
 - vii. escort, as an employee of an escort agency;
 - viii. process server;
 - ix. armoured car driver or guard;
 - x. body guard;
 - xi. any occupation which requires the member to be armed except when police officers who are members of the Canadian Forces Reserves actively engaged in military training or performing a peacekeeping role are covered by the HRP policy on **Military Leave**;
 - xii. offering a service, advice or consultative direction including crime prevention/intervention. home security and/or business/personal security.
- b. Carry out volunteer activities in a capacity prohibited by C6(a) above.

7. Members are prohibited from bidding on and/or accepting any HRM contracts for services as part of any off duty employment/activities.
8. C5 above does not prohibit a member from performing, in a private capacity, off duty employment/activities that have been approved by the Chief of Police.
9. In cases of an emergency, all members are subject to call-out and are expected to leave their off duty employment/activity and immediately report for duty as directed.
10. Members who are off duty due to sickness or injury:
 - a. Are prohibited from engaging in off duty employment/activities during the period of their illness/injury, except with special permission of the Chief of Police.
 - b. May only resume their off duty employment/activity after they have returned to full operational duties.
11. Any violation of this section shall be treated as a disciplinary default and dealt with accordingly.
12. All off duty employment/activities approved by the Office of the Chief of Police must be renewed annually on January 1 of each calendar year and in accordance with the **APPLICATION PROCESS** outlined within this section.

D. APPLICATION PROCESS

1. No member shall begin or continue to perform off duty employment/activities unless and until the member has submitted an application and received the consent of the Chief of Police. Applications for off duty employment/activities shall be submitted in writing by the requesting member to the Office of the Chief of Police via his/her Divisional Commander/Section NCO.
2. Applications to engage in off duty employment/activities shall include full particulars of the employment/activity including but not limited to:
 - a. Name, address, employer and business owner if the off duty employment/activity is as an employee.

- b. If the employee is involved in a partnership, business venture or company and/or as an officer or shareholder. If advising of the latter, all shareholders' names and dates of birth.
 - c. Nature and location of the employment/activity, including if the employment/activity is as an outside contractor.
 - d. Expected hours of work. If an independent contractor, the manner of obtaining work and the expectations of the work commitments on an annual basis.
 - e. Any additional information to assist the Chief of Police with this decision.
 - f. Where a partnership, business venture or company is involved, the list of all clients and current contracts. Any new client relationship/contract secured following approval of an application/renewal will promptly require subsequent disclosure be made to the Office of the Chief of Police.
3. The Chief of Police may approve, deny or approve with restrictions any application for off duty employment/activities.
4. Any changes between renewals to the ownership or nature of a member's off duty employment/activities shall be reported promptly to the Office of the Chief of Police in writing. The Chief may then continue or rescind the authorization.

E. MEMBER

1. Any member who:
 - a. Is engaged in off duty employment/activity or is involved in a business or other venture which has not received consent of the Chief of Police or which is prohibited by this policy shall immediately terminate employment or dispose of their investment unless and until a formal application has been submitted to the Chief of Police and received approval.
 - b. Has previously received approval to engage in off duty employment/activities, shall submit an application for renewal of such authorization in accordance with the normal application process as stated within this section. Where a member has any doubt whatsoever, it is

incumbent on him/her to seek clarification from the Chief of Police.

2. A member shall not:

- a. Receive, accept or make telephone calls or other communications, including pager messages, related to off duty employment/activities during hours of work for the HRP.
- b. Under any circumstances, use any HRP resources to assist them in carrying out any function related to an approved off duty employment/activity. This prohibition includes but is not limited to the use of HRP computer equipment, photocopiers, telephones, fax machines, pagers and vehicles.
- c. Advertise off duty employment/activities on any police uniform, on the member's person or in HRP buildings at any time.
- d. Wear any articles of the issued HRP uniform while engaged in off duty employment/activities.
- e. Identify themselves through words or images as a police officer while engaging in any business related to off duty employment/activities, or attempting to secure employment or business related to an activity, or while advertising relative to off duty employment, without the consent of the Chief of Police.
- f. Discuss their off duty employment with any member of the public or any other HRP member during their or the other member's hours of work for the HRP.
- g. While on duty or while identifiable as a member of the HRP and off duty, solicit, entice or encourage any member of the public or any other HRP member to join or become involved in their off duty employment/activities.

3. Members are responsible to ensure:

- a. That no conflict of interest exists at any time as a result of their participation in off duty employment/activities.

- b. They notify the Chief of Police immediately in writing of any changes to the information supplied in their application/renewal for off duty employment/activities or the development of any potential conflict of interest. Failure to make this notification may result on cancellation of the original approval and/or disciplinary action.

F. DIVISIONAL COMMANDER/SECTION NCO

1. Upon receipt of an application for approval/renewal of off duty employment/activities, the requesting member's Divisional Commander/Section NCO shall forward the original copy of the application/renewal to the Office of the Chief of Police and may, at that time, include his/her comments or recommendations with respect to the application/renewal.

G. CHIEF OF POLICE

1. The Chief of Police shall:
 - a. Consider an application from a member to engage in off duty employment/activities and shall either:
 - i. approve or deny the application; or
 - ii. approve the application with such restrictions as are deemed appropriate in order that such off duty employment/activity does not adversely affect the performance of the member in this discharge of his/her duties as a member of the HRP.
 - b. Not authorize off duty employment/activity:
 - i. likely to bring discredit upon the member and/or HRP;
 - ii. which by its very nature, could diminish the member's physical and/or mental ability to discharge his/her duty responsibly, safely and efficiently in keeping with officer safety and professional requirements;
 - iii. which falls within the list of prohibited activities in this section.

- c. Notify a member in writing of the decision and forward the original application to Human Resources for inclusion in the member's Personnel File.
2. The Chief of Police may at any time rescind approval for off duty employment/activities if it is determined by the Chief that:
 - a. The granted privilege has become a contravention of the *Nova Scotia Police Act or Regulations*.
 - b. A conflict of interest exists.
 - c. The performance of the duties of a member is adversely affected.
3. Where an order is made rescinding off duty employment/activity, the Chief shall allow the member sufficient time for efficient withdrawal from the off duty employment/activity.