

HONOLULU POLICE DEPARTMENT
POLICY
HUMAN RESOURCES AND TRAINING

March 27, 2019

Policy Number 3.19

OUTSIDE EMPLOYMENT

POLICY

Employees of the Honolulu Police Department shall be guided by this directive in regard to outside employment.

PROCEDURE

I. **DEFINITIONS**

Employee: an officer, recruit officer, or civilian employee of the department.

Officer: a member of any metropolitan police classification or helicopter pilot.

Outside employment: any activity engaged in by an employee for direct or indirect payment or compensation of any kind except (1) work for the department, (2) special duty, and (3) the investment of the employee's own money for personal gain. All other forms of business and professional activity are regarded as outside employment.

II. **GENERAL CONDITIONS**

- A. Outside employment must be authorized by the Chief of Police or a designee.
- B. The Chief of Police or designee shall act on each outside employment request.

Employees not covered by the Unit 12 collective bargaining agreement may request an advisory opinion from the Honolulu Ethics Commission; this opinion will be considered by the Chief of Police.

Employees covered by the Unit 12 bargaining agreement may appeal the Chief's decision to the Honolulu Ethics Commission. In accordance with the bargaining agreement, the decision of the Honolulu Ethics Commission shall be final and binding.

- C. The Human Resources Officer may act for the Chief of Police on:
 - 1. Any request that involves only a change in the employer or in the nature of the work being performed by an employee who has previously been authorized to engage in that employment; and
 - 2. Any new request for outside employment where there is a precedent for approval of this sort of activity and the request has the approval of the employee's bureau chief.

- D. Element commanders should periodically evaluate the duty performance of their employees who engage in outside employment. Any failure to perform departmental duties satisfactorily may result in revocation of the employee's outside employment privilege.

III. SUBMISSION OF FORMS

- A. The Outside Employment Request e-form shall be submitted each time that:
 - 1. An employee undertakes a new kind of outside employment;
 - 2. An employee continues in a previously authorized kind of employment, but the employee's job description or employer changes; or
 - 3. An employee or a member of the employee's immediate family (one related by blood or marriage and living under the same roof) gains a financial or controlling interest in a business organization that has sought approval from a city agency for an official action of the organization during the previous twelve months.

- B. The e-form shall be submitted at least five business days prior to the expected start of the employment for which the employee is seeking approval.
1. The employee shall describe the desired employment in sufficient detail to permit a judgment about its suitability to be made.
 2. The employee shall submit the completed e-form to his or her element commander, who shall make a preliminary recommendation about the suitability of the employment.
 3. The element commander shall submit the e-form to the Human Resources Officer for a final determination.
 4. The Human Resources Officer shall either inform the employee of the final determination as soon as practicable or forward a recommendation regarding the request to the Chief of Police or designee for a final determination.
 5. An employee may not engage in outside employment before receiving written authorization to do so.
- C. The Outside Employment Request e-form is also required under other circumstances.
1. An e-form shall be submitted each time that:
 - a. A business organization in which an employee or member of the employee's immediate family has a financial or controlling interest and which is expected to be involved in any official action to be taken by the employee; and
 - b. An employee anticipates a change of the sort described in sections III A or III C 1 a above.

2. The Human Resources Officer may also require an employee to submit an e-form for the following:
 - a. Transfer from another city department to the Honolulu Police Department;
 - b. Reallocation to a higher position classification;
 - c. Promotion to a higher rank; or
 - d. Transfer from another jurisdiction.
- D. Employees engaged in seasonal or periodic employment (e.g., college instructors) need not submit a new outside employment request for such work unless there is a change of the sort described in section III A above.
- E. An employee who terminates work with an employer shall submit notification of the fact within five business days of termination to the Human Resources Officer via an Outside Employment Request e-form.
- F. Newly hired employees who do not have e-form access may submit the Outside Employment Request, HPD-334 form; and Disclosure of Interest by Officers and Employees, CC-8 form, with the Human Resources Division (HRD) at the time of hire.

IV. GENERAL LIMITATIONS ON OUTSIDE EMPLOYMENT

- A. Outside employment must not be inconsistent or incompatible with the employee's duties and responsibilities with the department and must not interfere with their proper discharge.
- B. Outside employment must not conflict with the Standards of Conduct established by the Revised Charter of Honolulu or the department, with the appropriate collective bargaining agreement, or with any provision of this or any other departmental directive.

- C. Employees shall not invest their outside employment with police authority. While engaged in outside employment, they shall not wear departmental uniforms, conduct departmental investigations, or make use of departmental equipment; records; documents; files; or services (other than the normal "called-for" services provided to the public).
- D. An officer may not carry or use firearms except when (1) it is legally required that a firearm be carried in the performance of duty or (2) the employer has current written authorization from the Chief of Police for the officer to carry firearms (see section 15-6 of the Rules of the Chief of Police). In either case, the employer must furnish the firearms and the officer must (1) disclose the need to carry a firearm and (2) obtain written authorization from the Chief of Police or the commander of the HRD to carry firearms in the performance of the outside employment.
- E. Specific limitations will be found in sections V to IX below.

V. WORK FOR THE CITY

The Revised Charter of Honolulu bars any full-time employee of the city from being employed by the city in any other capacity, either on a part-time basis or on a personal service contract.

VI. WORK FOR THE LEGISLATURE

- A. It is the policy of the City and County of Honolulu not to grant leaves of absence to city employees to work for the Hawaii State Legislature. It is reasoned that prolonged absences by city employees for such work create problems in scheduling work and increase the burden on other employees.
- B. Exceptions may be granted in isolated instances where it would be in the best interest of the city to permit an employee to work for the Hawaii State Legislature.

1. Requests for such leaves of absence shall be screened by the Chief of Police, who will recommend to the Mayor those who appear likely to be of material benefit to the city.
2. Each exception to this policy must be approved by the Mayor.

VII. SERVICE IN MILITARY ORGANIZATIONS

- A. A request to serve in a military organization (e.g., reserves or national guard) shall not be denied unless the result would be to exceed the limits set for military service within the department and its elements.
- B. No more than five percent of the total personnel authorized for the department, a division, or other element may belong to military organizations at one time.
- C. If a request to join a military organization will cause the five-percent limit to be exceeded, the requesting employee shall either transfer to another element where military service is possible or postpone joining the organization.

VIII. EMPLOYMENT OF OFFICERS IN SALES AND SECURITY

A. General Limitations

1. In accordance with the provisions of the Unit 12 bargaining agreement on outside employment, officers may seek approval for employment in sales or security work as long as the employment meets the criteria set forth in section IV above.
2. Officers must not use their police status, either directly or indirectly, to influence the outcome of any business transaction.

3. Officers must immediately terminate any outside employment if the employer or employer's parent organization comes under investigation or official scrutiny for unlawful, unethical, or deceptive practices. In addition, officers must provide such information as may be required to assist in the investigation or scrutiny.
4. Violation of any of the requirements listed or cited above may result in rescission of an officer's outside employment and/or disciplinary action.

B. Limitations on Sales Employment

1. Employment in the following is prohibited:
 - a. Sale or distribution of police equipment or personal protection or safety devices, either to police personnel or the public;
 - b. Sale or distribution of security devices, e.g., locks, safes, or alarms;
 - c. Sale of any service or commodity to city or state agencies, except those presently permitted by special duty;
 - d. Sale or any other form of employment dealing with the distribution, display, or viewing of obscene or pornographic material or devices or with any other product or service that appeals to prurient interest;
 - e. Sale, distribution, or service of gambling devices, including pinball machines, or any other gambling paraphernalia; and
 - f. Sale of drugs, narcotics, or any narcotic paraphernalia.
2. The propriety of employment in other sales areas will be determined on a case-by-case basis.

C. Limitations on Security Employment

1. Officers may be employed by firms offering security services. However, they shall not own, operate, or have a financial interest in such a firm nor shall they donate their time or services to one.
2. Officers employed in security work shall not provide bodyguard service.

IX. REAL ESTATE BROKERAGE AND SALES

Employees applying for outside employment involving real estate brokerage or real estate sales shall attach a signed copy of the Real Estate License Disclosure, HPD-334A form (see the attachment), when submitting their Outside Employment Request e-form. The original HPD-334A form shall be forwarded to the HRD. By signing the HPD-334A form, employees are acknowledging and attesting to abide by the mandates of Sections 11-102, 11-103, and 11-104 of the Revised Charter of the City and County of Honolulu.

X. RESERVE OFFICERS

- A. The above restrictions on outside employment do not apply to reserve officers. However, reserve officers shall notify the HRD commander of any change in their employment.

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- B. The Chief of Police has the authority to prohibit reserve officers from engaging in employment activity that may conflict with departmental duties, responsibilities, or image.


SUSAN BALLARD
Chief of Police

Attachment

Post on bulletin
board for one week

Policy first issued
March 29, 2002

REAL ESTATE LICENSE DISCLOSURE

NAME:

ID#:

ELEMENT ASSIGNED:

POSITION:

REAL ESTATE LICENSE TYPE AND NUMBER:

NON-CITY EMPLOYER AND NATURE OF DUTIES (IF APPLICABLE):

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STATEMENT OF UNDERSTANDING AND COMPLIANCE:

I understand that under the Standards of Conduct embodied in Article XI of the Revised Charter of the City and County of Honolulu:

1. No elected or appointed officer or employee shall:
 - (a) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.
 - (b) Disclose confidential information gained by reason of such person's office or position or use such information for the personal gain or benefit of anyone.
 - (c) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.
 - (d) Receive any compensation for such person's services as an officer or employee of the city from any source other than the city, except as otherwise provided by the Revised Charter of the City and County of Honolulu or by ordinance.

REAL ESTATE LICENSE DISCLOSURE (cont.)

- (e) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.
- 2. Any elected or appointed officer or employee who possesses or who acquires such interests as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to such person's appointing authority and to the ethics commission, at any time such conflict becomes apparent. Such disclosure statements shall be made a matter of public record and be filed with the city clerk.
- 3. Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

I attest that I have read and understood, and that I am in compliance with the foregoing Standards of Conduct. I further attest that my compliance with these standards and Honolulu Police Department Policy 3.19, OUTSIDE EMPLOYMENT, is a condition to my being permitted to hold an active real estate license during my employment or appointment as a city officer or employee.

Signature

Date/Time

A signed copy of this form shall be submitted with the Outside Employment Request e-form. The original shall be forwarded to the Human Resources Division.