

ENROLLMENT(S)

(5)

kwiktag®

062 317 516



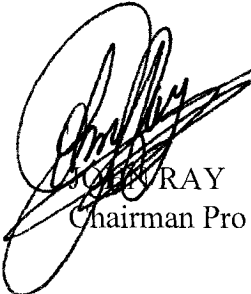
COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-151

"Police Officers Outside Employment Amendment Act of 1996"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-259 on first and second readings, April 2, 1996 and May 7, 1996 respectively. Following the signature of the Mayor on May 20, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-268 and published in the May 31, 1996, edition of the D.C. Register (Vol. 43 page 2838) and transmitted to Congress on June 7, 1996 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-151, effective July 26, 1996.



JOHN W. RAY
Chairman Pro Tempore

Dates Counted During the 30-day Congressional Review Period:

June 7,10,11,12,13,14,17,18,19,20,21,24,
 25,26,27,28

July 8,9,10,11,12,15,16,17,18,19,22,23,24,25

AN ACT
D.C. ACT 11-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 1996

To amend the Regulation Enacting the Police Manual for the District of Columbia to increase outside employment opportunities for members of the Metropolitan Police Department so as to provide enhanced protection to District of Columbia residents and businesses against criminal activities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Police Officers Outside Employment Amendment Act of 1996".

Sec. 2. Section 2.5 of the Regulation Enacting the Police Manual for the District of Columbia, issued January 14, 1972 (Reg. 72-2; 18 DCR 417), is amended to read as follows:

DCMR

" 2.5 Outside employment.

" 2.5:1 Definitions.

"For the purposes of this section, the term:

"(a) "Non-police related outside employment" means any employment of a member of the Metropolitan Police Department ("MPD") or any business conducted by a member which is not predicated on the actual or potential use of the member's law enforcement authority.

"(b) "Off-duty activity" means any personal endeavor during off-duty hours which does not involve the member of the MPD in work as an employee or work as a supervisor of employees, and which is not outside employment.

"(c) "Police-related outside employment" means any employment of a member of the MPD, during off-duty hours, which is conditioned on the actual or potential use of the member's law enforcement authority.

" 2.5:2 Conditions for outside employment.

Members of the Metropolitan Police Department ("MPD") may engage in outside employment during their off-duty hours, provided the following conditions are met:

"(a) An employer who complies with all provisions of this act may elect to retain the services of a member or members who were working for that employer as of April 1, 1995, in an approved outside employment capacity.

"(b) Participation in the police-related outside employment program is voluntary and at the member's option.

ENROLLED ORIGINAL

"(c) Only members who have completed their probationary period may engage in police-related outside employment.

"(d) No member whose police powers are suspended or revoked may engage in police-related outside employment.

"(e) Members who engage in police-related outside employment must comply with all laws and directives of the Chief of Police as if the member was on duty and in the performance of duty.

"(f) When engaged in police-related outside employment, a member may wear and use his or her uniform and equipment as if that member were on duty.

"(g) Neither the Chief of Police nor the government of the District of Columbia shall use the authority granted under this section to avoid hiring or retaining career employees as members of the force, or to avoid the normal deployment of on-duty personnel.

"(h) No member of the MPD shall engage in outside employment or off-duty activity which will create a conflict of interest which would constitute a violation of section 1802 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979(D.C. Law 2-139; D.C. Code § 1-619.2), or regulations issued pursuant to that section.

"(i) No member of the MPD shall engage in outside employment in a position that would require access to confidential police records, files, correspondence, or other information not otherwise available to the general public.

"(j) No member of the MPD shall engage in outside employment for more than 30 hours per calendar week unless the member is on annual leave for the entire week, or unless otherwise approved by the Chief of Police.

"(k) Any dispute as to whether a particular outside employment or gift situation creates a conflict of interest shall be determined by means of whatever negotiated grievance procedures, ending in binding arbitration, may be provided for by the operative contract between the MPD and the exclusive representative for the bargaining unit which includes officers and sergeants or, if no such procedures are applicable to the member or are not provided for, by the Chief of Police.

"(l) Every member of the MPD shall be subject to call by the MPD and is required to respond to felonies in progress when employed in outside employment, and agreement to such conditions in writing by the outside employer shall be a condition for employment.

"(m) Any injuries sustained by a member of the MPD in the course of outside employment shall not, under any circumstances, be considered an injury in the performance of duty pursuant to section 12(g) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (71 Stat. 394; D.C. Code § 4-616).

"(n) It shall be a condition of employment for employers to obtain and keep in effect liability insurance in a minimum amount of no less than \$100,000 for outside employers hiring members in police-related outside employment. The purpose of such insurance is to protect the District of Columbia government against liability to third parties arising from the conduct of the

ENROLLED ORIGINAL

member while so employed. The District of Columbia government shall be named as an additional insured on such liability policy, and proof of insurance in a form acceptable to the District of Columbia government shall be furnished to the Chief of Police as a condition of employment. The insurance requirement contained herein may be satisfied by amending the employer's Comprehensive General Liability policy to provide the requisite coverage.

"(o) No member of the MPD may engage in outside employment for any person, firm, or corporation as a private detective, civil process server, or to enforce house rules of establishments which sell alcoholic beverages by the drink.

"(p) Every member of the MPD shall be responsible for his or her MPD uniform and equipment while engaging in police-related outside employment in the manner as when on duty with the MPD, and employers shall contribute an allowance in an amount to be determined by the Chief of Police for repair and replacement of a member's uniform and equipment.

"(q) Outside employers shall reimburse the District of Columbia government for 1/2 the cost of repair of any hand-held radio issued by the MPD and damaged during the course of outside employment.

"(r) The Chief of Police, or his or her duly authorized designee, shall grant written approval for each outside employment situation. The Chief of Police, or his or her duly authorized designee, may grant approval for police-related outside employment. Police-related outside employment is authorized only within the geographical boundaries of the District of Columbia, except for the outside employment of off-duty officers as operators of public vehicles."

Sec. 3. Section 301.1 (a) of Title 6A of the District of Columbia Municipal Regulations (Police Personnel Regulations) (6A DCMR 301.1(a)) is amended by striking the phrase "or operators of public vehicles". DCMR

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

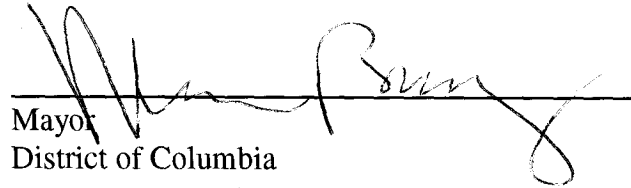
Sec. 5. This act shall take following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

ENROLLED ORIGINAL

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: May 20, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-259

Docket No.

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE☒ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result

ADOPTED FIRST READING, 4-2-96

APPROVED

BRAZIL AND MASON

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Phyllis Jones
Secretary to the Council

5-9-96
Date

☒ ITEM ON CONSENT CALENDAR☒ ACTION & DATE☒ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result

ADOPTED FINAL READING, 5-7-96

APPROVED

ALL PRESENT

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Phyllis Jones
Secretary to the Council

5-9-96
Date

☐ ITEM ON CONSENT CALENDAR☐ ACTION & DATE☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date