

D.C. LAW 4-132

POLICE OFFICERS OUTSIDE EMPLOYMENT ACT OF 1982

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 1982

To increase outside employment opportunities for members of the Metropolitan Police force and 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 Act of 1982".

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

"2.5 Outside Employment

"2.5:1 For purposes of this section, the term 'outside employment' means the engagement in any line of business or the performance at any time for the purpose of obtaining wages, salary, fee, gift, or other compensation, of any work or service of any kind for any person, firm or corporation other than that required by one's official position in the Metropolitan Police Department.

"2.5:2 Members of the Metropolitan Police force may engage in outside employment during their off-duty hours:

PROVIDED, That:

"(a) No member of the force shall engage in outside employment or accept any gift where such action 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, sec. 1-619.2) or regulations issued pursuant to that section.

"(b) No member of the force 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.

"(c) No member of the force may engage in outside employment for more than 24 hours per calendar week unless the member is on annual leave for the entire such week.

"(d) Any injury sustained by a member of the force 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. 291; D.C. Code, sec. 4-616).

"(e) 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 Metropolitan Police Department and the duly recognized employee organization or, if no such procedures are provided for, by the Chief of Police.

"(f) The Chief of Police may issue rules to implement this section.

"(g) 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.

"(h) Except as otherwise provided herein, only a member of the force who has completed his or her probationary period may engage in police-related outside employment, so long as the member's police powers are in effect and he or she complies with all applicable provisions of the D.C. Code and this Manual pertaining to the performance of duties, the law of arrest, and the use of firearms and other weapons. No member 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.

"(i) A member of the force may wear or use his or her Metropolitan Police Department uniform, equipment, including any hand-held radio and any firearm or ammunition issued or approved by the Metropolitan Police Department, when engaged in police-related outside employment.

"(j) Every member of the force shall be subject to call by the Metropolitan Police Department 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.

"(k) No member of the force engaged in police-related employment shall under any circumstances take actions which would be a violation of or conflict with applicable provisions of the D.C. Code or the Manual of the Metropolitan Police Department of the District of Columbia pertaining to their conduct as police officers.

"(l) It shall be a condition of employment for employers to obtain and keep in effect liability insurance in a minimum amount no less than \$100,000 for outside employers hiring members in police-related 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 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.

"(m) Every member of the force shall be responsible for his or her Metropolitan Police Department uniform and equipment while engaged in police-related outside employment in the same manner as when on duty with the Metropolitan Police Department, 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.

"(n) Outside employers shall reimburse the District of Columbia government for one-half the cost of repair of any hand-held radio issued by the Metropolitan Police Department and damaged during the course of outside employment."

Sec. 3. Fourteen months after the effective date of the authorization of police-related outside employment, the Mayor shall make recommendations to the Council of the District of Columbia as to any changes needed in this act.

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (37 Stat. 313; D.C. Code, sec. 1-233(c)(1)).

Source

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. 4-143 on first and second readings, April 27, 1982 and May 11, 1982, respectively. This legislation was deemed approved without the signature of the Mayor on June 2, 1982, pursuant

to Section 404(e) of "the Act", and was assigned Act No. 4-197, published in the June 11, 1982 edition of the D.C. Register, (Vol. 29 page 2450) and transmitted to Congress on June 4, 1982 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 4-132, effective July 24, 1982.