



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 25, 2017

CASE NUMBER: 2017OPA-0216

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.120 Secondary Employment Section III. Time and Compensation	Sustained
# 2	5.120 Secondary Employment Section IV. Secondary Employment Permit (form 1.30)	Sustained

Imposed Discipline

Written Reprimand

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

An Anonymous Complainant brought allegations that Named Employee #1 (NE#1) "continuously violated the departmental rules and regulations regarding working off duty." During intake, OPA discovered that NE#1 did not have a work permit for at least one of his off duty employers and had worked more than 64 combined hours in a week in violation of SPD policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.120 Secondary Employment Section III. Time and Compensation

Manual Policy 5.120(III) prohibits SPD employees from exceeding 64 work hours per week when secondary employment and regular work hours are combined.

At his OPA interviews, NE#1 admitted that he exceeded the 64 hours of combined work for the weeks of February 5, 2017 through February 11, 2017 (see Second OPA Interview, at p. 11), and February 19, 2017 through February 25, 2017. (See Second OPA Interview, at p. 12, 17.) This admission was consistent with records obtained by OPA, which indicated that NE#1 worked at least twenty hours over the permitted amount in both weeks.

While I commend NE#1 for being forthcoming at his OPA interviews and I credit his assertion that he is now better monitoring his secondary employment and not exceeding the combined hours requirement, his conduct was in violation of policy.

As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**



Named Employee #1 - Allegation #2

5.120 Secondary Employment Section IV. Secondary Employment Permit (form 1.30)

SPD policy requires officers who seek secondary employment to fill out a secondary employment form and mandates that the form be approved by the employee's chain of command and by the captain of the precinct in which the work is to occur. (See 5.120(IV)(C) – (D).) The employee may only perform the secondary work authorized by the permit. (See 5.120(IV)(E).) Permits last for one year, after which they expire. (See 5.120(IV)(F).) If an employee seeks to continue secondary work, the employee must submit a new permit for approval. (See *id.*) Notably, “[e]mployees are responsible for ensuring that their permit is renewed annually and is current.” (See 5.120(IV)(F)(2).)

An initial search of SPD Human Resources’ records did not yield permits for either Sellen Construction or Cannon Construction, both of which NE#1 admitted working for. At his OPA interview, NE#1 provided a signed and approved permit for the work for Sellen Construction, but did not provide a valid permit for Cannon Construction. NE#1 stated that he provided the permit to his supervisor for approval, but that he did not recall receiving the signed and approved version back. NE#1 stated that normally he kept signed and approved permits in his locker. While NE#1 provided OPA with an unsigned version of the permit, which he obtained from his personal computer, he did not produce a signed and approved version and no such document could be located.

Given that NE#1 did not have a valid work permit for his secondary employment with Cannon Construction, that off duty work was in violation of SPD policy.

As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**