

DIRECTIVE 22.2 CONDITIONS OF WORK

Issue Date: 09/04/2020	By Order of Chief of Police
Rescinds: (Issue 04/29/2020)	CALEA Standards
Pages: 7	Referenced: 22.2.1; 22.2.2; 22.2.3; 22.2.4 & 22.2.5

This directive consists of the following sections:

- [22.2.1 Physical Examinations](#)
- [22.2.2 General Health and Physical Fitness](#)
- [22.2.3 Fitness and Wellness Program - Elected 20%](#)
- [22.2.4 Off-Duty Employment](#)
- [22.2.5 Extra-Duty Employment](#)

POLICY & PROCEDURE

This directive describes agency policy regarding physical examinations for employees. Employees are encouraged to schedule comprehensive physical examinations and or fitness evaluations periodically to monitor and maintain a general level of health and fitness that allows them to perform their duties. Sworn personnel are encouraged to maintain a level of fitness no less than the entrance level fitness criteria of the department.

This directive defines the circumstances under which an employee may be employed in an off-duty or extra-duty capacity and the regulations therein.

[22.2.1 Physical Examinations](#)

The department may require an employee, at periodic intervals, to submit to a physical or psychological examination to confirm the employee's fitness to their duties; and to make the results of the examination available to the department. If required, these examinations shall be in compliance with the Collective Bargaining Agreements, Article 28, Section 28.1 C. and the Miami Township Policies & Procedure Manual. Section III, 3.6 & 3.9 F

The department may also require a fitness evaluation if an employee's fitness appears to be substandard to the entrance level criteria or if the employee demonstrates an excessive use of sick leave or the employee appears not to be able to perform the required job functions of their position.

Physical examinations and or psychological evaluations required by the department will be provided at no cost to the employee.

These examinations/evaluations may amount to additional testing at an otherwise routine physical examination or may involve additional complete examinations by a physician.

Regardless of the nature of, the frequency, extent or duration of the examinations/evaluations, if the department requires these examinations/evaluations, the cost shall not be charged to the employee.

The department shall request the provider of examinations/evaluations to make recommendations for the improvement of the employee's fitness based on the examination/evaluation.

The department shall require entry level/lateral entry candidates for the position of police officer to submit to medical and psychological examinations and meet the required standards as set forth in the departments' selection criteria for such position.

It is the policy of the Miami Township Police Department that the public has the absolute right to expect persons employed by Miami Township to be free from the effects of drugs or alcohol. Miami Township does participate, at the employer's cost, in Random and Reasonable Suspicion Drug and Alcohol Testing. This testing shall be in compliance with the Collective Bargaining Agreements, Article 38 and the Miami Township Policies & Procedure Manual, Section IV, 4.4.

22.2.2 General Health & Physical Fitness

The criteria for general health and fitness to be maintained by sworn employees shall reflect entrance level criteria for the department.

The Township recognizes the need to promote physical fitness among its Employees to maintain health, wellness and fitness for duty. To accomplish this goal, the Township has established a physical fitness program available to all eligible employees. Eligible Employees shall include full-time and permanent part-time employees of the Township. The Township will reimburse eligible Employees for membership at any fitness facility with the following conditions:

- The eligible Employee is responsible for any fee related to membership and monthly fees.
- The Township will reimburse an eligible Employee for up to \$20 of the monthly dues provided that:
 - Eligible Employees submits a reimbursement form to their Department Head with the following attachments:
 - A copy of the contract with the fitness facility that clearly states the monthly fee charged by the facility.

- A written attendance report generated by or provided by the fitness facility, on their letterhead signed by an owner or manager that documents the eligible Employee attended the facility at least eight 8 times per month on separate days.
- At no time will the eligible Employee be reimbursed more than the actual monthly dues charged by the fitness facility the eligible Employee attends.
- The reimbursement is considered part of the eligible Employee's annual compensation and is taxable income.
- Eligible employees cannot attend an off-site fitness facility while on duty.
- Prior to enrolling in a fitness program eligible Employees must provide a written document from their physician that they may engage in strenuous physical fitness activity. The eligible Employee must also sign the Bureau of Worker's Compensation Waiver of Worker's Compensation Benefits for Recreational or Fitness Activities for reimbursable time spent at a fitness facility. Eligible employees must provide a copy of the fitness facility contract to their Department Head at the time of enrollment and at any time there is a change to the terms of the contract.
- The Board of Trustees may revise or terminate this program at any time.

22.2.3 Fitness and Wellness Program – Elected 20%

Miami Township Police Department has elected this as a 20% Standard for the Fitness and Wellness Program.

22.2.4 Off-Duty Employment

Off-duty employment shall mean secondary employment of the off-duty type; that is outside employment wherein the use of law enforcement power is not anticipated. Off-duty employment is not scheduled through the police department nor directly related to the employee's position with the Miami Township Police Department.

Personnel engaged in off-duty employment shall conduct themselves in a manner that shall not bring discredit or ridicule to the employee or the Miami Township Police Department. Personnel engaged in off-duty employment shall not allow such employment to conflict with their department schedule, work assignments or other required department activities. Personnel will be expected to be reasonably available for emergency mobilization and overtime assignments.

Miami Township personnel may not engage in any of the following secondary employment situations:

- As a process server, repossession work, bill collector, bail bondsman, private investigator or in any other employment or in any capacity where police authority or access to confidential or restricted information could potentially be used to collect money, locate individuals or seize merchandise for private purposes or to satisfy a civil claim.
- At any establishment that has as its principal source of income the sale of alcoholic beverages, as a bartender, waiter/waitress in a liquor permit premise, or as a sales clerk for liquor or lottery tickets, or as a ‘bouncer’ in any liquor permit premises. This does not include one time events such as a dances or festivals.
- In any activity in which an employee functions in another aspect of the criminal justice system: probations officer, corrections officer, county court bailiff, etc.
- At any other activity herein specifically defined where, in the opinion of the Chief of Police, there could possibly be a law enforcement agency obligation for enforcement activity or the potential for a conflict of interest.

Prior to engaging in any off-duty employment, an employee must submit a secondary employment permit for approval. Completed secondary employment permits shall be submitted to the Administrative Assistant, who will review the form for completeness and accuracy. The Administrative Assistant will be responsible for the verification of any information contained in the secondary employment permit. After review, the Administrative Assistant shall submit the permit to the Chief of Police for final approval.

Whenever there is a change in the source or amount of compensation, or in the nature of work or the type of work conditions, it is the responsibility of the employee to notify the Administrative Assistant in writing of the specific change. This shall be accomplished via a new secondary employment permit request.

Annually, all approved secondary employment permits issued during the previous twelve month period will be reviewed by the employee and the Chief of Police. This will normally occur in January of each year. The Chief of Police shall renew or revoke all secondary employment permits at this time.

A secondary employment permit may be denied or not renewed for any of the following reasons:

- A determination that the nature of the employment poses a conflict of interest with the primary duties of the employee or the department.
- If the employment could involve the potential exercise of police authority or access to confidential information, and/or a determination that jurisdiction may be questionable or that the exercise of police powers may be inappropriate.
- Reasonable grounds to believe that the type of work, or amount or duration of hours will affect the employee’s ability to perform primary duties while working for the Miami Township Police Department, including required overtime and court appearances.
- Failure of the employer to include the employee on their worker’s compensation contract.

- The presence of a risk that the public image of the police department could be compromised.

An off-duty employment permit may be immediately revoked by the Chief of Police for any of the following reasons:

- Any change in a condition of the original application.
- A strike, labor dispute or other change of the off-duty employer's place of business that has the potential to place the employee in a vulnerable or controversial situation.
- Revocation as disciplinary action taken by the Chief of Police.
- Emergency mobilization of off-duty personnel.

22.2.5 Extra-Duty Employment

Extra-duty employment shall mean secondary employment wherein the actual or potential use of law enforcement powers is anticipated. Extra-duty employment is scheduled by or through the Miami Township Police Department. Extra-duty employment requires a secondary work permit and compensation for services are paid by the outside employer directly to the officer at a rate of pay set by the police department.

Officers working extra-duty assignments are subject to all directives, rules, regulations, policies and procedures currently in effect by the Miami Township Police Department and are subject to disciplinary action by the department for infractions of these.

Officers working extra-duty assignments will conform to the same standards of conduct as applies to their on-duty activities. This specifically includes the requirement that the law is obeyed, that criminal violations are enforced and that officers are not bound by private rules or restrictions that an employer may wish to enforce for their own purpose.

Unless a sworn supervisor is engaged in working an extra-duty assignment or otherwise designated by the Chief of Police, the on-duty supervisor is responsible for supervision of officers assigned to any police service within Miami Township.

The Chief of Police maintains the authority to determine the number of officers, the amount and type of equipment and supplies necessary to perform any assignment or extension of police services.

Police officers must immediately document any of the following incidents that occur during extra-duty employment. Such documentation shall be in accordance with department policies and procedures.

- Any occasion where an arrest is made or force of any kind is used.
- Any violation of criminal law or serious traffic violation.
- Any injury to an officer or other person.

- Any property damage occurring as a proximate result of an officer's actions (i.e. accident while officer is directing traffic).
- Any complaints concerning the actions or behavior of the police officer.
- Any occasion where an employer asks for an officer to compromise ethics, incur legal obligations, or for any impropriety on the part of the employer.
- Any occasion where an employer asks for an officer to remove someone from the premises. To have a person barred from the premises, to seize property on their behalf, to have a vehicle removed from the premises or any other situation for which the officer may be required to give an accounting at a later date, but for which a report was not prepared.

Department vehicles may be used on assignments when approved in advance by the Chief of Police. Officers working assignments will wear the same official full police uniform as worn on duty, except when authorized otherwise by the Chief of Police. The bike uniform is only to be worn if the assignment to the detail is specific for that function. Officers working a detail will be permitted to use a department radio while on the detail in order to summon assistance or communicate with supervisors when necessary.

The individual officer working the detail is responsible for notifying the shift supervisor and the communications center of the location and times of the detail, equipment being used and their communications call number.

Assignments will normally be voluntary in nature; however, once an officer is assigned a detail, the officer will be required to complete the assigned detail or find another officer to complete the detail. If no officer on the extra-duty list bids for a detail, that detail will become a mandatory assignment to an available officer on the strike off list with the highest number of refusals.

Whenever a criminal arrest is made on any approved assignment, under such circumstances that the officer's police powers are invoked, Miami Township will compensate the officer for any required court appearances involving the criminal charges.

Secondary employment permits shall be granted and reviewed in the same manner as off-duty permits. Work permits may be denied, not renewed or revoked in the same manner as off-duty permits.

Whenever a detail involves multiple officers over a long or indefinite period of time, a general coverage permit may be generated to give general approval to all police personnel working the detail.

Requests for police work will be routed to the Administrative Assistant, who will review the form for completeness and accuracy. The Administrative Assistant will be responsible for the verification of any information contained in the request form.

It will be the responsibility of the Administrative Assistant or his/her designee to review requests for extra-duty police details, schedule personnel for assignments, coordinate

billing and pay vouchers, act as a liaison with employers and ensure compliance of department personnel with this procedure. The Chief of Police shall have final approval of all police details.

Personnel who have an approved employment permit shall be notified of details via the in-house telephone notification system and a group email if time permits. Personnel are required to notify the Administrative Assistant of any changes to telephone numbers entered in the in-house telephone notification system. An officer who does not do so and thereby misses an available assignment forfeits this method of notification and has no basis for complaint about not being assigned for the detail. The same applies for any officer requesting not to receive phone notification.

All officers shall have an equal opportunity to respond for detail requests. There shall be no assignment of details of a first caller basis unless the detail request is less than a 24 hour notice. The phone notification system shall include a time limit for response set by the Administrative Assistant. After the set time limit, the detail shall be scheduled utilizing the strike off list.