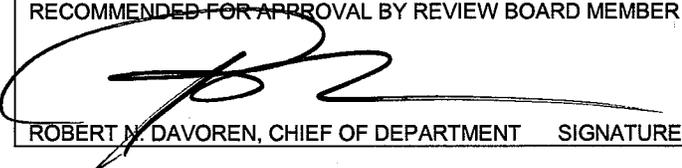




THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



## DIRECTIVE

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE <b>12/22/05</b>		*TERMINATION DATE / /		<b>OUTSIDE EMPLOYMENT</b>	
CLASSIFICATION # <b>2250R-A</b>	SUPERSEDES <b>2250R</b>	DATED <b>02/18/00</b>	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER		
 ROBERT N. DAVOREN, CHIEF OF DEPARTMENT    SIGNATURE			 MARTIN F. HORN    SIGNATURE		

### I. PURPOSE

- A. To define the policy on outside or off-duty employment for all uniformed and civilian personnel of all ranks in the Department.
- B. To set policy regarding affiliations with outside interests.

### II. POLICY

- A. The following policy guidelines apply to all outside or off-duty employment:
  1. Off-duty employment must be:
    - a. Performed outside regular hours of duties assigned;
    - b. Approved prior to starting or changing employment, and for any substantial change in the nature of the employment for which the employee has already been approved; and
    - c. Approved in writing by the Chief of Administration.
  2. A member of the Department may engage in off-duty employment without prior approval in the following circumstances:
    - a. During a period of suspension without pay; or
    - b. While on continuous vacation and/or terminal leave immediately after filing an application for retirement.

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## II. POLICY (cont.)

Note: During the period of suspension without pay or vacation/terminal leave pending retirement, the member concerned remains officially a member of service and as such may not engage in any type of employment or activity which, by existing law, is prohibited to a member of service or which, may constitute a conflict of interest or create the appearance thereof.

3. Excessive sick leave, or other evidence indicating that outside employment impairs the member's ability to perform one's assigned duties, is cause for denial, or revocation, of approval to engage in outside employment.
4. A member of the Department shall not:
  - a. Engage in or accept outside employment or render services, personal or financial, direct or indirect for private interests when such employment or service is incompatible or in conflict with the proper discharge of official Departmental duties. Private interests shall include, but are not limited to, ownership of, or participation in, a business, such as a retail store or rental property, except for owner-occupied housing of fewer than three (3) apartments and its maintenance.
  - b. Affiliate with any organization or group, the charter or by-laws of which would in any way prevent the full performance of departmental duties;
  - c. Accept any outside employment that is related to or concerned with matters that conflict with or adversely affect the operation of the Department of Correction;
  - d. Knowingly work for any person with any criminal convictions; and/or
  - e. Engage in any outside employment which would bring discredit to the Department.
5. A request for permission to work while off-duty may be disapproved even though it does not specifically fall within the "Prohibitions" Section or violate the guidelines or contents of this Directive.

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## II. POLICY (cont.)

6. Members of the Department engaging in or seeking off-duty employment are reminded that certain types of employment are prohibited by law. Some members while engaging in bona-fide occupations, may unknowingly, in the normal pursuit of their particular off-duty occupation, be violating the law, including Chapter 68, Conflicts of Interest, of the New York City Charter.
7. Members of service may write fiction or non-fiction books and articles on their own time and receive compensation provided that the restrictions contained in this Directive and any other Departmental guideline are adhered to. An outside employment application should be submitted in this regard to the extent the member is being compensated for his or her writing. Additionally, it may be permissible for members of service to be employed as technical or background consultants by television or film production companies. However, the contents of this Directive and any other departmental guideline must be complied with.
8. A member of this Department shall not appear as an attorney or make referrals, on behalf of private interests in or for:
  - a. any criminal proceeding;
  - b. matters against the City's interests;
  - c. any City agency in any civil litigation to which the City or any City agency, City authority, City board or City body is a party;
  - d. private interests before any City agency; and
  - e. superiors or subordinates of their command.
9. General Prohibitions – Outside employment is prohibited when any of the following conditions exist:
  - a. An employee is in the first six (6) months of his or her probationary status;

**Note:** An employee who currently is approved for outside employment but enters a probationary status as a result of disciplinary action, negotiated plea agreement or any other reason shall make application to continue the outside employment.

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## II. POLICY (cont.)

- b. An employee of the Department has an unsatisfactory attendance or performance record. Excessive sick or lateness or other evidence indicating that outside employment is preventing or impairing an employee's ability to perform the duties or assignments required, will be sufficient reason for revocation of authorization for outside employment. The employee's assigned command shall closely monitor lateness and sick reports of employees engaged in outside employment;
- c. If that employee is on sick leave, and, if employee is a uniformed member of service, medically monitored duty or modified duty;
- d. As a condition of employment, an employee is required to use or wear any one of the following;
  - i. Departmental shield;
  - ii. Departmental identification card;
  - iii. Department of Correction uniform;
  - iv. The authority of a correctional employee;
- e. Interferes or conflicts with regular or emergency duties;
- f. Exceeds twenty (20) hours each week, except when performed during vacation period or when on terminal leave; or
- g. Is to be performed three (3) hours immediately prior to a regular tour of duty of an employee.

**Note:** Uniformed employees are reminded that they are subject to recall to work at all times except when on sick leave, and that they are responsible to advise any outside employer or potential outside employer of this prior commitment. A member of the uniformed force who does not respond to recall during an emergency because they are otherwise employed shall be subject to disciplinary action and the loss of outside employment privileges.

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### III. PROCEDURES GOVERNING OUTSIDE EMPLOYMENT FOR ALL MEMBERS OF THE DEPARTMENT

- A. All members of the Department desiring to engage in outside employment shall notify the Commanding Officer or civilian manager of their place of assignment in writing, utilizing form #418R-A (revised 12/15/05) entitled, "Employee Application Request to Engage in Outside Employment."
- B. Each request must include the following information:
1. Submitting Departmental Employee Information
    - a. Indicate if this is an original or renewal request;
    - b. Name, address, phone number, shield and/or I.D;
    - c. Current facility, division or unit assigned to;
    - d. Title or description of job assignment;
    - e. Reason for the request to seek outside employment;
    - f. Indication concerning the member's permission to carry a personal firearm or indication that the member does not possess a personal firearm. (One of the boxes must be checked);
    - g. Date of the request;
    - h. Member's signature;
    - i. Rank or title.
  2. Outside Employer Information
    - a. Name of company, corporation or organization;
    - b. Address and phone number of the employer;
    - c. Indicate the name of the personnel director or individual to contact at the place of employment;
    - d. Title of the position to be worked;

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### III. PROCEDURES GOVERNING OUTSIDE EMPLOYMENT FOR ALL MEMBERS OF THE DEPARTMENT (cont.)

- e. Specifically, indicate the duties and responsibilities of the position applied for;
- f. Indicate the days and hours to be worked. This shall include the total number of hours anticipated to be worked each week.
- g. Whether the outside employer has business dealing with the City.

Note: The employee must wait for the written approval of the Conflict of Interest Board, if a waiver is required and the final approval of the Chief of Administration before commencing the outside employment.

#### 3. Commanding Officer or Civilian Manager's Determination

The Commanding Officer or civilian manager shall:

- a. Indicate their approval or disapproval by checking the appropriate area;

Note: If approved by the Commanding Officer, the employee can begin the outside employment immediately. However, the application is still subject to review by the Inspector General and the Investigation Division; and the final determination shall be made by the Chief of Administration.

- b. Affix their signature attesting to their decision and that all the information requested has been included;
- c. Determine if a waiver is needed from the Conflict of Interest Board because the outside employer does business with the City and the employee's tasks appear to violate Chapter 68 of the Conflict of Interest Law;
- d. Call the Conflict of Interest Board for advice at (212) 442-1400, if necessary;
- e. If a waiver from the New York City Conflict of Interest Board is required and deemed appropriate by the Board, the Commanding Officer shall prepare a letter from the Commissioner to the Conflict of Interest Board. Such letter will state the Commissioner's approval of the outside employment, outline the employee's position/tasks with the Department and the requested position/tasks with the outside employer or the employee's business interest(s) and request permission for such waiver;

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### III. PROCEDURES GOVERNING OUTSIDE EMPLOYMENT FOR ALL MEMBERS OF THE DEPARTMENT (cont.)

- f. Submit the completed letter to the Chief of Administration, who will return the signed letter to the Commanding Officer;
  - g. The Commanding Officer shall send the signed letter to the Conflict of Interest Board for their decision.
- C. The Commanding Officer or civilian manager will submit the application for outside employment, a current Employee's Performance Service Report (form #22R), and their determination to the Office of the Chief of Administration for processing and review. If applicable, the Commanding Officer will forward a copy of the signed letter submitted to the Conflict of Interest Board and their written decision granting or denying the waiver. The Chief of Administration shall forward copies of the completed request to the offices of the Inspector General (IG) and the Investigation Division (ID) where it will be determined whether there is a pending investigation and/or charges against the employee. Applications advising denial by IG or ID shall require final approval from the Chief of Administration.
- D. An authorization letter shall be sent to an employee of the Department from the Office of the Chief of Administration indicating approval, denial or discussion of outside employment. Additionally, permission or denial to carry a personal firearm on outside employment shall be stated on the official letterhead of the Department. A copy of the authorization letter shall be sent to the employee's command and/or office to which the employee is assigned.
- E. Renewal of a previously granted approval shall be requested whenever there has been any substantial change in the nature of the outside employment, services engaged in, or business interest. Changes not considered substantial, e.g., a change of phone number of the outside employer, transfer of work location within a building that doesn't change the employee's job requirements, etc. shall be submitted by the employee to the Commanding Officer and Chief of Administration so that they may update their records.
- F. A renewal shall be processed in the same manner as the original request. Employees who are seeking to renew their application shall be cognizant of the fact that the processing of the renewal is not immediate and that they shall submit their renewal request allowing a sufficient period of time to process the request.

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#### IV. GUIDELINES FOR SECURITY RELATED OUTSIDE EMPLOYMENT

- A. In addition to complying with the provisions of this Directive, uniformed members of service who accept outside employment in the private security field must be aware that they will not, in most instances, be entitled to or receive legal representation and/or indemnification from the City. Those benefits of City employment are afforded to municipal employees only when they act within the scope of their employment and in the discharge of their official duties.
- B. An off-duty uniformed member of service employed in the private security field may not, by virtue of that employment, relinquish the power and authority conferred by the laws of the State of New York as a peace officer. However, when an officer effects an arrest in furtherance of the private employer's interest they are acting on behalf of that employer, and not in discharge of one's duties as a peace officer.
- C. Due to the City not ordinarily indemnifying a uniformed member of service against claims brought by individuals for action taken in connection with outside employment, it is recommended that uniformed members of service ascertain whether their private employer maintains liability insurance covering the off-duty employment and affords legal representation and indemnification for acts or omissions occurring during off-duty employment and in the furtherance of the employer's interest.
- D. All court time, both arraignment and follow up appearances directly related to any duties and responsibilities in the off-duty employment may not be performed on the Department's time nor may overtime compensation be received for such time from the City of New York. Further, it is the uniformed member of service's responsibility to see that the outside employment or client has Workers Compensation coverage for guards to cover any injury or disability received in their employ. It is also understood that the City has a claim on any monies paid by Workers Compensation, which would duplicate sick leave paid by the City.
- E. An outside employment application must be submitted in accordance with the procedures described herein for each specific client, location and company of employment. For each new assignment, even if for the same employer, a new request for approval must be submitted with the employer's name, and new location or person or premise to be protected.
- F. Guidelines for Watch Guard License
1. In addition to complying with the guidelines set forth in this Directive, uniformed members of service will comply with the following regarding a Watch Guard License:

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#### IV. GUIDELINES FOR SECURITY RELATED OUTSIDE EMPLOYMENT (cont.)

- a. If the uniformed member of service intends to form a corporation and employ any other person in a Watch Guard Service capacity, then the requirements of New York State laws regarding Watch Guard licensing must be complied with. "Watch, guard or patrol agency" as defined by the General Business Law (Article 7, Section 71, Sub. 2) shall mean and include the business of watch, guard or patrol agency and shall also mean and include, separately or collectively, the furnishing, for hire or reward, or watchmen or guards or private patrolmen or other persons to protect persons or property or to prevent the theft or misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, notes or other valuable documents, papers, and articles of value or to procure the return thereof or the performing of the service or such guard or other person for any said purpose.
- b. Submit a list of all clients or prospective clients of Watch Guard service, including names, addresses and specific location of business, to the Inspector General and Investigation Division. If a member has no clients at the time of making application, then a report shall be submitted to the aforementioned units indicating the intent to apply for a Watch Guard license and that there are no clients at this time.
- c. Maintain an updated and unified list of all clients, locations etc., which must be made available for Department inspection.
- d. A copy of the license and a list of all existing clients shall be submitted to the Chief of Administration. The Chief of Administration shall maintain a separate folder for each Watch Guard license which shall contain the approval for outside employment as well as a current listing of the clients.
- e. State that the corporation or the member concerned will not have a client who is subject of an investigation or any other client that the Correction Commissioner may disapprove of on the grounds that such employment would not be in the best interests of the Department.
- f. State that the corporation or member concerned will not advertise or represent that its employees are members of the New York City Correction or Police Departments or that it operates under their sponsorship or support.
- g. Provide to the Chief of Administration, Investigation Division and the Inspector General's Office a list of all employees, both uniformed members of service and others.

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#### IV. GUIDELINES FOR SECURITY RELATED OUTSIDE EMPLOYMENT (cont.)

- h. Can not employ other members of service until such member presents an approved authorization for outside employment letter.
- G. Commanding Officers shall promulgate Command Level Orders ensuring that the guidelines and procedures delineated in this Directive are complied with.

#### V. REFERENCES

- A. New York City Charter, CHAPTER 68.
- B. General Business Law, Article 7, Section 71, Sub. 2.
- C. Conflict of Interest Board (telephone number [212] 442-1400).

#### VI. ATTACHMENT

Form #418R-A, EMPLOYEE APPLICATION REQUEST TO ENGAGE IN OUTSIDE EMPLOYMENT, dated 12/15/05.

#### VII. SUPERSEDES

Directive #2250R, entitled "OUTSIDE EMPLOYMENT," dated 02/18/00 (as amended).



**CORRECTION DEPARTMENT  
CITY OF NEW YORK**



**EMPLOYEE APPLICATION REQUEST  
TO ENGAGE IN OUTSIDE EMPLOYMENT**

Form: 418R-A  
Rev. : 12/22/05  
Ref. : Dir. # 2250R-A

Date: \_\_\_/\_\_\_/\_\_\_  Original request  Renewal request

**EMPLOYEE INFORMATION**

Last name: \_\_\_\_\_ First name: \_\_\_\_\_

Rank/Title: \_\_\_\_\_ Shield/ID #: \_\_\_\_\_ Command/Unit: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Reason for request: \_\_\_\_\_

- I request permission to carry my personal firearm while engaged in outside employment.
- I do not request permission to carry my personal firearm while engaged in outside employment.
- I do not possess a personal firearm.

**OUTSIDE EMPLOYER INFORMATION**

Name of Corporation/Employer: \_\_\_\_\_ Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Does this employer do business with N.Y.C.?  No  Yes (If Yes, specify?) \_\_\_\_\_

Personnel Director or contact person: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Name of immediate supervisor: \_\_\_\_\_ Title/Position: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Function or description of work to be performed: \_\_\_\_\_

Day(s) and # of hours to be worked: \_\_\_\_\_ Initial start date: \_\_\_/\_\_\_/\_\_\_

I have read and fully understand the provisions set forth in Departmental Directive 2250R-A concerning "Outside Employment" and shall comply with all the requirements therein:

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**OFFICIAL USE ONLY - REVIEW AND DETERMINATION**

Member's Commanding Officer / Civilian Manager	Signature	Date	Approved	Denied
	_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>
DOC Investigation Division	_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>
Department of Investigation	_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>
Chief of Administration	_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>

FROM: CHIEF'S ORDER

MSG#: 2006-001427

TO :

SENT: 02/14/06

1731 HRS

SUBJ:

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TELETYPE ORDER NO. HQ -00411-0

DATE FEBRUARY 14, 2006

TO COMMANDING OFFICERS, FACILITIES AND DIVISIONS

FROM MARTIN F. HORN, COMMISSIONER

SUBJECT DIRECTIVE 2250R-A, OUTSIDE EMPLOYMENT (CLARIFICATION NOTICE)

1. THIS TELETYPE IS INTENDED TO CLARIFY ANY MISCONCEPTION REGARDING THE PROCEDURE OUTLINED IN DIRECTIVE 2250R-A, ENTITLED "OUTSIDE EMPLOYMENT," DATED 12/22/05.

2. DEPARTMENT EMPLOYEES WHO HAVE A PREVIOUS OUTSIDE EMPLOYMENT AUTHORIZATION LETTER THAT HAD NOT YET EXPIRED AS OF THE EFFECTIVE DATE OF 2250R-A, DECEMBER 22, 2005, NEED NOT RESUBMIT THE OUTSIDE EMPLOYMENT REQUEST FOR RE-APPROVAL, UNLESS THERE IS A SUBSTANTIAL CHANGE IN THE NATURE OF THE OUTSIDE EMPLOYMENT, AS SUCH IS DESCRIBED IN SECTION III.3.E. OF DIRECTIVE 2250R-A.

3. STAFF ARE REMINDED THAT EMPLOYEES MUST STILL SUBMIT CHANGES TO EMPLOYMENT THAT ARE NOT CONSIDERED SUBSTANTIAL, AS DESCRIBED IN DIRECTIVE 2250R-A, TO THEIR COMMANDING OFFICER AND THE CHIEF OF ADMINISTRATION SO THAT BOTH MAY UPDATE THEIR RECORDS.

4. SHOULD A PRIOR OUTSIDE EMPLOYMENT AUTHORIZATION LETTER HAVE EXPIRED BEFORE DECEMBER 22, 2005, THE EMPLOYEE MUST REAPPLY, USING THE PROCEDURE SET FORTH IN DIRECTIVE 2250R-A.

AUTHORITY:  
COMMISSIONER  
HA/BJ