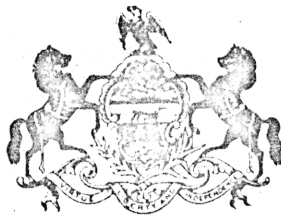


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Room B-2

OFFICE:

Room 629 - Main Capitol
Phone: AC 717-787-7170

MAILING ADDRESS:

Post Office Box 3900
Harrisburg, Pennsylvania 17105

PSP file

HOUSE OF REPRESENTATIVES
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

March 19, 1974

Colonel James D. Barger
Commissioner
Pennsylvania State Police
617 Transportation and Safety Building
Harrisburg, Pennsylvania

Dear Commissioner Barger:

During your appearance before the Committee to Investigate the Administration of Justice on Thursday, March 14, 1974, the matter of unauthorized employment by Pennsylvania State Police officers was discussed. In one of your replies, you alluded to negotiations that have resulted in an agreement that would permit this so-called "moonlighting" to be engaged in by State Police officers after June 1974.

As you may know, this Committee has serious reservations about extracurricular activities by State Police officers, particularly where the activities are law enforcement related, such as in the Fox Company security service arrangement contracted with Lieutenant Angelo Carcaci.

Accordingly, will you furnish the Committee with information as to:

1. The identity of the negotiating groups that reached the agreement to which you referred and the identity of the chief negotiators.
2. The written result of that negotiation as it relates to outside employment by State Police officers.
3. Whether or not any distinction is made in the type of outside employment contemplated. Is there to be any prohibition against employment related to protective, guard, security, escort, door service, investigative private detective, or the like?

Sincerely yours,

H. JOSEPH HEPFORD
Chairman

March 22, 1974

The Honorable H. Joseph Hepford
Chairman, Committee to Investigate
the Administration of Justice
Room B-2, Main Capitol Building
Harrisburg, Pennsylvania

Dear Representative Hepford:

Under the provisions of Act III, negotiations for a labor contract between the Pennsylvania State Police and the Fraternal Order of Police have been conducted each year since 1970. The parties to the negotiations are the Commonwealth of Pennsylvania (Pennsylvania State Police) represented by the Bureau of Labor Relations (Office of Administration) and the Fraternal Order of Police representing the enlisted personnel of our Department. During the course of the most recent negotiations, the Chief Negotiator for the Commonwealth was William Myers, Esq. and the Chief Negotiator for the Fraternal Order of Police was Howard Richards, Esq.

In response to your request of March 19, 1974, I am including a chronology of our regulations, arbitration awards, and labor agreements as they relate to members of the Pennsylvania State Police engaging in outside employment since 1968:

September 15, 1968 - State Police Regulations

Paragraph 1.19 of FR 1-1, Employment Outside the Department, stated, "A Member's engagement, participation, or performance in any business, occupation, trade, or profession other than as required by the Pennsylvania State Police is permissible only with the written approval of the Commissioner."

July 1, 1971 - Arbitration Award

Paragraph 14 of the Arbitration Award, in response to a Fraternal Order of Police request for unlimited permission to "moonlight", stated, "The F.O.P. request that police officers be permitted to moonlight on days they are not working is denied."

April 4, 1972 - State Police Regulations

Paragraph 1.19 of FR 1-1, Employment Outside the Department, stated, "A Member's engagement, participation, or performance in any business

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occupation, trade, or profession other than as required by the Pennsylvania State Police is permissible only with the written approval of the Commissioner. Such approval will be granted only after a thorough investigation has been conducted by a Commissioned Officer and it has been positively determined that: (1) the Member is undergoing a critical financial hardship, (2) employment outside the Department is absolutely necessary to resolve the hardship, and (3) the type of employment the Member is seeking will in no way conflict with his official duties, or could not be interpreted as one which might have an adverse effect on the Member or the Department. The results of the investigation, indicating the Troop Commander's or Division Director's approval or disapproval, will be in the form of correspondence forwarded through channels to the Commissioner."

July 1, 1972 - Arbitration Award

In response to the Fraternal Order of Police request for unlimited authority to "moonlight", paragraph 14 of the Arbitration Award stated, "The panel recognizes that there are special circumstances which may make it desirable for an officer to hold some form of additional employment. The panel awards that such employment is permissible if prior approval has been obtained from the Police Administration."

May 15, 1973 - State Police Regulations

Paragraph 1.39 of FR 1-1, Employment Outside the Department, stated, "A Member's engagement, participation, or performance in any business, occupation, trade, or profession other than as required by the Pennsylvania State Police is permissible only with the written approval of the Commissioner. Such approval will be granted only after a thorough investigation has been conducted by a Commissioned Officer and it has been positively determined that: (1) the Member is undergoing a critical financial hardship, (2) employment outside the Department is absolutely necessary to resolve the hardship, (3) the type of employment the Member is seeking will in no way conflict with his official duties, or could not be interpreted as one which might have an adverse effect on the Member or the Department. The results of the investigation, indicating the Troop Commander's or Division Director's approval or disapproval, will be in the form of correspondence forwarded through channels to the Commissioner. Failure to comply with the provisions of this section upon notification shall constitute a subsequent violation of this section."

July 1, 1974 - Arbitration Award

In response to a Fraternal Order of Police request for unlimited authority to "moonlight" the Arbitration Award stated in paragraph 17, "It is the intent of the Board of Arbitration that officers be

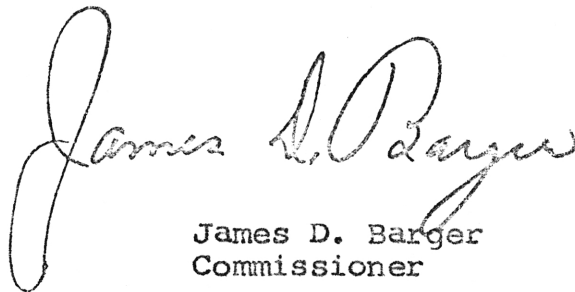
permitted to engage in outside employment under appropriate circumstances. Outside employment shall not be limited to hardship cases and may take place provided:

- a. Prior authorization is obtained.
- b. The scope of employment does not demean the image of the Pennsylvania State Police.
- c. There is no conflict with the officer's primary duties.
- d. The total amount of employment does not interfere with the officer's ability to perform his duties properly."

It is obvious that it will be necessary to revise our regulations concerning outside employment prior to July 1, 1974. We have not established which types of employment would be prohibited; however, the provisions of our regulations will have to conform to the provisions of the Arbitration Award cited above.

We trust this information will be helpful.

Sincerely,



James D. Barger
Commissioner

NGD/reb