

La Plata Police Department – General Orders

	Title: Secondary Employment	Order #: 401		
	Effective Date: April 1, 2015	Review Date:		
	Original Issue: <input type="radio"/> New <input type="radio"/> Amends <input checked="" type="radio"/> Rescinds B.6-Dated November 2011	√ Rescinds		
Approved by: Chief Carl Schinner			CALEA 5 th Edition	
CALEA Standard: 22.3.3 22.3.4			Pages: 6	

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| <p>01 PURPOSE: To establish guidelines regarding employment, secondary to Department employment.</p> <p>02 POLICY: The nature of the duties and obligations of the Department requires that employees work irregular duty schedules which are subject to change in order to meet deployment needs. Additionally, it is necessary that employees have adequate rest to be alert during their tours of duty. For these reasons, and because certain occupations inherently conflict with an employee’s primary responsibility, the Department may limit or prohibit secondary employment which is detrimental to its objectives. It is the policy and intention of the Department to permit secondary employment whenever it neither interferes with the effectiveness of an employee’s regular, full-time employment, nor tends to compromise the employee or the Department.</p> <p>03 DEFINITIONS:</p> <p>A. Employment: The provision of a service in exchange for a fee or other service.</p> <p>B. Regular Off-Duty Employment: Any work performed, or any service rendered outside of the duties assigned by the command structure of the Department for money or other compensation. This would include any work performed by the employee as a sole proprietor, partner, or other owner/worker.</p> <p>C. Extra-Duty Employment: Any off-duty employment that is coordinated and compensated through the Department.</p> | <p>D. Uniform Secondary Employment: Any work performed, or any service rendered while in the uniform of the Department for a Departmentally approved Secondary Employer.</p> <p>04 EXTRA-DUTY EMPLOYMENT: Typically involves grant-funded traffic assignments, Labor Day and Independence Day celebrations, shopping center overtime and other Departmentally approved overtime details, to include court time and personnel shortages in communications.</p> <p>05 REQUESTING APPROVAL:</p> <p>A. Officers desiring to work either regular off-duty or uniform secondary employment must obtain written permission, through the chain-of-command from the Office of the Chief of Police via LPPD Form 401.</p> <p>B. Approval of all secondary employment expires at the end of each calendar year and must be re-applied for following the same procedure.</p> <p>C. Employees engaging in any form of secondary employment without approval may be subject to disciplinary action.</p> <p>06 SECONDARY EMPLOYMENT COORDINATOR: The Chief of Police will assign a Secondary Employment Coordinator to oversee Uniform Secondary Employment.</p> <p>A. Duties of the Secondary Employment Coordinator:</p> <p>1. Acts as a liaison between the Department and the secondary employer.</p> |
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2. Negotiates compensation, conditions and scope of employment with uniform secondary employers.
3. Establishes work schedules within limitations set forth in this Order. Schedules will be posted on the Secondary Employment Board in the Squad Room. No other officer shall schedule uniform secondary employment, unless authorized by the Chief of Police.
4. Disseminate the scope of employment to each employee who works uniform secondary employment so that he/she understand what is expected by the secondary employer. This scope of employment will act as a set of rules or guidelines, in addition to this policy, for each officer to follow while performing his/her duties.
5. Annually, the Secondary Employment Coordinator will update the contracts with all uniform secondary employment contracts and obtain updated proof of liability insurance.
6. Aside from supervisory personnel, the Secondary Employment Coordinator has the authority to deny, refuse or otherwise prohibit an officer from engaging in uniform secondary employment.
7. The Secondary Employment Coordinator has authority to take disciplinary steps for the following:
 - a. Failure to appear.
 - b. Tardiness.
 - c. Poor job performance.
 - d. Failure to wear the patrol uniform of the day.
 - e. Failure to call out/clear uniform secondary employment through the police radio.

- B. Compensation of Secondary Employment Coordinator: The Secondary Employment Coordinator may conduct business during the regular workday if not in conflict with tour of duty assignments.

07 LIMITATIONS OF SECONDARY EMPLOYMENT

- A. Employees are expected to be physically fit and mentally alert when reporting for duty.
- B. Officers on light duty shall not participate in uniform secondary employment.
- C. Employees on sick leave are prohibited from participating in secondary employment until 24 hours past the end of the missed shift has passed. **This applies to family sick leave and family medical leave.**
- D. Probationary employees must first complete field training and obtain authorization from their respective Division Commander and the Office of the Chief of Police via LPPD Form 401 before participating in secondary employment.
- E. Officers engaged in uniform secondary employment are subject to call-out in case of an emergency, and may be expected to leave their secondary employment.
- F. All Rules and Regulations within this policy apply to officers who are providing a service as part of a Landlord/Tenant “rent deal” where officers receive rent reduction in exchange for services provided.

- 08 HOUR LIMITATIONS:** Officers may work a total of seventy (70) hours in a calendar week. This includes the officers regular employment hours, regular off-duty employment, extra-duty employment, court time (scheduled in advance), reduced rent “rent job” secondary employment, scheduled overtime, and Uniform Secondary Employment hours.
Example:

<i>Officers regular work schedule</i>	
<i>5 days x 8.5 hours</i>	<i>42.5</i>
<i>Court Time</i>	<i>6.0</i>
<i>Traffic Grant Overtime</i>	<i>5.0</i>
<i>Rent Reduction “rent job”</i>	<i>10.0</i>

Uniformed Secondary Employment 5.0

Total Hours 68.5

Note: It is understood that officers are served with late subpoenas and may be subject to unscheduled mandatory overtime. Officers who will exceed their maximum hours due to unforeseen overtime can request an hours extension on a case by case basis from their respected Division Commander or his/her designee.

09 UNIFORM SECONDARY EMPLOYMENT CONTRACTS:

A. Secondary Employment Contracts shall contain the following information:

1. Applicant information such as company name, pertinent phone numbers and address.
2. Manager's name;
3. Contact employee's name;
4. Hours to be worked;
5. Location of police service;
6. Scope of Employment;
7. Liability insurance carrier and policy number; and,
8. A copy of a certificate of liability insurance.

10 GENERAL RESPONSIBILITIES OF UNIFORM SECONDARY EMPLOYMENT: The commitment to uniform secondary employment is important in order to establish a relationship with the private employer and the employee representing the Department. Officers must adhere to the highest standards of the police profession while working uniform secondary employment.

A. Officers working uniform secondary employment must wear the patrol uniform of the day and carry a Departmentally approved radio and equipment issued for personal use (e.g., service firearm, gunbelt,

soft body armor, handcuffs, etc.). At no time will an officer wear plain or street clothes to uniform secondary employment unless authorized by a member of command staff.

EXCEPTION: K-9 handlers working uniform secondary employment who bring their partner may wear the K-9 uniform of the day, except when another K-9 handler is on-duty.

- B.** Officers shall call out and clear their uniform secondary employment assignments on the police radio.
- C.** Officers shall be on time and remain at their uniform secondary employment assignment until their scheduled departure time.
- D.** Whenever possible, a uniformed cruiser will be driven to uniform secondary employment.
- E.** Incidents involving the scope of employment at the uniform secondary employer occurring on the premises will be handled by the secondary employment officer, to include reports, arrests, etc.
- F.** Officers working inside a building or shopping center are not required to handle vehicular collisions occurring in the parking lot.
- G.** Requests from citizens for assistance should be handled when feasible.
- H.** Officers will familiarize themselves with the scope of employment for each job worked. In addition to this policy, the scope of employment will act as a set of rules or guidelines to follow while performing uniform secondary employment.
- I.** Until such time when an officer is required to initiate a police action, he/she shall be under the direct supervision and control of the uniform secondary employer while in the service of that employer. Once a police action has been initiated, the supervision of that employee reverts back to the La Plata Police Department.
- J.** When an officer is assigned or signs up for a uniform secondary employment assignment,

he/she shall treat that assignment with the same respect as an assignment with the Department.

- K.** In the event that an officer is unable to attend his/her uniform secondary employment assignment, it will become his/her responsibility to find a replacement.
- L.** If an officer is sick, the officer will notify the on-duty shift supervisor of his/her absence from uniform secondary employment assignment. The officer will also notify the secondary employer of his/her absence when feasible.
- M.** In the event of a discrepancy in compensation, the officer will not dispute the employer; instead they are to contact the Secondary Employment Coordinator for resolution.
- N.** Officers working uniform secondary employment shall only work within the Town limits.

11 UNIFORM SECONDARY EMPLOYERS RESPONSIBILITY:

- A.** Citizens and businesses interested in employing La Plata Police Officers for uniform secondary employment should be referred to the Secondary Employment Coordinator.

Note: Last minute emergency request when the Secondary Employment Coordinator is not available maybe forwarded directly to the Office of Chief of Police or a Division Commander for approval.

- B.** Interested parties will be provided with a Secondary Employment Contract and a copy of this Order.
- C.** Interested Secondary Employers shall submit a completed Secondary Employment Contract and proof of Liability Insurance.
- D.** Applications for Secondary Employers will be sent to the Office of the Chief of Police for approval or denial.
- E.** Some examples of appropriate uniform secondary employment are as follows:

- 1. Where a government, profit-making or non-profit-making entity has an approved Secondary Employment Application on file with this agency.
- 2. Traffic Control and Pedestrian safety.
- 3. Crowd control.
- 4. Security and protection of life and property.
- 5. Police services provided in exchange for reduced/exempted rent.

12 COMPENSATION FOR UNIFORM SECONDARY EMPLOYMENT:

- A.** Employees will cease being paid by the secondary employer as soon as legal action is taken. At no time will an officer receive simultaneous compensation from the Town and the secondary employer.
- B.** Employees will be compensated by the Town to include court time for arrests and other official police actions which emanate from secondary employment.
- C.** The uniform secondary employer is to supply the employee with the appropriate documentation for income tax reporting as required by law. It is the employee's responsibility to report all income as required by federal and state law.

13 LIABILITY:

- A.** The Secondary Employer shall indemnify, defend and save the Town of La Plata harmless from all losses, damages, claims, lawsuits and judgments arising out of and in the course of employee's performance of service for the secondary employer. The secondary employer shall provide the legal defense and costs for any and all lawsuits arising from the employee's performance of services for the secondary employer.
- B.** Whenever an officer initiates police action because of police related services offered as part of his/her secondary employment, or is initiated at the direction of the secondary employer, the officer shall have the same police professional liability coverage as if he/she were on duty, as long as the officer

acts within the scope of his/her duties as a Town employee, and takes action “under color of law.”

14 REGULAR OFF-DUTY SECONDARY EMPLOYMENT:

- A. Employment which presents no potential conflicts of interest between the duties as a law enforcement agency employee and the duties required of a secondary employer. The secondary employment must not constitute a threat to the status or dignity of law enforcement as a professional occupation.
- B. Officers shall not be employed in the selling, serving or dispensing of alcoholic beverages in any manner.
- C. Employees shall not be employed or involved in the ownership or act on behalf of any private detective, attorney, insurance agency, bail bond agency, or have involvement in any form of private investigation duties, including the service of civil process.
- D. Employees are prohibited from regular off-duty secondary employment that requires them to avail themselves to official police records, documents or files.
- E. Employees shall not be employed for either party in a labor/management dispute.
- F. Officers shall not be employed as a commissioned police officer for any other political subdivision.

EXCEPTION: Duties related to U.S. Military or National Guard activities.

- G. Employees shall not be employed in any establishment that openly sells pornographic books or magazines, sexual devices or videos.
- H. Employees shall not be employed in any gambling establishment.

EXCEPTIONS: Officer may work charity Bingo for religious and civic organizations (e.g., Boy Scouts, Knights of Columbus).

- I. Employees will not be covered by Workmen’s Compensation through the Town of La Plata for injuries sustained at regular-duty secondary employment.

15 UNIFORM SECONDARY EMPLOYMENT AND REDUCED RENT:

- A. Officers desiring to work uniform secondary employment for reduced rent will obtain permission through the chain-of-command via Form 401 from the Office of the Chief of Police.
- B. Officers obtaining permission from the Office of the Chief of Police to work uniformed secondary employment in exchange for reduced rent shall submit the number of weekly hours required at his/her “rent job” to the Secondary Employment Coordinator.
- C. While working uniformed secondary employment for reduced rent officers shall:
 - 1. Wear the patrol uniform of the day.
 - 2. Call out on the police radio when they begin and end their tour of duty.
 - 3. Respond to calls for service with the beat car in their apartment or rental complex.

16 SHIFT SUPERVISOR’S RESPONSIBILITY:

- A. Shall routinely visit locations where officers are engaged in uniformed secondary employment to ensure compliance with this order.
- B. Notify the Division Commander and Secondary Employment Coordinator via memorandum of any non-compliance observed.

17 CHIEF OF POLICE AUTHORITY:

- A. Has the authority to modify, suspend, or prohibit an employee authorized to engage in any other secondary employment as a result of violations of the Department Rules

and Regulations or for observed employee performance deficiencies.

- B. Has the authority to make exceptions to any part of this policy if the exception is in the best interest of the Department and community.

18 PENALTIES: Employees violating secondary employment rules are subject to disciplinary action. See Order 402-Disciplinary Process.

19 ALLIED AGENCIES WORKING SECONDARY EMPLOYMENT WITHIN THE TOWN:

- A. La Plata officers, upon notification from an allied agency's officer who is engaged in secondary employment within the Town, shall not take arrest action unless approved by the Shift Supervisor.
- B. Shift Supervisors will not routinely authorize arrest by La Plata officers except in exigent circumstances.

20 UNIFORM SECONDARY EMPLOYMENT/OFF -DUTY RESPONSE LOG:

- A. Each time an officer works Uniform Secondary Employment, he/she will fill out a Uniform Secondary Employment/Off-Duty Response Log (LPPD Form 401B).
- B. By the 5th of each month the Uniform Secondary Employment/Off-Duty Response Log will be turned in by every officer to the Secondary Employment Coordinator. Officers with no responses or Secondary Employment-Off-Duty Response Log entries will turn the form in with the word "NONE" written in the first date entry block.
- C. The Secondary Employment Coordinator will send an annual report to the Office of the Chief of Police from the data collected on the form.
- D. Data collection from the Uniform Secondary Employment/Off-Duty Logs includes the following:

- 1. Date;

- 2. Total time of an incident;
- 3. Location and beat;
- 4. Arrest;
- 5. Injuries;
- 6. Type of call;
- 7. Disposition of call;
- 8. Crime report number, if any; and,
- 9. If response to the call was the result of Secondary Employment or an Off-Duty response.

E. Officers who have related court time from Uniform Secondary Employment of an Off-Duty response shall record that information on the Secondary Employment/Off-Duty Response Log.

F. The intent of the Secondary Employment/Off-Duty Response Log is to collect data on the following:

- 1. Identify uniform secondary employment sites.
- 2. Separate and calculate the number of uniform secondary employment and off-duty responses.
- 3. Identify the number of times officers invoke police powers at Uniform Secondary Employment or off-duty.
- 4. Identify the number of times officers make arrests while working Uniform Secondary Employment or off-duty.
- 5. Identify the number of times officers are injured while working Uniformed Secondary Employment or off-duty.
- 6. Provide data for possible policy changes.