

THURMONT POLICE DEPARTMENT

GENERAL ORDER	<i>Date Issued:</i> January 1, 2007	<i>Effective Date:</i> January 1, 2007	<i>Order No:</i> Chapter 21.5
<i>Authority:</i> Chief of Police Gregory L. Eyer		<i>Manual Page No:</i>	
<i>Subject:</i> SECONDARY EMPLOYMENT		<i>Replaces Page No:</i>	
<i>CALEA Standard:</i> 22	<i>Distribution:</i> ALL	<i>Amends:</i>	<i>Number of Pages:</i> 13
<i>Related Documents:</i>		<i>Rescinds:</i>	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of the Thurmont Police Department.

II. POLICY:

It is the policy of the Thurmont Police Department to provide rules and guidelines to police employees and to inform them of the types of secondary employment which are appropriate; and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the department and for the protection of the community. The department has a legitimate interest in regulating its officer's secondary employment. While the department will not unreasonably restrict off-duty employment, it will require accountability and responsibility to the department by officers engaged in secondary employment. By accepting a full-time paid position with the Thurmont Police Department, an employee agrees that Town employment is to be his/her **primary** job.

III. DEFINITIONS:

1. **Employment:** The provision of a service, whether or not in exchange for a fee or other service, including self-employment. This includes any employment in which another may financially benefit from the employees work, e.g. a family member or other person receiving compensation for the work of the employee. Employment does not include volunteer charity work.

2. Extra-Detail Employment: Any employment for which an individual is hired for the express purpose of protecting interests of an employer or providing some other related **law enforcement service**. It is a part-time employment in which the employee's essential function is to protect life and property, keep the peace, or otherwise maintain order, or, should circumstances warrant, enforce state and/or local laws and ordinances.
3. Outside Employment: Any additional off-duty occupational activity that a Department employee may pursue while employed by the Department. It includes self-employment and contractual employment as well as employment by others. Outside employment is employment that is **NOT** related to the law enforcement profession, for which vested police powers are not a condition of employment, and which provides no real or implied law enforcement services to the employer.
4. Conflict of Interest: Any secondary employment that is illegal, inconsistent, incompatible, or in opposition to the duties, functions, and/or responsibilities of the employment with the Department.
5. Officer: Is a synonymous term used to describe any department member including but not limited to sworn, non-sworn, and civilian members of the police department.
6. Secondary Employment: **Any** work, service, occupation, labor, or profession that is performed for any individual, business, corporation, or entity **other than the Town of Thurmont**, for which pay or any other type of compensation or benefits is received. For the purpose of this order, "Secondary Employment" refers to both Outside and Extra-Detail Employment.

IV. PROCEDURE:

A. OUTSIDE EMPLOYMENT-MANDATORY APPROVAL:

1. Prior to commencing any secondary employment, all officers shall submit a written request to the Chief of Police and obtain written approval for such employment. The written request will contain the following information:
 - a. Prospective employer's name, address, phone number, and name of immediate supervisor.
 - b. A complete description of the nature of the work and duties performed.
 - c. The starting date, ending date, and salary (hourly).
 - d. The maximum number of days and hours to be worked within a single week.
 - e. Special job requirements (car, firearms, etc.)

2. Officers must communicate changes in their secondary employment status if any such change could invalidate the secondary employment agreement.
3. Officers must complete and submit a secondary employment application (appendix A).
4. For sworn officer security related employment, the employee shall have a signed waiver from the secondary employer which will contain a copy of the employer's responsibilities/requirements, and submit with proof of required insurance coverage (Appendix B and C).
 - a. Employees will submit proof that there is current insurance coverage being maintained by the secondary employer on an annual basis. The employee will provide this proof to the Chief of Police, one month prior to the expiration date of the current insurance certificate. Failure to provide the documentation will suspend the approval to work for that secondary employer.
 - b. Officers applying for security related secondary employment must provide required certification of insurance from the secondary employer to the Chief of Police before the officer will be approved to work for the secondary employer. This does not apply to Extra-Detail employment.
5. Supervisor's Responsibilities:
 - a. The Supervisor will review the employee's application for secondary employment and shall ensure all necessary forms are completed. The Supervisor will make recommendation for approval or disapproval and shall include all necessary information of importance about the employee's job history, sick leave record, information that prior additional employment has impaired the employee's ability to perform his/her duties, and assessment of potential risk if applicable.
 - b. Upon completion of this process, the application will be forwarded to the Chief of Police for review and approval/disapproval.
6. Chief of Police Responsibility:
 - a. The Chief of Police will review all information provided and will make final approval or disapproval based on all information on the application.
 - b. A copy of the completed Secondary Employment Request form will be returned to the requesting employee and supervisor after final action by the Chief of Police. A copy will be forwarded to the Records Section, where a copy will be maintained in the individual's personnel file.
 - c. The Chief of Police will consider a number of factors in deciding whether to approve or deny a request for Secondary Employment, including, but not limited

to:

- i. Whether or not it conflicts with the employee's Town employment;
 - ii. Whether or not it is detrimental to the Department or Town;
 - iii. The nature and type of work to be performed;
 - iv. The employee's sick leave use history;
 - v. The individual's most recent performance evaluation, which must have a minimum of overall "satisfactory" performance rating; and,
 - vi. The recommendation of the employee's superiors as reflected on the Secondary Employment Request form.
7. All approved requests by the Chief of Police are subject to periodic review and reconsideration.
8. For all Secondary Employment, a separate request form must be submitted for each **new** employment position. Additionally, a new request form must be submitted if the services, duties, or responsibilities previously approved by the Chief of Police change and have not been described, noted, or otherwise amended in an approved request on file within the Department.

B. OFF-DUTY EMPLOYMENT:

1. Employment must be of non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during duty hours.
2. All requests for secondary employment will be evaluated on an individual basis. The following types of additional employment **may** be considered:
 - a. Employment as a security guard with a private guard agency, or with employment service used for employing security guards.
 - b. Employment with a taxicab company or other public transportation service that is not regulated by the Town of Thurmont or the Department.
 - c. Employment at gasoline service stations or garages, including those licensed or authorized as inspection stations provided such employment does not involve the inspection process.
 - d. Employment involving private or public traffic control, pedestrian safety, maintenance of order at major events, security and protection of private persons

and property, and security for public housing, parks and airports.

- e. Employment at other jobs, trades, businesses, or occupations not specifically prohibited in this order, and having approval of the Chief of Police.

C. UNAUTHORIZED SECONDARY EMPLOYMENT:

Employees are generally prohibited from working in any of the following Secondary Employment situations:

1. Employment as a process server, re-possessor, bill collector, towing of vehicles or any other employment in which police authority might tend to be used to collect money or merchandise for private purposes, or imply an official law enforcement or government interest.
2. Employment which requires an officer to dress in an official type uniform and/or utilize departmental equipment. (Exceptions may be granted by the Chief of Police).
3. Any employment which may require the officer to have access to police information, files, records, or services as condition of employment.
4. Any employment that assists in any matter with the case preparation for the defense in any civil, criminal, administrative, or other court proceeding.
5. In any position in which the image of the Department may be demeaned, tarnished, or brought into disrepute, i.e., a “bouncer” or an employee of a business that features “adult” entertainment.
6. In any employment or business which would in any way reduce the effectiveness of the employee in performing assigned Departmental duties, or which might constitute or reasonably be perceived as constituting a conflict of interest, such as private investigator (including investigative surveillance), criminal or civil investigator, bail bondsman, accident reconstructionist, etc.
7. For any employer or establishment which sells, dispenses, or handles alcoholic beverages, except employment in a motel, hotel, country club, baseball stadium or similar establishment as a security guard, desk clerk or similar capacity, provided that no part of his/her specific duties are related to or involve the restaurant/bar where alcoholic beverages are sold or dispensed. (Applicable to sworn officers only).
8. In any employment that will pose an unacceptable or excessive risk of temporary, or disabling injury or which may adversely affect an employee’s ability to perform his/her primary duties in a satisfactory manner as an employee of the Department.
9. Employment in the field of sales where an employee’s identity as a police officer or Department employee will be used to promote or provide a product, i.e. home security systems, security products, etc.

10. For any other law enforcement agency in a full-time or part-time capacity. Excluded from this prohibition is service in a military law enforcement agency while in regular Reserve or National Guard training, active duty for training, or if mobilized for a period of active duty (Military Reserve, National Guard, and/or active duty is NOT considered secondary employment for the purpose of this order).
11. Any employment which establishes that profit from activities such as gambling prohibited by statutes the Department is sworn to uphold.
12. No police officer will be permitted to perform secondary employment police work at a location, establishment or venue where marijuana is sold or the primary purpose of the location, establishment or venue is the consumption, production, testing, or transportation of marijuana or marijuana infused products. This restriction prohibits officers from providing security at any such location and from providing security for the transportation of financial proceeds from any marijuana related business.
13. Officers are prohibited from working off-duty in any establishment which constitutes a threat to the status or dignity of the police as a professional occupation. This includes establishments which furnish "adult" entertainment (nudity of any kind); those which sell pornographic books, magazines, sexual devices or videos or that otherwise provide entertainment or services of a sexual nature; or any gambling establishment not exempted by law.

D. EXTRA DETAIL EMPLOYMENT:

1. Prior to commencing extra detail employment, The Chief of Police or his designee shall post a sign up notice detailing the assignment. Officers will be allowed to sign up for extra detail employment on a first come first serve basis. Not all assignments will be posted for sign up. The Chief of Police or his designee will detail officers who possess special skills, which are needed to complete a specific assignment, to the assignment.
2. The Chief of Police or his designee is responsible for planning, staffing, and coordinating all extra detail events.
3. All requests for this type of police service will be forwarded to the Chief of Police or his designee.
4. Types of extra detail duties are but not limited to:
 - a. Traffic control and pedestrian safety.
 - b. Crowd control
 - c. Security and Protection of life and property.

- d. Routine law enforcement for public authorities.
 - e. Plain clothes assignments.
5. Officers working Extra-Detail Employment assignments are subject to all of the General Orders of the Department.
 6. Extra-Detail Employment will generally only be approved for employers/work locations located within the Town of Thurmont. Extra-Detail Employment outside of the Town requires the specific approval of the Chief of Police or his designee.
 7. The Chief of Police or designee will negotiate any contracts with an employer.
 8. The Chief of Police or designee will set the rate of pay, conditions of employment, and hours.
 9. The Chief of Police or designee may set uniform, equipment, and vehicle requirements.
 10. The employer pays individuals directly to makes payment to the Town for disbursement as agreed by contract.
 11. The Department will review and consider any legitimate request for Extra-Detail Employment from any business organization, corporation or association and either approve or disapprove the request for voluntary staffing by officers of the Department. By approval of the request, the Department does not guarantee to provide the desired coverage, but agrees to offer the opportunity to interested and approved employees.
 12. Supervisor:
 - a. Officers are employed in Extra-Detail Employment by the person who hired them, and are subject to the direction and supervision of their employer. The senior officer or supervisor at any Extra-Detail assignments is considered to be the supervisor of police personnel at that event, and will act as liaison with the employer for instructions.
 - c. If an officer is asked by any Extra-Detail employer to perform duties, which they believe may be incompatible with their primary responsibilities as a law enforcement officer, the officer has a duty to advise the Extra-Detail Employer of that behalf. If the conflict cannot be resolved with the employer, the officer will report such concerns immediately to their police department supervisor. The officer will be guided by the instructions of the contacted supervisor. The Chief of Police may be notified as necessary.
 13. Notifications of Communications:
 - a. All officers engaging in Extra-Detail Employment will notify the Communications Center reporting for and when terminating any Extra-Detail

assignment.

14. Incidents on Site:

- a. While engaged in Extra-Detail Employment, officers will initiate a case report number whenever an incident requires the taking of a police report and is directly related to the Extra-Detail Employment assignment. The officer will be required to handle all initial complaints/requests for service that occur at the Extra-Detail Employment site. An on-duty officer may be requested to assist when it becomes necessary to process evidence, conduct follow-up, or engage in any other police activity that would require leaving the site. The Extra-Detail Employment officer will remain on site unless it is necessary to leave to handle an immediate concern, i.e., processing an arrestee.
- b. In the event that an Extra-Detail Employment office is required to leave the site, he/she will immediately notify the Communications Center and the Extra-Detail Employment location as soon as possible. The officer will return to the Extra-Detail Employment location as soon as possible, notifying Communications and the employer.
- c. In the event that an incident requires extensive investigation or falls outside the Extra-Detail Employment officer's area of expertise, a supervisor will be contacted and the officer will be guided by his/her direction.
- d. In all cases where a crime has been committed, where there is a direct threat to public safety and/or property, or where there is a threat to the public order, the officer engaged in Extra-Detail Employment will immediately take the appropriate police action.
- e. Officers working Extra-Detail Employment assignments may divert from their assignments to respond to in-progress incidents only in life-threatening situations, if it is believed by the officer working the assignment that it is in the best interests of public safety to do so. The decision to divert Extra-Detail Employment officers by the Department will be at the discretion of the on-duty supervisor.

Employees who respond to such in-progress calls for service will be compensated by the Town for any time worked.

15. Compensation:

- a. Compensation of officers engaged in Extra-Detail Employment remains the sole responsibility of the Extra-Detail employer. Officers will not seek compensation from the Town for activities related to their Extra-Detail Employment activities, except as noted below:

- b. Unless there is an agreement between the Town and an Extra-Detail employer to the contrary, if an officer engaged in Extra-Detail Employment places him/herself “on-duty” to handle a situation that requires a police response, that officer will notify a supervisor, who will record his/her time on the Department Time Sheet and note that this activity occurred while that officer was engaged in Extra-Detail Employment. The officer will notify the employer that he/she was compensated by the Town for the on-duty time. Under no circumstances will an officer be paid simultaneously by the Town and an Extra-Detail Employer for the same activity or period of time. The mere completion of a police report does not require an officer putting him/herself “on-duty.”

16. Responsibility to Report:

- a. After an officer has signed up for and been assigned to the Extra-Detail Employment, it is the officer’s responsibility to be at the proper location at the assigned time.
- b. If an officer who has been assigned an Extra-Detail Employment assignment is unable to work an assignment, for whatever reason, it will be that officer’s responsibility to obtain another approved officer to fill that assignment.
- c. In the event that an officer is unable to obtain a substitute for any assigned Extra-Detail assignment, the officer will contact his/her supervisor at least 48 hours before the assignment, emergencies excepted. In the event of an emergency, the officer will notify his/her supervisor as soon as possible.

17. Disciplinary Action:

- a. Any complaints that arise out of an officer’s Extra-Detail Employment will be handled as per existing Department guidelines/orders, if the complaint centers on:
 - i. Enforcement action;
 - ii. Police related activity; and/or,
 - iii. An allegation of a specific violation of Departmental General Orders.
- b. All other complaints will be handled by the Extra-Detail employer.

18. Court Appearances:

- a. The Department shall provide payment of time relating to the processing, arrest, court time, or other hours arising out of an employee’s exercising of police powers. Under no circumstances will an officer be paid simultaneously by the Town and an Extra-Detail Employer for the same court appearance.

E. LIMITATIONS ON EXTRA DETAIL AND OFF-DUTY EMPLOYMENT:

1. In order to be eligible for secondary employment, an officer must be in good standing with the Department. Continued Departmental approval of an officer's off duty employment is contingent on such good standing.
2. Department personnel engaged in Secondary Employment who are placed on disability leave, sick leave, limited or light duty, with or without police powers, will cease such employment until their condition and Secondary Employment is evaluated by the Chief of Police. The Chief of Police will review the duties of the Secondary Employment and decide whether such Secondary Employment should be continued. If the Chief of Police determines that the Secondary Employment should be discontinued while that employee is on disability leave, sick leave, limited duty or light duty, the decision will be conveyed to the employee in writing through channels. When normal on-duty activities are resumed by the employee, normal Secondary Employment may also be resumed with the approval of the Chief of Police.
3. Criteria for determining continuance or discontinuance include, but are not limited to, the following elements:
 - a. Whether the Secondary Employment is medically detrimental to the total recovery of the disabled employee, as indicated by the professional judgment of competent medical authority.
 - b. Whether the Secondary Employment requires at least the same physical ability as would be required of a full-duty employee.
4. Employees who have been suspended for disciplinary reasons (other than on an emergency basis) may engage in Outside Employment subject to the restrictions and provisions of Departmental General Orders.
5. Student-Officers who are in Entry-level or Field Training are ineligible for any type of Secondary Employment.
6. Injuries to Department employees while engaged in Secondary Employment will be handled in accordance with the policies and procedures of the secondary employer. Workmen's compensation for injuries while working for any secondary employer will be entirely through the secondary employer.
7. Officers may work a maximum of 24 hours of off-duty or extra detail employment, or a total of 64 hours in combination with duty in a single week. The number of hours an employee may work secondary employment or Extra-Detail assignments during an on-duty day will be a maximum of five (5) hours. However, officers will be required to have a minimum of six (6) hours between the time that their secondary employment or Extra-Detail assignment is completed, prior to the beginning of their next scheduled work day. The six (6) hour rule does not apply to Secondary Employment or Extra-Detail assignments that are four (4) hours or less in duration and run consecutive to the beginning of your scheduled tour of duty.

8. Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
9. In as much as an employee's employment with the Department is his/her primary responsibility, the Department reserves the right to summon personnel for duty under exigent and/or emergency conditions. In the event of emergency or exigent circumstances, the ranking on-duty Supervisor/Commander may order an individual who is working or who is scheduled to work Secondary Employment to report for duty with the Department. Supervisory/Command personnel will exercise restraint when employing this option and will do so only when an emergency or exigent circumstance dictates that this step is taken.

F. REVOCATION OF SECONDARY EMPLOYMENT PERMISSION:

1. Permission for an officer to engage in secondary employment may be revoked by the Chief of Police if it is determined that such outside employment is not in the best interest of the Department. Furthermore, permission may be revoked in any case where the employee fails to perform adequately while on duty or receives disciplinary action in any way related to secondary employment.
2. The Chief of Police may revoke or suspend an employee's approved request for Secondary Employment if:
 - a. The employee violates any provision of this order.
 - b. The employee's overall job performance evaluation is reported as less than "satisfactory" during the year the Secondary Employment is approved, as reported by the employee's supervisor through the chain of command to the Chief of Police.
 - c. The employee has a significant amount of sick leave use for the last calendar year, as reported by the employee's supervisor through the chain of command to the Chief of Police. Long-term medical conditions, line of duty injuries or other unusual circumstances will be judged on a case-by-case basis.
 - d. The employee is found guilty of a significant violation of the Department's General Orders. Normally, a "significant" violation would be one for which punishment greater than summary punishment is imposed.
 - e. The employee is suspended on an emergency basis, pending a suspension hearing.

G. SOLICITATION OF SECONDARY EMPLOYMENT:

1. No employee shall solicit any person, business, or other entity for secondary employment while on duty.

H. UNIFORMS AND EQUIPMENT:

1. Uniforms, general issued equipment and/or Department vehicles may be authorized or required for secondary employment at the discretion of the Department and written approval from the Chief of Police.
2. An employee and/or secondary employee may request authorization for use through the employment application process with a statement of justification to be included.
3. The Department may, on consideration of any secondary employment request, require uniforms, equipment and/or Department vehicles as a condition of that employment.
4. In all cases, employees will not wear or use any official property of the Department without first submitting a written request for authorization and receiving approval from the Chief of Police.
5. Employees will not use Department vehicles for purposes of secondary employment, except as approved for transportation to and from the work site, unless approved in writing by the Chief of Police.

ATTACHMENTS: Appendix A - Secondary Employment Application
Appendix B – Sworn Security Related Secondary Employment Employer Waiver
Appendix C – Certificate of Liability Insurance (example)

DOCUMENT DATES :

Amended Date:

Review Date:

Review Date:

Review Date:

Order Written by: Sergeant Shawn Tyler and Chief Gregory L. Eyster
Order Edited and Approved by: Chief Gregory L. Eyster

CALEA Standards Included in this Order
CHAPTER 22 COMPENSATION, BENEFITS, AND CONDITIONS OF WORK