

Annapolis Police Department



GENERAL ORDER

Number: M.3

**Issue Date: January
2010**

TO: All Personnel

SUBJECT: Secondary Employment

PURPOSE

The purpose of this General Order is to establish guidelines in the governing of secondary employment.

POLICY

It shall be the policy of the Annapolis Police Department (APD) that all members' secondary employment shall be monitored.

DEFINITIONS AND TYPES OF SECONDARY EMPLOYMENT

1. **Secondary Employment** – Is any additional employment in which an employee, civilian or sworn, engages outside of the Annapolis Police Department. Sworn personnel may engage in both off duty and extra duty employment. Civilians may only engage in off duty employment.
2. **Off-duty Employment-** Employment that does not require or imply the use or potential use of law enforcement powers. The employment is performed outside of the employee's APD duty hours.
3. **Extra-duty Employment-** Any employment that requires or implies the use or potential use of law enforcement powers by sworn police officers. The employment is performed outside of the employee's APD duty hours and under a contractual agreement, such as:
 - a. Traffic control, pedestrian safety and crowd control.
 - b. Security and protection of life and property.
 - c. Routine law enforcement for public authorities.

I. Conditions

- A. Before working secondary employment a member shall file a Secondary Employment Approval Form through the chain of command for approval by the Chief of Police or his/her designee. Extra duty employment requires an executed Department Liability Agreement be submitted to the Office of the Chief of Police prior actually accepting work from an extra-duty secondary employer.
- B. Members working secondary employment are subject to all general orders, rules and regulations, and standard operating procedures of the department and must conduct themselves according to departmental standards in the course of such secondary employment.
- C. While working off duty or extra duty employment officers shall not engage in vehicle pursuits. In situations requiring pursuit actions, the officer shall call for an on duty patrol officer and Platoon supervisor.
- D. To qualify for secondary employment, a member cannot be on medical or other leave due to sickness, temporary disability or on-duty injury. A member currently on suspension or administrative duty status may work off-duty but not extra-duty assignments.
- E. Department uniform or insignia may be worn while engaged in extra duty employment within the limits of the City of Annapolis only upon approval of the Chief of Police or his/her designee. Requests to wear and/or to use departmental equipment will be clearly stated in the request for extra duty employment approval, describing the circumstances of the employment and identifying the usage of the equipment or uniform.
- F. The Department reserves the right to mandate the wearing of the uniform in certain secondary employment situations exclusive of any request by the involved members. This decision will be determined on a case by case basis.
- G. A member may not use compensatory time, sick or disability leave for the purpose of engaging in secondary employment.

II. Restrictions

Employees may engage in approved off duty and extra duty employment that would not create or tend to create a conflict of interest with their official duties. Some examples of restricted employment are:

- A. Repossessing personal property or bill collecting, or any other employment that requires use of police authority to collect money or merchandise for private purposes.
- H. Any employment that might require a member to use his or her authority to access police information, files, records or services.
- I. Wearing a police uniform in the performance of tasks other than those of a law enforcement nature.

- J. Any employment such as serving civil service documents, conducting private investigations, or assisting in any civil action or in any criminal defense matter.
- K. Engaging in occupations regulated by, or licensed under Title 7 of the Charter and Code of the City of Annapolis.
- L. Any employment for a business or labor group that is on strike.
- M. Any employment that would tend to threaten the status or dignity of police work as a profession. Examples are:
 - 1. Any employment for establishments wherein the primary purpose is to sell or rent pornographic books, magazines, sexual devices, or videos, or that otherwise provide sexual entertainment or services.
 - 2. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
 - 3. Any employment for a gambling establishment not exempted by the law.
- N. Any other activity precluded by Chapter 2.08 of the Charter and Code of the City of Annapolis.

III. Secondary Employment Scheduling and Compensation

- A. A member may not work more than 24 hours of secondary employment in addition to the member's official duty in each calendar week. A calendar week is defined as from Sunday 12AM to the following Sunday 12 AM.
- O. A member's work hours for all secondary employment must be scheduled to avoid conflict or interference with the member's performance of his/her official duty.
- P. Because a police officer is subject to call-in for official duty, the officer must leave secondary employment in such situations.
- Q. Unless otherwise arranged through the department, where secondary employment involves private security officer duties, or the act of arresting individuals, officers shall not be compensated by the Department for arrests emanating from secondary employment, including court time (regular or overtime) payment. Officers shall not schedule nor allow the scheduling of on-duty court appearances for arrests made while working off-duty. Adjustments may be made in the discretion of the Department when this occurs inadvertently.

IV. Member's Responsibility:

Members desiring to engage in secondary employment work shall:

- A. Submit a Secondary Employment Request Form for off duty and extra duty work. For extra duty employment officers must submit an executed APD Liability Agreement through the chain of command to the Chief of Police or his/her designee for approval. Approval, if granted, shall expire on the date exactly one year from the date of signed approval by the Chief of Police or his/her designee. An approved

request must be submitted for review on a yearly basis. The requesting member is responsible for initiating the request for renewal at least 30 days prior to the date of expiration;

- R. For extra duty assignments Officers shall:
1. Notify the Communications Section via telephone or radio of their arrival to and departure from their extra duty assignment;
 2. Advise the on-duty Platoon supervisor of their extra duty assignment and their use of a specific vehicle or other departmental property (e.g., shotgun);
 3. Sign in on a provided daily log, indicating:
 - a. Name and Identification number
 - b. Location of assignment
 - c. Projected hours of work
 - d. Starting and ending time
 - e. Use of vehicle or other departmental property
- S. Officers will submit the appropriate written reports whenever any of the following occur during their secondary employment. They will note their status as being on secondary employment in their report.
4. Incidents involving the use of law enforcement powers;
 5. Incidents involving the use of force;
 6. Incidents resulting in the injury of the officer or others;
 7. Residents requiring a court appearance by the officer;
 8. Changes in any matter set forth in the Secondary Employment Request Form submitted by the officer.

V. Supervisors' and Commanders Responsibility

Supervisors and Commanders shall be responsible for:

- A. Reviewing, preliminarily, the Request for Secondary Employment Form and submitting appropriate comments regarding their knowledge of the secondary employment in question, the member's ability and performance record and any other relevant information to assist the Chief or his/her designee in determining whether to approve or reject the request;
- T. Supervising any officer working extra duty employment during the on-duty Platoon supervisor's tour of duty, routinely checking any officer while that officer is working in extra-duty secondary employment status;
- U. Supplying daily logs for officers to sign when working extra duty employment;
- V. Reviewing daily logs to remain aware of who is working extra duty and how long they will be utilizing departmental equipment;

- W. Updating the information on the log should it change at their direction; and,
- X. Taking appropriate action when obtaining reason to believe any violation of this General Order has occurred. Action may include the immediate suspension of secondary employment permission. If any action is taken, the supervisor shall make a written report of the actions and forward it through the chain of command to the Chief of Police or his/her designee.

VI. Administrative Coordinator

- A. The Office of the Chief shall be designated as the point of coordination within the department, by overseeing the adherence to all the policies, procedures and other matters deemed necessary to secondary employment.
- Y. He or she shall also ensure that all needed documentation for each member who wishes to engage in extra-duty employment is accurate, complete and turned in prior to the start of any extra-duty assignment.

VII. Responsibility of the Chief of Police:

- A. The Chief of Police or his/her designee is responsible for final approval or rejection of a member's request for secondary employment. Approval is contingent upon adherence to this General Order and shall be issued in written form. The Chief or his/her designee shall review all applications, original or annual renewal for secondary employment.
- Z. The Chief of Police may, at any time, revoke permission for a member to engage in secondary employment whenever it is determined such secondary employment is not in the best interest of the department or on the basis of poor job performance and/or excessive use of disability or sick leave. Written notification with an explanation will be provided to the member in such cases.

Michael Pristoop
Chief of Police

References
1. Accreditation Standards 22.3.3, 22.3.4 2. Charter and Code of the City of Annapolis Title 2.08 & Title7

Revision: This General Order replaces General Order M.3 Secondary Employment dated February 2004.