

	<b>FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES</b>	
	<b>ADMINISTRATION</b>	
<b>137.00</b>	<b>APPROVED:</b> <i>David W. Nye, Chief of Police</i>	<b>Initiated:</b> 10/01/2007
		<b>Revised:</b> 01/18/2013

## OVERTIME DETAILS AND OUTSIDE EMPLOYMENT

**137.00 – Overtime Details and Outside Employment** - This directive establishes guidelines for overtime details and outside employment for sworn and non-sworn employees. It is the policy of this Department to prohibit any overtime detail or outside employment that may impair on-duty efficiency, bring discredit to the Department, or conflict with on-duty responsibilities, the City’s Human Resource policies or written directives. The Chief of Police will exercise the amount of control necessary to enforce this policy and may revoke an employee’s overtime detail or outside employment privilege at any time. This directive applies to any Police Department employee whether sworn or civilian. [22.3.4]

**137.01 – Administrative Coordinator** - A point of contact within the Police Department is appointed by the Chief of Police to oversee adherence to this directive. The Administrative Coordinator is the Patrol Division Commander or designee. [22.3.5, d]

**137.02 - Overtime Detail** - Primary duties resulting from City employment and extra duties performed outside of regularly scheduled hours for additional compensation by or through the City (ex. Basketball game or Christmas Parade, etc.).

### OVERTIME DETAILS

Method of Notification: Overtime details are posted or announced after being approved by the Chief of Police.

Approval Required: No additional approval required; personnel simply “sign up” for the posted detail.

Compensation will comply with all provisions of Police Directive 133.00 – Overtime. [22.3.5, a]

Law enforcement actions, complaints, and injuries shall be documented per department policy. [22.3.5, e]

**137.03 - Outside Employment** - Primary duties resulting from employment outside of City employment and extra duties performed outside of regularly scheduled hours for additional

compensation by or through an outside employer. Outside employment opportunities may be submitted to the Chief of Police for approval by a prospective employer or by a police employee.

### **OUTSIDE EMPLOYMENT REQUEST FROM A PROSPECTIVE EMPLOYER (Extra-Duty Employment - ex. Funland)**

Method of Notification: These outside employment opportunities are posted or announced after being approved by the Chief of Police.

Approval Required: The prospective employer must submit an Extra Duty Employment Agreement form to the Chief of Police. The person designated as the coordinator for the outside employment detail is responsible to ensure this is done. Only one form needs to be submitted if the employment is for identical responsibilities, regardless of length for the employment or number of personnel (the request must be renewed annually by February 28<sup>th</sup> however).

No additional approval is required by department employees; personnel simply “sign up” for the posted detail.

Compensation will adhere to Police Department policy. [22.3.5, a]

Law enforcement actions, complaints, and injuries shall be documented per department policy. [22.3.5, e]

### **OUTSIDE EMPLOYMENT REQUEST FROM A DEPARTMENT EMPLOYEE (Secondary Employment - ex. Part time job)**

Method of Notification: These outside employment opportunity requests are submitted by the department employee for approval from the Chief of Police.

Approval Required: The department employee must submit a Secondary Employment Request form, signed by the prospective employer, to the Chief of Police.

Permission to work on-going outside employment must be approved annually, by February 28<sup>th</sup> each year. The Chief's office will maintain a file for outside/secondary employment.

Employees wishing to engage in any additional outside employment must obtain permission for each outside employment. [22.3.5, a]

Compensation will adhere to Police Department policy. [22.3.5, a]

Law enforcement actions, complaints, and injuries shall be documented per department policy. [22.3.5, e]

**137.04 – Unusual Circumstances** - Under unusual circumstances (e.g., a request received after normal business hours and deemed important enough to warrant immediate approval), a Watch Commander may temporarily approve a request for an overtime detail or outside employment and forward it to the Chief of Police for final approval on the next business day. Emergency approvals shall last no longer than 3 days.

**137.05 - Employee Responsibilities** - Employees engaging in an overtime detail or outside employment will comply with the following requirements:

- Employees are responsible to work the detail or outside employment for which they have signed up or otherwise committed themselves.
- Employees who have committed to work a detail or outside employment must have approval from a Watch Commander to remove their name from the detail.
- If exigent or other emergency circumstances arise and an employee cannot meet his or her obligation to appear for the detail or outside employment, he or she must contact the Watch Commander. This contact must be made as soon as the employee reasonably knows he or she will not be able to appear.
- Employees will notify Communications at the beginning and end of an overtime detail or outside employment conducted in the City and must do so by their MDT or their police radio.
- If an employee fails to show up for an overtime detail or outside employment they have signed up for the following actions may be taken:
  1. 1<sup>st</sup> Offense- Squad Level counseling and notation on performance appraisal
  2. 2<sup>nd</sup> Offense – thirty day suspension from working any overtime details
  3. 3<sup>rd</sup> Offense within a twelve month period – six month suspension from working any overtime details.

**137.06 - Supervisor Responsibilities for Outside Employment** - The employee's supervisor will determine if the requested outside employment presents any conflict or potential conflict with any police directive or City policy. If approval is recommended, the supervisor will forward the request through the Patrol Division Commander to the Chief of Police. [22.3.5, d]

If disapproval is recommended, the supervisor will note the reasons for recommending disapproval and forward it through the Patrol Division Commander to the Chief of Police. The supervisor will inform the employee that the request has been recommended for disapproval.

The Chief of Police reserves the right to deny approval of any part of the compensation based upon review of the nature of the compensation and corresponding employment status (regular or contractor) for the detail. If the Chief of Police denies all or part of the compensation, the reasons for the denial will be documented on the original form. [22.3.5, c]

A supervisor who determines that overtime details or outside employment may be having an adverse effect on an employee's performance will discuss the situation with the employee. If the adverse effects do not cease, the supervisor will send a written report documenting the adverse effect through the chain of command to the Chief of Police, who may revoke or limit overtime or outside employment if the facts warrant such action.

**137.07 – Compensation** - While engaged in an overtime detail or outside employment in the City, an employee may be assigned to respond to a call for service. Such assignment will only be made with the approval of an on-duty supervisor. If assigned a call for service, the employee will respond immediately and will not return to the overtime detail or outside employment until authorized to do so by a supervisor. Additionally:

- When working an outside employment assignment and the employee remains on the assigned call for more than 30 minutes, he/she may submit a request for overtime (special detail) for the time spent on the call. Since any employee in such circumstances is already working an off-duty assignment, callback pay is not authorized.
- Outside employers may retain the employee on the employer's payroll for the first 30 minutes when the employee is placed in an on-duty status. Absences from the employer's

premises for longer than 30 minutes will constitute a break in employment for the duration of the absence. At no time will an employee remain on the outside employer's payroll and request overtime compensation from the department for the same hours.

- Compensation for any law enforcement action initiated by an employee or extra time spent on an outside employment assignment due to any action taken on behalf of the outside employer (e.g., an arrest related to the assignment) is the responsibility of the outside employer.
- The Department will compensate the employee for court appearances that result from the employee's overtime detail and outside employment if it is related to the exercise of police powers.
- The Department and/or the City provide liability and workers' compensation insurance coverage to an employee engaged in an approved overtime detail. Coverage for outside employment exists only when the employee is required to take law enforcement action during such employment. Actions taken by an employee on behalf of an outside employer that do not directly involve law enforcement actions are not covered by the City's Workers Compensation plan.
- The Department recommends that outside employers provide coverage for injuries on the outside employment job for circumstances not specifically involving law enforcement actions, as well as for any personal liability the employer may incur from an employee's actions on the employer's behalf. If the outside employer does not provide such coverage, the employee may be personally liable.

**137.08 – Equipment and Uniform Apparel** – When an overtime detail or outside employment in the City is for law enforcement purposes, Employees will:

- Wear only the Class A regulation uniform. (Short or long sleeve)
- Issued sweaters can be worn according to regulation.
- No outside vests or utility uniforms will be worn. (The Chief of Police reserves the right to adjust this requirement as appropriate on a case-by-case basis).
- Wear their issued duty belt and carry:
  1. Badge/ID Card
  2. Firearm w/spare magazine
  3. Body Armor
  4. OC Spray
  5. Handcuffs
  6. Baton
  7. Taser (refer to Dir. 302.07)
  8. Portable Police Radio

Injuries, accidents or damage to issued equipment must be reported following regular departmental procedures.

**137.09 – Restrictions** – The following restrictions apply to overtime details and outside employment:

- An employee will not, in any 24-hour period work more than a total of 18 hours. This includes overtime details or outside employment in addition to on-duty work. (This limitation does not include shift extension). This applies equally to employees working for any approved compensation.

- Employees who work the maximum 18 hours in a 24-hour period are prohibited from beginning another tour of duty (including regular hours, overtime details and outside employment) until 6 hours have passed from the end of their last work assignment.
- An employee may engage in overtime details and outside employment only when the employee is able to work in full-duty capacity. Employees who are assigned to light-duty status may **not** engage in law enforcement overtime details or law enforcement outside employment.
- Probationary police officers are not eligible to work overtime details or outside employment which is law enforcement related until they are certified by DCJS and have completed the Field Training Evaluation Program (FTEP).
- An employee working an overtime detail or outside employment is bound by the Police Directives, City Policy and any other law applicable to on-duty personnel. Any violations of provisions of those policies or of City, State or Federal laws while engaged in overtime details or outside employment may be cause for disciplinary action. [22.3.5, b]

**137.10 - Additional Outside Employment Restrictions** – Employees will NOT use or permit the usage of their title, badge, uniform, rank, Police Department or City name or other item relating to their employment by the City, in any advertising, written correspondence, or other media, whether printed, broadcast or electronic, by their outside employer without the written consent of the Chief of Police. This provision includes that employees may not do so as a means of promoting their outside employment even if they are self-employed. [22.3.5, b]

The following types of outside employment are prohibited [22.3.5, b]:

- Employment as a bill collector, repossession or collection agent of any kind.
- Employment as a private investigator or detective, civil process server or unarmed security guard.
- Employment in the interior of establishments where alcoholic beverages are sold for consumption on the premises and where the primary purpose of the employment is the control of disorderly customers. All details at such establishments will be worked in uniform, and will be for exterior and/or perimeter security only. Specifically prohibited are the enforcement of "house" rules involving law enforcement actions, routine weapons "pat downs" and alcohol level screenings at the establishment's entrance. Employees working such details are to, whenever possible; physically distance themselves from the actual site of alcohol service. Any exception to this policy must have the specific written approval of the Chief of Police.
- Employment that could require access to confidential police records, files, correspondence or other information that is not available to the general public.
- Employment in a capacity which could directly or indirectly interfere with the proper and efficient performance of the employee's police duties, or that the Chief of Police believes not to be in the best interest of the Department or City.
- Employment at establishments that fail to comply with all federal, state and local laws.
- Employment that would place the employee in an actual or potential conflict of interest situation.
- Employees will not engage in outside employment beyond the City limits where there is a reasonable expectation that law enforcement actions are required.