

# TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS MANUAL

	<b>SUBJECT</b>  Outside and Secondary Employment	
	<b>CHIEF OF POLICE</b>  <i>Signature on file</i>	
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## **AUTHORITY/RELATED REFERENCES**

General Order 46, Rules of Conduct  
 Current Bargaining Agreement Article 20  
 City of Tallahassee Administrative Policy and Procedures 706.06

## **ACCREDITATION REFERENCES**

CALEA Chapter 22

## **KEY WORD INDEX**

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## **POLICY**

The Tallahassee Police Department supports the privilege of Department members who volunteer to engage in outside and secondary employment but maintains the right to regulate and, where appropriate, prohibit certain types of employment.

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### DEFINITIONS

**Alcohol Locations:** Any location (bar, club, restaurant) that is licensed for the consumption of alcoholic beverages (beer, wine, liquor) on the premises, including events at licensed premises where alcoholic beverages will not be present during the event.

**Business Coordinator:** A sworn member who has volunteered to coordinate the staffing assignments and/or logistics of one or more secondary employment officers, other than themselves, for a business location. The business coordinator must meet certain qualifications as identified within this policy.

**Coordinator's Fee:** Sworn members may collect compensation as outlined in this policy for serving as a business coordinator.

**Extension of Licensed Premises:** A temporary license requested by the owner of an alcohol location to extend their permissible premises for the consumption of alcoholic beverages. The permit usually extends the premises into a parking area for an outdoor party on a special night.

**Outside Employment:** Any employment with an entity other than the City of Tallahassee, including self-employment.

**Police Services Operations Plan:** A pre-formatted operations plan that outlines staffing, supervision, authority, responsibilities, and logistics for events that employ secondary employment officers (PD Form 291).

**Request for Secondary Employment Officer Services Agreement:** An annual agreement signed by the alcohol licensee or senior designee of an alcohol location that articulates the requirements of this policy, lists owner contact information, and discusses the requirements for secondary employment staffing levels and related logistics (PD Form 292).

**Secondary Employment:** Outside employment where a condition of the employment is the actual or potential use of law enforcement powers by the department member.

**Secondary Employment Form:** A form completed annually by officers seeking to engage in secondary employment (PD Form 202).

### PROCEDURES

#### I. GENERAL GUIDELINES FOR OUTSIDE AND SECONDARY EMPLOYMENT

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A non-probationary member who is in good standing with the Department may engage in outside employment. No request for outside employment authorization that complies with this policy, Florida law, and the current bargaining agreement, shall be unreasonably denied.

### A. Outside Employment

A department member who engages in outside employment shall ensure that the following criteria are met:

1. The employment is of a non-police nature in which the use of vested law enforcement powers is not a condition of employment.
2. The employment provides no real or implied law enforcement services to the outside employer and is not performed during assigned work hours.
3. The employment presents no conflicts of interest as defined by city policy and state law between the member's department duties and their duties for the outside employer. Examples of employment that represent a conflict of interest include, but are not limited to:
  - a. Process server, reposessor, bill collector, vehicle towing owner/operator, or any other employment in which law enforcement authority may be used to collect money or merchandise for private purposes.
  - b. Private investigations or any other employment that might require access to or use of police information, files, records, or services as a condition of employment.
  - c. Any employment that requires the wearing of the police uniform while performing tasks.
  - d. Employment of any nature that assists in case preparation for the defense in any criminal or civil action or related proceeding.
  - e. Employment in any occupation that is regulated by, or licensed through, the Tallahassee Police Department.
  - f. Employment as an owner or in the operation of any business establishment that is licensed under State laws to sell alcoholic beverages.
  - g. Employment as an entertainer, or in any law enforcement related capacity, in any business establishment licensed under

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State laws to sell alcoholic beverages, unless written approval is obtained from the Chief of Police, or designee, as provided in Section III herein.

4. The employment does not compromise the status or reputation of the Department or dignity of the police as a professional organization. Examples of employment which are prohibited by this section include, but are not limited to the following:
  - a. Employment in establishments that sell pornographic books, magazines, sexual devices, or videos, or otherwise provides entertainment or services of a sexual nature.
  - b. Employment by any outside employer involving the manufacture or transport of alcoholic beverages.
  - c. Employment in any gambling establishment not exempted by law.
  - d. Employment by any outside employer involving the production or operation of any computer based business involving pornographic web sites or other mediums of pornographic distribution.

### B. Secondary Employment

In addition to the general guidelines for outside employment, sworn members volunteering for secondary employment must adhere to the general guidelines for secondary employment. Sworn members may engage in the following secondary employment functions provided that written approval is first obtained from the Chief of Police or designee in compliance with Section III of this policy.

1. Employment involving traffic control and pedestrian safety except where duties include directing the flow of traffic onto public streets, unless said employment is related to school, church, or other departmentally approved activities.
2. Employment involving crowd control.
3. Employment involving law enforcement services.
4. Officers seeking to engage in secondary employment at the following events shall complete a "Police Services Operations Plan" at least five (5) calendar days (not including weekend days) in advance of the event.

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- a. Events hosted on university or college campuses.
- b. Fraternity and sorority events, whether on or off campus.
- c. Events at apartment or townhouse complexes.

The completed "Police Services Operations Plan" shall be forwarded to the appropriate Patrol District Commander for review and approval. If approved, the coordinator for the secondary employment event shall ensure that a copy of the plan is provided in advance to the Watch Commander, all appropriate Patrol Supervisors, and to the appropriate university police department, should the event involve the university or a university organization.

5. Requests for officers to work secondary employment locations made directly to Internal Affairs by an outside employer will be posted on employee bulletin boards. Sworn members wishing to work these occasional secondary employment opportunities shall contact the Internal Affairs Secretary, who will include their names on an eligibility list.

## II. LIMITATIONS REGARDING SECONDARY EMPLOYMENT

- A. Probationary members will not be permitted to engage in secondary employment.
- B. Officers seeking secondary employment at alcohol locations shall have a minimum of two years of sworn law enforcement experience. For officers without previous law enforcement experience, two years experience shall be calculated from the employee's entrance into the FTO program.
- C. All authorization to work secondary employment in any capacity is immediately and automatically suspended whenever the member is:
  1. Placed on light duty status.
  2. Relieved of duty.
  3. Suspended from duty.
  4. On military leave.
  5. Scheduled for official activities such as court, training, or special events, which supersede secondary employment assignments.

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6. Unable to report for regular duty or official activities due to personal illness until the employee has subsequently completed a full tour of regular duty or a time period of 24 hours has elapsed since the sworn member's scheduled reporting time.
  7. Involved in a conflict or apparent conflict of interest between the on-duty and secondary employment responsibilities.
  8. Placed on probationary or conditional status.
- D. Sworn members shall abide by the identified number of secondary employment hours per week, as provided in the current bargaining agreement. The Chief of Police or designee may grant exceptions, during periods of unusual seasonal demand.
- E. Work hours for all secondary employment shall be scheduled by the member in a manner that does not conflict or interfere with the member's performance on duty or the effective utilization of the Department's resources.
- F. Any member who engages in secondary employment is subject to call-out in case of emergency and shall be expected to leave their secondary employment assignment in such situations.
- G. Permission for a member to engage in secondary employment may be suspended or revoked by the Chief of Police or designee when it is determined, pursuant to departmental policy, that such employment is not in the best interests of the Department.
- H. Sworn members engaging in secondary employment shall **not** engage in the following activities:
1. Solicit for secondary employment opportunities.
  2. Accept gratuities or any forms of compensation in addition to or in lieu of the work hours paid by the secondary employer. For clarification, members may receive food or beverages when it is commensurate with their employment at the location.
  3. Collect any form of coordinating fees or compensation from other department members.
  4. Take action to enforce "house rules", conduct "pat downs", or utilize any department resources to conduct age verifications for any function other than a law enforcement purpose.

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5. Members may not engage in secondary employment at alcohol locations, unless a current "Request for Secondary Employment Officer Services Agreement" has been approved by the Department.
6. Stand or loiter in any area of an alcohol location that is designated for bar personnel, unless it is essential for the completion of a law enforcement purpose.
7. Patronize an alcohol location immediately following the completion of their secondary employment assignment at this same location when the officer is operating a city owned vehicle. Officers in personal clothes and not operating a city owned vehicles are considered off-duty and not subject to this requirement.

### **III. PROCEDURES GOVERNING REQUESTS FOR SECONDARY EMPLOYMENT**

#### **A. Procedures for Department Members**

A secondary/outside employment form shall be completed by any member who desires to work secondary employment or in a capacity as an entertainer as defined in Section I of this policy. Members engaging in outside employment that is not conditioned on the use of law enforcement authority are not required to complete the outside employment form, unless otherwise directed in this policy. Members who are unsure as to whether a form is required should consult with Internal Affairs prior to accepting or engaging in outside employment.

#### **1. Secondary Employment Form**

- a. A member shall complete and submit to their supervisor a Secondary Employment Form. The member's supervisor shall review the request for secondary employment and recommend approval or disapproval in the appropriate space. The supervisor shall forward the request to the appropriate Lieutenant for review.
- b. The Lieutenant shall review the request for secondary employment and recommend approval or disapproval in the appropriate space. The Lieutenant shall forward the request to the Chief's office or designee for final review and approval.

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- c. The employee shall not be authorized to engage in the requested secondary employment until final approval has been received.
- d. All Secondary Employment Forms, regardless of submission date, will expire on December 31<sup>st</sup> of each year, unless otherwise suspended or revoked by the Chief of Police. Requests for renewals of secondary employment forms must be submitted each year prior to January 1<sup>st</sup>, in order to maintain secondary employment privileges.
- e. Members may make additions or deletions to the original Secondary Employment form by submitting a new form, via the chain of command.
- f. Approval to work secondary employment authorizes only such work as is specifically designated on the Secondary Employment Form. Members who engage in unapproved secondary employment shall be subject to disciplinary action and/or revocation of the secondary employment authorization.

### 2. Temporary Approval for Secondary Employment

If a member has an unexpected opportunity to engage in secondary employment and time constraints prevent the Secondary Employment Form from being processed through the normal chain of command, the on-duty Watch Commander shall be authorized to give final approval to the member's request to work temporary secondary employment. Such authorization shall be entered onto the Watch Commander's calendar, which shall be reviewed on a regular basis by Internal Affairs to ensure compliance with this policy. The officer shall submit a Secondary Employment Form through the normal chain of command on their next regular work day.

### B. Department Procedures for Secondary Employment

- 1. The Department shall maintain authority over all officers working secondary employment locations.
- 2. The Department retains the authority to cancel the employment of secondary employment officers at any location with or without cause.
- 3. Request for secondary employment services at alcohol locations.



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- a. The Department recognizes that Secondary Employment assignments at alcohol locations require an increased level of oversight in order to ensure appropriate officer staffing levels, safer working conditions, and adequate police supervision.
- b. The Department shall require all alcohol locations to complete a "Request for Secondary Employment Officer Services Agreement" prior to the assignment of secondary employment officers. The agreement must be re-submitted for approval prior to December 31<sup>st</sup> of each year by the business owner or designee.
- c. The Chief or designee may grant exceptions to these requirements for individual events under appropriate circumstances. For example, a small wedding at a restaurant licensed for on premises alcohol consumption.

#### **IV. GENERAL RESPONSIBILITIES REGARDING SECONDARY EMPLOYMENT**

##### **A. Officer Responsibilities**

1. Officers shall report all serious or unusual circumstances to the patrol supervisor assigned to the geographic district of the secondary employment or the Watch Commander, as soon as possible.
2. Officers shall monitor the appropriate patrol district radio talk group and respond, when needed.
3. Officers shall ensure that business management maintains fire exits free of obstructions and that fire extinguisher gauges reflect their operational readiness.
4. Officers shall take appropriate action to ensure that business management has complied with the maximum occupancy capacity of the business as established by the Fire Inspector.
5. Officers are responsible for responding to all observed and reported incidents in the interior of the location and the immediate surrounding exterior areas, and taking appropriate action, as needed.
6. Officers are responsible for investigating all incidents at the secondary employment location and completing the appropriate documentation prior to the end of their assignment. On-duty

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officers may be utilized to complete prisoner transports at the discretion of the appropriate district patrol supervisor.

7. Officers performing secondary employment assignments are responsible for adhering to all General Orders and procedures, which apply to on-duty assignments. Any violations of these policies and procedures will be resolved in accordance with existing department guidelines for corrective action.
8. Officers shall wear the standard department patrol uniform while working any secondary employment. Officers seeking to wear plainclothes or other specialty uniforms must be granted permission from their respective division commander.
9. Prior to the start of any secondary employment at an alcohol location, the secondary employment officers shall report to the Watch Commander any staffing shortages or other unusual circumstances. The Watch Commander shall retain authority for canceling or altering the secondary employment assignment, as needed.

### B. Business Coordinators

Officers in good standing with the Department, as identified in Section II, may volunteer to coordinate the staffing and logistics for secondary employment locations.

1. Business Coordinators must meet the following qualifications:
  - a. A minimum of three years employment as a police officer within this agency.
  - b. Meets Expectations or above ratings on the previous two annual performance evaluations.
  - c. Approval from the chain of command through the level of Bureau Commander.
  - d. Successful completion of an orientation training session conducted by Internal Affairs that addresses issues relative to secondary employment.
2. Officers may volunteer to serve as a business coordinator for a maximum of two (2) alcohol locations or four (4) non-alcohol locations, at any given period. Officers shall not exceed a total of four (4) overall locations, at any given period.

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3. Officers may receive compensation for this service that does not exceed the equivalent of payment for four (4) working hours at the secondary employment rate per month for each of these locations. Under extenuating circumstances, officers may be granted exceptions after directing a memorandum through their chain of command to the Internal Affairs Commander.
4. Officers providing coordinating services shall work at least one shift per month at each of the business locations in order to ensure familiarity with the needs and issues of the location. Officers are automatically exempt from this requirement when:
  - a. during a particular month, their regular work shifts conflict with the only work shifts offered by the secondary employment location,
  - b. the secondary employment location offers no shifts during the course of a particular month, or
  - c. the special event employing secondary employment officers is operated fewer than three (3) times during the year.
5. Officers serving as business coordinators shall list the locations and their role on the Secondary Employment Form. The working hours accrued for providing coordinating services shall not be counted towards the maximum hours per week, as set forth in the current bargaining agreement.

### C. Supervisor Responsibilities

1. As patrol activity permits, patrol supervisors should periodically inspect the locations within their district that have secondary employment officers assigned.
2. When inspecting an alcohol location, the patrol supervisor shall ensure that the business has complied with the appropriate staffing levels and conditions, and that the officers are fulfilling their responsibilities as outlined within this policy.

### D. Department Responsibilities

1. The Department shall review relevant conditions such as alcohol presence, pedestrian and traffic safety, past history, and officer safety needs in determining the staffing and supervisory levels for events.

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2. The Department shall implement guidelines that address hourly pay ranges for secondary employment locations.
3. The Department shall establish protocols for the utilization of the Police Services Operations Plan, extension of licensed premises permits, and procedures for applying for street closures for events at alcohol locations.

### **V. AUTHORIZATION OF SECONDARY EMPLOYMENT FOR PARKING ENFORCEMENT TECHNICIANS**

- A. Parking Enforcement Technicians (PET) are permitted to engage in secondary employment while working departmentally approved assignments requiring traffic control only.
- B. All provisions of this policy, including weekly hour restrictions, shall apply to PETs unless an exception has been previously approved in writing by the Chief of Police or designee.

### **VI. REQUIREMENTS FOR FINANCIAL DISCLOSURE**

All members who engage in outside and secondary employment are required to disclose this financial income to appropriate state and federal agencies in compliance with applicable laws.

### **VII. WORKER'S COMPENSATION REQUIREMENT**

All members who work outside and secondary employment are required by law to be covered by worker's compensation insurance. Members who engage in secondary employment are encouraged to take appropriate steps to ensure that such coverage is provided by the outside employer.

Members who are authorized to work secondary employment will be covered by the City of Tallahassee for injuries received while carrying out a law enforcement function, while acting within the scope and course of employment, including the authorized operation of a police vehicle to and from the site of the secondary employment location. Where questions arise regarding which employer is responsible for providing worker's compensation coverage, such questions shall be decided by the appropriate City officials on a case-by-case basis.