The materials provided in this correspondence are for general informational and educational purposes only and are not intended to be and should not be considered legal advice or opinions. Prior to making any policy or rule changes seek the advice of your municipal attorney.

**SAMPLE POLICY**

**SECONDARY EMPLOYMENT – TOTAL HOURS WORKED GUIDANCE**

**8-6-21**

**PURPOSE**:

The purpose of this policy is to set forth guidelines to govern additional employment by members of the ABC Police Department.

 **POLICY:**

The policy of the ABC Police Department is to provide guidelines to police employees 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 police department and for the protection of the community. It is the policy of the ABC Police Department that all officers will adhere to the procedures as described in this policy.  Officers and employees of the ABC Police Department familiarize themselves with this policy and request assistance from their supervisor if they should be in need of further explanation or training regarding this policy.

The primary employment allegiance of every sworn officer is to the ABC Police Department at all times. Officers are required to respond to their primary employment, when ordered to do so during state of emergencies, critical incidents and other crisis situations, as deemed appropriate by the Chief of Police of his designee.

**DEFINITIONS**

 A. **Employment:**  The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer or charity work.

 B. **Primary Employment:** Regularly scheduled shifts of police duty, primary employment overtime, special assignments, department sanctioned school in lieu of regular duty, and court appearances arising out of an officers employment with the ABC Police Department.

 C. **Secondary Employment:** Any additional employment, paid for by another employer that will not require the use or potential use of law enforcement powers by the off duty officer, including a private business, self employment, or a self owned business, or business venture operating under a Limited Liability Company (LLC) or Corporation, etc.

 D. **Outside Employment**: shall be defined as any employment or assignment which the police

 department does not normally provide as part of its regular plan of police service; performed by an

 officer of the police department for a person or entity who has entered into a formal contract with the

 township for the performance of such services and where such services are conditioned upon the actual

 or potential use of law enforcement powers by the police department employee.

  **I. Secondary Employment**

A. Employees may engage in secondary employment that meets the following criteria:

1. Employment of a 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 assigned hours of duty.
2. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for their secondary employer.
3. Restrictions:
4. At no time, shall an officer violate a Federal or State law, Township Ordinance, or Department Rules and Regulations, while working an additional employment.
5. At no time, shall an officer continue to work an additional employment, when the officer believes or it has been determined by another officer, that the employment:
6. Conflicts with the interest of the ABC Police Department;
7. May impair the operation or efficiency of the ABC Police Department or its employees;
8. May have a negative impact on the public’s trust or the ABC Police Department’s reputation.
9. At no time, shall an officer solicit or compete with another police organization for off-duty employment.
10. At no time, shall an officer perform any duties of the secondary employment, while engaged in the following:

 Primary duties and / or assignment as a police officer;

 Overtime hours

 iii. Outside employment.

e. At no time, shall an officer perform any duties of secondary employment, without approval of the Chief of Police.

f. Prohibited secondary employment includes but is not limited to the following employment when:

The employment may require the actual or potential use of law enforcement powers by the sworn officer.

The employer charges a fee for, or earns money by, towing or repossessing vehicles, and/or stores such vehicles.

The employer is a security guard company, armored car service, or similar provider of armed or protective services.

The employer operates a gambling enterprise or sells tickets for a lottery other than the official New Jersey state-sponsored lottery. For purposes of this directive, “chances” and door prizes sold during a one-time charitable or community event do not qualify as lottery tickets.

The employer operates an enterprise that involves the sale, manufacture, or transportation of alcoholic beverages as the principle business.

The employer operates or participates in an enterprise that provides entertainment or services of a sexual nature.

The employee collects bills or debts, attempts to convince any person to pay a bill or debt, or takes other actions in furtherance of a civil dispute involving financial payments and/or the repossession of property while employed as a collection agent.

The employee performs private investigation or assists in the preparation of any plaintiff’s or defendant’s case for civil or criminal court.

The employee administers or assists in the administering of a polygraph, voice stress analyzer, or other type of deception detection examination.

The employee serves or assists in the serving of any civil or criminal legal processes such as: subpoenas, writs, eviction notices, etc.

The employee performs personal security or bodyguard services for any individual person.

The employee provides security or police-related services to a business whose employees are on strike, or otherwise assists any party in the furtherance of a labor-management dispute.

The employee operates a taxicab.

The employee performs services as a bartender and/or provides security services for any establishment that serves alcoholic beverages.

4. All conflicts shall be reported to the Chief of Police utilizing the chain of command.

 B. Limitations Secondary Employment- are as follows:

1. Prior to obtaining secondary employment, a police employee shall comply with departmental procedures for granting approval of such employment, or registration for secondary employment.

2. 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.

3. A police officer engaged in any secondary employment is subject to call-out in case of emergency, and may be expected to leave his secondary employment in such situations.

4. If an officer chooses to carry a department issued duty pistol during the course of secondary employment, the weapon shall be concealed and the officer will comply with all other departmental orders, rules and regulations regarding firearms. The officer will also carry departmental issued identification at all times.

5. A change of the job description for Secondary Employment will require the officer to immediately submit for a new approval. The office of the Chief of Police will ensure that all such requests will be handled in a timely manner.

6. Approval for secondary employment will no longer be continued, unless allowed by the Chief of Police in writing, under the following conditions:

* + - 1. The Chief of Police has determined that the secondary employment will be a conflict of interest with the ABC Police Department.
			2. The officer’s work status has changed to an injured on-duty status, or the officer is on an extended medical leave (paid or unpaid), or family leave status of 80 hours or greater.
			3. The officer’s work status has changed to a light duty status, as determined by the Chief of Police.
			4. The officer has been suspended from duty.

7. In the event that an officer is suspended from duty, approval to be eligible for secondary employment must be given by the Chief of Police. The provisions and restrictions of this Order shall remain in effect to officers who are suspended from duty, unless the secondary employment was previously approved by the Chief of Police in compliance with this Policy.

 8. Approval for secondary employment must be renewed by January 15 of each calendar year, by the submission of a Secondary Employment Approval Form.

C. All new secondary employment requests must be submitted to the Chief's office on the aforementioned entitled “Secondary Employment Approval Form”, 14 business days prior to starting actual work. The new approval form will be in effect until for the remainder of the calendar year. A renewal approval form must be submitted by January 15 of the following year.

II. Outside Employment

1. Those officers who have not completed the Field Training Officer Program, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in outside employment, unless ordered to do so by a superior officer in the event of an emergency or crisis.
2. Permission for a police employee to engage in Outside Employment may be revoked by the Chief of Police at any time
3. Officers working an Outside Employment assignment are required to wear the applicable uniform for the assignment as set forth in the Outside Employment Assignment Sheet. As a general rule, the uniform of the day for on duty patrol personnel shall be the required uniform for Outside Employment. The exception to this is generally Outside Employment that is considered a “traffic detail” in which the (Insert Agency Specific Uniform Description Here) uniform is commonly authorized.
4. When the Outside Employment detail involves the required use a police vehicle, it shall be the responsibility of the assigned officers to ensure that they arrive at police headquarters with enough lead time to secure a vehicle and thereafter arrive at the location of the extra duty employment assignment by the listed start time.
5. Outside Employment shall only be scheduled by those designated by the Chief of Police. The (Insert Person Responsible Here) or in his absence the (Insert Person Responsible Here) shall serve as the primary manager of all Outside Employment. It is understood that there are instances where other commanders or supervisors may need to schedule outside employment. Whenever this occurs, a copy of such schedule outside employment shall be forwarded to the (Insert Person Responsible Here) for his review. At no time is an officer permitted to schedule an officer or employee to work outside employment without the approval of a supervisor.
6. Officers completing outside duty assignments shall request payment by completing the Department Overtime Report and submitting such form via the chain of command. All overtime reports shall be submitted no later than 0700 hours the Monday after the day the Outside Employment was worked.
7. All requests for Outside Employment shall be reviewed by the supervisor receiving such request to ensure that the request is lawful and consistent with a positive image of law enforcement officers. The (Insert Person Responsible Here) shall regularly review Outside Employment requests to ensure that such details will ensure a positive image of the ABC Police Department.
8. Outside Employment that is found to be detrimental to the image of law enforcement or the department, inconsistent with a law enforcement purpose, a potential conflict of interest, or that creates a risk to an officer or the public will not be approved.
9. Approval to work Outside Employment may be suspended where it is determined that such Outside Employment is not in the best interest of the department.
10. Absent emergency situations, the Chief of Police shall determine when such Outside Employment must be suspended.
11. Officers engaged in Outside Employment are required to conduct themselves in accordance with the rules of conductof the ABC Police Department and all applicable written directives.
12. It is essential that all officers working Outside Employment consider the professional image of the ABC Police Department and the dignity and status of the profession prior to honoring any requests for unusual or suspect tasks.
13. All officers engaged in Outside Employment are on-duty officers and shall not perform any task not associated with police work that might demean the image of the department or diminish the respect for the profession.
14. Any officer having questions concerning such a request shall immediately summon a supervisor for consultation.
15. In the event that a conflict results from the refusal of an officer to perform a task in accordance with the provisions of this section, the officer shall immediately summon a supervisor for consultation who shall notify the Watch Commander.
16. If the Watch Commander cannot resolve the matter, he shall consult with the (Insert Person Responsible Here) who may order the suspension of the extra-duty employment assignment until the Chief of Police can complete a review of the circumstances.
17. Officers employed in Outside Employment shall immediately terminate their employment if it is deemed to be unsafe to the working personnel or unlawful providing that the immediate termination of the employment will not create a further risk. The notification and review procedures as outlined above shall apply to these situations as well.
18. All officers assigned to Outside Employment are required to foster a professional image of the department by promptly arriving at the designated location on the date and time scheduled.
19. Lateness and/or unannounced absence are sufficient justification for disciplinary action. Officers who sign up for Outside Employment are subject to all rules and regulations of the ABC Police Department. In addition to penalties available for being absent from duty, an officer who fails to show up for an outside employment assignment on the first offense will not be permitted to work an extra duty assignment for up to thirty days. A second or subsequent offense will result in the officer not being able to work an Outside Employment assignment for up to sixty days.
20. Officers shall not distract themselves from their responsibilities of providing police protection. Engaging in extended social contacts or family obligations is prohibited.
21. Upon implementation of this policy, all employees who have previously received approval under the previous directive must re-submit for approval of Secondary Employment.
22. All officers working in Outside Employment capacity shall be classified as “on-duty” and as such will be subject to the authority of a Supervisor or and the Watch Commander.
23. When one or more department supervisory officers are assigned to an extra-duty employment assignment, the senior supervisor in terms of rank and assignment in the department shall be in charge of the assignment.
24. Department supervisors shall make periodic visits whenever possible to Outside Employment sites to ensure that the activities occurring are safe and within the parameters of acceptable police duties.

**III. Compliance All Employment**

1. Officers shall not work any combination of primary employment, overtime and additional employment (Secondary or Outside Employment) for more than 14 hours in any consecutive 24 hours, unless ordered to do so by a superior officer in the event of an emergency, crisis or any other authorized duty assignment. Officers working a 12 hour shift schedule, may work up to 16 hours (combination of primary employment, overtime, Secondary Employment, or Outside Employment) in any consecutive twenty-four hour period when such employment occurs on the last day of their scheduled tour of duty providing the employee has a minimum of eight hours off time until their next employment event.
2. Officers working a 12 hour shift schedule, shall not work any additional employment (Secondary or Outside Employment) less than 8 hours prior to the start of their primary employment, unless ordered to do so by a superior officer in the event of an emergency, crisis or any other authorized duty assignment. Officers working less than a 12 hour shift schedule, shall not work any additional employment (Secondary or Outside Employment) less than 6 hours prior to the start of their employment, unless ordered to do so by a superior officer in the event of an emergency, crisis, or any other authorized duty assignment.
3. Officers shall not work any combination of primary employment, overtime and additional employment (secondary or outside employment) for more than 70 hours in any consecutive seven days, unless ordered to do so by a superior officer in the event of an emergency or crisis. For the purposes of calculating the seven day total, the seven days will begin at midnight of the first day and end at midnight on the seventh day thereafter.
4. Officers shall not work any additional employment (secondary or outside employment) when using sick time up until a period of 8 hours after the conclusion of the primary employment duty hours, unless ordered to do so by a superior officer in the event of an emergency or crisis.

#### Other Considerations

1. Officers employed in an Outside Employment capacity are required to take appropriate police action when necessary and retain all police/arrest powers as if they were working a normal watch.
2. Any officer employed in an Outside Employment capacity who utilizes police powers (arrest, force) in the course of such employment shall be required to conform to all of the reporting requirements of the ABC Police Department officer on duty as set forth in the applicable written directives.
3. When it becomes necessary for an officer engaged in an extra-duty employment assignment to take enforcement action necessitating the arrest and processing of a suspect, an on duty supervisor shall immediately be notified who shall then notify Watch Commander.
4. Whenever possible, the Watch Commander shall assign an officer from the on-duty patrol platoon to handle the transportation and processing of the suspect.
5. An officer suffering any injury while engaged in Outside Employment shall be notify an on duty supervisor immediately.
6. Complaints received concerning the actions or inactions of officers engaged in extra-duty employment will be handled in accordance with the guidelines established in the written directive governing Internal Affairs & Discipline.

**Appendix A - Secondary Employment Policy**

**Frequently Asked Questions**

The following information has been collected in hopes of answering some Frequently Asked Questions about the ABC Township Police Department’s Secondary Employment Policy.

**Q:** **I have owned a landscape business for many years. Do I have to complete the “Secondary Employment Approval Form” and get approval from the Chief?**

**A:** Yes, you must get approval from the Chief of Police. It should not be a problem so long as you comply with this Order.

 **Q:** **I am a volunteer firefighter, do I have to get approval as per this policy?**

 **A:** No, you do not need to get approval for secondary employment, so long as you are not earning a salary or a wage. However your volunteer duties must not interfere with your primary duties as a Police Officer for ABC Police Department.

 **Q: I own a rental property and collect rent from a tenant. Am I allowed to do that, and**

 **do I have to get approval?**

 **A:** Yes, you are allowed to collect rent, so long as you do not use your status as a ABC Police Department Police Officer to interfere or influence your actions as a landlord. You MUST get approval if you are a stakeholder or employee of an LLC, corporation or company that owns rental properties.

 **Q: I am a member of a charitable or civic organization, am I allowed to sell raffle tickets, and**

 **do I have to get approval?**

 **A:** Yes, you are allowed to sell raffle tickets for civic or charitable organizations (Little League, Knights of Columbus, etc.). No, you do not need to get approval for secondary employment.

 **Q: I am helping out a friend by working on renovations and doing plumbing work on his house.**

 **Do I need to get approval?**

 **A:** No, so long as you are not getting paid a fee for your professional services. If you are doing contracting work, then you must get approval.

 **Q: I submitted a memo several years ago for permission to work at another job. Do I need to**

 **re-submit an approval form?**

 **A:** Yes, you must now re-submit a new Secondary Employment Approval Form.

**Q: Why do I have to get approval when I am doing this secondary employment on my own time?**

**A:** Because being a police officer for the ABC Police Department is not just another job. This policy is not a response to any problem we have encountered, it is intended to give our employees guidance and direction, while maintaining the highest professional standards and safety of the members of the ABC Police Department.