

# Bowie Police Department – General Orders



TITLE: OFF-DUTY EMPLOYMENT	NUMBER: 333
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## I. POLICY

The nature of the duties and obligations of the Department requires that employees work irregular duty schedules that are subject to change in order to meet deployment needs. Additionally, it is necessary that employees have adequate rest to be alert during their tours of duty. For these reasons, and because certain occupations inherently conflict with an employee’s primary responsibilities, the Department may limit or prohibit off-duty employment that is detrimental to its objectives. It is the policy and intention of the Department to permit secondary employment as long as it neither interferes with the effectiveness of an employee’s regular, full-time employment nor tends to compromise the integrity of the employee or the Department.

## II. DEFINITIONS

- A. **Employment:** The provision of a service in exchange for a fee or other service.
- B. **Off-Duty Employment:** Any work performed, or any service rendered outside of the duties assigned by the Department for money or other compensation, other than Secondary Employment. This would include any work performed by the employee as a sole proprietor, partner, or other owner/worker.
- C. **Overtime Employment:** Any off-duty employment in excess of the maximum number of hours permitted to be worked under the Fair Labor Standards Act that is coordinated and/or supervised by the Department and compensated by the City.
- D. **Secondary Employment (PT):** Any work performed or any service rendered while in the uniform of the Department for a Departmentally-approved Secondary Employer.
- E. **Liability:** One person’s legal responsibility to pay for any losses or damages incurred by another.

## III. OFF DUTY EMPLOYMENT

- A. Potential conflict of interest between the responsibilities of the employee to the Department and his or her responsibilities to an off-duty employer. The off-duty employment must not constitute a threat to the status or dignity of law enforcement as a professional occupation.
- B. Officers shall not sell, serve or dispense of alcoholic beverages in any manner.
- C. Employees shall not be employed or involved in the ownership of, or act on behalf of, any private detective agency, law firm, insurance agency, or bail bond agency, or engage in any form of private investigation duties, including the service of civil process.
- D. Employees are prohibited from regular off- duty employment that requires them to avail themselves of access to official police records, documents or files.
- E. Employees shall not be employed by either party in a labor/management dispute.
- F. Officers shall not be employed as commissioned police officers for any other political subdivision, except as to duties related to U.S. Military or National Guard activities.
- G. Employees shall not be employed in any establishment that openly sells pornographic books or magazines, or sexual devices or videos, or by any establishment where there is nudity or partial nudity on display.
- H. Employees shall not be employed in any gambling establishment, except that they may work charity Bingo for religious and civic organizations (e.g., Boy Scouts or Knights of Columbus).
- I. Neither the Department nor the City of Bowie will assume any liability, including Workers' Compensation, for any injury, damage or civil action incurred by personnel while they are performing off-duty employment activities.
- J. Neither the Department nor the City of Bowie will provide a legal defense for legal claims arising out of or in connection with the off-duty employment activities of an employee.

**IV. OVERTIME EMPLOYMENT**

- A. Employees who are directed to report to work overtime, or are directed to report to work on their day(s) off will do so regardless of the fact that off-duty or secondary employment has been approved. Off-duty employment should not become additional full-time employment.

**V. SECONDARY (PT) EMPLOYMENT**

- A. Members shall complete a Secondary Employment Agreement prior to commencing secondary employment.
- B. Members are eligible for Secondary Employment only if they are in a full-duty status, in possession of full police powers, and not on limited or non-contact duty or sick leave. Members who are returning from a sick leave status may not commence any off-duty employment for 24 hours.

- C. Members may not be employed as part-time police officers in another Maryland jurisdiction.
- D. An employee shall not engage in any Secondary Employment during the hours in which he or she is employed to work for the City.
- E. An employee shall not engage in Secondary Employment that has an adverse effect or is deemed likely to have an adverse effect on his performance as an employee of the Department.
- F. The minimum salary requirement for members employed in police-related Secondary Employment shall not be less than the current hourly starting rate for a City of Bowie Police Officer.
- G. Incidents involving the scope of employment at the uniform secondary employer occurring on the premises will be handled by the officer working Secondary Employment, including reports, arrests, etc.
- H. Officers working inside a building or shopping center are not required to handle vehicular collisions occurring in the parking lot unless included in the scope of the employment.
- I. Members who are required to appear in court as a result of any action taken while engaged in secondary employment shall not be paid for any such court appearance by the Bowie Police Department. Any payment for court time shall be the responsibility of the employing business or agency.
- J. Officers working secondary (PT) employment must wear the patrol uniform of the day and carry a Departmentally-approved radio and issued equipment (e.g., service firearm, gunbelt, soft body armor, handcuffs, etc.) except that canine handlers working secondary employment (PT) who bring their partner may wear the canine uniform of the day. At no time may an officer wear plain or street clothes to uniform secondary employment.
- K. Members shall notify dispatch via radio before beginning any tour of police-related secondary employment. Log on information shall at minimum include:
  - i. Location address and name
  - ii. Start and end time
- L. The Chief of Police or his or her designee shall periodically review the conditions of employment with the member to ensure compliance with these guidelines. Should the conditions of the work not meet these guidelines, or the work not be in the best interest of the City or the Police Department, the Chief may revoke the approval for the secondary employment.
- M. The Administrative Supervisor shall be the central repository of all secondary (PT) employment applications. The Commander of Support shall oversee adherence to the secondary employment policy and process. A list of approved secondary (PT) employment shall be made available upon request to the Chief of Police and members of the Command Staff.

## **VI. PROCEDURES**

Prior to engaging in any secondary employment, a member of the Department shall submit a written request through channels to the Chief of Police for approval to engage in secondary employment (Attachment). The member's supervisor shall review the request and make a recommendation to the Chief for approval or disapproval.

The request shall contain the member's name and date of the request. It shall also contain the following information:

- A. The full name and trading name, if applicable, as well as the corporate address and the address of the property where the member will be working.
- B. The name and phone number of the member's on-premises supervisor.
- C. The request will state the nature of business conducted on the premises, including
  1. A full description of the member's duties.
  2. The maximum number of hours per week to be worked.
  3. The effective date of employment, and expiration date, if applicable.
  4. The type of equipment the member will be utilizing.
- D. Certification by the employing agency or business of general liability insurance of a minimum amount required by the City of Bowie and workers' compensation insurance meeting the requirements of Maryland law.

**\*\*NOTE:** Employees are strongly encouraged to have their own supplemental Moonlighting Liability Insurance; however, it is not required. The City of Bowie will not automatically assume liability, including Workers' Compensation, for injury, damage, civil action, or legal defense claims incurred by personnel while they are performing secondary employment activities. The decision in *Lovelace v. Anderson* makes coverage a case by case basis.

## **VII. PROHIBITIONS**

Secondary (PT) employment is a privilege that requires the member to display the same ethical conduct as when on-duty. Employment must never constitute a conflict of interest. With this in mind, the following prohibitions and restrictions are imposed. The rules and procedures are not intended to create any financial hardship, but rather to ensure that employment with the Department remains the prime responsibility of all personnel and to avoid conflicts with law enforcement duties and responsibilities.

- A. It is necessary that employees have adequate rest to be alert during their tour of duty. For these reasons, the Department may limit or prohibit secondary employment that is detrimental to Departmental objectives.
- B. Except with the approval of a Supervisor, Officers shall not work more than 16 hours per day during their regular tour of duty.

This includes:

- Regularly scheduled tours of duty
- Overtime
- Secondary PT employment

This excludes:

- Off duty court appearances
  - Non-Departmental Off Duty Employment worked while on regularly scheduled days off
- C. Members shall only be approved for one secondary (PT) job at a time.
- D. Receiving payment from two or more employers for work performed simultaneously is strictly prohibited without written permission from the multiple employers.
- E. Officers are prohibited from accepting compensation from an employer for the use of Departmental vehicles, equipment, uniforms, or similar assets.
- F. Employment by any person or business operating contrary to its business license or use and occupancy permit as required by law is prohibited.
- G. Employment by any person or business that does not possess a valid City or County business license and/or use and occupancy permit is prohibited.
- H. Employees engaging in any form of Secondary Employment without approval will be subject to disciplinary action.
- I. Members are prohibited from employment, whether police-related or not, by any person or entity connected with the towing or storage of vehicles, or as a bill collector, process server, personal bodyguard, private investigator, private security officer or bartender.
- J. A member's off-duty employment shall not be conditioned upon and shall not at any time involve the member's use of or access to police, court, motor vehicle, or criminal records of any type or for any reason unless involving a law enforcement action.
- K. Members are prohibited from engaging in employment where alcoholic beverages are sold for consumption as the primary source of revenue on the premises.
- L. Members in their probationary period are prohibited from engaging in secondary (PT) employment.
- M. Members are prohibited from working secondary (PT) employment outside the corporate limits of the City of Bowie.

## **VIII. CIVILIAN EMPLOYEES**

- A. Civilian personnel may not work in any line of employment or establishment that is prohibited to sworn officers.

## **IX. ALLIED AGENCIES WORKING SECONDARY EMPLOYMENT WITHIN THE CITY:**

- A. City of Bowie Officers, upon notification from an allied agency's officer who is engaged in secondary employment within the City, shall not take arrest action unless approved by the Shift Supervisor.
- B. Shift Supervisors will not routinely authorize reports or arrest to be made by City of Bowie Officers except under special circumstances.