



## **Secondary Employment**

### **I. POLICY**

The Ridgely Police Department understands the desire for some employees to engage in secondary employment. The Department shall, however, impose reasonable limitations on such employment to ensure that its integrity is maintained and that the Office receives full and faithful service in return for expended resources.

### **II. PURPOSE**

This General Order provides procedures to personnel regarding secondary employment. Restrictions and guidance are given relating to certain types of secondary employment.

### **III. TYPES OF ADDITIONAL EMPLOYMENT**

- A. All requests for secondary employment will be evaluated on an individual basis.
- B. The following types of additional employment may be considered.
  - 1. Employment as a security guard, with a private guard agency, or with an employment service used for employing security guards.
  - 2. Employment with a taxicab company or other public transportation service that is not regulated by the Ridgely Police Department.
  - 3. Employment at gasoline service stations or garages, including those licensed or authorized as inspection stations provided such employment does not involve the inspection process.
  - 4. Employment involving private or public traffic control, pedestrian safety, maintenance of order at major events, security and protection of private persons and property, and security for public housing, parks and airports.
  - 5. Employment at other jobs, trades, businesses, or occupations not specifically prohibited in this order, and having final approval of the Chief of Police.

## General Order No. 2-2 (Cont.)

### **IV. ADDITIONAL EMPLOYMENT PROCESS**

A. The Ridgely Police Department will not approve and members will not work any uniform or plain clothes security-related additional employment in any areas where the Department does not have primary law enforcement jurisdiction, with the exception of security-related additional employment associated with Town-owned property and/or facilities within another agency's primary jurisdiction, or security-related additional employment lying in another agency's primary law enforcement jurisdiction which has been approved for additional employment. The Chief of Police reserves the right to reasonably regulate the amount and conditions of approved additional employment focusing on the needs of the agency in serving the community.

B. There are two types of additional employment methods that may occur.

#### 1. Individual –Secondary

- a. The employee finds his/her own secondary employment.
- b. The employee independently negotiates for the conditions of work, hours, and pay.
- c. The employee then applies with the Department for permission to accept the off-duty job.
- d. The Department grants permission, provided the job meets established secondary employment standards and regulations.
- e. The Department will set uniform, equipment, and vehicle requirements.
- f. The employer pays the individual directly.
- g. The employee reports hours of employment to the Department as required for oversight and verification of compliance with Department regulations. All security-related secondary employment would be reported a Ridgely Police Department Memo and turned in bi-weekly with the Officer's regular time sheet.

#### 2. Ridgely Police Department - Extra Duty

- a. The Department negotiates and contracts with an employer.
- b. The Department will set rate of pay, conditions of employment and hours.
- c. The Department will assign and coordinate the work schedules.
- d. The Department will set uniform, equipment, and vehicle requirements.
- e. The employer makes payment to the Ridgely Police Department for disbursement as agreed by contract.

C. Conditions of Employment

#### 1. Hours of Work

- a. The Department will not regulate the number of hours an employee may work at secondary employment or extra duty during off-duty days.
- b. The Office will regulate the number of hours an employee may work during on-duty days.

## General Order No. 2-2 (Cont.)

- c. The number of hours an employee may work secondary employment or extra duty assignments during an on-duty day will be a maximum of five (5) hours. However, Officers will be required to have a minimum of six (6) hours between the time that their secondary employment or extra duty assignment is completed, prior to the beginning of their next scheduled work day. The six (6) hour rule does not apply to secondary employment or extra duty assignments that are four(4) hours or less in duration and run consecutive to the *beginning* of the Officer's scheduled tour of duty.
- d. Employees may not work in excess of 26 hours per week in security-related additional employment assignments.
- e. Employers must maintain and produce records for review by the Ridgely Police Department on demand to provide verification of conformance with Department regulations regarding authorized hours of work.
- f. The Department may terminate any work permit for failure to produce records as directed or for an Officer's failure to comply with the approved conditions of work including but not limited to usage of the agency vehicle, the agency equipment, and the agency uniform. The Department may take administrative actions as deemed necessary.
- g. The Office may terminate any work permit for non-conformance with authorized hours or the reporting thereof, and may take administrative action as deemed appropriate.

### 2. Office Regulations

- a. No employee may enter into secondary employment without first making proper application and receiving written authorization on the Secondary Employment Request (RPD Form 7) from the Chief of Police.
- b. Secondary employment may not be approved in cases which may interfere with the performance of the employee's official Department duties, including overtime assignments and ability to respond to emergency calls.
- c. Employees are prohibited from engaging in additional employment while on sick leave, donated sick leave, extended sick leave, worker's compensation, or FMLA leave with the Ridgely Police Department.
- d. If in the determination of the Department an employee's secondary employment may be having an adverse effect on, or is impairing the individual's Department performance in any fashion, the Department may suspend or terminate the employee's work permit.
- e. Additional employment will not be approved for Ridgely Police Department personnel who have not successfully completed their Field Training period.

## General Order No. 2-2 (Cont.)

### 3. Sworn Officer Discharge of Duties

- a. Sworn Officers are responsible to their positions as law enforcement officials 24 hours daily, and shall give priority to those responsibilities in all instances.
- b. Any unlawful act brought to the attention of or observed in the presence of a sworn Officer shall be acted upon in accordance with Department policy.
- c. Any action taken by a sworn Officer in their official capacity while on-duty or off-duty shall be in conformance with Department policy. Officers will revert to an on-duty status in instances where law enforcement action is taken.
- d. Complaints against sworn Officers involving police duties will be acted upon in accordance with internal and administrative processes of the Department.
- e. Sworn Officers are responsible to make prospective employers aware of their official law enforcement responsibilities.
- f. Sworn Officers are to process all persons involved in violation of the law in accordance with Department policy.
- g. The Department shall provide for payment of time relating to the processing, arrest, court time, or other hours arising out of an employee's exercising of police powers.

### D. Uniforms, Equipment and Vehicle Regulations

1. Except when specifically authorized by the Chief of Police, uniforms, or parts of the uniform and equipment (excluding issued handgun, portable radio, body armor, handcuffs, and standard issue less lethal options) will not be used by any employee engaged in off duty secondary employment. Employees shall not use Ridgely Police Department vehicles in any manner for purposes of secondary employment.
2. Officers will be permitted, at their own expense, to wear a generic uniform type shirt (not the color -Black - of the current agency uniform) that may reflect OFFICER on the back and contain a symbol on the front such as a badge, but no reference can be made to terms such as Ridgely Police Department or the State of Maryland as part of the badge type symbol.

### E. Prohibited Activities

Applications for secondary employment will not be approved in any of the following circumstances:

- a. Any employment that would involve the use of Office records.

## General Order No. 2-2 (Cont.)

- b. Any employment in businesses, whose primary profit is from the sale and/or distribution of alcoholic beverages (Applicable to sworn officers only). The Chief of Police, at his/her sole discretion, in the best interest for public safety and maintenance of order, may authorize Officers to work secondary employment for special events such as, but not limited to, any outdoor or indoor fair, show, festival, concert, carnival, or any other entertainment, celebration, public gathering, or similar activity held in whole or in part upon publically-owned property or public right-of-way, or upon private property, where alcohol may be served.
- c. Any employment that may because of its location or nature bring disfavor, disrespect, or discredit to the Department or the employee.
- d. Any employment that may impair or adversely affect the independent judgment of the employee in the performance of his/her official duties.
- e. Any employment that suggests a conflict of interest by which an employee's authority may improperly serve private rather than collective interests. Specifically, for example, a Department employee may not work as a process server, re-possessor, bill collector, credit investigator, pre-employment investigator, bail bondsman, any form of private investigator, in a capacity to prepare cases for criminal defense, or with a company affected by strike or lockout.
- f. Any employment with establishments that profit from activities such as gambling prohibited by statutes the Department is sworn to uphold.
- g. Any employment under conditions that confer special advantage to private interests at the expense of a public interest. For example, a sworn Officer on a traffic control job must serve the interest of all motorists, not just those going into or out of the employer's parking lot. (Applicable to sworn Officers only.)
- h. Any employment that threatens the professional status of the Department or its standards of conduct and values. For example, any work that lowers the dignity of the Department.
- i. Any employment that could be considered an unacceptable risk of injury that could disable an employee from regular duties.
- k. An employee may not be self-employed in or manage a business where a conflict of interest is presumed; owning, competing with, or profiting from investigative or security businesses. For example, an Officer may not act as an agent for the employment of other Officers.

## General Order No. 2-2 (Cont.)

### F. Application Process

#### 1. Employee's (Officer's) responsibilities

a. Employee shall prepare the Secondary Employment Request (RPD Form 7) for additional employment. The Employee shall ensure all information is complete on the application:

- 1) business phone number
- 2) business address
- 3) prescribed schedule
- 4) special job requirements

b. *For sworn Officer security-related employment:* the Officer shall have a signed waiver from the secondary employer which shall contain a copy of the employer's responsibility/requirements, and submit with proof of required insurance coverage. Officers will submit proof that there is current insurance coverage being maintained by the secondary employer on an annual basis. The employee will provide this proof to the agency, one month prior to the expiration date of the current insurance certificate. Failure to provide the documentation to the Chief of Police one month prior to the expiration will suspend the approval to work for that secondary employer for a period to be determined by the Chief of Police; but not to exceed 90 days from the date that the employer insurance verification was supposed to have been submitted. This time delay is meant to thoroughly verify that all documentation is in and verified accurately by the Chief of Police.

c. *Sworn Officers applying for security-related secondary employment:* must provide required certification of insurance from the Secondary Employer to the Chief of Police before the officer will be approved to work for the Secondary Employer. This does not apply to *extra-duty employment*.

d. Upon completion of this process, the application will be forwarded to the employee's Supervisor for review.

e. All approved secondary employment applications will be valid only for the calendar year in which they are approved. Recurring and on-going secondary employment will need to be re-applied for **each December** for the upcoming year.

## General Order No. 2-2 (Cont.)

### 2. Supervisor's responsibilities

a. The Supervisor will review the employee's application for secondary employment and shall ensure all necessary forms are completed. The Supervisor will submit to the Chief of Police the following:

1) All completed secondary employment forms.

2) Make a recommendation for approval or disapproval on a Ridgely Police Department memo that will include all necessary information of importance about the employee's job history, sick leave record, information that prior additional employment has impaired the employee's ability to perform his/her duties, and assessment of potential risk, if applicable.

a) *Approval*: The Supervisor will review all information concerning secondary employment and make a recommendation to the Chief of Police.

b) *Disapproval*: In the event that the Supervisor *does not approve* of the secondary employment, the Supervisor will submit a Ridgely Police Department memo (RPD Form 1) to the applying Officer detailing the issues identified and the reason for denying the Officer's application. The Chief of Police has the final decision regarding the Officer's secondary employment application status. The applying Officer does not have any appeal process past the Chief of Police.

### 3. Chief of Police responsibilities

a. If the Supervisor *approves* the Officer's application, the Chief of Police will review all information concerning secondary employment and make final approval or a disapproval status based on all information contained in the application and accompanying documents.

b. In the event that the Chief of Police *does not approve* of the secondary employment, the Chief of Police will submit a Ridgely Police Department memo (RPD Form 1) to the applying Officer detailing the issues identified and the reason for denying the Officer's application.

## General Order No. 2-2 (Cont.)

### 4. Annual Audits:

The Chief of Police or his/her designee, will conduct annual audits of the secondary employment files on each Officer to ensure that they are still employed or not employed with their secondary employer.

#### 1) Documents to verify during audit:

- a) Current employment status, "Active or Inactive."
- b) Certification of insurance from the Secondary Employer (Security related duty only).
- c) Prescribed schedule of employer.
- d) Special job requirements.
- e) Secondary employment audits will be conducted **every January** of the calendar year by the Chief of Police or his/her designee.

### 5. Application

Upon completion of the Application process for secondary employment, copies of the application will be forwarded to the following locations:

1. Master personnel file(Town of Ridgely Human Resources)
2. Employee auxiliary personnel file (RPD Personnel File)
3. "Active Status" – Secondary Employment File
4. Employee

### 6. Activity Records

*"Active Status" – Secondary Employment File:* The Ridgely Police Department will maintain a Secondary Employment file consisting of secondary employment activity in regard to initial application, date, time and place of employment and conditions of work.

1. Use of Force incidents are to be reported in accordance with policy on Use of Force reports.
2. Injuries are to be reported in accordance with policy on first report of injury forms (IWIF).
3. Complaints will be handled in accordance with the internal affairs complaint process.

**General Order No. 2-2 (Cont.)**

4. Arrests and court appearance records will be maintained on file with the Ridgely Police Department Records Division for extra-duty employment.

5. Any cases involving issues of liability will be maintained on file with in the Ridgely Police Department secondary employment file included with the respective Officer's secondary employment folder.

7. Administration

The Chief of Police will oversee the coordination of the extra duty employment and the Town of Ridgely Human Resources Office and the Town of Ridgely Legal Office will provide policy assistance and oversight for secondary employment matters as requested by the Ridgely Police Department administration.