 

|  |  |
| --- | --- |
| Policy #**Extra Duty Detail, Secondary Employment, Outside Employment**  | Related Policies: |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* |
| Applicable State Statutes:  |
| KACP Accreditation Standard: **10.3** |
| Date Implemented: | Revision Date: May 1, 2025 |

1. **Purpose:** The purpose of this policy is to establish guidelines governing extra duty details, secondary employment, and outside employment by employees of this department.
2. **Policy:** It is the policy of this department to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside or secondary employment which does not conflict with their official duties or impair the performance of their departmental duties.
3. **Definitions:**
	1. **Extra Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made application and been approved for a permit to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the department.
	2. **And/or Secondary Employment:** The provision of police or security services to any person or entity other than this department, including volunteer work performed in an official capacity.
	3. **Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
4. **Procedures:**
	1. **Extra-Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made application and been approved for a permit to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the department.
		1. **Permit Process:** The department will establish a permit application process that will ensure compliance with all elements of this policy concerning extra-duty details. The permit application must be approved prior to members of this agency accepting a detail and the application process will include the following:
			1. A fee schedule that will specify the hourly rate charged to the permit holder, administrative fee, use of equipment, additional insurance, and the officer’s pay rate.
			2. The number of officers required to safely handle the detail.
			3. All fees paid in connection with extra-duty details will be paid directly to this agency and the agency will compensate the officers in accordance with the agreed upon hourly rate.
		2. **Appearance:** Officers will comply with all departmental regulations concerning uniform standards and personal appearance during any extra-duty detail.
		3. **Schedule:** The department will assign a supervisor to coordinate the extra-duty detail program. The supervisor will ensure that all officers interested in working are provided an equal opportunity for assignment via a rotating list or other mechanism to ensure fairness in the assignments.
		4. **Limitations:** The following are examples of limitations upon extra-duty details that would not be approved:
			1. Officers are not permitted to work more than 24 additional hours per week unless approved in writing by their commander.
			2. Officers are not eligible while on sick or injury leave or within eight hours after having taken sick leave.
			3. Officers who have received an unsatisfactory evaluation in the previous rating period are not eligible for assignment.
			4. Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
			5. Officers who have not completed the FTO program are not eligible for assignment.
		5. **Prohibitions:** Permits will not be issued for the following types of details:
			1. Establishments where alcohol is served.
			2. Private clubs requiring bouncers or related duties.
			3. Private security agencies or private investigation agencies where it is determined that such employment may create a conflict of interest.
			4. Bodyguard or escort services for transporting merchandise where it is determined that such employment may create a conflict of interest.
			5. Adult entertainment establishments.
			6. Any use of departmental personnel that is not in the best interest of the department.
	2. **Secondary Employment:** The provision of police or security services to any person or entity other than this department, including volunteer work performed in an official capacity.
		1. **Permission Form:** The department will develop an Outside/Secondary Employment Request Form which will be utilized when an employee seeks to engage in employment during their off-duty hours. The form will, at a minimum, contain the following information:
			1. Place of employment (including self-employment).
			2. Type of work to be performed.
			3. Whether or not the department uniform will be worn.
			4. Whether or not the department vehicle will be used.
			5. Maximum number of hours per week an employee will engage in the outside employment (no more than 24 hours should be allowed).
			6. Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the department.
		2. **Limitations:** The following are examples of limitations upon secondary employment that would not be approved:
			1. Officers are not permitted to work more than 24 additional hours per week unless approved in writing by their commander.
			2. Officers shall not be eligible while on any type of sick or injury leave or within eight hours of a sick leave.
			3. Officers shall not solicit secondary employment while on duty.
			4. Officers who have received an unsatisfactory evaluation in the previous rating period are not eligible for assignment.
			5. Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
			6. Officers who have not completed the FTO program are not eligible for assignment.
		3. **Prohibitions:** The following types of secondary employment will not be approved:
			1. Establishment consists primarily of the sales of alcoholic beverages.
			2. Private clubs requiring bouncers or related duties.
			3. Private security agencies or private investigation agencies where it is determined that such employment may create a conflict of interest.
			4. Bodyguard or escort services for transporting merchandise where it is determined that such employment may create a conflict of interest.
			5. Adult entertainment establishments.
			6. The transport of civilians in the department vehicle unless approved by the agency head.
			7. Using departmental records (e.g., case files, criminal records, etc.) for the benefit of a secondary employer, unless authorized in writing by the chief/sheriff or their designee.
			8. Working a charitable event, such as a bingo hall, unless the member submits, along with the request form, a letter from the event operator stating that the organization conducting the event is tax-exempt, as detailed by state law.
			9. Signing any type of form waiving the liability of the secondary employer for any incident arising out of the secondary employment which may require the use of official powers granted by the department.
			10. Any use of departmental personnel that is not in the best interest of the department.
		4. **Requirements:** While working the secondary employment, officers shall:
			1. Respond to emergency recall by the department.
			2. Respond to any life-threatening emergency of which the officer becomes aware.
			3. Advise dispatch and on-duty supervisor by radio of their location when they come on duty and when they go off duty for the secondary employment.  Dispatch will maintain a list and be aware of all officers working secondary employment for the purpose of enhanced officer safety in the event the officer becomes involved in a police action and requests assistance.
			4. Report any injuries occurring during the secondary employment to a supervisor as soon as practical and follow all department policies.
			5. As soon as practical report any use of force to a supervisor and follow all department policies.
			6. If the secondary employment is to be performed for the same employer at various locations throughout the year, this information should be noted on the Outside/Secondary Employment Request Form.
			7. If any information on the Outside/Secondary Employment Request Form changes, officers are required to submit a new Outside/Secondary Employment Request Form.
	3. **Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
		1. **Permission Form:** The department will develop an Outside/Secondary Employment Request Form which will be utilized whenever an employee seeks to engage in employment during their off-duty hours. The form will at a minimum contain the following information:
			1. Description of the type of work to be performed (i.e., teaching, sales, construction, etc.) and information concerning the potential employer.
			2. Maximum number of hours per week an employee will engage in the outside employment (no more than 24 hours should be allowed).
			3. Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the department.
			4. Statement indicating the services rendered will not be connected with security work, investigations, or collection or repossession of property and will not involve any law enforcement duties.
		2. If the chief, sheriff, or their designee determines that the employment presents a conflict of interest, the officer may appeal this determination to the mayor, city manager, or county manager/county commission.
	4. **Liability:** Officers engaged in outside or secondary employment may not be covered by the city/county’s insurance unless acting in their official capacity as a law enforcement officer. The officer and/or outside or secondary employer may incur their own liability. Officers engaging in such employment should purchase their own supplemental liability insurance and/or have proof that the outside or secondary employer has a minimum amount of liability and workers’ compensation coverage for the officer.
	5. **Approval:** Approval to engage in any law enforcement related outside or secondary employment will be submitted through the employee’s chain of command and require final approval by the agency head. Permission can be withdrawn at any time.
		1. **Denial of Approval:** In cases where the officer is denied approval, the officer may appeal the denial to the mayor, city manager, or county manager/county commission.
		2. **Revocation of Approval:** Approval for outside or secondary employment may be revoked upon a determination by the agency head that the employment is in any way interfering with the performance of an officer’s duties as a member of the department.
	6. **Annual Approval:** An officer who has obtained written approval for outside or secondary employment must resubmit application for reapproval on an annual basis.

