




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 Procedures	Effective Date: April 13, 2021	Amends/Supersedes: July 15, 2020 February 14, 2020	By Authority of the Acting Chief of Police  Charles A. Penn
Accreditation Standard(s): PER.04.01, PER.04.02			

512.03 Off-Duty Employment

I. Policy

The Chief of Police shall exercise such control over off-duty employment as deemed necessary to ensure on duty efficiency and to prevent possible conflicts of interest with an employee's duties and responsibilities. Any employee wishing to partake in off-duty employment must comply with the procedures outlined in [Administrative Regulation 2.7](#) and any additional requirements imposed by this department.

All law enforcement related off-duty employment will be conducted within Arlington County. Additionally, all off-duty employment that is law enforcement related will be conducted in uniform, while displaying a badge of authority, unless a waiver is specifically granted by the Chief of Police, or designee. The Chief of Police retains ultimate authority to approve or disapprove any application for general secondary employment, police-related secondary employment or County-related secondary employment and may deny any such employment that does not promote the best interests of the Department, County Government, or the public.

II. Definitions

- A. County-related Secondary Employment – Employment in which an employee is compensated by the Arlington County Government for the performance of law enforcement duties rendered in support of a County agency or County-sponsored event or program.
- B. Department Police-related Secondary Employment – Employment in which an employee is compensated by Arlington County, who is, in turn, reimbursed by a third party for the performance of law enforcement duties.
- C. General Police-related Secondary Employment – Employment in which an employee is compensated by an entity, other than the Arlington County Government, for the performance of security and/or law enforcement duties that provides a benefit to the public safety of Arlington County. For purposes of this definition, compensation may include payments of money, free rent, and/or the barter of other goods or services.
- D. General Secondary Employment – Employment that is not related to law enforcement or security, does not require the use of law enforcement power or authority, and does not utilize any Department equipment, vehicles, uniforms, networks, or similar assets.

- E. Off-Duty Coordinator – Manages and oversees the Off-Duty Program to ensure the fair and equitable distribution of assignments.
- F. Off-Duty Liaison – Designated sworn employees who serve as the liaison for each police-related secondary employment application.

Note: For purposes of this directive, an employee's personally owned small business or other self-employed business venture qualifies as secondary employment under either sub-section II.C or II.D above, depending upon whether or not the employee provides a law enforcement service.

III. Procedure

- A. Prohibited Employment - No employee shall work any general secondary employment or police-related secondary employment where:
 - 1. The employer charges a fee for, or earns money by, towing or repossessing vehicles, and/or stores such vehicles.
 - 2. 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 possession of property.
 - 3. The employee performs private investigation or assists in the preparation of any plaintiff's or defendant's case for civil or criminal court.
 - 4. The employee serves or assists in the serving of any civil or criminal legal process.
 - 5. The employer is a security guard company or armored car service.
 - 6. The employee performs personal security or bodyguard services for any individual person.
 - 7. The employer contracts services to an event with an armed private security company.
 - 8. 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.
 - 9. The employer operates a gambling enterprise or sells tickets for a lottery other than the official Virginia state-sponsored lottery (NOTE: for purposes of this directive, "chances" and door prizes sold during a one-time charitable or community event do not qualify as lottery tickets).
 - 10. The employee participates in the preparation, delivery, or sale of alcoholic beverages, or is regularly stationed within the same room or enclosure where such activities occur.
 - 11. The employer sells or distributes firearms to the public, and:
 - a. The employee personally sells, rents, or delivers firearms, prepares firearms for sale or rent, or engages in the processing of gun registrations, gun permit applications, or other documents related to firearms.

- b. The employer's primary business is the sale of firearms, regardless of the nature of the Department employee's duties within that business.

This sub-section does not prohibit an employee from privately selling a personally owned firearm, provided that the sale is not related to secondary employment and does not require the employee's registration as a gun dealer under Virginia or federal law.

- B. Scheduling Limitations - Although off-duty coordinators have a significant role in the scheduling process, it is the responsibility of each individual employee to ensure their compliance with the below-listed scheduling limitations. Periodic audits will be conducted by OPR to ensure compliance and the integrity of data recorded in Telestaff.

1. An employee shall not work more than 17 hours during any 24-hour period.
2. A rest period consisting of a minimum of 7 hours (where no secondary employment of any type is performed) shall occur at either the beginning, or at the end, of every scheduled department tour of duty.
3. An employee shall not work more than 10 consecutive days without a complete 24-hour period off.
4. If an employee misses a court appearance or fails to work an entire department tour of duty as a result of illness or the use of sick leave (except family sick leave), the employee shall not thereafter work any secondary employment for the remainder of that same calendar day.
5. An employee shall not work police-related secondary employment while on light duty, while on restricted duty or administrative leave as a result of an operational incident, or while in any paid leave status other than vacation, family sick leave or compensatory leave.
6. Limitations 1 through 5 above shall be calculated to include all categories of scheduled work, including regular duty, general secondary employment, police-related secondary employment, and County-related secondary employment, except that they shall not apply:
 - a. If the employee is on extended vacation or compensatory leave and the only work performed is general secondary employment.
 - b. When a Section Commander issues a verbal waiver during a time of operational necessity. The Section Commander shall notify the Chief of Police, or designee, through their chain of command, of this waiver.

- C. General Secondary Employment – Employees seeking to work general secondary employment shall submit a memorandum through their chain of command for approval by the Chief of Police, or designee. The memorandum shall identify the proposed employer (business name, address, and telephone number), the type of work to be performed, and the approximate number of

hours to be worked each week. The Chief of Police retains ultimate authority to approve or disapprove any application for general secondary employment.

Employees shall notify the Office of the Chief in writing if the duties of their general secondary employment change and/or the employment is terminated. When the employment duties have changed, the general secondary employment opportunity is subject to re-approval.

Newly hired employees who are already working general secondary employment or volunteer as a first responder (auxiliary police, volunteer firefighter, etc.) at the time of their hiring shall request approval to continue such employment by submitting a memorandum through the Human Resources Management Section Commander for approval by the Chief of Police, or designee.

- D. General Police-related Secondary Employment – Employees seeking to work general police-related secondary employment, to include rental agreements for free and reduced rent in exchange for police services, shall submit a memorandum through their chain of command for approval by the Chief of Police, or designee. The memorandum shall identify the proposed employer (business name, address, and telephone number or property address for rental agreements), the type of work to be performed, and approximate number of hours to be worked each week. Employees should also include applicable certificates of insurance for liability and worker’s compensation coverage. The Office of the Chief must approve any employment or rental agreements before acceptance by an employee. Officers must annually submit a memorandum requesting the renewal of such requests to the Office of the Chief, via their chain of command, each January or anytime the terms of the agreement or employment are modified.

Copies of approved general police-secondary employment memorandums will be stored in LERMS in the officer’s Personnel Folder. The Office of Professional Responsibility will conduct an annual audit of these memorandums to ensure compliance with this directive.

1. Supremacy of Employee’s Departmental Obligations - An employee’s primary employment responsibility remains with the Department at all times. Officers working general police-related secondary employment may be called back to duty with the Department at any time. Upon notification of a call back, the officer shall immediately cease secondary employment and report to the on-duty location.
2. General Procedures – Employees working general police-related secondary employment shall comply with the following requirements:
 - a. Employees shall not perform secondary employment while on-duty with the Department.
 - b. Only one secondary employment assignment shall be worked at a time.

- c. Upon arrival at a secondary employment site, the employee shall notify the ECC, of the following:
 - 1) The assignment location(s).
 - 2) The assignment's scheduled start and stop times.
 - 3) Any unusual or unique conditions about which the ECC or on-duty patrol units should be aware.
- d. The employee shall notify the ECC when leaving a site at the conclusion of the assignment.
- e. Notification to the ECC is not required if an employee engages in unscheduled, routine patrol and/or enforcement on the grounds of a rental property where they live as part of a free or reduced rent arrangement.
- f. Any police incident reports taken during general police-related secondary employment shall be submitted to an on-duty supervisor before the off-duty employee completes the secondary employment assignment.
- g. Employees shall immediately notify an on-duty supervisor of any general police-related secondary employment incident involving an injury, use of force, damage to departmental property, damage to private or public property that was caused by the officer, or any incident reasonably likely to be of interest to the news media.
- h. Employees working general police-related secondary employment shall not accept tips, gratuities, gifts, loans, or any other compensation beyond the standard, contracted secondary employment compensation. This prohibition does not apply to meals or light refreshments provided by the employer at the site, if such items are a normal part of the secondary employment arrangement.
- i. Employees may use Department equipment during the performance of general police-related secondary employment with the approval of the Chief of Police, or designee. The use of Police Canine capabilities is prohibited in general police-related secondary employment, unless specifically authorized by the Chief of Police. Canines may accompany their handlers to the location of their off-duty employment for immediate Department deployment.
- j. Employees shall not disclose any RMS, DMV, VCIN, NCIC, criminal history, or other confidential law enforcement data to a secondary employer. This data should only be used to conduct a legitimate law enforcement investigation.
- k. All general police-related secondary employment shall be worked in uniform unless written permission to work in plainclothes has been granted by the Chief of Police, or designee.

E. Department Police-related Secondary Employment

1. Employer Application Process

- a. Any individual or business (hereafter referred to as the “employer”) desiring to hire an employee of this Department for department police-related secondary employment shall submit an application to the Human Resources Management Section Commander.
- b. Each of the applications shall be accompanied by documentary proof that the employer:
 - 1) Is insured against civil liabilities arising from any and all actions taken by the Department employee on behalf of the employer, and
 - 2) Maintains worker’s compensation coverage for the Department employee.
 - 3) The Office of the Chief of Police shall identify the minimum acceptable dollar values for the aforementioned liability insurance and worker’s compensation coverage. These values shall be stated on the application form and must be maintained by the employer throughout the life of the current application.
- c. The Office of the Chief of Police shall establish and periodically revise a minimum hourly pay rate for all department police-related secondary employment. Any private-sector employer desiring to hire Department personnel shall agree to pay at least that rate, or the application will not be approved.
- d. The employer must submit a renewal application annually in order to continue their secondary employment opportunities.
- e. Employees are prohibited from soliciting any individual or business in order to obtain police-related secondary employment. All parties interested in hiring a Department employee for department police-related secondary employment shall be referred to the Human Resources Management Section Commander.

2. Officer Eligibility – All sworn officers at or below the rank of Lieutenant who have completed the Field Training Officers (FTO) program are eligible for department police-related secondary employment.

3. Signup Process - To be considered for a department police-related secondary employment opportunity, officers shall use the signup code in TeleStaff indicating which days/times they are available. Employees are not able to designate a specific job but may tailor their code entries to target certain jobs. In order to be considered for the vacancy, the officer must be off-duty for the entire period of the requested vacancy.

The Off-Duty Coordinator shall initiate the auto hire feature to fill vacancies for off-duty employment opportunities that occur on a monthly basis. The TeleStaff automated system will notify officers when they are being offered a job opportunity. The officer shall accept or reject the offer.

If no action is taken by the officer, the system will mark the offer as expired and offer the position to the next eligible officer. The system will craft an initial schedule that seeks to be fair and equitable to all officers requesting off-duty employment.

4. **Supremacy of Employee's Departmental Obligations** - An employee's primary employment responsibility remains with the Department at all times. Officers working department police-related secondary employment may be called back to duty with the Department at any time. Upon notification of a call back, the officer shall immediately cease secondary employment and report to the on-duty location.
5. **Officer Performance During Department Police-related Secondary Employment** – Officers assigned department police-related secondary employment are departmentally obligated to fulfill those assignments. If the officer becomes unable to work due to illness or some other difficulty beyond the officer's control, the officer shall inform the off-duty coordinator as soon as the difficulty is discovered.

Officers who report for duty at department police-related secondary employment shall properly discharge all required duties, identified by the "Duties & Expectations Notice", or as otherwise instructed by the off-duty liaison. Officers shall adhere to all applicable Department policies and procedures and all regulations of the Arlington County Government. Failure to perform satisfactorily may result in the loss of further secondary employment opportunities and/or departmental discipline.

6. **General Procedures** - Employees working department police-related secondary employment shall comply with the following requirements:
 - a. All department police-related secondary employment shall be worked in uniform unless written permission to work in plainclothes has been granted by the Chief of Police, or designee.
 - b. Employees shall not perform secondary employment while on-duty with the Department.
 - c. Only one secondary employment assignment shall be worked at a time.
 - d. Upon arrival at a secondary employment site, the employee shall notify the ECC, of the following:
 - 1) The assignment location(s).
 - 2) The assignment's scheduled start and stop times.
 - 3) Any unusual or unique conditions about which the ECC or on-duty patrol units should be aware.
 - e. The employee shall notify the ECC when leaving a site at the conclusion of the assignment.
 - f. Unless instructed otherwise by an on-duty supervisor or by the "Duties and Expectations Notice", officers working a department police-related secondary employment are responsible for writing all necessary police reports for incidents occurring on site during their tour of duty.

- 1) This requirement does not preclude the employee from calling for appropriate assistance from on-duty units, nor does it prevent an on-duty supervisor from assigning an on-duty officer to handle an incident in lieu of the secondary employment officer, if the supervisor so prefers.
- g. Unless instructed otherwise by an on-duty supervisor, officers making an arrest during the performance of their department police-related secondary employment shall perform all booking and arrest-related tasks and reports.
 - h. Police incident reports shall be submitted to an on-duty supervisor before the off-duty employee completes the secondary employment assignment.
 - i. Employees shall immediately notify an on-duty supervisor and the off-duty liaison of any department police-related secondary employment incident involving an injury, use of force, damage to departmental property, damage to private or public property that was caused by the officer, or any incident reasonably likely to be of interest to the news media.
 - j. An employee who has reason to believe that they have become involved in a department police-related secondary employment incident which may result in an official departmental complaint, civil suit, or similar consequence shall notify their Section Commander through their chain of command no later than the next business day. The employee shall also notify the off-duty liaison with responsibility for the assignment in question.
 - k. Employees working department police-related secondary employment shall not accept tips, gratuities, gifts, loans, or any other compensation beyond the standard, contracted secondary employment compensation. This prohibition does not apply to meals or light refreshments provided by the employer at the site, if such items are a normal part of the secondary employment arrangement.
 - l. Employees may use Department equipment during the performance of department police-related secondary employment. Employees requiring vehicles shall attempt to secure a take-home/assigned vehicle before utilizing a fleet vehicle. The use of fleet vehicles must be approved by the Watch Commander and, depending on the operational need of the Department, a fleet vehicle may not be available for off-duty employment.
 - 1) The use of Police Canine capabilities is prohibited in department police-related secondary employment, unless specifically authorized by a Patrol Commander. Police canines may accompany their handlers to the location of their off-duty employment for immediate Department deployment.

- m. Employees shall not disclose any RMS, DMV, VCIN, NCIC, criminal history, or other confidential law enforcement data to a secondary employer. This data should only be used to conduct a legitimate law enforcement investigation.
7. Payment - The following regulations apply to all department police-related secondary employment:
- a. Employees shall accept payment from only one secondary employer for services rendered during any given period of continuous work.
 - b. If an employee is called back or otherwise diverted from a secondary employment assignment in order to perform Departmental duties, that employee shall apply for Department overtime pay on a time-for-time basis or earned compensatory leave as the secondary employment and compensation will be discontinued. When the Department duties have been completed, the employee will return to their secondary employment where compensation will be received by such employee until the completion of the assigned shift.
 - c. Off-duty liaisons shall bill employers only for the actual amount of time they devote to liaison duties and shall be paid at the same hourly rate that is paid to the officers whose on-site police or security services they schedule or supervise. Liaisons shall invoice the employer for their services at the time they submit payroll for officers working the detail. All paperwork related to off-duty employment payroll to include administrative fees charged to the company by the liaison will be submitted to the Off-Duty Coordinator for tracking.
8. Off-Duty Liaisons - The following duties and responsibilities are assigned to all off-duty liaisons:
- a. Contact with the off-duty employer in order to:
 - 1) Define the deployed officer's duties.
 - 2) Clarify the employer's expectations.
 - 3) Identify the dates and times when deployments should occur.
 - 4) Verify that assignments were satisfactorily performed.
 - 5) Attempt to resolve employer complaints, if any.
 - b. Develop a "Duties & Expectations Notice." This notice shall remain on file as long as the department police-related secondary employment assignment remains active.
 - c. Forward available work dates and times for the upcoming month to the Off-Duty Coordinator.
 - d. If required, submit payroll reports to the employer for hours actually worked by Department personnel. These reports shall be submitted at intervals identified by the employer.

- e. If requested by the employer, perform quality assurance and/or supervisory duties at the site. If such arrangements are made, the liaison shall perform the duties in a satisfactory manner.
 - f. The Department does not automatically require such duties of liaisons, however, recognizing instead that the work of many liaisons will be limited to bookkeeping.
 - g. Maintain detailed records of the amount of time devoted to liaison and supervision tasks and retain personal copies of all bills or invoices submitted to the employer for off-duty liaison and supervision work. All paperwork related to this function will be submitted to the Off-Duty Coordinator for tracking.
 - h. Retain the above documents in accordance with Library of Virginia records retention schedules, along with all duties & expectations notices, posted schedules, employer payroll reports, and/or related materials used in the off-duty liaison process during the one-year period. The liaison shall make these materials available, upon request.
 - i. The Off-Duty Coordinator will perform an annual review of all liaison details. The purpose of this review is to ensure that all aspects of the detail are in compliance with all elements of this manual section.
 - j. The Off-Duty Coordinator will primarily be responsible for the deployment of the TeleStaff system to fill vacancies related to off-duty. This does not preclude other supervisors from being able to use the system to fill vacancies, as needed.
 - k. Within reason, a liaison may conduct some of their coordination activities while on duty.
- F. Suspension of Secondary Employment - The Chief of Police may suspend the secondary employment privileges of any employee:
- 1. Recently disciplined for unsatisfactory performance or violation of any departmental or county regulation, or
 - 2. Whose on-duty work has been judged by a supervisor to be substandard or in need of improvement, or
 - 3. Whose performance on a department police-related secondary employment assignment has been judged unsatisfactory by that assignment's off-duty liaison, or
 - 4. Who has been found to have violated this directive, regardless of whether formal discipline was imposed.

The duration of suspensions shall be at the discretion of the Chief of Police, and may be imposed indefinitely, where appropriate.

Suspension of secondary employment privileges is automatic in any case where the employee's normal police duties are suspended or otherwise interrupted. Officers in such situations shall not work general or department police-related secondary employment, regardless of whether secondary employment privileges were mentioned in the primary suspension notice.