

Asheville Police Department Policy Manual

Chapter: 20 - Conditions of Work & Benefits **Original Issue:** 4/15/1993

Policy: 2002 - Secondary Employment **Last Revision:** 3/18/2024

Previously: 1270 - Secondary Employment



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Introduction

This directive establishes guidelines for all secondary employment of all department members, including off-duty and extra-duty employment, as defined in this policy.

Policy Statement

It is the policy of the Asheville Police Department (APD) to allow employees to engage in approved off-duty employment and to allow sworn officers to engage in approved extra-duty employment, subject to reasonable restrictions and guidelines.

Definitions

Extra-Duty Employment: any employment of an Asheville Police Department officer while not on duty that is predicated on the actual or potential use of the police officer's sworn law enforcement powers.

Off-Duty Employment: any outside employment of a police department employee by the City of Asheville or an entity other than the City of Asheville where employment is not predicated on the actual or potential use of law enforcement powers.

Secondary Employment: any employment other than primary employment by the Asheville Police Department, to include all extra-duty and off-duty employment.

Rules and Procedures

2002.1 General Provisions

- A. All department employees may engage in approved secondary employment that meets the following criteria and does not otherwise conflict with department or city policy: [22.2.4]
 1. The employment presents no potential conflict of interest between the duties of the employee as a member of the police department and the duties for the secondary employer.
 2. The secondary employment is not performed during the employee's department work hours and/or does not otherwise interfere with the employee's performance of duty with the department.
- B. Secondary employment is prohibited in the following areas: [22.2.4]
 1. Process servers, repossessioners, bail bonds, or bill collectors; towing of vehicles; or any other employment in which police authority might be perceived as used to collect money or property for private purposes.
 2. Work involving investigations for the private sector or any employment that might require the employee to utilize police information, department files, records, or services as a condition of the employment.
 3. Any employment using department uniforms in performing tasks other than those of a law enforcement nature.
 4. Employment that assists (in any manner) the case preparation for the defense in any criminal action or either side in any civil action or proceeding.
 5. Employment that is politically oriented to the extent that it may be reasonably inferred that as a representative of the department, the employee recommends, endorses, or encourages one political interest over another.
 6. Employment that results in a conflict of interest with the stated mission and goals of the Asheville Police Department.

- C. Any employee engaged in secondary employment is subject to call-out in case of emergency and is expected to leave secondary employment in such situations.
- D. Employees will not:
 - 1. Work more than sixteen (16) hours of secondary employment or combined secondary employment and department on-duty status within any 24-hour period.
 - 2. Begin another tour of duty (including regular work hours, discretionary overtime, and secondary employment) after working the maximum 16 hours within a 24-hour period until eight (8) hours have passed from the end of their last work assignment.
- E. Employees assigned to a status other than full duty (such as sick leave, worker's compensation leave, administrative leave/suspension, or restricted/light duty) may work secondary employment only if approved by the Chief of Police or designee.
- F. It is the responsibility of each employee who engages in secondary employment to ensure his or her compliance with all provisions of this directive.
- G. Violations of this directive may result in the suspension of an employee's privilege to engage in secondary employment and/or disciplinary action. [22.2.5 c]
- H. Employees are responsible for reporting all compensation from secondary employment for personal tax purposes, including reduced rent or other considerations.

2002.2 Secondary Employment Authorization

- A. Officers engaging in extra-duty employment must utilize and receive authorization from the department's contracted extra-duty provider or written authorization from the department. [22.2.5 a,c]
- B. The final approval or authorization for secondary employment rests with the Chief of Police or designee. [22.2.5 a,c]
- C. Department employees must declare any off-duty employment with the department via the [Off-Duty Employment Declaration Form](#).

1. The form should be resubmitted with any significant changes in the nature of the employment (business name changes or a change in the type/nature of employment).
 2. All ongoing off-duty employment must be reaffirmed at least annually.
- D. All authorizations and/or necessary paperwork must be submitted before engaging in secondary employment.

2002.3 Extra-Duty Employment

- A. The [department's Special Events Coordinator](#) is the designated point of coordination for department extra-duty assignments, including acting as a primary department liaison with the department's contracted extra-duty provider on behalf of the department [regarding compliance with department policies, processes, and other matters](#). [22.3.5 d]
- B. The scheduling software through the department's contracted off-duty provider allows officers to sign up and receive extra-duty employment jobs. The officer is responsible for ensuring the job does not conflict with the officer's assigned work duties, any scheduled training, or exceeding the permissible number of total hours that may be worked in a day.
- C. Only sworn officers who have successfully completed the department's field training program can engage in extra-duty employment. [22.2.5 a]
- D. Extra-duty employment must be conducted within the jurisdiction of the Asheville Police Department.
- E. [Sworn personnel must receive department permission and be authorized to engage in extra-duty employment before working extra-duty assignments through the contracted extra-duty provider](#). [22.2.5 a]
- F. Officers will not wear plainclothes or other non-standard uniform variations for extra-duty employment unless approved in writing by the Chief of Police or designee.
- G. Officers may only work extra-duty employment in privately owned areas where alcoholic beverages or cannabinoids are sold and consumed (including restaurants and other venues) under the following conditions: [22.2.5 b]
1. The primary purpose of the officer's presence is for the security of the business and not the control of disorderly customers.

2. Officers must not stand or sit in the immediate area of the site of alcohol service (e.g., the bar).
 3. Activities such as enforcing “house rules,” weapons pat-downs, checking IDs, and alcohol level screenings at the establishment’s entrance are prohibited.
- H. The contracted extra-duty provider provides Worker's Compensation insurance for the employee; however, depending on the circumstances, if an officer is injured while taking action that is considered normal, appropriate police action (such as making an arrest), the City’s workers compensation insurance will cover the injury consistent with and pursuant to the terms of The North Carolina Workers’ Compensation Act.
- I. Any unexcused failure to report for extra-duty assignments [could](#) subject the officer to restrictions on or elimination from consideration for future extra-duty assignments. [22.2.5 c]
- J. Extra duty assignments involving four or more officers must include at least one supervisor to work the detail. The supervisor may be included as one of the four or more required officers.

2002.4 Extra-Duty Officer Responsibilities [22.2.5 b]

- A. Officers engaged in extra-duty employment will be held accountable for their actions and must comply with all departmental policies, rules, and regulations, such as but not limited to jurisdictional limitations, availability for callback, and use of department property.
- B. Officers working an extra-duty detail must notify Communications of the location and duration of the assignment at the beginning of their shift. Communications must be notified at the conclusion of the extra-duty shift.
- C. Officers working secondary employment must utilize their mobile data terminals in accordance with [Policy 206 - Technology Use & Security](#).
- D. Officers performing extra-duty assignments are generally responsible for the initiation and completion of appropriate law enforcement actions related to any incidents occurring as part of their assignment. [22.2.5 e]

- E. Officers should schedule court dates resulting from extra-duty employment where they are the prosecuting witness on their assigned court day whenever possible.
- F. Any injuries, accidents, or damage to issued equipment during extra-duty employment must be reported immediately to a supervisor and the contracted extra-duty provider following established department procedures. [22.2.5 e]
- G. Officers are expected to take appropriate enforcement action if illegal activity is observed during extra-duty employment. If such action is impossible or impractical, the activity must be immediately reported to the on-duty Watch Commander.

By order of:

A handwritten signature in black ink, appearing to read 'ML LH', is positioned above the printed name of the Chief of Police.

Michael Lamb
Chief of Police