


# AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

<b>08.12</b>	<b>Title: Secondary and Additional Employment</b>	
	Approved By: Nick Metz, Chief of Police	
	Effective: 09/01/1998	Revised: 07/29/2019
	Associated Policy: DM 07.01, APD Forms 520-606, 520-387, 024	
	References: CRS 24-10-110, CRS 29-5-111	
Review: Property and Technical Services Section Lieutenant		Page 1 of 12

**Duty  
Honor  
Integrity**

## 8.12 SECONDARY AND ADDITIONAL EMPLOYMENT

It is the policy of the Aurora Police Department that secondary employment performed by members will be regulated and/or restricted by the procedure outlined herein.

Secondary employment is a privilege, not a right. The Chief of Police or designee may deny this privilege to any member at any time for any reason. Violations of this section may result in a suspension of the secondary employment privilege in addition to formal disciplinary action. Secondary employment must not interfere with a member's on-duty responsibilities.

### 8.12.1 Definitions

- a. **SECONDARY EMPLOYMENT:** Off-duty employment requiring the use or potential use of police authority. The Chief of Police or designee will have complete charge of all secondary employment. The Chief of Police may delegate this authority to the Business Services Manager or Secondary Employment Lieutenant.
- b. **ADDITIONAL EMPLOYMENT:** For off-duty employment not involving the use of police authority, a *Notification of Outside Employment* form must be filled out detailing additional employment. This form can be obtained at the Administrative Services Section (Payroll), 15001 East Alameda Parkway. Administrative Policy Memo 3-20 addresses the employee's responsibilities in regard to additional employment.
- c. **PERMANENT JOBS:** Secondary employment assignments that occur annually where members are normally scheduled daily or weekly throughout the calendar year. At the discretion of the Chief of Police, members may hold the assignment indefinitely, but must work the assignment at least 75% of the time. When the member voluntarily or involuntarily (discipline, new assignment, employer choice) vacates the assignment, the opening returns to the Secondary Employment Detail for assignment according to selection procedures.
- d. **SEASONAL JOBS:** Secondary employment assignments that occur annually, but during various portions of the year, where members are scheduled daily or weekly, but the job

does not continue throughout the calendar year. Members will hold the assignment indefinitely, but must work the assignment at least 75% of the time. When the member voluntarily or involuntarily (discipline, new assignment, employer choice) vacates the assignment, the opening returns to the Secondary Employment Detail for assignment according to selection procedures.

- a. Members who work Seasonal Jobs the previous year may be offered the job the next year/season prior to other members.
- e. ANNUAL JOBS: Secondary employment that happens yearly on an annual basis, i.e. Christmas Child, MUDD Volleyball.
- f. LIGHT DUTY: Duty, other than full duty, to which a member is detailed due to a physical or psychological disorder or condition, or due to the effects of the ingestion of a prescribed controlled substance.
- g. SHORT NOTICE JOBS: Secondary employment requests with less than five (5) days' notice.
- h. ONE TIME JOB: When secondary employer does not hire a member for more than a month.
- i. HOLIDAYS: New Year's Eve/Day, July 4<sup>th</sup>, Thanksgiving, Thanksgiving Weekend, Christmas Eve/Day, Labor Day and Memorial Day.
- j. UNDERCOVER CAPACITY: Members whose primary assignment is done in a non-uniform capacity. This may include Vice and Narcotics, MGTF, task forces where the members identity as a police officer may compromise their primary assignment.
- k. RENT FOR SECURITY: When a member receives a discounted rate on a residence in exchange for providing security to a company because he/she is an Aurora Police Officer. This does not apply to the Good Neighbor Next Door Program.

#### 8.12.2 Responsibilities of Sworn Members Engaged in Secondary Employment

Members who wish to engage in secondary employment must recognize their primary responsibility, obligation and duty are to the Aurora Police Department.

Members are subject to call at any time for emergencies, special assignments or overtime duty, and no secondary employment will infringe on this obligation.

Members will not become involved in labor controversies of any kind connected with secondary employment.

Should such a situation, i.e. a strike or similar type of a civil labor issue arise in a firm where a member is employed, the member will immediately seek the advice of and will

be governed by his/her Command Officer's instructions. If his/her Command Officer is not available, the member will contact an on-duty patrol supervisor.

Members will not engage in secondary employment, whether in or out of uniform, when such employment is outside the city limits of Aurora. Exceptions to this rule may only be granted by the Chief of Police or designee.

Members, while engaged in secondary employment, will not be accompanied by family members, friends, acquaintances or visitors unless specific approval has been given by the secondary employer and the Chief of Police or designee.

Members may, when acting in their official capacity, use city resources (office equipment, records, or information) while engaged in secondary employment. Use of city vehicles may be used while engaged in secondary employment with the approval of the Chief of Police or designee.

Members will call an on duty officer and supervisor to initiate an accident report if the member is involved in a motor vehicle accident. The member will also notify the Secondary Employment Lieutenant via email of the accident or any other damage located on vehicles. Members may be disciplined, suspended from or lose the privilege to work secondary employment due to accident(s) while working secondary employment.

#### 8.12.3 Requirements/Limitations of Sworn Members Engaged in Secondary Employment

Members engaged in secondary employment will be subject to all Rules, Directives and Standard Operating Procedures of the Aurora Police Department.

Members engaged in secondary employment will wear the Department Duty Uniform regardless of his/her specialty assignment within the Department. Members assigned to SWAT or K9 may wear the Department Duty Uniform or the unit uniform. Members engaged in Secondary Employment will wear a ballistic vest and the Department approved reflective traffic vest when directing traffic. Should the business require different attire (other Department approved uniform, plain clothes), the reasons for the request must be specifically delineated in writing on the Secondary Employment Work Request form and approved by Chief of Police or designee.

Members engaged in secondary employment are required to demonstrate proficiency in Arrest Control techniques as outlined in Directive 7.1 – Arrest Control and Baton Training Program.

Members will be required to complete all necessary police reports incurred while engaged in secondary employment.

Members working regular duty may be permitted to participate in a maximum of 24 hours of secondary employment in a seven-day work cycle that runs from Saturday at 0001

through 2400 Friday. Combining regular duty with secondary employment and voluntary overtime, APD members may work no more than 68 total hours in a seven-day work cycle unless given permission to work more hours by the Chief of Police or designee. The assignment of regular duty, secondary employment and voluntary overtime will be determined by the Chief of Police or designee.

During times of high demand for secondary employment officers, members may work up to a total of 28 hours of secondary employment in a seven-day work cycle, 0001 Saturday through 2400 Friday, in which the member is on active duty. Members may work no more than 72 hours of combined duty, voluntary overtime and secondary employment in a seven-day work cycle with the approval by the Chief of Police or designee.

Secondary employment will be limited to 16 hours of combined regular and secondary employment in any 24 hour period from the member's first reporting time except under unforeseen circumstances requiring the member to work city overtime. Members working only secondary employment are limited to a combined 16 hours within a 24 hour period.

Members may work a maximum of 18 hours of combined regular, overtime and secondary employment in any 24 hour period only on the member's last day of the work week.

Members who work less than 40 hours from 0001 Saturday through 2400 Friday through the use of vacation or compensatory time may increase the number of secondary employment hours worked up to the 64 hour limit. Members may work no more than 68 hours of combined duty, voluntary overtime and secondary employment. Example: Ten hours of vacation, the member may work an additional ten hours of secondary employment up to a total of 64 hours.

1. Member's regular work schedule may not regularly or routinely be altered for additional hours of secondary employment.
2. Members may not split their work shift to work secondary employment.

Members who, due to illness or injury, do not report to or complete a scheduled duty shift or secondary employment shift, may not work any secondary employment or voluntary city overtime within twenty-four (24) hours of the start time of the missed or incomplete shift.

Members are strictly prohibited from participating in any secondary employment or additional employment while they are on duty. Members may not work two secondary jobs at the same time whether or not they are being paid by the second employer, i.e. working for one employer and locking the gate at an apartment complex.

Members whose duties potentially include operating in an undercover capacity, may be authorized for limited secondary employment with the approval of the member's commanding officer and the Chief of Police or designee. Because of the need to adjust work hours at the beginning and end of shifts to accommodate work demand with very

little notice, members of the Narcotics Unit will only be allowed to work secondary employment on scheduled days off. Members assigned to the Narcotics Section, or whose duties potentially include operating in an undercover capacity may work the following:

- RTD in plain clothes
- Movie theaters in plain clothes
- Special events that require plain clothes

#### 8.12.4 Secondary Employment – Restrictions

Secondary employment is a privilege, not a right. Permission for secondary employment may be denied at the discretion of the Chief of Police or designee for any reason including, but not limited to, the following:

- a. When it appears, from the member's sick leave record, that secondary employment might impair his/her health or ability to discharge police department duties.
- b. When the employment may compromise the proper discharge of the member's police duties, loyalties to the Police Department, or the public interest.
- c. When the employment may bring the member or the Police Department into disrespect, disfavor, disrepute or ridicule by virtue of secondary employment.
- d. When an officer has not completed the initial probationary period with the Police Department, unless specifically authorized by the Chief of Police or designee. It is the responsibility of the officer to provide written authorization from the Chief of Police or designee to the Secondary Employment Detail.
- e. When secondary employment involves the use of departmental records or equipment, collection of debts, repossession of property, service of any legal process, or working for private security companies, bail bond agencies, investigative agencies or private investigative agencies.
- f. When a member is placed on any duty status other than full duty, compensatory or vacation time. (Some examples include suspensions, injury leave, and FMLA leave.).Members may not work voluntary overtime or secondary employment within a 24 hour period of any suspension time.
- g. Members are not permitted to engage in secondary employment while detailed to "light duty" functions. "Light duty" is defined as duty, other than full duty, to which a member is detailed due to a physical or psychological disorder or condition, or due to the effects of the ingestion of a prescribed controlled substance.

IN THE CASE OF “f.” and “g.” ABOVE, IT WILL BE THE MEMBER'S RESPONSIBILITY TO NOTIFY THE SECONDARY EMPLOYMENT OFFICE IN WRITING WHEN THE INELIGIBILITY PERIOD BEGINS AND ENDS.

- h. When a member attempts to “duty adjust off” his/her work hours to work a secondary job.
- i. When the primary business of the establishment is the sale and consumption on-premises of alcoholic beverages or the sale and consumption on-premises of food and alcoholic beverages, except with the specific authorization of the Chief of Police or designee. This restriction does not include employment inside establishments where alcoholic beverages are sold, but not consumed on-premises (i.e. package liquor stores).
  - a. A minimum of two officers will be required to work at a business whose primary business is the sale and on-premises consumption of alcoholic beverages.
- j. When the primary business of the establishment is the sale, manufacturing, or consumption of marijuana.
- k. When the primary business of the establishment or show is adult entertainment.
- l. When the primary business of the establishment involves any off-track betting, gaming or gambling with the exception of licensed bingo and/or raffles, or with the specific authorization of the Chief of Police or designee.
- m. When the Chief of Police or designee determines the number of members requested to be insufficient.

#### 8.12.5 Secondary Employment – Coordination and Contracting

A member will not enter into a contract or act as a broker agent, promoter, representative, proxy, negotiator, employment agent, or act in any other capacity to provide for the services of off-duty members. Police members will not work on a commission basis or be paid a percentage of the salaries of other police members for off-duty employment.

The Chief of Police or designee will be the only coordinator of employer requests for off-duty police officers for secondary employment and police officer requests to work secondary employment. An employer may designate a liaison off-duty officer to act as an administrative assistant, with the prior approval of the Chief of Police or designee, to facilitate the employer's internal reporting, documentation or scheduling. Liaison officers will collaborate with the Secondary Employment Detail to facilitate an employer's request, but is prohibited from selecting officers for assignments. Liaison officers will notify the Secondary Employment Detail of changes in the shifts, hours and names of officers working that job. The selection of officers for work requests is the responsibility of the Secondary Employment Detail according to established selection procedures.

All secondary employment will be coordinated through the Secondary Employment Detail. Approval will not be given for officers to perform secondary employment arranged through an individual or business without the approval of the Secondary Employment Detail. Any member who knows or becomes aware that his/her off-duty work assignment was arranged through an individual or business acting in the capacity defined above, will immediately report the situation to the Chief of Police or designee in writing through the chain of command. The officer may continue in that employment until notified by the Chief of Police or designee that the employment is no longer approved.

The Secondary Employment Detail Lieutenant or designee will ensure that the person/business/establishment that requests off-duty officers meets all the requirements described in this policy. If the request is denied because of a problem related to the secondary employer, the Secondary Employment Detail Lieutenant or designee will:

- Notify the employer;
- Advise of necessary corrections;
- Ensure that all work by department members cease until the proper corrections have been made.

All Secondary Employers will be required to:

- Complete Form #520-607;
- Employ sufficient numbers of officers to ensure adequate safety measures;
- Be accurate and detailed when describing the nature of the work to be performed;
- Report misconduct as stated on Form #520-607.

#### 8.12.6 Secondary Employment – Selection Procedures

- a. Permanent and Seasonal Jobs – For any new jobs and any current permanent and seasonal jobs where the assigned officer vacates the position, the work assignment will be returned to the Secondary Employment Detail for reassignment. Annually members must notify the Secondary Employment Detail of their desire for a permanent and seasonal job.
  - Members will be listed by Department seniority and selected from the top down in a round robin fashion. The first eligible member on the list will be offered the assignment. The offer will continue down the list until accepted by a member.
  - The next assignment will be offered to the next member on the list. The list will not start at the beginning of the seniority list on all new secondary employment jobs.
  - Members will not hold more than two secondary permanent jobs unless the secondary employment office has exhausted the seniority list and a job remains open. A member who has two permanent jobs may apply for non-permanent secondary jobs.

- For secondary employment jobs that require 5 officers, one officer must be a sergeant or above. Every fifth additional officer will be a sergeant. A lieutenant will be employed for every 15 officers.
- b. Short Notice Jobs – Members must annually notify the Secondary Employment Detail of their desire to work Short Notice Jobs.
- Members will be listed by Department seniority and selected from the top down in a round robin fashion.
  - The first eligible member on the list will be offered the assignment. The offer will continue down the list until accepted by a member.
  - The next assignment will be offered to the next officer on the list. NOTE: Due to the short notice request, the Secondary Employment Detail has the discretion to select officers able to fill the assignment, if necessary.

c. City Overtime

City overtime does not constitute a permanent secondary employment job. When a city department requests city overtime through the secondary employment office, the request will be put into the XtraDuty program so all members have an opportunity to bid on the overtime. In the cases of short notice, less than 48 hours, of city overtime, the secondary employment staff will put the request out to department members via city e-mail notifying members of the overtime request. In short notice overtime situations, the job will be filled on a first-come, first-serve basis. City overtime consisting of less than 4 hours a week is not considered a permanent secondary job but counts towards the 28 hour regular duty, secondary employment and voluntary overtime weekly limit.

d. Rent for Security

Members providing police service in exchange for subsidized rent, at any type of housing complex, will be considered to be engaging in secondary employment and must notify the secondary employment office. Members must fill out a secondary employment authorization form and turn it into the secondary employment office.

- i. The time spent on this type of secondary employment is usually minimal and will count as 5 hours a week towards the members combined 64 hour weekly limit unless the member can demonstrate he/she worked less hours.
  - ii. Members may not provide any on-duty services to these employers as part of their secondary employment agreement.
- e. Regional Transportation District (RTD) jobs – The Department, in agreement with the RTD, will provide members to work secondary employment to enforce transit type laws on the RTD system. These secondary employment jobs are governed by the



agreement between the Department and the RTD and, as such, do not follow the before listed selection procedures.

- Members will be selected to work RTD in accordance with Directive 8.12.5. Members working RTD jobs need additional training and have specific requirements mandated to perform these jobs.
  - The RTD representative may refuse to accept or retain any member at any time in accordance with RTD policies.
  - Scheduling of these positions will be coordinated by the Secondary Employment Detail Supervisor in accordance with current seniority-based practices. The Secondary Employment Detail Supervisor has the final authority on who works the RTD detail.
  - If RTD reduces the number of secondary employment shifts then the members will be reduced by department seniority.
- f. Other Jobs Requiring Specific Equipment or Skill Sets – Occasionally secondary employment jobs require the member have specialty equipment, specific skill sets, or special training. Examples include, but are not limited to, motorcycle officers where the job requires the use of the motorcycle and School Resource Officers working school functions. In those limited cases, the regular selection process may be suspended to accomplish the matching of jobs with officers with appropriate skills and resources.

#### 8.12.7 Secondary Employment – Authorization Procedures

- a. Officers who wish to engage in secondary employment must, before beginning secondary employment, complete and submit Form APD 024 requesting permission. This form and request for any secondary employment will be completed annually and submitted during the annual patrol bid. All other requests require the approval of the Chief of Police or designee.

The form will be forwarded to the officer's Command Officer via the chain of command. That Command Officer will forward the form to the Secondary Employment Detail, which will review officer/business eligibility. All information will be routed to the Secondary Employment Detail Supervisor, including any reason(s) the officer or business is ineligible.

The Secondary Employment Detail Supervisor will verify the officer/business as either eligible or ineligible for secondary employment, and forward all eligible requests to the Secondary Employment Detail. Ineligible officers will be sent back to the employee's supervisor. Any exceptions can be directed to the Chief of Police or designee by the Secondary Employment Detail Supervisor for consideration. The decision of the Chief of Police or designee to approve or disapprove the Request for Secondary Employment Authorization will be final.

- b. All Secondary Employment Authorization forms will be void 30 days after the implementation of the patrol bid each year. New forms from participating employers must be submitted by January 31<sup>st</sup> through the chain of command, for review and renewal by the Secondary Employment Detail Lieutenant.
- c. In cases of emergency or short-notice requests for secondary employment, approval by the Secondary Employment Detail Lieutenant is acceptable. The Secondary Employment Detail will forward a copy of the approval to the officer's supervisor for notification.
- d. The Secondary Employment Lieutenant, on a case-by-case basis, may approve secondary employment at one-time special events where alcoholic beverages are served (i.e. fundraising events or weddings).
- e. Secondary employment assignments are considered duty assignments. Officers who accept a secondary employment assignment are expected to work the assignment, but if there is a legitimate conflict and the officer is unable to work the assignment, the officer is responsible for locating a replacement officer if he/she is unable to meet his/her secondary employment obligation. Officers will notify the Secondary Employment Detail advising why they cannot report, the name of the officer who will replace him/her, and the name and address of the secondary employer prior to the assignment. Officers are prohibited from accepting work assignments to hold the position and routinely find replacement officers for the assignment.

#### 8.12. 8 Additional Employment – Non-Police Work

- a. Members must recognize their primary responsibility is to the Aurora Police Department. They are subject to call anytime for emergencies, and no additional employment will infringe on this obligation. Members will not become involved in labor disputes, of any kind, connected with additional employment. Should such a situation arise in a firm where a member is employed, he/she will immediately seek the advice of his/her Command Officer and will be governed by the Command Officer's instructions. If the member's Command Officer is not available, the officer will contact an on-duty patrol supervisor.
- b. Members will not bring themselves or the Police Department into disrespect, disfavor, disrepute or ridicule by virtue of additional employment.
- c. Members will not participate in additional employment that would compromise the proper discharge of their police duties, their loyalties to the Police Department, or the public interest.
- d. Except by specific authorization of the Chief of Police or designee, officers will not accept additional employment at the following:

- Any establishment whose primary business is the sale and on-premises consumption of alcoholic beverages. Any off-track betting, gaming or gambling establishment with the exception of licensed bingo and/or raffle events.
  - Private persons, companies or entities whose primary business is contract security and/or investigative services or the services of legal process or other legal documents.
- e. Members are strictly prohibited from participating in any additional employment while on duty.
- f. Members are not required to file Form APD 520-387 for additional employment unless deemed necessary by their Command Officer.
- g. Members whose duties potentially include operating in an undercover capacity, may be authorized for limited additional employment with the approval of the members' commanding officer and the Chief of Police or designee.
- h. The Aurora Police Department strongly urges that additional employment (in the case of non-sworn members) or the combination of additional employment, secondary employment (for sworn members), and voluntary overtime, not exceed a total of twenty-four (24) hours in any seven day work week in which the member is on active duty. Members may work more than twenty-four (24) hours in a seven-day work week if they are on vacation.

#### 8.12.9 Performance Review

The member's Command Officer or the Secondary Employment Detail Supervisor will recommend to the Chief of Police or designee the termination of secondary and/or additional employment if the member does not meet his/her departmental responsibilities to the fullest extent.

#### 8.12.10 Civil Liability

- a. Authorization for secondary or additional employment does not signify the City of Aurora will either defend or pay a monetary judgment, arising out of any acts or omissions alleged to have been committed by the off-duty member.
- b. Section 29-5-111, C.R.S., reads in part as follows:  
"Notwithstanding the doctrines of sovereign immunity and respondent superior, a city, town, county, city and county, or other political subdivision of the state shall indemnify its paid peace officers of any liability incurred by them and for any judgment, except a judgment for exemplary damages, entered against them for torts committed within the scope of their employment if the person claiming

damages serves such political subdivision with a copy of the summons within ten days from the date when a copy of the summons is served on such peace officer." (Emphasis Added.)

The issue of whether or not the City of Aurora will either defend or pay a monetary judgment rests with the concept of scope of employment. The decision to represent and/or pay a monetary judgment will be made on a case-by-case basis. The City will rely upon the following definition of scope of employment:

"An employee is acting within the scope of his employment if he is engaged in the work which has been assigned to him by his employer or is doing that which is proper, usual and necessary to accomplish the work assigned to him by his employer or is doing that which is customary within the usage's of the particular trade of the business in which the employee is engaged to accomplish his work." (Colorado Jury Instructions.)

It is the City's position that the mere status of a person as a police officer does not automatically mean that every act of such a person will render the City liable.

- c. The Aurora Police Department strongly recommends each member performing secondary or additional employment arrange appropriate insurance coverage to protect the member from any liability, which may arise out of this secondary or additional work.
- d. The City of Aurora will follow the procedure contained in Section 24-10-110, C.R.S., (as amended), if it is decided, upon the facts of a particular case, that the member was not acting within the scope of his/her employment as an Aurora Police Officer at the time of the alleged injury to a third person or property.