

Boulder Police Department Policy and Procedure

	Subject: Secondary Employment		General Order: 128
	Effective: September 23, 2024 Reviewed: June 27, 2024	Replaces: September 18, 2018	Approved by: Chief Stephen Redfearn 
General Order Topic(s): 128-1 General Requirements 128-2 Extra-Duty Police Employment 128-3 Extra-Duty Coordinator Responsibilities 128-4 Compensation 128-5 Outside Employer Responsibilities 128-6 Off-Duty Employment		Accreditation Standard(s): LE 3.1.1, LE 22.2.5 Statutory References: C.R.S B.R.C Related General Orders:	

POLICY

Based on an interest in furthering public safety and professionalism, protecting the reputation of the agency, and ensuring the agency receives full and faithful service in return for its expenditure of resources, the department imposes conditions on secondary employment or prohibits it altogether under this general order.

DEFINITIONS

EXTRA-DUTY EMPLOYMENT: Secondary employment involving the use of police authority, which occurs outside of a member's normal shift, and the member receives remuneration of material value from an employer who contracts with the police department.

OFF-DUTY EMPLOYMENT: Secondary employment which occurs outside of a member's normal shift, that is generally not conditioned on the actual or potential use of law enforcement powers. Off-Duty employment may be self-employment, or employment where the member is not performing any duties utilizing their authority as a City of Boulder Police Officer or City of Boulder limited commission officer.

SECONDARY EMPLOYMENT: Any work, outside the scope of regularly assigned duties, which is either off-duty employment or extra-duty employment, for which the member receives remuneration of material value, including self-employment performed by the member which is not part of the duties assigned to that member by the department. This does not include work performed as a volunteer for a service club, school, or other similar activity.

PROCEDURES

128-1 General Requirements

- A. Members engaged in off-duty and extra-duty employment are subject to all rules, policies, and procedures of the department¹.
- B. Working off-duty and extra-duty employment does not relieve department members from the responsibility of being available for court, training, meetings, or returning to work at anytime.
- C. Members are prohibited from working any assignment, including off-duty and/or extra-duty employment, or any combination of assignments, which exceeds sixteen (16) hours in a 24-hour period unless there has been an intervening eight (8) hour break, without specific authorization by a commanding officer. During times of emergency, major incidents, or for officer/public safety reasons, members may be required to exceed this limitation. In such cases, commanding officers will consider fatigue factors in making assignments and relieve members from duty as soon as practical.
- D. Reporting for a shift when unfit for duty may subject members to department discipline and an officer being removed from the extra-duty eligibility list for a period of time determined by the Chief of Police. Members are responsible for managing their time in accordance with this policy.
- E. Members do not engage in any off-duty or extra-duty employment while on FMLA, sick, or emergency leave, or administrative leave, or while on injury leave or modified duty, without prior express consent of the Chief of Police.

128-2 Extra-Duty Police Employment

Commissioned personnel may engage in extra-duty employment which requires the commissioned powers of a police officer, as assigned by the department. Officers are not authorized to perform extra-duty police work until they have been released from their initial training program and have received approval to work extra-duty assignments from the special events commander, or designee². Commissioned members at or above the rank of commander are prohibited from engaging in extra-duty police work unless the assignment has been released by the extra-duty coordinator because it was otherwise unfilled, or because the assignment was posted for the position of Commander or above.

- A. Extra-Duty employment contracts are approved, managed, scheduled, and assigned to be filled by the department through the extra-duty coordinator and the special events commander. The Boulder Police Department reserves the right to deny any request for extra-duty employment³.
- B. Members shall not enter into a contract to serve as a broker to provide extra-duty employment. Members shall not work on a commission basis, or be paid a percentage of the salaries of other members who are performing extra-duty police employment.
- C. Subject to supervisory approval, members may use leave time to work extra-duty

¹ CALEA 22.2.5 b

² CALEA 22.2.5 a

³ CALEA 22.2.5 d

assignments requested by an outside vendor or sponsor. Members may not use leave time for working department-paid extra-duty assignments.

- D. Travel time is not paid for extra-duty employment assignments.
- E. Commissioned members indicate their interest in participating in extra-duty employment by contacting the extra-duty coordinator for information on how to use the extra-duty employment software or App.
- F. The extra-duty coordinator works in conjunction with the special events commander and assigns, schedules, and manages assignments with the intent to distribute extra-duty assignments in an equitable manner.
- G. While engaging in extra-duty police work, commissioned members⁴:
 - 1. Possess the status and authority of a police officer acting within the course and scope of their employment. This authority applies to commissioned personnel who are in uniform or plain clothes.
 - 2. Are responsible for notifying communications of location and hours of assignment, nature of duties, and personnel assigned.
 - 3. Use personal vehicles for transportation to and from assignments unless the Chief of Police or designee authorizes the use of a department vehicle, or the employer has contracted for a police vehicle as part of the assignment.
 - 4. Enforce only the Boulder Revised Code, state and federal statutes; and
 - 5. Are responsible for completing initial reports and seeking the assistance of on-duty patrol personnel when affecting arrests. The assisting unit transports and books the prisoner and any associated evidence.
- H. Commissioned members inform the extra-duty coordinator of any pre-existing contract police service commitments when placed on injury or administrative leave. Each officer who has accepted an assignment is committed to performing the assignment or is responsible for finding a replacement.
 - 1. Officers refer to the alternate list for reassignments whenever possible.
 - 2. An officer who has had to secure a replacement for an assignment notifies the extra-duty coordinator to facilitate changing of the assignment in the software
 - 3. An officer who fails to secure a replacement for an assignment because of sudden illness or emergency informs an on-duty supervisor as soon as practical.
 - 4. Failure to work the assignment or find a replacement two times or more within a twelve-month period may result in an officer's removal from the eligibility list for a period of time determined by the Chief of Police and may subject him/her to department discipline.
 - 5. Officers removed from the eligibility list are notified in writing by the special events commander.
 - 6. An officer who has been removed from the eligibility list has a period of ten calendar days to appeal the decision. Appeals are reviewed by the Chief of Police or designee.
- I. Members who are on-call may engage in extra-duty police work with the approval of their supervisor and the approval of the special events commander and notification of the employer.
- J. The Chief of Police may revoke an officer's eligibility for extra-duty police work,

⁴ CALEA 22.2.5 e

ensuring that the member is notified. The revocation may be based on the following⁵.

1. Extra-duty employment is judged detrimental to department employment or the employee.
 2. The employee's job performance has diminished as evidenced by unsatisfactory performance.
- K. The department and the city are not liable for any civil or criminal action arising from an employee's unauthorized extra-duty employment.

128-3 Extra-Duty Coordinator Responsibilities

- A. The extra-duty coordinator develops and manages the system for assigning members to extra-duty employment assignments and maintains eligibility lists.
- B. When scheduling ongoing, large-scale events, the extra-duty coordinator schedules the entire duration of the event prior to its onset.
- C. The extra-duty coordinator ensures that documentation of the significant aspects of each officer's extra-duty assignment is maintained in the extra-duty employment software or App⁶.

128-4 Compensation

- A. A schedule of compensation rates and fees, updated annually, is provided to the employer.
- B. Compensation rates for contract police services and police vehicles are established by the Chief of Police.
- C. Members receive a minimum of three hours' compensation for any event worked.
- D. Members who are canceled from an extra-duty assignment are only eligible for compensation if notice of the cancellation has not been made before the officer reports for the assignment.
 1. Any compensation for a canceled assignment must be approved by the special events commander and the finance manager.
 2. If so approved, the officer is compensated for two (2) hours at their overtime rate but only if payment has been received from the contractor.

128-5 Outside Employer Responsibilities

Requests for police services are generally in one of three categories. 1) Requests for police services for activities that require a City of Boulder Special Events Permit. 2) Requests for police services from outside private employers that do not require a Special Events Permit. 3) Requests for police services from other city departments.

- A. Unless approved by the Chief of Police, costs associated with extra-duty employment are paid by the contractor or requesting department and not the police department.
- B. Requester Deadlines:
 1. For events requiring a City of Boulder Special Events Permit, requests must be

⁵ CALEA 22.2.5 c

⁶ CALEA 3.1.1

- received 60 days before the event.
2. For events not requiring a Special Events Permit or from a city department, requests must be received 14 days before the event.
 3. Requests made after the applicable above deadlines may be subjected to an administrative fee of up to 20% of the contract total or be completely denied
- C. Contracts may not exceed 12 months in length. Contractors agree to pay a minimum of three hours of employment per officer, per event. If the assigned officers are released prior to the three-hour minimum, they are compensated for all three hours.
 - D. In cases of extreme or unforeseen circumstances, exceptions may be granted for A-C above at the discretion of the special events commander.
 - E. The special events commander determines the number of police personnel required for any requests.
 - F. Employer requests for specific officers to work an assignment, based solely on preference or past assignments are denied. Should the employer still wish to fill the assignment, it is filled according to the standard assigning system.
 - G. Employer requests for specific officers due to special circumstances are referred to the special events commander. The coordinator advises the BPOA president of such referrals.
 - H. Employers who fail to pay any fees may be denied future contracts.

128-6 Off-Duty Employment

Off-duty employment is permitted if it does not interfere with or present a conflict of interest with the member's employment with the department. The hours of off-duty employment must not overlap those of department employment or impair attendance or efficiency as a department employee.

- A. The Chief of Police must approve all off-duty employment.
- B. The Chief of Police may revoke an officer's eligibility for off-duty employment ensuring that the member is notified. The revocation may be based on the following.
 1. Off-duty employment is judged detrimental to department employment or the employee.
 2. The employee's job performance has diminished as evidenced by unsatisfactory performance.
- C. Members do not perform off-duty employment which conflicts with their employment with the department, damages the department's public image, creates conflicts of interest, or conflicts with police ethics.
- D. Commissioned members do not stop by a private employer's business while on duty unless assigned a call at that location.
- E. Members do not access police information, files, records, or assist in case preparation or testify against law enforcement officers or agencies for the defense of any criminal or civil action as a condition of off-duty employment.
- F. Examples of work that is prohibited include, but are not limited to:
 1. Employment as a private investigator.

2. Employment as a private security officer or guard.
 3. Employment as a process server, bill collector for any credit or collection agency, and in any capacity involving repossession of property or eviction from premises.
 4. Employment in any capacity which interferes with a member being called for emergency police duty or otherwise interferes with the member's departmental responsibilities.
- G. Examples of work which is usually prohibited but which may be approved by the Chief of Police include, but are not limited to:
1. Employment for the sole purpose of providing personal security.
 2. Employment in any capacity in or upon any premises licensed as a tavern, club, marijuana-related business, retail liquor store, or any establishment selling or dispensing any alcoholic beverage.
 3. Off-duty police work involving the use of police powers outside the incorporated limits of the City of Boulder