




# Clayton County Police Department PROCEDURES

Subject <b>OFF-DUTY/SECONDARY EMPLOYMENT</b>		Procedure # <b>B6</b>	
Authorizing Signature 	Effective <b>06-16-2023</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>8</b>

## I. PURPOSE

The purpose of this policy is to provide procedures for employees who engage in or wish to engage in off-duty and/or secondary employment, as defined herein, in addition to their primary employment with the Clayton County Police Department (CCPD).

## II. 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 participate in off-duty employment must comply with departmental procedures outlined in this policy and any additional requirements imposed by the CCPD. Off-duty and secondary employment will not be permitted when it may impair on-duty employment or may conflict with the duties and responsibilities of sworn and non-sworn personnel.

## III. DEFINITIONS

Off-Duty Employment: Law enforcement-related employment or job in which only sworn personnel are compensated, directly or indirectly, for the performance of duties which entail the use of law enforcement powers granted to them by the State of Georgia and/or Clayton County. Off-Duty Employment is authorized only within Clayton County, Georgia.

Secondary Employment: is defined as employment in which both sworn and non-sworn personnel are compensated, directly or indirectly, for the performance of duties which do not entail the use of any law enforcement-related powers.

## IV. PROCEDURES

- A. Only officers certified by or registered with the Georgia Peace Officer Standards and Training Council shall be eligible to work off-duty employment. Only officers that have successfully completed the Field Training (FTO) Program and are on solo patrol shall be eligible to work off-duty employment.

- B. All off-duty and secondary jobs for both sworn and non-sworn personnel of the CCPD must be approved by the Chief of Police or authorized designee; failure to do so by sworn personnel for law enforcement related employment is a violation of OCGA § 16-10-3.
- C. Sworn and non-sworn personnel will not work more than eight (8) hours at off-duty and/or secondary jobs on any day in which they are scheduled to work.

On days an employee is scheduled for annual leave for the entire shift or on regular off days, the employee is allowed to work up to twelve (12) hours at off-duty and/or secondary jobs.

Employees are limited to working no more than thirty (30) total hours at off-duty and/or secondary jobs during a seven (7) day week, Sunday through Saturday.

If an employee is only a “fill in” or substitute for an off-duty or secondary job, this will be noted on the “approximate number of hours per week” section of the form. In all cases, an estimated number of hours will be stated on the form. The “fill in” or substitution hours will not be counted toward the weekly maximum total of thirty (30) hours, but employees are still limited to “working” thirty (30) total hours of off-duty and/or secondary employment per week.

- D. Employees working off-duty/secondary employment shall comply with the following requirements:
  - 1. Employees shall not perform off-duty/secondary employment while on-duty with the CCPD.
  - 2. Only one (1) off-duty secondary employment assignment shall be worked at a time.
  - 3. Upon arrival at an off-duty employment site, sworn personnel shall notify the E911/Communications Center of the following:
    - a. The assignment location(s);
    - b. The assignment’s scheduled start and end times;
    - c. Any unusual/unique conditions which the on-duty patrol units should be aware; and
    - d. Any exigent circumstances.
- E. Sworn personnel shall immediately notify an on-duty supervisor of any general police-related off-duty/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. On any such occurrence, the officer shall submit, or cause to be submitted, a detailed *Incident Report* before the off-duty employee completes the secondary employment assignment.
- F. Off-duty and secondary employment will not be permitted if it impairs on-duty efficiency, conflicts with the duties and responsibilities of employees, or causes or creates a detrimental effect on the image of the CCPD. [CALEA 22.2.4]
- G. No employee shall engage in off-duty or secondary employment that involves tipping or gratuities. Payment of salaries, whether by check, cash or other means, is taxable income, and appropriate records should be kept and all taxable income must be reported to the proper tax authorities.
- H. Employees shall not disclose any RMS, GCIC/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.

- I. No sworn or non-sworn personnel shall at any time solicit any individual or business, who has not previously expressed an interest in hiring an employee, for the purpose of gaining off-duty or secondary employment. While on-duty, no sworn or non-sworn personnel shall solicit any individual or business for the purpose of gaining any type of off-duty/secondary employment. All requests made by any individual or business for off-duty employment services will be forwarded to the Off-Duty Employment Coordinator for review and distribution.
- J. All sworn and non-sworn personnel requests for off-duty and/or secondary employment will be submitted electronically through the CCPD's Records Management System (RMS) to the appropriate chain of command, beginning with the appropriate Sector/Unit Commander who will in turn forward the request to the appropriate Division Commander, appropriate Assistant Chief or Deputy Chief, and the Chief of Police for review.
- K. The Class A, Class A Utility or K-9 uniform will be worn by sworn personnel while working off-duty law-enforcement related employment unless an exception is made in writing by the Chief of Police. When wearing the uniform for off-duty employment it will be worn in compliance with CCPD SOP D2: *Dress Code*. Sworn personnel shall not wear any part of the police uniform while engaged in secondary employment.
- L. Sworn and non-sworn personnel shall not work off-duty and/or secondary jobs while suspended without pay, on administrative leave, while receiving worker's compensation, or assigned to light duty. Employees may not work off-duty jobs while on sick leave, Family and Medical Leave Act (FMLA) leave, or within twenty-four (24) hours from the start of a shift in which the employee was on sick leave or FMLA for an entire shift; i.e. the employee calls in sick and misses an entire shift that begins at 2200 hours, they would not be able to work an off-duty and/or secondary job until after 2200 hours on the following day.
- M. Establishments Where Alcoholic Beverages Are Sold
  1. Permission may be granted, on a case-by-case basis, for off-duty and/or secondary employment at restaurants, businesses, and establishments as defined by Sec. 6-2 of the Clayton County Code of Ordinances.
  2. Permission will not be granted to sworn personnel for any off-duty employment at any bar, lounge, private club, sports club, or where the sale of alcoholic beverages for consumption on the premises is the principal business and the primary duties of the off-duty employment would take place inside the establishment.
  3. Officers who are approved to work at restaurants where alcoholic beverages are served will only enforce the law and will not attempt to enforce any policy of the restaurant. Officers will not be responsible for checking customers' identification; however, they are required to act when underage drinking is suspected.
  4. The primary responsibility of the officer working off-duty employment at these establishments will be parking lot security. Interior checks may be conducted by the officer; however, a majority of the time spent at the location must be in the parking lot. Additionally, the officer will be responsible for monitoring the area for drivers operating vehicles while under the influence of alcohol.
  5. All sworn and non-sworn personnel may work secondary jobs at establishments where alcoholic beverages are served as long as the percentage of food sales exceeds the percentage of alcoholic beverage sales.

## N. Requesting Authorization for Off-Duty/Secondary Employment

1. Any employee requesting authorization to engage in off-duty or secondary employment shall complete a *CCPD Off-Duty/Secondary Employment Request* form electronically through RMS. It is the responsibility of the requesting employee to complete the form to its entirety before submission; incomplete request forms shall be rejected and returned to the requesting employee for correction or needed information.

a. For all off-duty employment requests, the complete employer and job site information shall be entered on the form, regardless of whether or not they are the same or different from each other. The requesting employee must provide the name and direct phone number for the employer's contact person.

The information entered will include complete addresses, to include street numbers, street name, city, state and zip code. If a specific address does not exist for a location, then other means (i.e., cross streets, longitude and latitude, etc.) of identifying the exact location of the job site are required.

b. For secondary employment requests, the 'Job Site Type/Description' will be notated as "NOT APPLICABLE – this is a secondary job." However, the 'Alcoholic Beverage Sales' section will be completed.

c. Job duties and/or role in any off-duty or secondary employment will be adequately explained and subject to the review of the concerned chain of command.

d. If the off-duty or secondary employer has workers compensation or liability insurance that will cover the employee while working, the appropriate insurance information will be placed on the request form. [CALEA 22.2.5(e)]

## O. Submission of the *CCPD Off-Duty/Secondary Employment Request* form via RMS

### 1. Initial Request

a. When entering the initial request, employees will select "Create New" at the top of the main RMS screen.

b. Select "Other Event" from the Drop Down List.

c. Enter Off-Duty or Secondary Employment Request.

d. The top two (2) boxes where a case number or report number would be in an *Incident Report* shall be left blank. These requests will not have a case number but a report number will be assigned automatically by the system.

e. Click through each section and fill out the request form completely.

f. When all sections are complete, click submit.

Once the form is submitted, the submitting officer shall notify their chain of command (lieutenant or higher) via RMS.

The aforementioned instructions are also illustrated on the *CCPD Off-Duty/Secondary Employment Request – RMS Instructional Guide*, refer to *Appendix B* of this procedure.

Note: In the event that RMS is inoperable or undergoing maintenance, and immediate approval is needed, personnel will manually submit the *CCPD Off-Duty/Secondary*

*Employment Request* form. The content of the form, with exception of the employee's signature and reviewing chain of command content, shall be typed by the requesting employee, unless exigent circumstances exist. The completed form shall be submitted to the concerned chain of command or other on-duty supervisor (lieutenant or higher) for review and/or approval. Once RMS is restored, the employee shall submit such request via RMS and the initial supervisor shall continue the review process.

See *Appendix A* of this procedure for the *CCPD Off-Duty/Secondary Employment Request* form. It is available for use on the CCPD intranet site (<http://ccpd/>).

2. Supervisor Review and Approval/Rejection Recommendation via RMS

- a. The initial request will have four (4) levels of approval, (1) Lieutenant or Captain, (2) Major, (3) Assistant Chief or Deputy Chief, and (4) Chief of Police. Only a supervisor of the rank of lieutenant or higher may initially recommend authorization. Sergeants are not and will not be the initial recommending authority.

**An employee's authorization to work the off-duty or secondary job begins on the date and time listed by the initial reviewing/approving supervisor (lieutenant or higher) on the *CCPD Off-Duty/Secondary Employment Request* form. Employees are strictly prohibited from starting any off-duty or secondary employment earlier than the date and time of the initial supervisor's authorizing signature. [CALEA 22.2.5(a)]**

- b. Each level of the concerned chain of command indicated on the form shall determine if the requested off-duty or secondary employment is consistent with departmental policy. Within one (1) calendar day from the day of receipt, the initial lieutenant or higher ranking supervisor shall make a decision as to whether or not they will recommend authorization for the request. The request will then be forwarded electronically via RMS through the concerned chain of command to the Chief of Police.
- c. All submitted *CCPD Off-Duty/Secondary Employment Request* forms that are submitted electronically will be forwarded and reviewed through the concerned chain of command up to and including the Chief of Police, regardless of whether or not a lower level of the chain of command recommends or does not recommend authorization. If any supervisor below the concerned Assistant Chief or Deputy Chief does not recommend a particular off-duty or secondary employment request, they shall enter the reason for their decision on the comments section on RMS.

Note: On manual submissions the supervisor not recommending a particular off-duty/secondary employee request, should complete a *CCPD Memorandum (Memo)* and include it with the request when forwarding. A copy of the *Memo* shall be provided to the employee at the time of the decision.

- d. Regarding requests by sworn personnel for the use of County vehicles during off-duty employment, the Assistant Chief or Deputy Chief is the approving authority. The Assistant Chief or Deputy Chief will note on the form whether or not the requesting employee was approved for the use of a County vehicle. After review, the Assistant Chief or Deputy Chief will forward the form electronically and any attachments to the Chief of Police.

- e. For all employees the Chief of Police is the final authority for off-duty and secondary employment requests. Members of the Command Staff and the Office of the Chief of Police Division shall submit all off-duty and secondary employment requests through the concerned chain of command to the Chief of Police for approval.

Instructions for the RMS approval for supervisors is illustrated in the *CCPD Approval and Supervisor Process Guide for Off-Duty/Secondary Employment Requests – RMS*, to view this guide refer to *Appendix C* of this procedure.

## 2. Maintaining/Renewing Authorization for Existing Employment via RMS

- a. When updating an approved off-duty/secondary job to “Inactive” because the employee no longer has that off-duty or secondary job, officers will create a Supplement to the original request by opening the initial request and selecting “Create Supplement” from the Actions drop down list.
- b. The Supplement does not have any levels of approval; it will update the request as Inactive immediately when the supplemental is submitted.
- c. Once an approved off-duty/ secondary employment is “Inactive” an employee will have to resubmit a new off-duty/secondary employment request for approval to resume such employment.

## 3. Records Maintenance

The completed *Off-Duty/Secondary Employment Request* form, including the final disposition, will be saved in RMS.

## P. Supervisors’ Responsibility

1. Supervisory personnel shall ensure that the off-duty and/or secondary employment activities of personnel under their command do not interfere with on-duty performance. Supervisory personnel are charged with the duty to enforce this directive and shall take appropriate action if a violation is discovered. Supervisors will serve as a point of contact and will oversee adherence to this policy process, and other matters deemed appropriate by this agency. Any violations of the policy will be forwarded to the Office of Professional Standards (OPS).
2. Supervisors who discover conditions that indicate that off-duty and/or secondary employment may be causing an adverse effect on an employee’s performance shall discuss the situation with the employee. If compliance with the conditions outlined in this procedure is not achieved, the supervisor shall send a *Memo* via the chain of command to the Chief of Police, documenting the facts indicating non-compliance. The Chief of Police may suspend approval of the off-duty and/or secondary employment if the facts warrant such a disposition.

## Q. Special Conditions and Exceptions

1. Exceptions to this procedure may be granted by the Chief of Police for programs or activities funded or sponsored by Clayton County, the State of Georgia and/or the United States of America.

2. If off-duty and/or secondary employment becomes available to an employee with insufficient time to fully comply with this procedure, the following procedure must be strictly adhered to:
  - a. Sworn and non-sworn personnel may accept an off-duty and/or secondary employment position upon approval of the appropriate Sector/Unit Commander, or Division Commander. If they are not available, the on-duty Sector/Unit Commander or other supervisor may also approve the request. The approving authority must be a lieutenant or higher ranking supervisor.
  - b. Sworn and non-sworn personnel must obtain the signature of the approving supervisor on the first recommendation line of the *Off-Duty/Secondary Employment Request* form prior to working the off-duty or secondary employment. The date and time of the approving supervisor will be recorded on the form.
  - c. The approving supervisor may also approve the use of a County vehicle for this one (1) time only. This will also be noted on the form on the first recommendation line. Any further use of a County vehicle must come from the Deputy Chief or Assistant Chief, or the Chief of Police.
  - d. The employee will verify the initial approval through RMS until the form has been reviewed by their chain of command and full approval through the chain of command has been received.

R. Apartment Complexes or Similar Businesses

1. No officer engaged in off-duty employment at an apartment complex or similar business will act as an agent of such business or otherwise become involved in the collection of delinquent rents, the delivery of late notices or demand notices, or similar duties involving principally civil matters.
2. Officers engaged in off-duty employment at apartment complexes are expected to perform security type duties such as assisting residents who have locked themselves out of their apartment, patrolling the property, securing the premises, and similar duties.

S. Ethics, Behaviors and Activities of Sworn Personnel During Off-Duty Employment

1. Officers will exercise extreme caution in the performance of all their duties to avoid even the appearance of violating their *Oath of Office* and the *Law Enforcement Code of Ethics*.
2. Officers will avoid conflicts of interest in off-duty and/or secondary employment. To this end, the Chief of Police may prohibit off-duty/secondary employment in any occupation or location that could create a conflict of interest or bring discredit upon the CCPD.
3. The misuse of a police uniform and/or law enforcement authority in these matters will result in appropriate disciplinary action and/or prosecution. For further information regarding misuse of a police uniform and/or departmental equipment refer to CCPD SOP *B17: Social Media*.
4. Sworn and non-sworn personnel will comply with Civil Service Rules, CCPD rules, regulations, policies, procedures, written directives, County ordinances and any other applicable laws governing their conduct while working off-duty and secondary employment. [CALEA 22.2.5(b)]

#### T. Jurisdiction

CCPD sworn officers may only work off-duty employment within the boundaries of Clayton County, Georgia.

#### U. Use of Agency Property

1. Officers are permitted to use CCPD uniforms and related equipment while working approved off-duty employment. County owned vehicles will not be used for working off-duty employment without the specific approval of the Assistant Chief or Deputy Chief, and only then consistent with the *County's Vehicle Use Policy*. No other County owned property may be used for working off-duty employment without the express written permission of the Deputy Chief, Assistant Chief or the Chief of Police.
2. Employees are prohibited from using County property while engaged in secondary employment.

#### V. The Chief of Police will appoint an Off-Duty Employment Coordinator whose responsibilities will include the following:

1. Receive and equitably distribute available off-duty employment opportunities, ensuring they meet the requirements of this procedure.
2. Forward any request from the public for off-duty officers to the Assistant Chief, Deputy Chief and all Division Commanders.
3. Forward requests from the public for off-duty officers to the appropriate law enforcement agencies, when they are outside the jurisdictional boundaries of the CCPD.
4. Conduct research and/or physical checks of off-duty and secondary employment locations whenever it is necessary and/or at the discretion of the Chief of Police. [CALEA 22.2.5(d)]

#### W. Suspension/Revocation of Off-Duty and Secondary Employment

The Chief of Police may suspend or revoke any employee's off-duty and/or secondary employment privileges for violations of this policy, poor work performance, and/or other disciplinary actions, or as he otherwise deems necessary. [CALEA 22.2.5(c)]

### V. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *B6: Off-Duty/Secondary Employment*, dated March 8, 2019.