



CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

SECONDARY AND OUTSIDE EMPLOYMENT

GENERAL ORDER: 03.09

CREATED: December 1, 2000

ISSUE DATE: March 17, 2023

CALEA STANDARD: 22.2.5

EFFECTIVE DATE: March 20, 2023

ACTION: Amends general order dated November 30, 2022.

03.09.0 **PURPOSE**

The purpose of this general order is to establish policies and procedures for coworkers who wish to engage in secondary or outside employment opportunities.

03.09.1 **POLICY**

It shall be the policy of the Concord Police Department to provide secondary employment opportunities to officers and to fairly manage the secondary employment process. It shall also be the policy of the department to allow coworkers to participate in outside employment consistent with this general order.

03.09.2 **DEFINITIONS**

A. ALCOHOL SALE ESTABLISHMENT

Any tavern, bar, or restaurant that holds an Alcohol and/or Mixed Beverage Permit and conducts the sale of alcoholic beverages for on-premises consumption as defined in [NC GS 18B-1000\(6\)](#). Hotels, conference and events centers, festivals, concerts, sporting venues, private events and ABC stores are not included in the definition of this section.

B. COORDINATED SECONDARY EMPLOYMENT

An employment opportunity that has a predetermined pool of coworkers that have been approved for secondary employment for a recurring job.

C. EXTRA DUTY SOLUTIONS (EDS)

A company contracted to administer the Concord Police Department's Secondary Employment program.

D. JOB SITE COORDINATOR

An officer designated to work with EDS, the secondary employment liaison, and a specific employer.

E. OUTSIDE EMPLOYMENT

Any employment outside the coworker's normal police duties where services are provided for monetary gain that will not require the use or potential use of a coworker's law enforcement powers. Outside employment includes duties and services performed by those coworkers that are self-employed and receive compensation or other considerations for services, products or benefits rendered. This includes, but is not limited to, self-employment such as contracting, teaching or sales jobs.

F. RESIDENT SECURITY OFFICER (RSO)

Employment of an officer by an apartment or residential community for the provision of on-site security services in exchange for pay, housing, reduction in rent or other benefits.

G. SECONDARY EMPLOYMENT

A service conditioned on the actual or potential use of law enforcement authority by an officer, outside normal Concord Police Department duty hours, for an employer in exchange for a fee or other service. Secondary employment shall always remain 'secondary' to an officer's on-duty job responsibilities, and shall not in any way infringe upon an officer's on-duty job performance.

H. SECONDARY EMPLOYMENT LIAISON

The Support Services Division commander shall coordinate between the Concord Police Department and Extra Duty Solutions. The liaison shall assist EDS with approving new off duty request and any other assistance needed from EDS.

03.09.3 SECONDARY EMPLOYMENT APPROVAL

- A. The secondary employment liaison shall coordinate and manage secondary employment.
- B. All requests and inquiries concerning brokering of secondary employment of officers shall be directed to EDS.
- C. EDS shall make all secondary employment opportunities available to officers through the secondary employment management system.
- D. Officers that are directly contacted by a private employer regarding employment shall report the information to the secondary employment liaison. The officer may be allowed to accept the employment if it complies with this order.
- E. Officers or employers wishing to add a business to the list of approved employers, must submit the required forms to the secondary employment liaison.
- F. Employers wishing to hire off-duty officers shall notify EDS seven days in advance. The seven day requirement may be waived if the employment is in the public's interest.
- G. The professional image, reputation of the department and officer safety shall be a primary consideration in the approval or denial of secondary employment.

- H. No secondary employment shall be accepted until the employer and type of duty are approved by the secondary employment liaison.
- I. Any secondary employment that adversely affects the department or presents a potential conflict of interest shall be prohibited.
 - 1. Secondary employment may be deemed a conflict of interest by the Chief of Police which would reflect unfavorably upon the department or officer.
 - 2. A secondary employment application shall not be approved where valid evidence exists that a business or establishment engages in, or allows, criminal conduct on or within their premises.
 - 3. A secondary employment application shall not be approved for an employer who is known to have been convicted of a felony or a violent misdemeanor.

NOTE: If an individual is submitting a secondary employment request as a representative for a business or corporation, and is not the actual owner, the individual's criminal record shall not factor into the approval decision.

03.09.4 EXTRA DUTY SOLUTIONS

- A. Secondary employment shall be coordinated by EDS. EDS shall maintain all contact with the individuals, businesses, or corporations requesting secondary employment.
- B. The secondary employment liaison shall maintain contact with EDS to oversee the department's policies and approval of new secondary employment opportunities.
- C. Secondary employment shall be awarded based on:
 - 1. ASAP (jobs that start within three hours) shall be awarded after 30 minutes from the initial job posting time.
 - 2. If a job is within three days (including the day it was received), it shall be awarded after one hour from the initial job posting time.
 - 3. If a job is four days or more (including the day it was received), it shall be awarded after 24 hours from the initial job posting time.
 - 4. Monthly recurring jobs shall open on the 1st of each month and shall be awarded on the 5th of the month. Any job left after the 5th shall be on a first come first serve basis.
- D. EDS uses a points system that resets to zero at the beginning of each month. One hour equals one point. Jobs requested or bid on to work shall be awarded to the officer with the lowest total points earned.
- E. There are three options for any officer who finds it necessary to change his/her secondary employment schedule after the work assignment has been made:
 - 1. Direct Transfer - the assigned officer finds another officer to complete the assignment and complete a Direct Transfer with EDS.

NOTE: Officers shall only be allowed one direct transfer during one calendar month period.

2. Department Transfer - EDS will send an automated message to everyone in the pool or the department advising that the job is open. If no one responds or accepts the job, it shall be the responsibility of the original officer to work the job. Department transfers shall not be allowed when the job is less than 7 days away.
3. Cancellation- If the job is more than 7 days away, officers can cancel the job and shall not be given points. The job shall then be assigned automatically to the next person in line or if no others have requested the job, it shall be opened to the department.

If the job is less than 7 days away, the officer assigned shall be given points for the late cancellation. The job shall be offered to the next requesting officer, or if no others have requested the job, it shall be the responsibility of the assigned officer to find someone to work the assignment. If the assigned officer is unable to find someone to work the assignment, they shall be responsible for working the assignment. Failure to show up for any secondary employment assignment may result in administrative consequences, such as suspension from secondary employment, and/or progressive discipline.

If an officer's assignment is changed within 24 hours of the scheduled job or they are a part of a specialized unit that is activated, and a job has to be canceled, they shall notify the secondary employment liaison. The job shall then be assigned automatically to the next person in line or if no others have requested the job, it shall be opened to the department. The secondary employment liaison shall determine whether or not the officer was activated or shall be penalized for the cancellation.

03.09.5 SECONDARY EMPLOYMENT COMPENSATION

- A. Rates of pay and associated fees, if any, shall be established by the Chief of Police. Any deviation from standard rates of pay must be approved by the Chief of Police.
- B. Secondary employment for city sponsored events shall be paid using department overtime funds while all other secondary employment shall be paid through the applicant for such police services.
- C. Cabarrus County School System
 1. Athletic events have a two-hour minimum, except as follows:
 - a. Any time worked over the two-hour minimum shall be rounded up to a full hour. Time worked over the two-hour minimum shall be reported to EDS and noted in the job.
 - b. If an officer arrives at their assignment and the event is immediately canceled the officer(s) shall receive pay for one hour. If the event is canceled at least one hour in advance of the officer's scheduled report time, the officer is not due any compensation.

- c. If an officer arrives at the event site, and the event is delayed due to weather conditions or other unforeseen circumstances, the officer shall remain on site until a final decision is made by school personnel. In this case, the officer shall receive pay for actual time worked.
 - d. The four hour minimum does not apply if a dance immediately follows an athletic event that an officer is already working.
- E. All other secondary employment shall be contracted as follows:

<u>RANK</u>	<u>MINIMUM RATE (EFFECTIVE October 1, 2022)</u>
Officer/Security	\$35.00/hour
Officer/Traffic Direction	\$40.00/hour
Officer/School Traffic Direction	\$35.00/ hour (Cabarrus County Schools only)
Sergeant	\$45.00/hour(supervision required with 6 + officers)*
Captain	\$50.00/hour(supervision required with 6 + officers)*
Major	\$55.00/hour(supervision required with 6 + officers)*
Premium/Security	\$40.00/hour
Premium/Traffic Direction	\$45.00/hour

NOTE: Rate of pay may apply if the nature of the job requires supervision/management even if the number of officers is less than 6. The premium rate of pay shall apply during peak seasons when there is a high demand for manpower and/or for major events. Premium rates may also apply to secondary employment requests made less than four days prior to the event.

- F. Rates of pay shall be reviewed by the Chief of Police on at least an annual basis.
- G. Unless stated otherwise the minimum mandatory pay for an assignment is four hours x rate of pay.

03.09.6 SECONDARY EMPLOYMENT PROCEDURES

- A. An officer who accepts a secondary employment assignment shall report for such assignment reasonably in advance of the start time. In the event of illness or delayed punctuality, the officer shall notify EDS as soon as practicable.
- B. Officers shall not work secondary employment while on paid sick leave, worker's compensation, flex time, or on limited or restricted duty. Officers shall not engage in any secondary employment while on suspension from the department. Officers with approved **intermittent** FMLA may work secondary employment so long as it's not during their FMLA leave.
- C. An officer may **not** engage in more than 16 hours of combined regular duty and secondary employment in a rolling 24 hour period without the approval of the Administration Bureau commander or designee. Also, an officer may **not** exceed more than 84 hours of combined regular duty, overtime and secondary employment in any work week without approval of the Administration Bureau commander or designee.

1. For the limited purpose of this policy, a work week begins at 0000 hours on Monday and ends at 2359 hours on Sunday. A day is considered to start at 0000 and end at 2359 hours.
 2. Roll call, holiday, sick and vacation hours shall not count against an officer's total number of hours worked.
- D. Officers may not engage in secondary employment until the successful completion of the field training program, without the prior approval of the Administration Bureau commander or designee.

NOTE: Officers in their field training phase may apply for a secondary employment assignment to work specific assignments where other senior officers are present and the officer shall not be working alone (e.g. school athletic events). This request must be made to the secondary employment liaison on a case by case basis.

- E. Officers working secondary employment for any business involved in a labor management dispute shall in no way become involved in said dispute. Officers finding themselves in such circumstances shall immediately notify the watch commander, the secondary employment liaison, and confine their activities strictly to enforcement of state statutes and municipal ordinances.
- F. Officers are prohibited from actively soliciting secondary employment opportunities for themselves.
- G. Officers shall not perform duties for compensation for any person, firm, or by way of self-employment while on-duty. Using flex time during an FLSA exempt coworker's regular shift hours is considered "on-duty" for purposes of this policy. However, officers may work secondary employment if using approved vacation or holiday time.
- H. Officers shall only sign up for jobs they intend to work and shall not profit or attempt to profit from the secondary employment of any other officer.
- I. Officers engaged in secondary employment are required to conform to the same standard of conduct as applies to their regular duty activities. This would specifically include the requirement that they shall not enforce rules, regulations, or restrictions a private employer may wish to enforce for his/her own purposes. Officers may be authorized in writing by the private employer to administer trespass warnings.
- J. An officer engaged in secondary employment is required to use a marked or unmarked police vehicle for secondary employment assignments. The use of a personal vehicle for secondary employment assignment shall be prohibited.
- K. An officer engaged in secondary employment shall wear a body worn camera (BWC) and operate the BWC in accordance with [General Order 06.06 Video Recording Equipment](#).
- L. An officer shall not be permitted to leave their regular duty shift to work secondary employment and then return to regular duty within that same shift with the exception of school traffic direction as outlined in section 03.09.6(M).
- M. On-duty officers and sergeants may sign up for unfilled school traffic direction jobs subject to the following conditions:

1. On-duty officers shall not sign up or otherwise commit to an unfilled school traffic direction job more than 24 hours before the job begins.
2. On-duty officers shall obtain their immediate supervisor or commanding officer's approval to fill a school traffic direction job and request the time off.
3. Supervisors will have to approve the officer's time off request before the officer can sign up for the secondary employment assignment.

NOTE: There shall be adequate scheduled staffing within the on-duty officer's unit; section; district; or division to accommodate the officer clocking out for the school direction job. Adequate staffing shall be determined by the officer's immediate supervisor or commanding officer.

4. On-duty officers assigned to a patrol district are encouraged to sign up for a school traffic direction job inside the district to which they are assigned but may fill any unfilled job provided all other conditions are met.
5. On-duty officers not assigned to a patrol district may sign up for any school traffic direction job inside the City of Concord.
6. On-duty officers may commit to more than one unfilled school traffic direction job, (back-to-back) provided the conditions set forth above are met.
7. On-duty officers who clock out for a school traffic direction job shall not clock back in until the duration of the secondary employment job(s) ends.

NOTE: Officers shall not be paid through EDS while at the same time being paid by the City of Concord.

8. On-duty officers working a school traffic direction job are subject to being recalled in case of an emergency, no different than any other secondary employment job.

NOTE: If staffing changes from the time the officer signs up for the traffic direction until the time of the secondary employment assignment to a level below minimum staffing levels, the immediate supervisor has the right to cancel the officer from the secondary employment assignment. In this event, the immediate supervisor shall contact the secondary employment liaison and the officer shall not be penalized for a late cancellation.

9. FLSA exempt officers (Lieutenant and higher) are excluded from this job assignment.
 10. Officers shall make up their "clocked out" hour(s) within the pay period. This shall be up to the officer and supervisor, whether they extend their shift or use personal time off (vacation or holiday) to make up any shortage.
- N. Officers that work city paid overtime (i.e., parks and recreation games, airport security, downtown events, etc.) shall clock in and out at the closest time clock location to the workstation.
- O. Officers working secondary employment shall conform to [General Order 06.01 Personal Appearance Standards and Equipment](#).

03.09.7 SUPERVISION

- A. When one or more officers or law enforcement agencies work together on the same assignment, (e.g. ball games, malls, concerts etc.) the highest-ranking or senior Concord Police Department officer shall function as a supervisor for the event.
- B. On duty supervisors are encouraged to visit locations of secondary employment to ensure that a high standard of conduct is being maintained.
- C. Any secondary employment assignment requiring six or more officers shall require at least one supervisor. The Administration Bureau commander or designee shall determine supervision requirements for secondary employment assignments requiring six or more officers, or if the nature of the assignment warrants direct supervision or management.

03.09.8 JOB SITE COORDINATORS

- A. Upon approval from the Administration Bureau commander or designee, an officer may be designated as a job site coordinator to assist EDS and the secondary employment liaison. An officer may not be listed as or act as a job site coordinator for more than two locations.
 - 1. The job site coordinator shall be responsible for the following duties:
 - a. Keep the roster of officers for the job updated with EDS;
 - b. Serve as a point of contact between the officers, employer, and EDS;
 - c. Provide updates on changes of employer information to the secondary employment liaison annually;
 - d. Any other reasonable duties assigned by the secondary employment liaison.
 - 2. The job site coordinator shall not negotiate rates of pay with an employer.
 - 3. Job site coordinators requesting dismissal of an officer from a coordinated job shall submit in writing a memorandum to the secondary employment liaison for the matter to be evaluated. Any decision on dismissal or suspension from a coordinated job shall be made by the Chief of Police. Any appeal must comply with the [City of Concord Personnel Policy 8.4 – Grievance Policy](#).
 - 4. School resource officers shall serve as the job site coordinators for any school related events at their school, and may function as coordinators for up to two locations other than their assigned school.

03.09.9 RESIDENT SECURITY OFFICER REGULATIONS

- A. Any employer wanting to hire an RSO shall provide in writing the need for police services, the duties to be performed, and the compensation the officer shall receive to the secondary employment liaison for approval. Such employment may not begin until the employer, and the conditions of employment have been approved.

- B. An officer contemplating employment as an RSO shall submit, through their chain of command, a Resident Security Officer Application ([Form RSO-1](#)) prior to accepting any RSO security position.
- C. Officers serving as an RSO **shall**:
1. Confine their duties strictly to those of a law-enforcement nature;
 2. Notify the secondary employment liaison of any changes in the name of the apartment complex or the termination of employment as an RSO;
 3. Take appropriate action in regards to all violations of the law.
- D. Officers serving as an RSO **shall not**:
1. Respond to a complaint if impaired. If an officer receives a complaint while impaired, they shall contact the Communications Center and request that a regular duty officer respond to the complaint.
 2. Respond to a complaint in the apartment complex where they are employed while on regular duty unless dispatched to that location by the Communications Center or as requested by a supervisor.
 3. Act to enforce any rules and regulations set by the apartment management that are not otherwise violations of the law but may be authorized to administer trespass warnings.
 4. Collect rent, debts, checks, or any money on behalf of the apartment complex.

03.09.10 TRAFFIC CONTROL SECONDARY EMPLOYMENT

- A. Officers working secondary employment at a firm or establishment that requires the officer to engage in traffic control on public streets shall fairly serve the interest of all motorists, not just those going in or out of a private establishment.
- B. Officers shall direct traffic in conjunction with the operation of any nearby traffic control signals if possible.

03.09.11 SECONDARY EMPLOYMENT AT ALCOHOL SALE ESTABLISHMENTS

- A. Officers assigned to a secondary employment job at an alcohol sales establishment shall not sit or otherwise loiter where alcoholic beverages are sold or are being consumed by patrons.
- B. Officers shall confine their duties to those of a law enforcement nature. No officer may act as a "bouncer" or in a capacity acting primarily to determine who enters or remains on the premises, or to enforce a business' administrative policies.
- C. Officers shall not collect, or oversee the collection of cover charges.
- D. When responding to situations anywhere on the premises and whether self-initiated or reported by a second party, officers shall initiate a call for service through communications and furnish all pertinent information.

- E. No officer shall engage in secondary employment that involves the handling or dispensing of beer, wine, or mixed beverages.
- F. If an officer, while in a secondary employment assignment, determines that continuous unlawful activity is occurring they shall immediately terminate the employment. The officer shall then notify the watch commander and secondary employment coordinator. Officers working in such establishments are held accountable for reporting unlawful activity.

03.09.12 MANAGEMENT RIGHTS

The Chief of Police reserves the management right to deny, suspend, or revoke the privilege of any officer to engage in secondary employment if such action is determined to be in the best interest of the police department, the city, or the public. Prior to the denial, suspension, or revocation of any secondary employment privilege, the affected officer shall be given notice of the proposed action and be given an opportunity to appeal such action.

03.09.13 OUTSIDE EMPLOYMENT

- A. Officers who wish to work as an instructor to qualify civilians for concealed weapons permits shall submit an outside employment form as outlined in [City of Concord Personnel Policy 8.16 – Outside Employment Policy](#).
- B. Coworkers who are on light duty may perform outside employment duties that are approved according to the [City of Concord Personnel Policy 8.16 – Outside Employment Policy](#).
- C. Coworkers shall not use city assigned vehicles for outside employment purposes unless authorized to do so by the Chief of Police.



GARY J. GACEK
CHIEF OF POLICE



Subject: Extra Duty Solutions Introduction

Hello,

Our company, Extra Duty Solutions, will start administering the Concord Police Department's Secondary Employment program November 1, 2020. We look forward to working with you.

We have included instructions below so you can familiarize yourself with the basic functions of the officer portal.

Extra Duty Solutions (EDS) account team contact Information

Phone - 704-960-1321

Email - ConcordNC@ExtraDutySolutions.com

Fax - 203-306-3140

Actions Required for initial set-up of your portal:

1. Click on the link below to access Officer Portal Login:

<https://concordnc.workoffduty.com/wfxdlogin.aspx>

2. Login for the first time:

To login enter your Badge # then select EMAIL PASSWORD Your default password will be emailed to your police department email account (**Make sure to change your password after the first login**)

3. Complete the MY ACCOUNT section

It's your choice if you would like to be notified of available details via e-mail, text message or both. Please go into the MY ACCOUNT section of the website and then EDIT PROFILE. Enter how you would like to be contacted and the information needed to contact you.

4. Phone App (Optional)

If you would like to use the phone app go to the app store and search **Xtra Duty**. Prior to adding the app make sure to go to My Profile and add your e-mail address and make sure "Notify by Email" is checked. This is required so you can receive the security code to add the app.

Detail Assignment Process:

Details will be communicated via email and/or text (Officers' choice) on a monthly basis for recurring jobs and as requests from customers come in. Officers can select any details they are interested in via their portals. Please refer to the department's policy for the rules.

Officers will be assigned 1 point for every hour worked.

The officers will be selected by the total points from lowest to highest. Points are awarded when the jobs are assigned and updated upon check out when the job is completed. Sworn Date will be the tiebreaker.

Points are updated on a monthly basis

Award Timing:

ASAP (job starts within 3 hours) - award after 30 minutes

If job is within three days (including the day it was received): award after 1 hour.

If job is for 4 days or more (including the day it was received): award it after 24 hours from when it's posted.

Monthly Recurring Jobs – Requests Open on the 1st of the month prior at 0900 and jobs will be awarded on the 5th of the month prior at 0900 (for example, June recurring details would open May 1 at 0900 and award on May 5 at 0900).

Any details which remain open after the assignment process times have ended will be on a first-come-first-serve basis.

View upcoming details:

1. Log into the Officer Portal using your employee number and password
2. Click on AVAILABLE JOBS
3. Choose the date range for the details you would like to see

Request a detail:

1. Log into the Officer Portal
2. Select the Available Jobs tab
3. Open details will be visible in the Available Jobs page (Use the calendar to view different dates)
4. Choose the detail by selecting 'Request' for the detail you would like to work. Jobs that are first come first serve will appear as "Take Job"

Cancel a Job:

1. Refer to Concord Police Department [General Order 03.09 Secondary and Outside Employment](#)

Transfer a detail:

1. Go to My Schedule and find the job you would like to transfer
2. Click on Transfer
3. There are two transfer options –
 - a. Direct Transfer – Transfer the job directly to another officer who has agreed to work.
 - b. Department Transfer – this will send the job out to the entire department. An automated alert will be sent to the department advising of the open job.
4. You will be alerted when another officer takes your job.

Check-in & out feature:

This feature enables you to state when you began and finished working a detail. You can check in and out of details on your smartphone, tablet or a computer. Check-in and -out is critical as it drives the payroll function. Check-in and check-out will become available about 15 minutes prior to the detail's start time and right after the scheduled end time in the Officer Portal.

Check details you are working in the future:

1. Log into the Officer Portal using your call number and password
2. Click on MY CALENDAR
3. Choose the date range for your future details

Check past details worked and payroll:

1. Log into the Officer Portal using your call number and password
2. Click on JOB HISTORY
3. Choose the date range you want to see prior details worked

Officer Payment:

Officers will be paid by Extra Duty Solutions via check or direct deposit on a bi-weekly basis. EDS will require a W9 from all officers and an optional direct deposit form for officers choosing payments via ACH. Jobs worked from Monday through Sunday during the two week period will be paid on the following Friday. For example, jobs worked Monday, 10/12 through Sunday, 10/25 will be paid on Friday, 10/30.

Again, we look forward to working with you!

Extra Duty Solutions
Phone - 704-960-1321
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