



**GENERAL ORDER**  
DURHAM POLICE DEPARTMENT  
DURHAM, NC

NUMBER:  
**2017 R-27**

## SECONDARY EMPLOYMENT

Effective Date: 12/15/1995

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## INTRODUCTION

Secondary police employment is a privilege granted to sworn officers, and while reasonable efforts will be made to accommodate such employment, the Department may prohibit or limit officers from working in that capacity. An individual's regular employment duties take precedence over any secondary police employment.

## DEFINITIONS

Secondary police employment – any job other than one's regular assignment with the Durham Police Department (DPD) that may require a sworn officer to exercise police authority as part of the job responsibility within their jurisdiction. This includes work performed without compensation such as secondary agency employment and the Courtesy Officer Program as described in General Order (G.O.) [2030 - Courtesy Officer Program](#).

Agency paid overtime – any job other than one's regular assignment with the Durham Police Department that requires a sworn officer to perform police duties and is paid via the officer's regular paycheck by the City of Durham.

Secondary Employment Program – a system used to monitor and coordinate secondary police employment activities.

Secondary Employment Coordinator (SEC) – officer responsible for the administration and operation of the secondary employment program.

Job Site Coordinator (JSC) – an officer designated by the SEC, who is responsible for the management of other officers for a specific, reoccurring employment job.

Secondary Employment Management System (SEMS) – an internet-based application used to manage and communicate about the secondary employment program. RollKall an example of such internet-based application.

RollKall – an internet and mobile phone app based program currently used by the Durham Police Department to manage and communicate about the secondary employment program. Job-site coordinators will use the website (rollkall.com) for the management of jobs. Secondary employment and the website (portal.rollkall.com).

## **ELIGIBILITY FOR AGENCY PAID OVERTIME**

- Completion of the Problem Based Learning Exercise (PBLE).
- Released from the Accompanied Phase into the Independent Phase of the Police Training Officer (PTO) Program.
- Upon completion and command approval of the Agency Paid Overtime Eligibility Verification forms, officers may work any job listed as an agency paid overtime in the SEMS.

## **ELIGIBILITY FOR ALL OTHER SECONDARY POLICE EMPLOYMENT**

In order for officers to participate in secondary police employment activities, the following criteria must be met:

- A minimum of six (6) months has passed from the date of official release from the Independent Phase of the PTO program for all secondary employment.
- Maintain an overall rating of Exemplary, Highly Effective, or Effective on their most recent performance evaluation.
- Upon completion and command approval of the Secondary Employment Eligibility Verification form, officers may work any job in the SEMS that they are eligible for.

## **REQUIREMENTS FOR RESERVE OFFICERS**

In addition to meeting any requirements for full-time officers, reserve officers must meet and maintain all departmental requirements as outlined in the Reserve Officer's standard operating procedures (SOPs). Reserves are not eligible to work jobs listed as agency-paid overtime, and secondary employment hours cannot be used to meet reserve work commitment requirements.

## **REGISTRATION**

Officers wishing to register for secondary police employment must complete and turn into the SEC an Eligibility Approval Form signed by their chain of command. The SEC will then provide instructions for creating a profile and using the secondary employment management system. Officers must keep this profile up to date with accurate information.

Once a profile is created and approved, officers will be able to locate and sign up for secondary employment opportunities for which they are eligible.

## SECONDARY EMPLOYMENT CONTACT

The Secondary Employment Coordinator will work regular business hours. In the event of an immediate emergency with secondary employment that requires the attention of the SEC after business hours or on holidays/weekends members should contact the Watch Commander, who will evaluate the circumstances of the emergency. The Watch Commander will decide if the SEC needs to be notified during non-working hours.

Customers attempting to contact the SEC should be given the office phone number (919-560-4528) or the SEC's email address ( [dpd.secondaryemployment@durhamnc.gov](mailto:dpd.secondaryemployment@durhamnc.gov) ). Under no circumstances should the SEC's personal phone number be given to anyone outside the Department.

## RESTRICTIONS

In order to limit or prevent disruption to regular employment duties, restrictions regarding an officer's participation in the Secondary Employment Program have been established:

### Hours Limitation:

- Full-time officers below the rank of Assistant Chief may work up to 120 hours of secondary employment in a calendar month. Also excluded from this limitation is Durham Police Department mutual aid assistance to other law enforcement agencies.
- Full-time officers at the rank of Assistant Chief or above may work up to 120 hours of secondary employment, excluding agency paid overtime, in a calendar month. Assistant Chiefs and above may not work secondary employment during their normal business hours, nor schedule adjust or utilize any type of leave in order to work secondary employment.
- Reserve officers may work five (5) hours of secondary employment for each hour of volunteer time they provided during the previous month up to the 120-hour limit. All reserve hours earned must be logged in the secondary employment management system for tracking within 72 hours of working the assignment.

Between On-Duty Employment (6-hour rule) - Between two (2) consecutive days of on-duty employment, officers shall have at least a six-hour block of consecutive, uninterrupted time in which no type of secondary employment is performed.

Between any job (30-minute rule) - Between any on-duty and secondary job or any two secondary police jobs, officers must have a 30-minute block of time in which no secondary employment work is performed and/or compensation is made. Back to back shifts at the same location with the same employer are exempt from this requirement. Different employers at the same location require a 30-minute break.

In the event that an employer releases an officer early from a shift, the 30-minute break shall begin at the end of the timeframe for which the employer is paying. For instance, a job is scheduled for 0600-1000 hours. The employer lets the officer leave at the 0900 hours as he/she is no longer needed. The employer pays the officer for the 3-hour minimum so the 30-minute break would begin at 0900 hours.

In this same situation, if the employer let the officer leave at 0800 hours, the 30-minute break would still begin at 0900 hours as the officer would be compensated for the 3-hour minimum.

Administrative Leave, Light/Transitional Duty, Suspension, FMLA - officers on administrative leave (with or without pay), light/transitional duty, suspension, FMLA, or any type of special duty restriction may not work any Secondary Police Employment. Officers on Paid Parental Leave (PPL) can work a total of 60 hours

of Secondary Police Employment to include supplemental assignments each calendar month while the PPL is in effect. The 120 limitation will still apply to the month as a whole. For example, an officer is on PPL from January 1-January 21 and then returns to full duty. He/She would be limited to 60 hours of off-duty assignments during that first 21 days of the month. Upon returning, the officer would be able to work another 60 hours, for a maximum of 120 hours for the full calendar month. Officers on Paid Parental Leave (PPL) can only work supplemental assignments during their non-scheduled work hours. Officers who extend their Paid Parental Leave (PPL-sick) will not be eligible to work supplemental patrol.

**COVID Leave** – No officer may engage in Secondary Police Employment when utilizing COVID leave. Further, no officer may engage in Secondary Police Employment for a period of 24 hours after the conclusion of any shift for which the officer used COVID leave.

**Twenty-Four (24) Hour Rule** - No officer may engage in Secondary Police Employment for a period of 24 hours after the conclusion of any shift for which the officer used any type of sick leave, family sick, administrative leave (with or without pay), light duty, suspension, or any type of special duty restriction. (i.e., any employee reporting sick, family sick or receiving a suspension Wednesday from 0600-1800 hrs. may not work Secondary Police Employment before 1800 hrs. Thursday).

**Job Pool Limits** - officers are allowed to be in a maximum of five (5) job pools.

**Secondary Employment Violations** - Any officer that is subject to an investigation alleging a violation of this General Order, and who has had two (2) or more sustained findings of this policy within the past three (3) years, shall be ineligible to work Secondary Police Employment during the pendency of the investigation.

**Modification of Restrictions** - any of the restrictions listed above may be temporarily modified via memoranda issued by the Chief of Police, which will be attached to this General Order for the duration of the modification.

## **EARNINGS LIMITATION**

Sworn employees above the rank of Officer are prohibited from earning in excess of \$20,000 gross per fiscal year (July 1 to June 30) in city-paid secondary employment. Once a sworn employee above the rank of Officer has earned \$20,000 gross during a fiscal year, they may not work any secondary employment that is city-paid overtime until the new fiscal year begins.

## **PROHIBITIONS**

While not an exhaustive list, officers are specifically prohibited from engaging in the following types of secondary employment:

- Employment that presents a real, potential, or apparent conflict of interest between the officer's duties for the Department and their duties for their secondary employer;
- Collection of accounts or debts, or any employment in which police authority can be used to collect money or merchandise for private or commercial purposes;
- Employment at establishments which sell merchandise of a sexual or pornographic nature as their primary source of revenue or otherwise provide entertainment or services of a sexual nature;
- Traffic direction on or near a public street which inhibits or alters the normal flow of vehicular traffic for the purpose of enhancing the profit making ability of a secondary employer unless the employer has a permit for such activity or approval by the Chief of Police.

## Alcohol Establishments

- Officers may not work inside any establishment where alcohol is served if that establishment's main business is nighttime entertainment or the establishment reflects a nightclub environment. Officers may conduct periodic walkthroughs of the establishment to check for violations of the law and are expected to respond to violations inside the business. Officers are permitted to take a meal break inside the establishment only if it is a restaurant, meaning the establishment's primary business is serving food, not alcohol.

## RULES AND REGULATIONS

An officer shall not, directly or indirectly solicit, arrange, or contract any secondary police employment nor shall they act as an intermediary between a private employer and the Secondary Employment Office unless requested to do so by the SEC or designee.

No officer shall work any secondary police employment without the knowledge of the SEC or designee. All secondary police employment shall be recorded in and managed through the secondary employment management system. Officers must sign up for all secondary police employment assignments through the SEMS prior to working. Officers should not contact the SEC after they worked an assignment that was not managed in the SEMS. In such circumstances, the officer(s) will be subject to disciplinary action, which may include suspension from working secondary employment.

Officers are prohibited from using schedule adjustments to work secondary police employment during their normal duty hours. For example, an officer may not leave work before the end of their shift to work an off duty job and then return to duty to work or make up the time missed. The officer must take approved leave for the duration of the secondary employment job. Except as otherwise prohibited in this policy, vacation, compensatory time, management leave, banked and floating holidays will be the only acceptable leave time that may be used while taking off from regular duty work in order to work in a secondary employment capacity. Officers may not use any type of accrued leave, including but not limited to, compensatory time, vacation, management or holiday leave, to work a secondary employment job that is paid for by the City of Durham during the time frame the officer would have been working their regularly assigned shift.

Supervisory personnel shall monitor their subordinate's work record and performance for policy violations and continued eligibility for secondary police employment. Supervisors must immediately notify the SEC should an officer become ineligible or a violation be detected.

An officer's privilege to work secondary police employment may be restricted due to any pending administrative investigation related to a secondary employment complaint or disciplinary action occurring as a result of secondary and/or regular duty employment.

While engaged in secondary police employment, a member can enforce the criminal laws of this State as well as Durham City Ordinances. The officer may not enforce individual rules of the secondary employer (house rules) that do not amount to a violation of criminal laws or City Ordinances.

An officer may enforce trespass laws on the property of the secondary employer only in response to a direct request by the secondary employer or its agent. This request may not be blanket or long standing and must be made each time a trespass occurs.

An officer wearing his/her uniform during secondary police employment is, in the eyes of the public, a representative of this Department. As such, the officer should avoid non-police related job duties and should conduct himself/herself at all times in a manner consistent with public respect for the uniform of this Department.

Officers working secondary police employment should appear diligent and professional at all times. Officers should refrain from reading; excessive use of cell phone, computers or other electronic devices or other behaviors or actions which make them appear inattentive or unprofessional, unless these behaviors have been approved by the employer.

An officer assigned a City vehicle may use it to drive to or from secondary police employment. Officers not assigned a City vehicle may use one if available for jobs specifically designated as "City Vehicle Approved" by the SEC in the job posting. The officer should contact the on-duty supervisor for the district where the job takes place to request a vehicle. If that district does not have an available vehicle, the officer may contact other district supervisors to request one. Unassigned vehicles will be returned to the District they were borrowed from after the job is completed.

If upon reporting to or any time during a secondary employment job an officer is presented with circumstances that pose a risk to officer safety (e.g. crowd too large for one officer, etc.), the officer will report the concern to the Watch Commander immediately. The Watch Commander may authorize the release of the officer from the job.

## **ATTENDANCE / CANCELLATIONS**

An officer committed to work a secondary police employment assignment is expected to fulfill their commitment and is responsible for ensuring the job is accurately reflected in their SEMS accounts. Officers must close shift(s)/assignment(s) to reflect the actual hours worked within 72 hours of working the assignment. In the event that an assignment does not start or end at the scheduled times, the officer shall report the time change in the comments section of the secondary employment management system prior to closing the shift. The officer shall also state the reason why the job was extended or shortened and the name of the employer representative who made the shift adjustment.

If an officer has committed to an assignment and needs to obtain coverage, they shall do so in accordance with this policy by selecting the "Cancel" option in the secondary employment management system. This will release the assignment to the appropriate job pool at which time another member may commit to it. Even though the assignment is released to the appropriate job pool for others to "take", if the job is not accepted by another employee before the start of the shift, the cancelling officer is still required to cover it. Cancellation of an assignment can cause scheduling problems for the Secondary Employment Office and should be a rare occurrence. The number of job cancellations an officer have is limited to two (2) per calendar month. Any cancellations exceeding this limit in the same calendar month will result in an automated, system generated one-week restriction from viewing or taking available jobs. All cancellation related activity is recorded in the secondary employment management system. An officer may appeal the system generated restriction in writing to the Staff Inspector. Job cancellation actions that cause a disruption in the delivery of secondary employment services may result in disciplinary action.

Officers who are going to be absent from a shift due to illness, injury or emergency (work, family or otherwise), and have not been able to secure a replacement through the secondary employment management system, must notify the Secondary Employment Office, the Job Site Coordinator (if applicable) and the employer prior to the absence. If contact with any of these individuals cannot be made, a voice message notifying them of the absence must be left if voice mail is available. Email notification shall also be sent.

Officers are prohibited from job shopping. Anytime an officer cancels an off duty shift they may not sign up for another job during any of the same time the original shift would have been worked.

Any officer who fails to work his/her scheduled secondary employment job or has excessive cancellations or tardiness may receive formal discipline and the loss of secondary employment privileges.

## **UNIFORMS AND WEAPONS**

All officers, regardless of rank or assignment, shall wear, at a minimum, a Class B “uniform of the day” as described in General Order (G.O.) [3002 - Department Dress Code](#) when working Secondary Police Employment and as described in General Order (G.O.) [2030 Courtesy Officer Program](#). Any exceptions to this rule must be requested by the private employer and approved by the SEC and the Chief of Police or his/her designee. Specialized uniforms (e.g. bicycle officer, motor officer) are prohibited unless the job states otherwise in the assignment details. If approved to work secondary police employment in plain clothes, all officers must have with them their duty sidearm, an extra magazine, one pair of handcuffs, their body-worn camera, their Department radio, and their Department badge and identification card. Other issued weapons and equipment may be carried at the member's option, which includes body armor.

## **COMMUNICATIONS AND ASSIGNMENT OF CALLS**

Officers who are working a secondary employment job shall monitor radio communications and respond to any calls for police service that occur on the premises or are directly related to the secondary employment assignment they are working. Officers are expected to have all of the necessary equipment and documents needed to respond to calls. If appropriate, an available line car may be requested so the officer working the job can complete a report on the computer.

Emergency situations may require that an officer working secondary employment be released from the job at the discretion of the Watch Commander to assist with the department response.

If an officer is required to leave the job to handle a service call or emergency not related to the assignment, the time away from the job will be documented in the secondary employment management system.

District supervisors and the Watch Commander should review the secondary employment management system at the beginning of any shift to identify sites where off duty is scheduled should calls for service be dispatched to those locations.

## **SUPERVISION**

In instances when four (4) or more officers are assigned to work secondary police employment simultaneously at any event, an on-scene supervisor is required. The on-scene supervisor will hold the rank of Police Corporal or above, and is established upon assignment of the job.

## **INITIATION OF A JOB**

A secondary police employer wishing to hire an officer(s) must directly contact the SEC or designee for screening and approval. Any officer who is approached by a private employer should refer them directly to the Secondary Employment Office and may not make any arrangements with the private employer prior to being assigned to do so.

The SEC or designee will collect information on the private employer including the employer's expectations and the responsibilities of the officer on the job site. The SEC may make recommendations to the private employer. The SEC will inform the private employer if the request cannot be met under the following circumstances:

- The private employer has not provided enough notice to reasonably obtain requested staffing. Typically, a minimum of 48 hours notice is required in order to post and obtain staffing for a job. Events requiring more than 10 officers may require more time; or
- Necessary permits for the job have not been obtained; or
- The requested responsibilities for the officer on the job site are prohibited by policy; or
- The private employer has a documented history of non-payment or the responsibilities for the officer on the job pose an officer safety risk.

Once the information and requirements for a job have been properly collected it will be entered into the SEMS and released.

For events having permits or that may impact district functions (e.g. extensive road closures) a Special Events Coordinator will be designated an operations plan should be developed and distributed to affected personnel in accordance with General Order (G.O.) [4034 - Special Events](#).

## **JOB SITE COORDINATORS**

The JSC is the officer responsible for a particular job site and is accountable for the reasonable and equitable scheduling of job assignments and performance of the officers (regardless of rank) that work on the job site. The JSC is prohibited from replacing or adding anyone to a job site without the approval of the SEC and must immediately notify the SEC of any problems with personnel or the employer.

Only full-time sworn officers with at least three (3) years of experience from date of release from PTO are eligible to serve as Job Site Coordinators. The SEC or designee will maintain a list established by receipt of written notification of interest to select personnel for new JSC positions. Replacement JSCs at established job sites may be sought from eligible officers with priority given to that site's job pool prior to using the next person on the list of officers requesting to be coordinators if the site requires specific knowledge and/or training.

The JSC will only be allowed to coordinate one large job (more than 150 scheduled hours per month on average) or two small jobs (totaling 150 scheduled hours per month on average).

The SEC has authority to relieve a JSC from their responsibilities and privileges under the following circumstances:

- at the request of the private employer; or
- for poor performance, procedural errors or if the extra duty adversely affects the employee's job performance.

## **COMPENSATION / MINIMUM HOURS**

The Chief of Police or designee authorizes the minimum rate for secondary police employment. This rate shall be in accordance with the following schedule:



Type of Position	Situation	Hourly Rate
Officer (any rank not acting as supervisor)	Advanced Scheduled Duty	\$35.00
	*Holiday Duty (On any City of Durham Holiday) or less than 48 hours' notice	\$45.00
Supervisor(as mandated by General Order)	Advanced Scheduled Duty	\$40.00
	*Holiday Duty (On any City of Durham Holiday) or less than 48 hours' notice	\$45.00

\*Holiday Duty pay is only for the actual calendar day the Holiday occurs on. This does not include alternate or additional days the City gives to recognize the Holiday.

As a minimum fee, officers working any assignment lasting less than three (3) hours will be paid a sum equivalent to three (3) hours pay, regardless of the actual time worked. The Chief of Police or designee may make an exception to this on a case-by-case basis.

## **WORKER'S COMPENSATION / CIVIL LIABILITY**

The City of Durham cannot pay the benefits created by the Worker's Compensation Act for an injury occurring during secondary employment, nor can the City be responsible for defending a civil lawsuit and payments of claims or damages awarded to a citizen because of an incident arising during secondary police employment.

The sole exception to this is an incident arising directly out of an arrest or other law enforcement function during secondary police employment that is within the scope of the officer's City employment. Thus, an officer working secondary police employment who is making an arrest or performing other functions unique to law enforcement, will have the same Workers Compensation benefits and protection against civil liability claims as an on-duty officer, assuming the officer is within his territorial jurisdiction.

In no instance will the City accept any liability, including civil or Worker's Compensation liability, due to a member's actions in a secondary agency employment capacity.

Officers working secondary employment may wish to purchase insurance to provide coverage for injury or liability arising from secondary employment. Each officer is responsible for determining and securing any protection they feel is needed.

## **JURISDICTION**

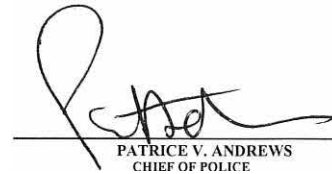
Officers may only perform Secondary Police Employment within their territorial jurisdiction as a Durham Police Officer. Any Secondary Police location that is outside the corporate City limits of the City of Durham must be approved in advance by the Chief of Police or his/her designee.

## **MUTUAL AID**

Officers must follow guidelines set forth in mutual aid agreements when working for outside agencies through the City pursuant to these agreements.

## **HARDSHIP**

Any officer requesting accommodations for hardship must submit a letter through their chain of command detailing their need for special consideration to the Chief of Police for approval. Hardship assistance shall be in the form of providing preferential opportunities at securing secondary police assignments for a defined period of time. However, this additional work cannot exceed the 120-hour limit.



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PATRICE V. ANDREWS  
CHIEF OF POLICE