



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

2029

SECONDARY AGENCY EMPLOYMENT

Effective Date: **07/22/2010**

Revision Dates:

INTRODUCTION

Secondary agency 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 employees from working in that capacity. An individual's regular employment duties take precedence over any secondary agency employment.

EMPLOYMENT RESPONSIBILITIES

The employment responsibilities to this Department are primary for any member working full-time. Any other employment requiring sworn law enforcement capabilities in which that person chooses to engage is considered a secondary agency. Members may not engage in secondary agency employment without prior written approval from the Chief of Police. This will determine that the secondary agency employment does not directly or indirectly create a conflict of interest with the Department or impair the employee's ability to perform all expected duties.

ELIGIBILITY

- Must be either an active duty Durham Police officer below the rank of Assistant Chief or an active member of the Police Reserves.
- Must have completed all phases of PTO/Field training.
- Must maintain an overall rating of meets or exceeds expectations on his/her most recent performance evaluation.

APPROVAL OF SECONDARY AGENCY EMPLOYMENT

All sworn members of the Department requesting secondary agency employment must submit the Secondary Agency Employment Request (Attachment 1) through their chain of command to the Chief of Police. A separate form must be completed for each agency the officer wishes to work at. Each supervisor in the chain of command shall determine if the employment would create or have an appearance of a conflict of interest or otherwise impact adversely on the goals of the Department. If the request is disapproved, the Supervisor will provide written comments explaining their decision. Supplemental information can be attached if needed. All request forms, once signed by the Chief of Police, will be maintained by the Secondary Employment Coordinator.

Once approved, if the scope, responsibilities, or duties of an approved secondary agency employment changes, the officer must resubmit the Secondary Agency Employment Request form, explaining the change in responsibilities. The officer will not perform the new responsibilities prior to the Chief of Police's approval.

RESTRICTIONS

Members shall not be eligible to engage in any form of secondary agency employment if:

- It conflicts with Departmental on-duty hours.
- While on injury leave with the Durham Police Department for an on-duty injury or through a worker's compensation claim, or while on medical or other leave due to sickness or temporary disability.
- They are rendered unavailable for emergencies for their job with the Durham Police Department. Members engaged in secondary agency employment must respond to emergency call-backs and Unit callouts from this Department.
- It physically or mentally exhausts the member or if in the opinion of their supervisor it noticeably degrades his/her performance.
- The member receives a disciplinary action greater than a written reprimand.

Members are prohibited in using the arrest authority granted by the Durham Police Department for any reason while actively engaged in secondary agency employment.

Members are prohibited in using in any manner any Departmental property, including vehicles, firearms, issued uniforms, identification credentials, and telephones while engaging in secondary agency employment.

Violation of Departmental policy may lead to revocation of secondary agency employment privileges.

HOOR LIMITATIONS

Any full-time officer wishing to work for a secondary agency will maintain a profile within the Durham Police Department's secondary employment CYA system. Full-time officers must enter all secondary agency work into the CYA System. Secondary agency employment is limited to 100 hours per month and will accumulate in combination with Department secondary employment. Any work performed at a secondary agency will count toward the 100 hour monthly limit for secondary employment. For example, an officer works 40 hours of secondary employment for the Department and 60 hours for a secondary agency will have reached his/her 100 hour limit for the month and will not be permitted to work additional hours for the secondary agency nor secondary employment.

WORKERS' COMPENSATION AND CIVIL LIABILITY

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

A member who is injured as a result of performing an approved secondary agency employment shall as soon as possible, contact their immediate supervisor and inform him/her about the nature of the injuries. Injured members will be required to use approved "Leave"(Annual, comp or Sick).

ATTENDING COURT

Members who are required to go to court due to secondary agency employment shall be required to attend court during the member's off-duty time. Members shall not wear any Department issued uniform or equipment that could give a reasonable person the impression that member is testifying on behalf of the Durham Police Department.

SUPERVISOR NOTIFICATION

Any member who, while engaging in a secondary agency employment position, who becomes involved in, or is alleged to have been involved in any situation that would be a violation of law or Durham Police Department policy, must notify their immediate Durham Police Department supervisor without delay. The immediate supervisor of the affected member shall, as soon as practical, notify their chain of command.

A handwritten signature in blue ink, appearing to read 'Jose L. Lopez, Sr.', is positioned above a horizontal line.

*Jose L. Lopez, Sr.
Chief of Police*