

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



## **4/1.02.00 PERSONNEL/AWARDS/OVERTIME PROCEDURES**

### **4/1.02.01 Job Descriptions**

Each job position within the Department has a job description outlining its duties, responsibilities, and requirements for employment. The Department's job descriptions are maintained online on the city's website, to which all Department employees have access. Job descriptions are periodically reviewed by the City Human Resources Department as market studies occur to ensure City positions are being compensated appropriately. The Chief of Police or designee will assist City of Elgin Human Resources when they conduct a formal review of all Department job descriptions. Each job description and review will be maintained in City of Elgin Human resources.

### **4/1.02.02 Non-Confirmation Of Appointment**

The procedure for non-confirmation of introductory employees is consistent with the City of Elgin policy.

### **4/1.02.03 Harassment And/Or Discrimination Prevention And Complaints**

It is this Department's policy (as well as state and federal employment law) that all employees have the right to work in an environment free of all forms of harassment, hostility, and discrimination. This Department does not condone and will not tolerate any harassment, hostility or discrimination (sexual or otherwise).

All appointments, promotions, demotions, commendations, disciplinary actions, separations, and other terms and conditions of employment within this Department shall be based on merit and fitness for the position only.

#### **DEFINITIONS**

- Discrimination:

An act, practice or pattern that has an adverse impact on an identifiable group compared to the impact of the majority group.

- Harassment:

Persistently annoying or making offensive or derogatory comments based on race, color, religion, sex, age, handicap, sexual orientation, national origin or political affiliation either directly or indirectly to another person.

- Sexual Harassment:

A form of harassment, it includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Recent case law indicates that an "intimidating, hostile or offensive environment" includes nude or suggestive pin-ups, crude spoken or written remarks pertaining to gender, offensive comments or jokes which are demeaning or other types of sexual innuendoes which would be perceived as such by a "reasonable person" (including subtle pressure for sexual activity: touching, patting, pinching, or brushing against another person's body, etc.).

#### **PREVENTION**

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



Every supervisor has the responsibility to prevent acts of harassment and discrimination. This responsibility includes:

1. Monitoring the work environment on a daily basis for signs that harassment/discrimination may be occurring;
2. Counseling all employees on the types of behavior prohibited, and the procedures for reporting and resolving complaints of harassment/discrimination;
3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene – whether or not the involved employees are within his/her line of supervision;
4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
5. Every member of this Department is responsible for preventing acts of harassment and discrimination through the following acts:
  - a. Refraining from participation in or encouragement of actions that could be perceived as harassment/discrimination;
  - b. Reporting acts of harassment/discrimination; and
  - c. Encouraging employees who confide that they are being harassed/discriminated against, to report the acts in accordance with the procedure below.

Failure to take the above action to prevent the occurrence of or stop known harassment or discrimination will be grounds for disciplinary action up to and including termination.

## COMPLAINTS

Complaints are handled in accordance with City of Elgin Personnel Policy.

## COMPLAINT PROCESS

All Department members have the right to work in an environment free of all forms of harassment, hostility and discrimination. This Department does not condone and will not tolerate any harassment, hostility or discrimination (sexual or otherwise). All appointments, promotions, demotions, commendations, disciplinary actions, separations, and other terms and conditions of employment within this Department shall be based on merit and fitness for position only.

The complaint process is in accordance with the City of Elgin Personnel policy.

### **4/1.02.04 Department Commendations**

#### COMMENDATIONS BOARD

A commendations board is established to review and make recommendations in regard to nominations for department awards. All recommendations must be received by September 30.

A designee of the Chief of Police is the board's permanent Chairperson and votes only in the event of tie votes. Other board members are selected by the Chairperson and should include sworn and at least one civilian Department member. The board should consist of no less than three (3) members and should include a minimum of two members from the previous year for continuity. The total number of members is at the chair's discretion.

#### COMMENDATIONS CRITERIA

- Medal Of Honor

This commendation is awarded to a member who distinguishes himself or herself by displaying extraordinary heroism while fully aware that his or her life was in danger. The Medal of Honor may also be awarded when an officer loses his or her life in the necessary performance of duty, other than accidents, under honorable circumstances. (medal, award bar and certificate)

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



- Medal Of Valor

This commendation is awarded to a member who exhibits unusual courage in the performance of his or her duties. The situation must involve unusual danger to the member and the member must be aware of the unusual hazard. (medal, award bar and certificate)

- Meritorious Service Award (Hazardous Situations)

This commendation is awarded to an individual member, or to members acting as a team, for a distinctive accomplishment under adverse conditions with some degree of hazard to the safety of the member or members. (award bar and certificate)

- Lifesaving Award

This commendation is awarded to an individual or team in recognition of saving human life. In cases where the victim regains a pulse, award of this commendation is dependent upon the individuals successful recovery and discharge from the hospital. (award bar and certificate)

- Purple Heart Award

This commendation may be awarded to any sworn member who in the necessary performance of law enforcement functions, on or off duty, receives serious bodily injury. Serious bodily injury is defined as injury that creates a risk of death, loss or impairment to a bodily member or organ, or a serious wound inflicted by an actor. This award does not include injury in motor vehicle accidents unless special circumstances are determined by the board. (award bar and certificate)

- Community Service Award

This commendation is awarded to an individual member, or to members acting as a team, for rendering an extraordinary and continuing service to the community in an off-duty capacity and without risk to personal safety. (award bar and certificate)

- Exceptional Service Award

This commendation is awarded to sworn or civilian members who have rendered exceptional service to the department in a full-time position for a period of at least three years. Duty performance must clearly exceed the job standards established for the position. If awarded in conjunction with an employee retirement, the recommendation may contain examples of exceptional service in all positions in which the employee served. Recommendations for this award may only be submitted by a member of the individual's chain of command. (certificate)

## RECOMMENDATIONS FOR COMMENDATIONS – PROCEDURES

Department members may recommend other members or citizens for commendations. Recommendations must be submitted for a specific commendation within one calendar year of the event by a Department member using the Employee Recognition Form. Letters recommending commendations originating outside the Department will be forwarded to the employee's immediate supervisor, who will then act as the recommending member.

## ANNUAL AWARDS

- Elgin Police Department "Rookie" of the year award"

The "Rookie" of the year is chosen from any assignment (sworn or civilian) below the rank of Chief of Police, has less than eighteen months of employment with the department and has not previously received this award. Recipients should demonstrate and continually promote the Department's goals and mission. Areas of consideration may include exceptional work ethic, expertise and integrity, superior overall performance in his or her area of responsibility, initiative to take on commitments above and beyond the call of duty, exceptional ability to interact with peers and public in crisis situations, and exceptional contributions to the Department or community. (plaque and/or certificate)

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



- Police Officer of the year award

The Police Officer Of The Year is chosen from the rank of Patrol Officer (with more than eighteen months of continuous sworn service with the department.) Recipients should demonstrate and continually promote the Department's goals and mission. Areas of consideration may include exceptional work ethic, expertise and integrity, superior overall performance in his or her area of responsibility, initiative to take on commitments above and beyond the call of duty, exceptional ability to interact with peers and public in crisis situations, and exceptional contributions to the Department or community. (plaque and/or certificate)

- Detective of the year award

Detective of the year open to any Corporal assigned to the Criminal Investigations Division. Recipients should exemplify the Department's goals and mission. Areas of consideration may include a superior ability to interact with the public during investigations, ability to manage caseload and expedite investigations, interview and interrogation abilities, and interagency cooperation that helps ensure the prosecution of criminals. (plaque and/or certificate)

- Supervisor of the year

The supervisor of the year is chosen from any assignment (sworn or civilian) below the rank of Chief of Police. Recipients should demonstrate and continually promote the Department's goals and mission. Areas of consideration may include exceptional work ethic, expertise and integrity, superior overall performance in his or her area of responsibility, initiative to take on commitments above and beyond the call of duty, exceptional ability to interact with peers and public in crisis situations, and exceptional contributions to the Department or community. (plaque and/or certificate)

- Civilian of the year award

This award is for members who have been selected as Civilian employee of the year. Areas of consideration may include a superior ability to interact with the public, superior ability to manage workload and expedite assignments and/or special requests received and interagency cooperation that helps ensure the mission and goals of the agency. (plaque and/or certificate)

- Unit Citation award

This award is presented to members of a team who perform exceptionally meritorious service under difficult or demanding circumstances. This award is given when, because of the duration or complexity of the action, it is not possible to accurately record individual achievement. (individual certificates)

- Chief's award

This award is given to members or citizens who render a distinctive duty or service of a highly commendable nature that does not meet the criteria for any of the awards listed above. This award is given at the Chief's discretion and is not reviewed by the commendations board. (plaque and/or certificate)

## EMPLOYEE OF THE YEAR AWARDS

The commendations board will review the nominees that are submitted for each annual award and select a recipient for each category. Any member of the Department may nominate an individual for these awards. Submissions must meet the criteria listed above. Employee of the year nominations must be submitted to the board no later than September 30<sup>th</sup> of each year.

- Elgin Police Department "Rookie" of the year
- Patrol Officer Of The Year
- Detective of the year
- Supervisor Of The Year
- Civilian of the year

## ANNUAL AWARD RECOMMENDATIONS – PROCEDURES

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



Department members may recommend other members or citizens for annual awards. Recommendations must be submitted for a specific award category.

### *Member Making Recommendation*

1. Completes employee recognition form. Attaches a narrative description, written in the third person, describing the act, event or achievement upon which the recommendation is based.
2. Attaches documentation as to the circumstances of the situation, event, action or service of the person being recommended. This should include call sheets, offense reports, witness statements, letters from citizens and other pertinent information.
3. Forwards the original of the recommendation through the nominees' chain of command, with a copy to the commendations board chairperson. All supervisors will ensure that award recommendations are processed promptly. Any supervisor within the nominee's chain of command may recommend disapproval based upon his/her personal knowledge of circumstances that would render the award inappropriate. Justification for this recommendation will be attached to the package. Incomplete recommendations will be returned to the originator.

### *Chairperson, Commendations Board*

1. Convenes board to review recommendations.
2. Considers the merit/appropriateness of each recommendation and calls for a vote. If a nomination does not fit the criteria for the recommended award, the board may consider the submission for a more appropriate award.
3. Prepares and submits a summary of the board's action to the Chief of Police.
4. Following approval by the Chief of Police, ensures the completion of award certificates, assembly of award elements, and preparation of the awards for presentation. Disapproved recommendations are returned to the originator through the chain of command.
5. Forwards copies of award certificates to Human Resources and the Chief of Police.

### OUTSIDE SERVICE AWARDS

Requests from organizations outside the Department for nominees for awards sponsored by their organization will be referred to the commendation board chairperson for necessary action. Individuals will be selected for these awards from among those previously chosen for similar departmental awards. In those cases where there is no obvious match, the chairperson will consult with senior staff to select a nominee.

### CERTIFICATES OF APPRECIATION—CITIZENS

This commendation is awarded to private citizens or organizations who render outstanding service or assistance to the Department.

### *Procedures*

1. Member completes the recommendation for commendation form, including documentation and the exact wording for the certificate, and forwards the package, through the chain of command, to the chairperson.
2. The Board reviews the recommendation and, if approved, prepares the award certificate for signature by the Chief of Police. The presentation venue/ceremony will be arranged by the Chief Police.
3. The Public Information Office will arrange photo coverage for the presentation and an appropriate press release.

### **4/1.02.05 Promotion And Retirement Recognition**

#### CERTIFICATES OF PROMOTION

At the direction of the Chief of Police, certificates of promotion are issued by the Chief of Police to commissioned personnel who attain the ranks of Corporal, Sergeant, Lieutenant, and Commander.

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



## RETIREMENT PLAQUES

Employees who retire from the Department in good standing are awarded a retirement plaque under any of the following conditions:

1. Those that have twenty (20) or more years of service.
2. Those who are vested with the Texas Municipal Retirement System (TMRS) and who have attained the age of retirement in accordance with the rules of the system.
3. Those medically retired according to TMRS rules as a result of a service-connected injury or illness.

Human Resources will notify the Chief of Police when individuals file a severance of service form indicating that the individual meets the guidelines for being awarded a retirement plaque. The Chief of Police or designee will make arrangements to obtain the plaque and for it to be awarded.

## MEMBER IDENTIFICATION

Retirement badges (commissioned only) and identification cards (both commissioned and civilian) will be obtained by the Chief of Police for presentation to employees under the following conditions:

1. Retiring honorably with at least twenty years of service with the Department.
2. Retiring honorably with at least ten, but less than twenty years of service with the Department and who are:
  - a. Commissioned and at least fifty (50) years old.
  - b. Civilian and at least sixty (60) years old.
3. Retiring medically under honorable conditions as a result of a service-connected injury or illness and who meet the requirements for medical retirement as determined by the Texas Municipal Retirement System.

In addition, police officers retiring honorably with twenty (20) or more years of service with the Department or who are retiring medically under honorable conditions as a result of a service-connected injury or illness will be presented with their shirt badge.

### **4/1.02.06 Overtime**

It is the policy of this Department to manage overtime expenditures in a responsible and accountable manner and to minimize the use of overtime while not interfering with public service. This is to be used as a guide and does not supersede city policy.

## DEFINITIONS

- Overtime Pay

Generally, compensation for extra hours worked. For noncommissioned/nonexempt personnel, overtime commences after 40 hours per seven-day work week. For commissioned/nonexempt personnel, overtime commences after 86 hours per 14-day work period.

Overtime is paid at a rate of one and one-half of an employee's hourly rate for each hour or fraction of an hour worked in excess of the allowable number of hours under the federal fair labor standards act.

- Emergency Overtime

Overtime that is required due to unplanned events.

- Planned Overtime

Overtime that is scheduled to support planned activities.

- Reimbursable Overtime

Overtime that will be billed to and paid by a third party and handled through special events.

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



## ELIGIBILITY AND PAY

When overtime is necessary, and an employee has been specifically directed to work by the Chief of Police or his designee, the Department will pay the employee on a time-and-a-half basis in accordance with the City of Elgin Human Resources Policies And Procedures Manual.

Employees who are on worker's compensation; leave classified by the family medical leave act, military leave, maternity, paternity, extended or catastrophic leave; leave without pay; or suspension are ineligible to work overtime of any kind (except emergency overtime). Employees who are on suspension are considered to be suspended from the date and time indicated in the suspension notice until the beginning of their next regularly scheduled workday.

It should be noted that working reimbursable overtime does not relieve the employee from the responsibility of reporting on time for any normal tour of duty. All employees are subject to emergency overtime, as necessary.

## OVERTIME MANAGEMENT

Administrators and supervisors are responsible for closely monitoring all types of overtime and exercising management control of overtime whenever possible. They are encouraged to institute any effective controls applicable to unit operations in order to ensure responsible and accountable use of overtime.

## PHYSICAL FITNESS

Time spent by employees working out to maintain physical fitness will not count as time worked.

## OUT-OF-TOWN TRAVEL FOR TRAINING

The reporting of training-related work hours outside the city limits of Elgin is governed by Federal law and Elgin City Policy. Travel while at the training destination is not compensable or considered time worked.

Employees attending training who work more than a cumulative forty (40) hours in one week will be eligible for overtime as approved by a supervisor within the following limitations:

1. Lunch hours during training are not counted as hours worked for the purposes of calculating total hours worked in any training period.
2. Only hours actually spent in the classroom or a reasonable time spent completing required homework can be counted as hours worked.
3. A copy of completed homework must be submitted to the employee's supervisor upon submittal of the request for compensation if the homework assignment resulted in the reporting of extra hours worked.

## TELEPHONE CALLS WHILE OFF-DUTY

Time spent on the telephone discussing city business while off-duty should be reported in 15-minute increments. For example, if an officer receives a phone call and discusses city business for 15 minutes, that officer may submit for 15 minutes extra hours worked. Or, if an officer receives several calls with a cumulative time of 15 minutes or more, that officer will report the time worked in blocks of 15 minutes each. Justification for payment of extra hours worked while off-duty must include an event number or specific reason for the call.

Submittal of extra hours is not authorized for phone calls self-initiated by the employee. For example, an employee is not compensated for calling to check on the status of a subpoena.

### **4/1.02.07 Acting Pay**

Consult City of Elgin Personnel policy handbook.

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



### **4/1.02.08 On-Call Or Standby Response Time**

Members who are on-call or on standby shall respond immediately upon receiving notification. The member who is on call is not restricted to a specific location provided they can respond to the scene within a reasonable time. The Chief of Police or designee is the final determinant of the meaning of “reasonable time.”

### **4/1.02.09 Outside Employment**

#### **DEFINITIONS**

- Outside Employment

Work or occupational activity for wages, salary, commission, percentage, or compensation of any kind. Outside employment does not include the normal employment with the Department.

- Extension Of Police Service (Extra Duty) In Outside Employment

Engaging in Extra Duty employment, generally in regulation uniform and utilizing the vested police powers and law enforcement related training, provided by the City, for the purpose of providing a police-related service and includes, but is not limited to, preserving the peace, enforcing the law, effecting an arrest, security, controlling traffic and crowds, and performing other police related activities. Example: Apartment security, road closures, building/event security.

- Non-Extension Of Police Service (Off-duty) In Outside Employment

Outside employment of a non-police nature in which vested police powers are not related to employment. The work provides no real or implied police related service to the outside employer and city equipment is not used. Example: Real Estate agent, retail sales, etc.

- Outside Employer

A person or organization for whose benefit an individual performs a service or who may exercise control over the member in the performance of the members outside employment.

- Approved Leave

Vacation days, holidays, approved compensatory time leave and jury duty – it does not include regular scheduled days off.

- Work Week

For sworn personnel, the work week begins at Midnight Tuesday and ending at Midnight Monday.

- Long-Term Outside Employment

Outside employment that has duration of two weeks or longer. Employee is paid directly by the outside employer unless other arrangements have been made with the City.

- Special Events Outside Employment

Outside employment that has a duration of two weeks or less, and the employment requires an extension of police services. Employees are paid at their regular overtime rate, and the outside employer is billed for the cost of providing the service.

The outside employment of members shall comply with existing rules and regulations, policies, and procedures of the Department and the City of Elgin.

#### **POLICY**

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



Employees shall remain aware that engaging in outside employment, wearing the regulation uniform, and exercising police authority while engaged in outside employment are privileges granted by the Chief of Police. The city and the Department maintain a vested interest in the personal business activities of each employee since an employee's judgment, performance, and attitude reflect on the Department and the city – regardless of the employee's duty status. Nothing in this policy prohibits a member working outside employment from calling for backup assistance from on-duty personnel.

### AVAILABILITY TO REPORT TO DUTY

Members are subject to be called to report to duty at all times for any purpose – including but not limited to emergencies, special assignments, or extra duty assignments. Outside employment shall not infringe on this obligation to be available to report to duty.

### CONFLICT OF INTEREST

Members are considered career employees and are prohibited from accepting or engaging in outside business, employment or work which may conflict or interfere with their responsibility to the Department or be considered detrimental to its professional law enforcement goal.

### PRIMARY RESPONSIBILITY

While on-duty at the Department, a member shall not devote time or attention to any activity related to outside employment or unrelated to his duty assignment. While engaging in outside employment, the primary duties, obligations, and responsibilities of a member are to the Department.

### SUBJECT TO RULES OF DEPARTMENT

Members working in an outside capacity are subject to the rules and regulations, policies, and procedures of the Department.

### PRIVILEGE TO WORK

The Chief of Police, has discretion, may deny, suspend, revoke or restrict a members outside employment privileges if the member's outside employment interferes with the mission, duties, or responsibilities of the Department.

### PROCEDURE

#### *Employee Responsibilities:*

Requests for long-term, outside employment will be submitted to the requesting employee's immediate supervisor on the "Authorization For Outside Employment" form prior to beginning long-term outside employment. The employee submitting the request also should submit an "Off-Duty Employment Agreement" contract that has been signed by the outside employer, if the employment requires an extension of police services, through the officers' chain of command.

#### *Supervisors Responsibilities:*

1. Supervisors should consider the number of hours to be worked, the schedule, and any other factors that may affect their decision.
2. Supervisors are responsible for monitoring their employees' performance and detecting any significant impairment that may be due to outside employment.
3. Should a supervisor detect such impairment, that supervisor is authorized to take whatever action is deemed appropriate to eliminate the impairment, which may include ordering the employee to reduce or terminate their outside employment.

#### *Employees Commander:*

1. Receives requests for outside employment approval via chain of command for review and approval.
2. Conducts review and background of prospective employer to determine suitability.
3. Forwards approved form to Chief of Police for final review and approval.

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



## *Chief Of Police:*

1. Receives requests for outside employment approval via chain of command for final approval.
2. Retains or causes to be retained a copy of the signed form and any attachments and shall return the original to the employee.

Each authorization for outside employment is valid from approval for one year. If employment is to be continued, the employee will submit an updated "Authorization For Outside Employment" through chain of command prior to contract expiring.

If the status of long term outside employment changes, such as assigned duties or termination, the member will forward, within one calendar week, an outside employment form stating the changes via chain-of-command to the member's division commander.

It is not necessary to complete the authorization for outside employment form for special event outside employment. Members shall however, obtain permission from their supervisor prior to beginning the job.

If there is insufficient time to request permission to work the special event employment, the member/s are prohibited from engaging in the employment without obtaining permission from their chain of command and the Chief of Police. Upon completion of the event the employee/s shall submit a memo to the chain of command the next scheduled tour of duty detailing the name, address, and phone number of the employer; location of the assignment; duties performed; rate of pay; hours worked; and any other pertinent information. Members shall not take a special event employment, which causes them to exceed the sixty-four hour limitation on the number of total hours worked in a calendar week.

## ASSIGNMENT OF OUTSIDE EMPLOYMENT

Is coordinated through the automated off-duty/extra-duty program utilized by the department.

## MEMBERS INTERESTED IN OUTSIDE EMPLOYMENT

Contact the employer to have an outside employment contract signed if the employment involves an extension of police services.

## EXTRA DUTY EMPLOYMENT THROUGH THE DEPARTMENT SALARY SCALE

The Chief of Police determines the outside employment minimum salaries for Extra Duty police or security related duties. Notifications of the outside employment salary scale will be made by memorandum. The Chief of Police will review the minimum salaries on a as needed basis.

## EXTENSION OF POLICE SERVICES IN EXTRA DUTY EMPLOYMENT

Extra Duty employment extending police services is acceptable when [a] the location generally is within the corporate limits of the City of Elgin; [b] the employment generally is performed in a regulation uniform; and [c] the employment does not require the performance of, and the member does not perform, any function which would not be expected of an on-duty member.

Examples of acceptable forms of Extra Duty police-related services for members include:

1. Extra Duty employment in which the main responsibility consists of controlling crowds at public events provided that if three (3) or more sworn members are working at the same time at least one (1) member shall hold the rank of Sergeant or above.
2. Extra Duty employment for the purposes of providing security for multiple dwelling complexes (i.e., apartments, condominiums, housing projects, etc.) Where the member lives on site and is required to make or makes rounds or any type of patrol duty in the complex or parking lot provided:
  - a. In cases such as these, a member takes action only if a violation of the law has been or is about to be committed and the action is consistent with Departmental policy;
  - b. The member does not enforce private policies or "house rules"; and

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



- c. Extra Duty employment for the purpose of traffic control is allowable so long as the member's actions do not seriously impede the normal traffic flow.
3. Extra Duty employment for the purpose of preventing criminal offenses from occurring at any public or private place.
4. Extra Duty employment for the purpose of providing personal protection for citizens is an acceptable form of extended police-related services for sworn members provided:
  - a. The member's activity is in the best interest of the Department;
  - b. The citizen, to whom the service is provided, is not suspected of, connected with, or involved in any criminal activity or activity that would bring discredit upon the Department;
  - c. The member's police powers or official position is not used to advance private interests, nor does the member's involvement suggest Departmental endorsement of any activity; and
  - d. A member takes action only if a violation of the law has been or is about to be committed and the action is consistent with Departmental policy.
5. Members may work at an event for which the member donates his/her time and services to a bona fide charitable organization.

These examples are not the only acceptable forms of extension of police services in Extra Duty employment; however, they are provided as a basic guide to members.

### OFF DUTY EMPLOYMENT

Generally, members are allowed to own, operate or work in an outside capacity at any place of business provided that the involvement, employment, activity or enterprise is not inconsistent, incompatible or in conflict with the policies of the Department or the member's duties. When engaged in outside employment that is not an extension of police service, members shall not wear a regulation uniform, use police credentials, nor represent themselves as Department members. Furthermore, members shall not use the prestige or influence of their official position for private gain or advantage.

### PROHIBITED OUTSIDE EMPLOYMENT

Members of the Department are perhaps the most conspicuous representatives of government and, as a result, their conduct is likely to be scrutinized more closely than that of others. Therefore, when engaged in outside employment, members shall avoid becoming involved in conduct that is or might appear to be censurable. There are particular types of employment which generate a high potential for a conflict of interest or reflect an abuse of official position or which could give rise to illegal or unethical practices or the appearance of the same.

Outside employment in any capacity is prohibited in the following categories or job classifications:

1. Employment at any location subject to regulation by the Texas Alcoholic Beverage Commission where alcoholic beverages are consumed on the premises. However, with the approval of the Chief or Police, the following are exceptions to this prohibition:
  - a. Noncommissioned personnel may serve in capacities that directly or indirectly involve the handling, sale or serving of alcoholic beverages in restaurants, hotels, motels or facilities specifically designed for and devoted to the presentation of participant or spectator sports, concerts, theatrical productions or similar activities where the sale of alcoholic beverage is incidental to such activities. Noncommissioned members of the Department shall not work in the bars, lounges or other portions of such establishments where alcoholic beverages are regularly served as a primary part of the business.
  - b. In security or other capacities which do not directly or indirectly involve the handling, sale or serving of alcoholic beverages in restaurants, hotels, motels or facilities specifically designed for and devoted to the presentation of participant or spectator sports, concerts, theatrical productions or similar activities where the sale of alcoholic beverage is incidental to such activities. Members shall not work in the bars, lounges, or other portions of such establishments where alcoholic beverages are regularly served as a primary part of the business.

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



- c. In security or other capacities that do not directly or indirectly involve the handling, sale or serving of alcoholic beverages in publicly owned facilities.
  - d. Working security at an event that because of its size, location or other considerations the Chief of Police determines that, based upon the interest of the Department, the work enhances the collective welfare for public order, promotes the Department's interest in public safety, and the member's duties are substantially the same as those which would be performed if the member was assigned on-duty.
2. Employment by credit agencies for the purpose of investigating or collecting accounts, or by a repossession agency, including repossession of automobiles and collection of bad debts.
  3. Employment which requires the employee to have access to police information files or records, facilities, equipment or informational systems and requires furnishing any of this information as a condition of employment, without specific authorization from the Chief of Police.
  4. Employment by a bondsman or bonding company.
  5. Employment that assists in any manner with the case preparation for the defense in any criminal action or proceedings without the specific authorization from the Chief of Police.
  6. Employment by any agency or in any business enterprise which investigates the domestic affairs of citizens for purposes of a civil nature or which might be highly controversial in nature.
  7. Employment by any enterprise, the subject of which is illegal or under investigation by a law enforcement agency;
  8. Employment that might bring the Department or the member into disrepute, bring discredit upon the employee or the Department or impair the Department's operation or efficiency.
  9. Employment that the Chief of Police or the member's division commander determines constitutes a conflict of interest.
  10. Employment under conditions where a member confers a special advantage to a private interest at the expense of a public interest;
  11. Employment that might expose a Department member to a substantial and unnecessary risk of injury.
  12. Employment by a business where topless, bottomless or nude performers appear on the premises. This restriction also applies to the parking areas surrounding such businesses.

### RESTRICTIONS ON OUTSIDE EMPLOYMENT

The following restrictions limit the number of hours a member may work in outside employment:

1. As a guide, in any fourteen (14)-day period, a member should not perform more than 128 hours of regular duty, overtime, outside employment or any combination of the three;
2. In any twenty-four (24)-hour period, a member may not perform more than sixteen (16) hours of regular duty, overtime, outside employment or any combination of the three. Members who participate in outside employment may be required to report their total employment hours (including Departmental hours and outside employment hours) for each work period to their Division Commander. Division Commander or designee should periodically conduct random audits of the number of outside employment hours being worked.
3. Members shall not work outside employment from the beginning of their regular tour of duty until the conclusion of that workday. Example: members shall not work outside employment during their lunch hour.
4. Members shall not work outside employment or receive compensation, honorarium or other remuneration for any activity performed while the employee is considered on-duty. Any compensation earned shall be signed over to the city. Exceptions to this provision include jury duty, military leave or any other activity authorized by law.
5. While members are on unscheduled leave – sick leave, injury leave, family medical leave, or light duty assignment – they may not engage in outside employment. In addition, after having been out on sick or injury leave, the member shall complete one regular tour of duty before engaging in any outside employment.
6. Outside employment that appears to physically or mentally exhaust the member to the point that the member's on-duty performance is adversely affected is prohibited. A member's immediate

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



supervisor is responsible for reporting evidence of the member's inability to perform his/her regular duties when the supervisor believes there is a correlation between this inability and his/her outside employment responsibilities.

7. Changing a member's regular scheduled duty hours to facilitate outside employment is prohibited.
8. A member engaged in outside employment with a company or organization that appears likely to be involved in a labor dispute such as a strike, picketing or lockout shall notify the Chief of Police in writing, through the chain of command. A member shall perform no act that infringes upon or interferes with the Department's role of neutrality in a labor dispute. The employment may be suspended while the labor dispute exists.
9. If a statute requires a license or permit to engage in an occupation, business or profession, a member is required to obtain the necessary license or permit before engaging in the occupation, business or profession.
10. A member will not enter into contract with an attorney or any person, such as in expert testimony, unless approved by the Chief of Police.
11. A member while engaged in outside employment shall not perform any act or fail to perform any act which might bring the Department or the member into disrepute or impair the operation and efficiency of the Department.
12. Members engaged in outside employment shall call for an on-duty member when they encounter a situation that requires the presence of an on-duty member. Members engaged in outside employment shall handle the situation according to Department policy and procedures until relieved by an on-duty member, and they shall assist any on-duty member.
13. Supervisory members engaged in outside employment maintain on-duty responsibilities for the performance, attitude, and judgment of on-duty or outside subordinates under their immediate control until relieved by an on-duty supervisor.
14. Members shall immediately report in writing through their chain of command to the Chief of Police on any incidents arising from or connected with their outside employment that might adversely affect the Department or city. Members shall prepare and submit the required reports according to Departmental procedures.
15. Any member currently on suspension from the Department is prohibited from working at a position requiring authority as a peace officer or duties of a security nature.
16. The Chief of Police may waive any of these conditions upon written request.

### CONDUCT OF MEMBERS WHILE ENGAGED IN OUTSIDE EMPLOYMENT

It is vital that the public never doubts that the member is performing a public function and is not misusing or appearing to misuse his position for private purposes. Members who are expected to exercise police authority while engaged in outside employment are encouraged to wear a regulation uniform.

It is the policy of the Department to prohibit a member's private use of police powers to conceal or avoid reporting criminal offenses or the identity of criminal offenders. A breach of the law is not a matter for private disposition by an outside employer; instead, it falls within the duties and policies of the Department. Whenever a criminal incident arises during outside employment, the member's primary responsibility is to the public and to the Department.

While engaged in outside employment, members must conduct themselves as though they are on-duty and subject to the Department rules and regulations. Therefore, members should avoid appearances of wrongdoing or of a conflict of interest.

On-duty supervisors may check outside employment locations to ensure members are complying with the directives of this procedure.

### REPORTS AND ARRESTS MADE IN EXTRA DUTY EMPLOYMENT

Members working Extra Duty employment that involves an extension of police services shall have available all necessary equipment and forms necessary to document an incident. Members will immediately

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



report any incidents or situations arising from or connected with their Extra Duty employment in the same regard as if on-duty. Members working Extra Duty employment will write incident reports and complete all documentation related to an incident.

Exception: when a member is the victim in an incident or it is of such a nature that immediate extensive investigation would be required (e.g., murder, assault, robbery, etc.), an on-duty unit will be called.

Members writing an incident report during their Extra Duty employment, such as misdemeanor citations, shall, at the end of their shift report to the PD and complete an offense report.

Members making arrests during Extra Duty employment assignments will [a] complete an offense report, [b] complete a probable cause affidavit following normal arrest reporting procedures (if necessary), and [c] contact the communications unit to request a unit for prisoner transport.

Transporting officers need only write a supplement report stating that they took custody of the arrested person. They must also sign any evidence tags to maintain chain of custody and book the prisoner.

#### **4/1.02.10 Establishing the Rate for Extra Duty Employment**

The Chief of Police sets the overtime rates for outside employment. The established rate has an additional charge for the use of a vehicle.

These rates are reviewed on an as needed basis by the Chief of Police.

#### **4/1.02.11 Notification Of Employee Information Changes**

To ensure prompt access to personal information on individual members, certain details will be maintained in the Office of the Chief of Police and within appropriate files in the division/office to which the employee is assigned. Such information will include, at a minimum, name, address, telephone number, classification, emergency contacts, and special skills.

All members shall report any change in their name, residence, telephone number or special skills to their supervisor, in writing, within 48 hours of such a change. The employee will ensure that the Chief of Police is provided with the information. It is recommended that supervisors verify this personal information with each employee during completion of performance evaluations.

#### **4/1.02.12 Grievance Records Procedure**

For instructions concerning the grievance procedure and grievance records maintenance, refer to the City of Elgin Personnel policy. The Chief of Police shall coordinate the Department's grievance procedures as established within the City of Elgin Personnel policy. All records relating to grievances will be kept in the Office of the Chief of Police in a manner that will ensure confidentiality.

1. Grievances shall be filed in writing to the member's immediate supervisor or next level in the chain, as appropriate, within ten (10) calendar days of when the member was aggrieved, or when the member should have reasonably known of the act, whichever is latest. Grievance documentation should include the following, at a minimum:
  - a. The facts upon which the issue is based,
  - b. The allegation of the specific act or harm done, and
  - c. A statement of the remedy sought.
  - d. Written or digital acknowledgement of receipt from each level of command, including date and time received.
2. The aggrieved employee should present the facts of the case as clearly and objectively as possible.

# ELGIN POLICE DEPARTMENT

## POLICY MANUAL - PART 4



3. Employees are free to ask questions or to seek resolution of the grievance without discrimination, coercion, restraint, or reprisal.
  - a. Any employee who seeks reprisal as a result of a grievance lodged by another employee may receive disciplinary action, up to and including termination.
4. If the aggrieved member so chooses, the member may have a representative of their choosing assist them or be present with them at any point during the grievance procedure.
5. Every effort should be made to try to resolve the grievance at the lowest supervisory level.

### Grievance Process and Timetable

1. A supervisor, upon receiving documentation of the grievance, either alone or with the assistance of superiors, shall reach a decision and shall communicate that decision in writing to the aggrieved employee within ten (10) business days. The supervisor and aggrieved employee shall document the date of delivery via date/initial of both parties.
  - a. It is the responsibility of the responding supervisor to send copies of all involved documentation generated thus far to the Chief of Police or designee.
2. If the employee remains unsatisfied, they shall have ten (10) business days from receipt of the supervisor's decision to write an appeal, setting forth the facts of the issue and citing appropriate provisions, if any, that are impacted. The employee shall submit the written appeal to the next level of command.
3. Every supervisor receiving a written appeal shall follow the procedures listed in #1 and #2 of this section, up to and including the Chief of Police.
4. Upon receipt of an appeal, the Chief of Police shall obtain all pertinent information and may hold conference with all involved parties.
  - a. Within ten (10) business days of receiving a written appeal, the Chief of Police shall notify the employee and the supervisor of the decision in writing. This decision is considered final.
5. Chief of Police shall receive copies of all written documentation regarding grievances and store them in the department employee file.

### **4/1.02.13 Long-Term Military Deployment and Reintegration**

Employees who are members of the Armed Forces reserve component (i.e., military reservists or members of the National Guard) present unique circumstances surrounding their employment. The Department strives to maintain effective communication from the Department to employees and their families prior to, during, and following a deployment.

### MILITARY DEPLOYMENT AND REINTEGRATION

The following information is in addition to Section 10, Military/Uniformed Service Leave, in the Elgin Personnel Policy Manual.

### PRE-DEPLOYMENT

1. Communication between employees and/or their family and the Department will be established with the member's Division Commander serving as the Department point of contact for employees preparing for military deployment.
2. Prior to deployment, the employee will meet with City of Elgin Human Resources, their Division Commander and Chief of Police or designee for processing and an exit interview.
  - a. The Division Commander will obtain from employees contact information that will be active while they are deployed. Deployed members are responsible for ensuring the Department has current

# ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 4



contact information throughout their deployment, unless the nature of their assignments prohibit such information being provided to the Department.

- b. If time limitations do not permit a face-to-face interview, the interview may be conducted by telephone.
3. The Division Commander will discuss the storage of agency-owned equipment during deployment with the employee.
  - a. Employees who have a secure location at their permanent residence may secure all agency-owned equipment at the residence during the deployment.
  - b. Employees lacking a secure location must bring their radio, any firearms, their ID and badge to the Department prior to deployment. These items will be secured in the armory or a safe.

## POST-DEPLOYMENT

Upon being notified of a deployed member's pending return, the employee's point of contact will coordinate with the Training Coordinator to develop a reintegration plan that meets the returning employee's needs. The Training Coordinator will develop and maintain a reintegration plan template that, at a minimum, will cover:

1. An interview with the Chief or designee to present the Department's reintegration expectations as outlined in the plan.
2. Any mandatory, refresher or field training that must be completed prior to the returning member resuming duty status.
3. Weapons qualification, physical fitness assessment and medical evaluation.
4. Critical policy and procedure review, as well as policy changes which occurred during the member's deployment.
5. A counseling session with the Department psychologist.
6. All required City of Elgin and Texas Commission on Law Enforcement (TCOLE) paperwork required prior to resuming duty status.

Once the plan is completed and the Chief of Police has reviewed and confirmed the plan's completion, the returning member shall return to normal duty status.

Signed Original Maintained in the Office of the Chief

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John C. Noble