



Herndon Police Department GENERAL ORDERS

Personnel/Training Section

401

Effective Date: August 16, 2016

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SECONDARY EMPLOYMENT

I. POLICY

The department has established guidelines for secondary employment that are critical to effectively meeting the requirements and responsibilities of duty.

II. TERMINOLOGY

Off-duty employment - secondary employment for compensation separate from the Herndon Police Department undertaken during off-duty hours wherein the use of law enforcement powers is not anticipated. Off-duty employment does not include volunteer or charity work.

Extra-duty employment - secondary employment by sworn personnel of the Herndon Police Department wherein the actual or potential use of law enforcement powers is anticipated in the work or activities, and which results in any type of compensation, either by direct payment to the Town or by indirect payment of privileges or services to the sworn employee.

Direct Payment - compensation made directly to the Town of Herndon for an extra-duty assignment by police personnel and which the Town distributes funds to the sworn employee through the Town's payroll system, at the sworn employee's rate of pay.

Indirect Payment - compensation in the form of privileges or services. (Example: A reduction or waiver of rent in exchange for any services provided, however limited.)

III. SECONDARY DUTY

A. Off-Duty Employment <22.3.4>

Off-duty employment by sworn and civilian personnel shall not present a conflict of interest or interfere with the employee's Town duties and responsibilities. Refer also to Administrative Regulation 1-29.

1. Prior to engaging in off-duty employment or entering into a business affiliation, personnel must obtain written permission in advance from the Town Manager by submitting an official request through the Chief of Police. Each request will be handled on an individual basis with a final approval or disapproval determined by the Town Manager.



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2. Personnel shall be aware that injuries incurred during off-duty employment will not be covered under the Town's Workers Compensation or duty-related retirement.
3. Absence from duty due to injury or illness incurred during off-duty employment will necessitate the employee's use of sick, annual or compensatory leave.
4. Off-duty employment shall not exceed 15 hours per day, which includes department duty time, except for mission critical activities or events as approved by a supervisor.

B. Extra-Duty Employment

The Support Services Division Commander will oversee the coordination of extra-duty employment to ensure that extra-duty events and assignments adhere to Department policy. The Chief of Police and Division Commanders will approve extra-duty assignments, or can revoke or suspend assignments at any time, with or without cause. <22.3.5a,c,d>

1. Process

- a. When a request for extra-duty services is received by the Department, a supervisor will be authorized and assigned by a Division Commander as the Extra-Duty Coordinator for the event. The designated coordinator will provide an "Extra-Duty Employment Agreement" to the employer to complete and return.
- b. When the extra-duty employment agreement is approved, the designated coordinator will be responsible for the following:
 1. Explaining extra-duty procedures to employers;
 2. Obtaining a project code for the event from the Finance Department;
 3. Determining the minimum number of officers required to safely perform the assignment and planning the deployment and guidelines for the assignment;



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4. Posting personnel needs with dates/times to fill the requested position(s) along with specific instructions regarding the assignment;
 5. Ensuring time slots are filled, and reviewing the eligibility of those signed up to work the extra duty assignment.
 6. Forwarding the original agreement, with completed hours, to the Administrative Assistant for final processing.
 - c. The Extra-Duty Coordinator will work as a liaison with the employer for the specific event and shall maintain contact to identify issues or provide feedback on concerns.
 - d. Upon completion of an extra-duty assignment, the Extra-Duty Coordinator shall forward a copy of the Extra-Duty Employment Agreement to the Chief's Administrative Assistant for processing. The Administrative Assistant will forward the agreement to Finance and retain a copy for official Department records. The Department of Finance will bill the employer according to the total hours worked at the current police billing rate for extra-duty employment. <22.3.5e>
2. Eligibility
- a. Sworn personnel are eligible to work extra-duty assignments.
 - b. Officers on medical or other leave due to sickness or health reasons, temporary disability, or on light duty are not eligible to work extra-duty.
 - c. The Chief of Police has final approval of all individuals authorized to work extra-duty.
3. Extra-duty employment shall not present an actual or potential conflict of interest between the Department and the extra-duty employer or constitute a threat to the status or dignity of the law enforcement profession. Extra-duty assignments may involve traffic and pedestrian control, crowd control, security, or routine law enforcement activities. Extra-duty employment requests will not be approved for private investigators, private security



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employers or establishments that serve alcoholic beverages on the premises, unless approved by the Chief of Police.

4. Officers that sign up to work an extra duty assignment are subject to all Town and Department regulations pertaining to regular duty assignments. The Extra-Duty Coordinator shall ensure that officers who sign up for an assignment fully understand the responsibilities, dates/times and any special instructions prior to the event. Officers accepting an extra-duty assignment shall be responsible for finding a replacement if they are unable to fulfill the assignment.
5. An Extra-Duty Employment Agreement, which outlines the date(s) and purpose of the event, contact information, expected duties and responsibilities of the officer(s), agreement provisions with restrictions or limitations, revocation procedures, and other pertinent information, is required in order to initiate an assignment. **<22.3.5c>** Officers may engage in extra-duty employment when an employer has an approved agreement with the Department and the officer has signed up to work the extra-duty assignment.
5. Considerations
 - a. Extra-duty commitments are scheduled for a minimum of three hours; however, extra-duty employment shall not exceed 15 hours per day, including department duty time.
 - b. Unacceptable performance during extra-duty assignments may result in suspension from working such assignments or result in other disciplinary action.
 - c. Work hours for all extra-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance during normal duty hours.
 - d. Officers exercising police authority in an extra-duty assignment shall adhere to all Department guidelines, directives, rules, and regulations while exercising such authority. **<22.3.5b>** Failure to adhere to such requirements may be cause for disciplinary action.



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- e. Officers who engage in extra-duty employment shall wear the complete uniform and equipment, matching the uniform of the day unless otherwise authorized by a Division Commander. The proper wearing of the uniform shall comply with Department directives, rules and regulations. Officers shall only use equipment authorized or approved for the assignment.
- f. Officers shall document all hours worked or committed during an extra-duty assignment on their time sheet and include the appropriate project number.
- g. Officers shall submit an incident report if any police action was taken during the assignment, and ensure that the Extra-Duty Coordinator is notified. Officers placing charges during an extra-duty assignment shall attempt to have the court case(s) set during their regularly scheduled court day. **<22.3.5e>**

6. Considerations for Extra Duty Employers

- a. The extra-duty employer must understand that they are paying for the services of a law enforcement officer and they shall not dictate to the officer orders concerning the enforcement of laws. Officers are responsible for taking appropriate law enforcement action when observing criminal activity on or off the employer's property. Officers shall not be responsible for enforcing employer regulations which pertain to non-criminal conduct.
- b. The extra-duty employer must understand that every effort will be made to staff the extra-duty assignment as approved; however, the approval of an assignment does not guarantee staffing of the assignment.
- c. The extra-duty employer must understand that officers may be required to leave their assignment in the event of an emergency or recall by the Department.
- d. The extra-duty employer must notify the Extra Duty Coordinator of a cancellation 48 hours prior to the date of employment. Failure to do so will require the extra-duty employer to pay a minimum of three hours (based on one officer). If an event is cancelled due to inclement weather



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and the Extra Duty Coordinator has received prior notice from the employer of a weather cancellation, no compensation will be required unless the officer, prepared to work the event, has reported for duty.
<22.3.5c>

- e. An extra-duty employer shall be required to pay a minimum of three hours, per officer, despite the duration of the assignment. When the employer decides that there is a need to extend the time for an officer to remain at the assignment beyond that which was scheduled, and the officer is already at the assignment working, the employer shall pay additional compensation for a full hour for any portion of an hour worked beyond the regular scheduled time. The extra-duty employer shall also be required to compensate for the officer's time if extended due to the officer's law enforcement action, such as an arrest.
- f. The established hourly rate for officers working extra-duty assignments shall be determined by the Chief of Police. The hourly rate shall be reviewed periodically as appropriate and if necessary shall be adjusted. Other forms of compensation, such as indirect payment, must be approved by the Chief of Police.
- g. Extra-duty employers shall pay invoices as billed by the Finance Department directly to the Town for services rendered in the extra-duty assignment. Officers engaged in extra-duty employment shall NOT accept individual payment from extra-duty employers.
- h. The extra-duty employer using an indirect method of payment shall provide a Form 1099 to the assigned officer.