

 Kinston Police Department	<u>POLICY: Extra & Off-Duty Employment</u>						<u>POLICY #:</u> 200-5
	<u>NCLEA Standards: 3.04;</u>						
	<u>CALEA Standards: 22.2.5;</u>						
	<u>NCLM Standards: II.21;</u>						<u>Effective Date:</u>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	02/04/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE AND SCOPE

To establish guidelines for secondary employment during non-duty hours.

II. POLICY

In order to maintain quality law enforcement services to the community, reduce officer fatigue, avoid conflicts of interest, and maintain our code of ethics, the Kinston Police Department regulates off-duty or secondary employment activities that members may seek and undertake.

III. DEFINITIONS (NCLEA 3.04 a)

Off-Duty Employment – Employment of sworn or non-sworn members, by a secondary employer, in which;

- a. employment occurs outside the member's regular duty hours; and
- b. is of a non-law enforcement nature in which law enforcement powers are not a condition of employment and the work provides no real or implied law enforcement service to the employer; and
- c. members will be compensated for employment or are volunteering employment

Extra-Duty Employment – Employment of sworn officers, by a secondary employer, in which;

- a. employment occurs outside the member's regular duty hours; and
- b. members will be expected to provide law enforcement services during the course of the employment; and
- c. members will be compensated for employment or are volunteering employment; and
- d. employment is NOT for the benefit of any agency or entity of the Kinston Police Department. (NOTE: approval must be obtained before participating in volunteer activities that ARE law enforcement related).

Member – All sworn law enforcement officers and non-sworn personnel, whether paid or unpaid, are considered members, for purposes of this policy.

IV. GENERAL PROVISIONS

- a. The Kinston Police Department shall at all times be considered the primary employer of any member that enters into off-duty or extra-duty employment and the member remains subject to call-in by the Kinston Police Department as required to ensure public safety.
- b. All participation by members in off-duty or extra duty employment is voluntary. While reasonable efforts may be made to accommodate extra-duty requests, the Kinston Police Department is under no obligation to ensure that employment requests are met.
- c. Police officers are not to accept assignments directly from businesses. Officers are prohibited from negotiating salary levels with extra-duty employers.
- d. Sworn Personnel working extra-duty will be paid by their hired employer, to include any arrests and other related paper work involved. The City of Kinston will not compensate sworn personnel for extra-duty hours. The hourly salary for extra-duty police employment will be determined by the Chief of Police.
- e. The secondary employer will make payment for extra-duty employment through the Off-Duty Management System (OfficerTrak). There are several extra-duty police security locations, such as: Sanderson Farms, St. Johns Village Apartments that will still utilize a coordinator type system for hiring and payment.
- f. Members will report and pay all applicable taxes on all reportable income.
- g. No member may engage in Extra-Duty while on any type of sick leave, injury leave, FMLA or Modified Duty Assignment (Light Duty).
- h. Extra-duty work is prohibited outside the jurisdictional boundaries of the City of Kinston unless approved by the Chief of Police.

BASIC ELIGIBILITY REQUIREMENTS (NCLEA 3.04)

- a. All members of the Kinston Police Department must obtain approval prior to engaging in off-duty, or extra duty employment. Officers must successfully complete the Field Training Officer Program and be qualified as a “Solo Patrol Officer” before engaging in extra duty employment. **(CALEA 22.2.5 a)**
- b. Members engaging in off-duty or extra duty employment are expected to abide by the same department regulations and rules of conduct as when they are on-duty. Members will be held responsible for any actions taken by them, which results in discredit or embarrassment to the Kinston Police Department. **(CALEA 22.2.5 b)**
- c. Off-duty or extra duty employment may not affect performance of on-duty obligations in any way. Approval for such work will not be given unless the member has a good work record, an acceptable sick leave record, and attends court as required. **(CALEA 22.2.5 c)**
- d. Officers that accept an assignment but find that they are unable to fulfill their obligations are responsible for finding a replacement for the assignment.
- e. Unsatisfactory work performance by an employee while engaged in extra-duty employment may result in the limitation or suspension of extra-duty work. Officers that are assigned extra-duty who fail to show up will be taken off the extra-duty list for thirty (30) days and a second failure to show for an assignment within one year from date of first occurrence will result in removal for sixty (60) days
- f. Eligibility for off-duty or extra duty employment is revoked for any member on administrative or disciplinary suspension. **(CALEA 22.2.5 c)**

SPECIFICALLY PROHIBITED WORK (NCLEA 3.04 b) (CALEA 22.2.5 b)

No off-duty or extra duty employment will be approved which may reflect disfavor on the Kinston Police Department or which may give rise to conflict-of-interest questions. Specifically prohibited types of work include:

- a. Employment involving the collection of accounts.
- b. Employment involving the handling or serving of any alcoholic beverages.
- c. Employment as bouncers, doormen, or cashiers at nightclubs or bars.
- d. Employment involving the operation or control of any taxicab or ride service as well as perform work with wreckers or service stations that contract services with the City of Kinston or are on the Lenoir County Central Communications Rotation Wrecker list.
- e. Employment involving the handling of any packages, merchandise, etc., while in uniform. This would not prohibit “over the counter” sales out of uniform, such as in department stores.
- f. Employment involving work for insurance agencies, collection agencies,
- g. Employment involving case preparation for the defense in any criminal or civil action or proceeding, private investigations, or bail bond agencies.
- h. Employment involving rent or other expenses in exchange for security services.
- i. Work or openly associate with convicted or known criminals.
- j. Employment that conflicts with the policies of the Kinston Police Department.

OFF-DUTY EMPLOYMENT

- a. Requests for off-duty employment are to be submitted through an Extra-Duty/Off-Duty Employment Request form to the member’s direct supervisor and forwarded up the chain of command to the appropriate Major, for approval at each level.
- b. Requests must include the following information:
 - 1. Name of business, or if self-employed, a statement to that effect;
 - 2. Business address;
 - 3. Nature of business;
 - 4. Duties to be performed by member;
 - 5. Approval is good for twelve months from the date of issuance.
 - 6. Approval may be withdrawn if performance deficiencies or conflicts of interest arise.

EXTRA-DUTY EMPLOYMENT

- a. Requests for extra-duty employment are to be submitted through an Extra-Duty/Off-Duty Employment Request form to the member’s direct supervisor and forwarded up the chain of command to the appropriate Major, for approval at each level.
- b. Approved Extra-Duty Employment applications are good for twelve months from the date of issuance.
- c. Approval may be withdrawn if performance deficiencies or conflicts of interest arise.
- d. Effective January 6, 2022, the Kinston Police Department began using Off-Duty Management for extra-duty police security. There are several extra-duty police security locations, such as: Sanderson Farms, Kinston Housing Authority and St. Johns Village Apartments that still utilizes the older version of this policy (Agency Coordinator type, etc.); however, for businesses seeking new off-duty police for security purposes, the representative requesting off-duty police security should contact the Off-Duty Management Coordinator at 1-877-636-8300. a Coordinator as needed.

V. PERFORMANCE OF DUTIES INVOLVING EXTRA DUTY EMPLOYMENT

- a. Attire and Equipment:
 - 1. Officers working extra-duty assignments will wear the department issued uniform. No civilian clothing will be worn unless specifically authorized by the Chief of Police. Any requests to wear civilian clothing will be forwarded through the appropriate Major.
 - 2. All equipment used by the Officer during extra duty employment carries the same level of responsibility for care and safety as when used on-duty by the officer.
 - 3. Department vehicles may be used in the scope of extra duty employment to extent approved by the Chief of Police.
- b. Adherence to Policy: Officers shall adhere to all policies of the Kinston Police Department while engaged in off-duty or extra duty employment.
- c. In the event of an emergency situation, the highest-ranking shift supervisor has the authority to call in an officer who is working extra-duty; this is at the discretion of the Chief of Police and the practice shall not be abused.
- d. In the event of an emergency request for extra-duty, such as a business needing immediate extra-duty security after hours, the on-call Major will make the decision to fill the need as quickly and as fair as possible.
- e. Enforcement of Laws: **(CALEA 22.2.5 b)**
 - 1. Officers engaged in extra-duty employment are not present to enforce rules and policies established solely by the vendor; however, officers shall take all appropriate action for enforcement of the law and preservation of public safety.
 - 2. Any incident requiring police services (report taking, arrest, etc.) shall be performed by the officer working the assignment. Assistance from on duty officers will be granted by the on-duty supervisor at his/her discretion.
 - 3. An employer may choose not to prosecute only those violations in which they are the victim (e.g. shoplifting). An employer may not request non-enforcement of drug, alcohol, or other violations where they are not the victim.
 - 4. The Chief of Police or his/her designee has the discretion to prohibit officers from extra-duty employment in the event an officer's extra-duty assignment exceeds the officer's training and tenure, requires a higher authority level, or the officer's current assignment does not allow adequate time or resources to meet the needs of the requesting agency.

VI. LIMITATIONS ON WORKING HOURS

No member will be permitted to work off-duty or extra duty to such an extent that it compromises his/her health or interferes with his/her on-duty performance. A four (4) hour break will be required prior to the start of the member's scheduled duty shift after working any off-duty or extra duty. Supervisors are responsible for reviewing attendance records and initiating restrictions when required.

- a. On-Duty Days: Members who schedule themselves for off-duty or extra duty work on a duty day are required to arrange their schedule so that such employment shall not render the member unavailable during an emergency or physically or mentally exhaust the officer to the point that his/her performance on duty will be affected.
- b. Sick Days: No member may work an off-duty or extra duty job when using sick time.
- c. Light Duty Status: Any member on a light duty status for medical, physical, or psychological reasons will not be allowed to participate in any off-duty or extra duty employment.
- d. Officers shall not work extra-duty jobs during meal breaks.
- e. There shall be a minimum of three (3) paid hours per officer per duty assignment.
- f. An officer's extra duty shall not exceed 125 hours within a month (28 days).

VII. APPROVAL AND PROGRAM ADMINISTRATION

Under the direction of the Chief of Police, the Major of Support and Community Services shall oversee adherence to the Kinston Police Department policies and procedures, loss of eligibility to work extra-duty assignments, and complaints or grievances concerning extra-duty work assignments.

Employees seeking to engage in extra-duty employment shall complete an Extra-Duty/Off-Duty Employment Request form and forward the form through the chain of command to the appropriate Major. Final approval of extra-duty employment will be at the discretion of the Chief of Police. Copies of all secondary employment forms shall be maintained by Department in the employee's personnel file. (CALEA 22.2.5 d)

VIII. FILE MAINTENANCE (CALEA 22.2.5 e)

- a. To ensure a proper record of all extra duty employment, officers working such assignments are required to notify the Lenoir County 911 Communications Center via radio of the following for each assignment:
 1. Start of assignment
 2. Location of assignment
 3. Completion of assignment
 4. All approved off-duty and extra duty employment requests will be forwarded to the departments Administrative Assistant and placed in the member's personnel file.
 5. Extra duty employment requests and schedules will be managed through Off Duty Management Officer TRAK.
 6. Extra duty insurance, worker's compensation and liability responsibilities are provided and maintained through Off-Duty Management (Officer TRAK) (NCLEA 3.04 d)