	<b>Matthews Police Department</b>		
	<b>General Order: SECONDARY EMPLOYMENT</b>	<b>Section 02: Administrative Requirements</b>	<b>Order #: 02-06</b>
	<b>Review: Annually in March by the Administrative Division Commander</b>	<b>Issue Date: Updated: 06/14/2023 Supersedes GO Dated: 06/24/2021</b>	

### **I. PURPOSE:**

The purpose of this General Order is to establish policies and procedures for employees who wish to engage in secondary employment, whether police-related or personal.

### **II. CROSS-REF:**

NCLEA 3.04 Off-Duty Employment / Extra-Duty Employment

CALEA Standards 22.2.5

### **III. DISCUSSION:**


The Matthews Police Department will provide employment of officers in an off-duty capacity to employers within the Town of Matthews as well as those adjoining jurisdictions under the correct Mutual Aid Agreement at the expense of the employers and not the Town of Matthews.

### **IV. POLICY:**

It is the policy of this department to have in place guidelines that govern the Secondary Employment of Matthews Police Officers. Officers shall adhere to the guidelines at all times while applying for and working secondary jobs.

### **V. DEFINITIONS:**


1. Secondary Employment Administrator – Command staff member designated by the Chief of Police to administer the Secondary Employment program.
2. Secondary Employment Coordinator – Supervisory staff member designated by the Chief of Police to oversee day-to-day management of the Secondary Employment program.
3. Secondary Employment Unit – The team, comprised of the Secondary Employer Administrator, Coordinator, and any other such individuals as designated by the Chief of Police, to which all requests for Secondary Employment are to be directed.
4. Coordinating Officer – A department officer who may serve as a designated job coordinator (i.e. School Resource Officers responsible for after school events) This person shall have been approved by the Secondary Employment Administrator. This person shall serve as the job Coordinator in the absence of an assigned Department supervisor.
5. Personal Secondary Employment – The non-department-related outside employment of a member of the Matthews Police Department. This employment occurs on the employee's own time and, pursuant to the conditions of this policy, shall not interfere with the employee's physical ability or professional reputation to serve as an effective member of the Matthews Police Department.

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6. Private Secondary Employment – Police-related services provided to any person, company or organization who has solicited, through the guidelines of this policy, the private employment of a member of the Matthews Police Department.
7. Open-Job – A private Employment assignment open to all Department employees without restriction, except as excluded pursuant to sections of this policy.
8. Private-Pool Job – A Private Secondary Employment assignment where the Department employee must satisfy pre-employment requirements of the Private Employer prior to qualifying for consideration of the assignment. All Department employees are eligible for all 'Private-Pool' jobs except as excluded pursuant to sections of this policy.

#### **VI. RULES REGARDING SECONDARY EMPLOYMENT:**


1. New employees shall become eligible for consideration of Secondary Employment privileges upon final completion of the Field Training Period. Based upon their Probationary Period performance and/or previous law enforcement experience.
2. Employees engaged in Private Secondary Employment are required to conform to the same standard of conduct as applies to their on-duty activities. This would specifically include the requirement that they shall enforce rules, regulations, or restrictions a private employer may wish to enforce for his/her own purposes. Officers may be authorized in writing by the private employer to administer trespass warnings.
3. Employees shall not perform Private Secondary Employment duties while on paid sick leave this is to include being on sick leave or being paid sick leave for a sick family member), medical leave, medically-limited or restricted duty, or while on special assignment due to a physical condition, without the approval of the Chief of Police.
4. Employees shall not perform Private Secondary Employment duties while on suspension or disciplinary probation from the department unless approved by a division commander for disciplinary probation.
5. Employees are prohibited from soliciting, promoting nor conducting any Secondary Employment opportunities during the course of regular duties.
6. Employees shall not profit or attempt to profit from the Secondary Employment of any other employee of the Department.

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7. Any Private Secondary Employer who finds it necessary to make changes in the work conditions or schedule after the work assignment has been approved should be directed to make such requests with the Secondary Employment Unit.
8. Any employee found leaving his/her assigned Private Secondary Employment site without the knowledge and consent of the employer, or without exigent circumstance requiring the officer's law enforcement attention, shall be subject to disciplinary action that may include the suspension or revocation of the officer's rights to perform secondary law enforcement employment duties.
9. Officers shall not make a request of the employer to the Secondary Employment Coordinator that they be requested to be the officer to work the secondary job.

#### **VII. CONSIDERATION OF SECONDARY EMPLOYMENT REQUESTS:**

1. All requests of Private Secondary Employment shall be referred to the Secondary Employment Coordinator.
2. Requests for Private Secondary Employment shall be received at least five (5) business days in advance of the date & time of need. Should the request for employment be made outside this time frame it will be subjected to a premium pay rate. The five (5) day period may be waived if the employment is in the interest of critical public safety.
3. An employee considering any form of Personal Secondary Employment shall first inform his/her supervisor and/or division commander. The Department reserves the right to deny any Personal Secondary Employment if it shall unduly affect the employee's abilities to safely conduct his/her duties and/or negatively reflect upon the Department as defined in Rules of Conduct 101.09.
4. Any personal or Private Secondary Employment that may adversely affect the Department or present a potential of interest shall be prohibited. Restrictions may include, but are not limited to:
  - a. Secondary employment shall not be approved for an employer who is a convicted felon or is currently charged with a felony violation;
  - b. Secondary employment which is considered a 'conflict of interest' of the normal operation of the Department shall be denied. This may include employment where the police employee would be engaged in any activity regulated or


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supervised by the police department, including, but not limited to: taxicabs, pawn shops, the sale of alcoholic beverages, or the sale of firearms.

- c. Secondary Employment detail requiring more than four (4) officers shall require one (1) supervisor. Additional supervisors may be required for certain larger jobs. This requirement may be waived or amended at the discretion of a member of the Command Staff.

#### **VIII. PROCEDURES FOR POSTING & APPLYING FOR SECONDARY EMPLOYMENT JOBS:**

1. Upon the approval of a job assignment by the Secondary Employment Unit, the assignment shall be posted upon the Department's on-line Secondary Employment site PowerDetails.
2. While (job) Coordinating Officers may be utilized to 'build' the jobs for the on-line system, all jobs shall be finalized & released by the Secondary Employment Coordinator or Administrator.
3. The Secondary Employment Coordinator and/or Administrator are authorized to offer assignments to selected personnel in advance of posting to all personnel when special circumstances dictate. These may include jobs where the operational knowledge of those personnel (i.e. School Resource Officers, tactical officers, etc.) is valuable in assuring the safe operation of the assignment. This may also be applied in instances where personnel whose regular duty assignments (i.e. undercover officers, SCU assigned personnel etc.) may not afford them regular opportunities of general Secondary Employment assignments.
4. An e-mail blast message shall be sent to all eligible personnel at least twenty-four (24) hours in advance of the opening of the assignment so as to provide a reasonable opportunity for all personnel to apply; exceptions, as authorized by the Secondary Employment Administrator and/or Coordinator, may be allowed for urgent requests.
5. Employees shall apply for all Secondary Employment assignments through this system and shall be periodically reviewed and established through issued Directives. Available jobs will be released on the second Monday of every month for the following month's available jobs.
6. Officers shall be limited as to the number jobs within any twenty-four (24) hour period. Those limits shall be periodically reviewed and established through issued Directives.

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7. The Secondary Employment Coordinator shall have the discretion of offering any unfilled jobs to other agencies within fourteen (14) days prior to the job contract date. For those jobs that normally do not get filled by employees, outside agencies may be given the ability to fill these jobs prior to the above standard. A final offering message shall be sent to all sworn personnel at least twenty-four (24) hours prior to that action.
8. Secondary Employment jobs will be offered to all employees on the second Monday of each month for the following months available jobs.

#### **IX. WORK HOURS REFLECTION:**


1. A sworn officer may work up to six (6) hours of secondary employment during a regular duty day, and up to fourteen (14) hours on a non-duty day, a "day" running from 00:00 hours to 23:59 hours.
2. A sworn officer shall not exceed a total of seventy-two (72) compensated hours of work during any week, a week running from 00:00 Sunday – 23:59 Saturday; this shall include duty hours, overtime hours, and/or secondary employment hours.
3. During any 'day' the officer must have a minimum of six (6) consecutive hours where he/she is not working an on-duty assignment or engaging in secondary employment.

#### **X. COMPENSATION PROCEDURES REGARDING SECONDARY EMPLOYMENT:**

1. Rates for Secondary Employment are assigned by the Chief of Police and are reviewed annually so as to remain consistent with the current standards for these services. These rates will be issued via Departmental Directive.
2. All assignments, unless expressly waived by the Chief of Police, shall require a minimum payment of three (3) hours per assignment.

#### **XI. OPERATIONAL PROCEDURES REGARDING SECONDARY EMPLOYMENT:**

1. An officer who accepts a Private Secondary Employment assignment is required to complete that job assignment. In any case that an officer cannot be present for a scheduled off-duty job, it is his/her responsibility to:
  - a. Locate another officer to fulfill that responsibility, or
  - b. Notify the Secondary Employment Unit, or the on-duty shift commander if after 5:00 P.M., on weekends, or holidays, and
  - c. Notify the Private Secondary Employer of the impending absence should


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the supervisor so request.

2. An officer performing a Private Secondary Employment assignment shall:
  - a. Upon arrival, advise communications of their code number, location and anticipated duration of off-duty employment so that other officers may be aware of officers in those positions;
  - b. Advise communications at the time any significant enforcement action is initiated or taken (i.e. traffic stop, searching of persons or vehicles, detention of possible criminal suspects), or during any other incident where normal back-up response of another officer is generally warranted;
  - c. Advise communications at any time the officer must leave the off-duty location, during his/her tour there, for a significant period of time (i.e. more than fifteen (15) minutes), under restrictions noted in section VI(8) above;
  - d. Advise the Private Secondary Employer representative at any time the officer must leave the location for any period of time, unless exigent circumstances require the officer's quick and immediate departure from the off-duty locations;
  - e. Request an on-duty zone officer to the off-duty location for transportation of prisoners or subjects pursuant to incidents involving the off-duty officer. The off-duty officer shall perform enforcement actions such as warning, trespassing, or issuing citations and shall be responsible for the creation / completion of all Departmental reports and/or forms.
3. Workers Compensation
  - a. An officer injured while working a secondary employment is fully covered by Worker's Compensation as long as the injury was sustained while the member was engaged in a law enforcement function, such as effecting an arrest, pursuing a suspect, etc.
  - b. All other injuries sustained during Secondary employment should be covered by the private secondary employers Worker Compensation insurance, and any claims for such injuries are a matter between the employee and the secondary employer.

## **XII. SUPERVISION:**

1. The secondary Employment Administrator shall oversee and manage the Secondary Employment program, including the consideration of Private Secondary Employers and/or the consideration of officers authorized to perform any Secondary Employment.
2. When fewer than five (5) officers work together in the same job assignment (i.e. ball games) the highest-ranking officer shall function as supervisor for the event unless otherwise directed by the Secondary Employment Administrator. If all officers present are of the same rank, the Coordinating Officer shall serve as the event supervisor.
3. Certain Private Employment assignments require the presence of a 'supervisor'. The designation of supervisor shall be made by the Secondary Employment Administrator at the time of job approval. The 'supervisor' shall be a ranking supervisor of the

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Department, regardless of assignment or the presence of higher-ranking supervisors of other assisting law enforcement agencies.

4. In the event an on-site supervisor is impractical, the on-duty shift supervisor shall function as secondary employment supervisor. On-duty shift supervisors are expected to visit locations of secondary employment to ensure that a high standard of conduct is being maintained.
5. When an officer of our department is working an off-Duty job with members of another law enforcement agency, the senior officer of the coordinating agency shall be considered the event 'supervisor', unless otherwise assigned, however, the Matthews officer shall always defer to the direction of a Matthews Police Department supervisor.

### **XIII. REGULATIONS FOR RESIDENT SECURITY OFFICERS AT APARTMENT COMPLEXES:**

1. An officer in discussion with an apartment complex regarding Secondary Employment as a resident security officer shall advise the employer to notify the Secondary Employment Administrator of his or her intentions to employ off-duty officer. The employer must state the need for police services, the duties to be performed, and the compensation the officer will receive. Such employment may not begin until the request and the conditions of employment have been approved by the Secondary Employment Administrator.
2. An officer who is interested in employment as a resident security officer, without the knowledge of any such opportunities, shall submit the "Secondary Employment Request Form" to the Secondary Employment Administrator.
3. An officer employed as a resident security officer shall confine his/her duties strictly to those of a police nature; he/she shall not act to enforce any rules and regulations set by the apartment management that are not otherwise violations of the law, although he/she may be authorized to administer trespass warnings if a valid Authorization to Act as Agent agreement is on file with the police department.
4. Police officers are not allowed to collect rent, debts or bad checks, or to collect money in any way, nor is he/she to serve administrative purposes such as the distribution of notices, correspondences, etc.
5. An officer employed as a resident security officer shall not respond to a complaint when he/she has been drinking alcoholic beverages. If an officer receives a complaint of a public safety nature when he/she has been drinking alcoholic beverages, he/she shall



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contact the police department communications center or so directed by the on-duty supervisor.

6. An officer employed as a resident security officer shall not respond to a complaint in the apartment complex where he/she is employed while he/she is on duty unless dispatched to that location by the communications center or so directed by the on-duty supervisor.
7. The Secondary Employment Administrator shall be notified of any changes in the name of the apartment complex, the company's official point of contact, or of the termination of employment as resident security officer.


#### **XIV. REGULATIONS OF OFFICERS ENGAGING IN TRAFFIC CONTROL ON PUBLIC STREETS:**

1. Officer providing traffic or pedestrian crossing safety shall wear all appropriate safety dress and equipment and utilize the vehicle safety lighting as appropriate.
2. Officers working Secondary Employment at a firm or establishment that requires the officer to engage in traffic control on public streets shall fairly serve the interest of all motorists, not just those of the employing establishment.
3. When applicable, officers shall direct traffic in conjunction with the operation of any nearby traffic control signals.

#### **XV. REGULATIONS FOR SECONDARY EMPLOYMENT AT A FIRM OR ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE CONSUMED:**

1. Police officers shall not act to enforce any rules and regulations set up solely by the establishment's management; this includes the checking of identification, the searching of entering persons, etc. Police officers shall take action only for the enforcement of the law and the preservation of public policy.
2. An Officer shall not congregate in the immediate area of the bar or other location designed to distribute alcoholic beverages. If an officer receives information that the immediate assistance of a police officer is required in the area of the establishment where alcoholic beverages are served, the officer shall contact the Communications Center to request an assisting on-duty patrol unit before proceeding to the reported problem.



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**XVI. REGULATIONS FOR SECONDARY EMPLOYMENT AT PRIVATE ESTABLISHMENT HOSTING A LARGE EVENT:**

1. An officer approached by an individual or business regarding secondary employment for an establishment or event where large numbers of attendees are expected shall advise the potential employer to contact the Secondary Employment Administrator. The employer must state the need for the police services, the duties to be performed, the hours of employment, and the salary to be paid. Such employment may not begin until the employer and the conditions of employment have been approved in writing.
2. Police officers shall not act to enforce any rules and regulations set up solely by the establishment's management. Police officers shall take action only for the enforcement of the law and the preservation of public safety.


**XVII. DENIAL OR REVOCATION OF PRIVILEGE:**

1. The Secondary Employment Administrator or any member of the Department Command Staff may deny or revoke the privilege of any employee engaging in Secondary Employment if the denial is determined to be in the best interest of the police department, the town, or the public. Prior to revocation of previously expressed approval of any Secondary Employment, the employee adversely affected shall be given notice of the proposed revocation and an opportunity to be heard.
2. The Private Secondary Employment privileges suspended for any employee shall only be reinstated pursuant to official notice from the Chief of Police.

**XVIII. RATE OF PAY FOR SECONDARY EMPLOYMENT JOBS:**

1. The following pay rates will be in affect starting August 1, 2019. These pay rates will be reviewed on an annual basis by the Secondary Employment Coordinator by comparing the rates of other agencies within the local area.
  - a. The hourly rate for a police officer performing law enforcement functions will be at the rate of \$42.00 per hour with a three (3) hour minimum.
  - b. The hourly rate for a police officer performing traffic functions will be at the rate of \$42.00 per hour with a three (3) hour minimum.
  - c. Secondary employment jobs requiring more than four (4) officers will require a supervisor. The hourly rate for a police supervisor will at the rate of \$50.00 per hour with a three (3) hour minimum.

**XIX. SECONDARY EMPLOYMENT OUTSIDE THE POLICE DEPARTMENT:**

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1. Any job that an employee has outside the Matthews Police Department where the employee is employed by another agency, business, college or self-employed shall submit a request to the OPS on form SER 002 for each employment. This form shall be submitted every year by January 15<sup>th</sup>.
2. The form SER 002 will be reviewed by the OPS and then forwarded to the Chief of Police for a final review. The employee submitting the request will be notified by the OPS of the approval or denial of such Secondary Employment Outside the Matthews Police Department.
3. Any employee that is an active member of any United States Military Branch is exempt from this sub section of the order.