



**APPENDIX 22 – L**

**OUTSIDE EMPLOYMENT AND EXTRA-DUTY ASSIGNMENTS**

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**I. OUTSIDE EMPLOYMENT**

**A. General Guidelines**

1. The Chief of Police must authorize, in advance, all outside employment prior to any member of the Division of Police undertaking any such activity. Even when authorized, every Division member must realize that their first duty and responsibility is to the Division of Police. As such, each member must understand that during emergency conditions, they may be required to leave their outside employment and report for their job at the Division of Police.
2. No employment will be authorized that is not consistent with the code of ethics or which will conflict with either normal police duties or the best interest of the Division, or which is judged not to be in the best interest of the Division by the Chief of Police.
3. Prohibited areas of outside employment:
  - a. The direct sale/distribution of alcoholic beverages and controlled medication.
  - b. Bail Bond agencies.
  - c. Investigative work for insurance agencies.
  - d. Private Investigators.
  - e. Private Guard Service.
  - f. Collection Agencies.
  - g. Attorneys – Conducting any type of investigative services.
  - h. Sales of weapons.
  - i. Adult entertainment industry.
  - j. Working at a drug dispensary.

**B. Requirements, Rules, and Regulations for Engaging in Outside Employment**

1. No officer will perform any type of outside employment without written approval from the Chief of Police.
2. An officer must request and receive written authorization by the Chief of Police prior to undertaking outside employment by completing a New Castle County Division of Police Outside Employment Request Form (DPS #358), available on the web-based pass-on system in the Outside Employment and Extra-Duty Forms folder.
  - a. The form will provide:
    - i. The name of the prospective outside employer.
    - ii. The name of the prospective supervisor.
    - iii. The address of the outside employer.

- iv. The telephone number of the outside employer.
  - v. The email address of the outside employer (if applicable).
  - vi. The position/job title to be held.
  - vii. The nature of work to be performed.
  - viii. The anticipated start date of employment.
  - ix. The number of hours the officer anticipates working during the week.
- b. If the officer is self-employed, they must complete the Outside Employment Request Form.
  - c. The supervisor in the Professional Standards Unit will maintain a copy of the approval form. Additional copies will be provided to the Extra-Duty Assignment Administrator and placed in the officer's unit file.
  - d. The Outside Employment Request Form will be valid for one (1) year, starting on July 1st.
    - i. A new form must be submitted and approved each year, by June 30th, if the officer is requesting to continue working with an outside employer.
  - e. The files containing outside employment authorizations will be purged annually with a June 30th expiration date. Officers who do not have a current form on file will not be authorized to work any outside employment.
- 3. Each officer shall notify the Chief of Police in writing, via the chain of command, upon the change in status of such employment.
    - a. This notification shall be made on the officer's first working day after the change has taken place.
    - b. A copy of the information concerning the change in status shall be forwarded to the Professional Standards Unit and the Extra-Duty Assignment Administrator or their designee.
    - c. A copy shall also be placed in the officer's unit file.
- 4. The total number of hours worked, including both outside employment and extra-duty assignments will not exceed 24 hours per week.
    - a. The definition of 1 week is the 7-day period encompassed between Monday 0001 hours through Sunday 2400 hours.
- 5. The Extra-Duty Assignment Administrator will be made aware of projected outside employment hours worked by individual officers. The Extra-Duty Assignment Administrator will monitor the total outside employment hours and the number of extra-duty job hours to ensure the officer does not exceed the 24-hour limit.
    - a. This in no way alleviates the officer from the responsibility of not exceeding the 24-hour limit.
    - b. Exceptions to the hour limitation may be made at the discretion of the Chief of Police or designee when necessary and in the best interest of the Division.
    - c. Any officer exceeding the 24 hours worked per week for extra-duty assignments and/or outside employment without prior consent of the Chief of Police will be subject to progressive discipline.

6. Officers are prohibited from engaging in outside employment in the following circumstances:
  - a. Sick leave.
  - b. Family Medical Leave (FMLA).
    - i. Except for intermittent FMLA.
  - c. Military leave.
  - d. Administrative leave.
  - e. Light/modified duty.
  - f. Absent due to an injury.
  - g. In any way not fit for full duty.
7. Any officer injured while engaging in outside employment must fully comply with all reporting procedures, as required by a personal injury occurring while on duty.
  - a. The officer will notify the on-duty shift commander on the officer's next working day, who shall have the injury documented per divisional policy.
  - b. New Castle County has no obligation to provide benefits for the employee under the Workers Compensation plan of New Castle County as this outside employment is for the sole benefit of the individual employee, not New Castle County.
  - c. Officers working outside employment will not be entitled to any Worker's Compensation benefits from New Castle County for any injury sustained as a result of outside employment.
  - d. Employees must remember that their primary obligation is fulfilling their responsibilities to New Castle County. Injuries that hinder the employee from performing their primary function at the Division of Police will be treated according to the policies and procedures outlined for non-duty-related injuries.
8. Any officer maintaining outside employment does so as an individual and not as an employee of the New Castle County Division of Police.

## **II. EXTRA-DUTY ASSIGNMENTS**

### **A. Extra-Duty Assignment Regulations**

1. New Castle County is not obligated to provide extra-duty services. Approval will not be granted for any events of a potentially compromising nature, when staffing is inadequate, or for customers with unpaid invoices in excess of sixty (**60**) days (unless payment terms have been arranged to the satisfaction of the Chief of Police or the Chief Financial Officer). Areas of extra-duty assignments that are prohibited:
  - a. The direct sale/distribution of alcoholic beverages and controlled medication.
  - b. Bail Bond agencies.
  - c. Investigative work for insurance agencies.
  - d. Private Investigators.
  - e. Private Guard Service.
  - f. Collection Agencies.

- g. Attorneys - Conducting any type of investigative service.
  - h. Sale of weapons.
  - i. Adult entertainment industry.
  - j. Working at a drug dispensary.
2. The Chief of Police will determine whether any Extra-Duty assignment is compatible with the interests of the Division.

#### B. Extra-Duty Assignment Authorization

1. The Chief of Police and the Director of Public Safety or designee must authorize all extra-duty police assignments in advance before any member of the Division of Police undertakes any such activity.
2. All customers must register using the customer portal of the web-based extra-duty assignment system and sign the required documents before any assignments are posted for that customer.
3. In the event of an emergency, The Chief of Police or designee is authorized to provide verbal permission to work the assignment.
  - a. When verbal permission is given the Extra-Duty Assignment Administrator will be notified.
  - b. Customers are required to complete the registration process and documentation submission through the customer portal of the web-based extra-duty assignment system.
4. Contracts are maintained through the customer portal of the web-based extra-duty assignment system.
5. Private entities are also responsible for obtaining all necessary permits for events held.
6. Customers have no authority over the Division of Police, Communications, Emergency Medical Services, or the Office of Emergency Management personnel. Police personnel are not, nor shall they be considered employees or agents of the customer while working an extra-duty assignment. Customers may identify general duties to be performed. Rules/regulations of customers NEVER supersede New Castle County policies, Department of Public Safety policies and procedures, and all local, state, and federal laws.
7. No extra-duty employment will be authorized that is not consistent with the code of ethics or which will conflict with either regular police duties or the best interest of the Division or which is judged not to be in the best interest of the Division by the Chief of Police or the Director of Public Safety.

#### C. Requirements, Rules, and Regulations for Working Extra-Duty Assignments

1. All sworn officers will abide by the “Code of Ethics” in Directive 1, Law Enforcement Role and Authority, as well as all New Castle County policies, Department of Public Safety policies, and all local, state, and federal laws.
2. Officers who wish to engage in extra-duty jobs must:
  - a. Complete the Field Training Program.

- b. Review the online training provided by the vendor. The online link can be obtained from the Extra-Duty Assignment Administrator.
  - c. Submit their completed Extra-Duty Assignment Request Form (DPS #707), available on the web-based pass-on system, under Outside Employment and Extra-Duty Forms.
3. The total number of hours worked, including both outside employment and extra-duty assignments will not exceed 24 hours per week.
  - a. The definition of 1 week is the 7-day period encompassed between Monday 0001 hours through Sunday 2400 hours.
4. The Extra-Duty Assignment Administrator will be made aware of projected outside employment hours worked by individual officers. The Extra-Duty Assignment Administrator will monitor the total outside employment hours and the number of extra-duty job hours to ensure the officer does not exceed the 24-hour limit.
  - a. This in no way alleviates the officer from the responsibility of not exceeding the 24-hour limit.
  - b. Exceptions to the hour limitation may be made at the discretion of the Chief of Police or designee when necessary and in the best interest of the Division.
5. Any officer exceeding the 24 hours worked per week for extra-duty assignments and/or outside employment without prior consent of the Chief of Police will be subject to progressive discipline.
  - a. The Extra-Duty Assignment Administrator can override the 24-hour limit for individual officers for a specific week with the authorization of the Chief of Police.
6. Employees can work most extra-duty assignments on their regularly scheduled days off or approved vacation days, however, they are prohibited from working patrol extra-duty assignments on/with their assigned squad while using approved leave/vacation days.
7. Employees working their regularly scheduled 8, 10, or 11.25-hour shift may work additional extra-duty assignments on their scheduled workday; however, employees may not exceed 17.25 hours in any single **(1)** calendar day.
  - a. A regularly scheduled calendar workday begins at 0001 and ends at 2400 hours.
8. Officers are prohibited from working extra-duty assignments in the following circumstances:
  - a. Sick leave.
    - i. If used for an entire shift within 24 hours before the start of the extra-duty assignment.
  - b. Family Medical Leave (FMLA).
    - i. Except for intermittent FMLA.
  - c. Military leave.
  - d. Suspension.
  - e. Administrative leave.

- f. Light/modified duty.
  - g. Absent due to an injury.
  - h. In any way not fit for full duty.
  - i. Assignment has been restricted/modified.
  - j. Classified as “on call” and receiving compensation as outlined in the Collective Bargaining Agreement.
9. No member of the Division of Police over the rank of Senior Lieutenant shall be permitted to participate in an extra-duty assignment.
    - a. Exceptions shall only be granted when exigent circumstances exist, and no other officer is available to work. A copy of this approval should be maintained in the employee’s file.
  10. All extra-duty employee activity sheets shall be submitted within 24 hours of the completion of the assignment. The Extra-Duty Assignment Administrator will review and approve all extra-duty activity sheets.
  11. The Office of Highway Safety timesheet is federally mandated to be submitted upon completion of any Office of Highway Safety job. The OHS/OSEC Overtime Slip, in DELJIS, shall be completed and submitted before the officer ends their shift for OHS mobilizations.
  12. No employee shall be compensated more than once for the same time. An employee shall not submit time documents that will result in being paid twice for the same hours on the County payroll.
- D. Personnel may be recalled from extra-duty jobs to on-duty status, at the discretion of the on-duty shift commander.
1. The on-duty shift commander will notify the staff duty officer when this occurs and must inform the Extra-Duty Assignment Administrator by the next business day.

### **III. RESPONSIBILITIES OF OFFICERS WORKING EXTRA-DUTY CONTRACTUAL POLICE SERVICES**

- A. The officer must comply with all Divisional Directives, New Castle County Work Rules, and all memorandums. Any violations will be addressed per Directive 26.
- B. Any officer who fails to appear for any extra-duty assignment for which he/she is assigned will be referred for progressive discipline per Directive 26.
- C. If a situation arises that the officer is unable to arrive at the job on time, the officer must contact the Extra-Duty Assignment Administrator and/or the on-duty shift supervisor and/or, if known, a contact person at the extra-duty job to advise of circumstances for the delay. The officer shall document this on their Pay Job Police Activity Report time sheet and in the notes section when closing the job on the web-based extra-duty assignment system.
- D. Any officer who reports to an extra-duty assignment late or leaves an extra-duty assignment early without authorization from a supervisor will be referred for progressive discipline per Directive 26. Officers must arrive at the job location at the listed start time and may not leave the location until the listed end time unless performing duties within the scope of the job assignment or assisting another officer.

- E. Each officer will read the extra-duty assignment details and notes in the web-based extra-duty assignment system and review it again at the start of their assignment. This is to ensure that there have not been revisions or additions and that the requested service is provided, including listing those services on the officer's activity report.
- F. All officers must fill out and submit a Pay Job Police Activity Report (Pay Job PAR timesheet) within 24 hours of completing the job. Delayed submission of a Police Activity Report may result in progressive discipline per Directive 26. Any jobs closed in the extra-duty assignment system after the payroll deadline will be added to the following payroll period. In addition, the Office of Highway Safety DELJIS timesheet is federally mandated to be submitted within 24 hours of completing any Office of Highway Safety assignment.
  - 1. If a customer requires a copy of the officer's timesheet, the Extra-Duty Assignment Administrator or designee shall forward a copy of the report within five (5) business days of the completion of the assignment. The following information will be included on the customer copy of the report in reference to the activity performed: number of officers that worked the assignment, start time, time and location of areas checked, and end time.
  - 2. The customer copy should not contain officer clearances, or the names of victims, suspects, or other people contacted during investigations, etc.
- G. The officer must forward all applicable information to the Extra-Duty Assignment Administrator or designee.
- H. Every officer must carry an 800 MHZ portable radio and all issued equipment for any extra-duty assignment, including their division-issued body worn camera.
- I. Immediately upon the start of an extra-duty assignment, officers will log in with RECOM, providing their IBM#, location of the assignment, and duration time, and remain available via the radio. The officer must also log-off with RECOM at the completion of the assignment. If the assignment is in a poor radio reception area, the officer will contact RECOM via telephone. The officer will leave a phone number with RECOM to allow RECOM a means to contact the officer.
- J. Unless otherwise stipulated in the extra-duty sign-up system, the officer who reports for an extra-duty job will wear the patrol uniform of the day as identified in Appendix 26-I. **No "dress down," or specialized unit uniforms are permitted unless specifically requested within the extra-duty requirements.**
- K. Every officer shall utilize their assigned vehicle for the extra-duty assignment unless otherwise approved by a supervisor. Officers who work as Patrol Canine Team Officers are permitted to work extra-duty assignments. If the vendor has not specifically requested canine services, the officer will not be permitted to use their canine partner and must report to the job in the patrol uniform of the day, using a marked pool vehicle equipped with a prisoner partition. A vehicle may be obtained from headquarters or churchman's garage. If the vendor specifically requests a canine team for the assignment, the canine officer will wear the Patrol Canine Team's uniform of the day, bring their canine partner, and use their assigned vehicle. The vendor must have a specific need for a canine officer and make this request through the Extra-Duty Assignment Administrator. The canine team's certification must be current for them to work any extra-duty assignment.

- L. Any officer who encounters a situation that will require them to work beyond the scheduled end time of a job must contact an on-duty supervisor to advise of the reason for the holdover. The name of the supervisor contacted must be documented in the officer's activity report. The officer must also notify the Extra-Duty Assignment Administrator by email.
- M. Any officer injured while performing extra-duty contractual services must fully comply with all reporting procedures, as required by a personal injury occurring while on regular duty. The officer will immediately notify the on-duty shift commander, who shall have the injury documented per divisional policy.
- N. In the event of a New Castle County emergency or severe inclement weather (i.e. State of Emergency, New Castle County State of Emergency), the officers who are scheduled to work any extra-duty jobs must contact the on-duty shift commander to determine if the extra-duty jobs are to be worked. The on-duty shift commander will notify the staff duty officer when this occurs. The on-duty shift commander shall also notify the Extra-Duty Assignment Administrator of any cancellations by the next business day.
- O. Personnel on assignment may be recalled from extra-duty jobs to on-duty status, as determined by the on-duty shift commander. The on-duty shift commander has the authority to order any officer to vacate or terminate any extra-duty assignment in response to emergency divisional need. The on-duty shift commander will notify the staff duty officer when this occurs. The on-duty shift commander shall also notify the Extra-Duty Assignment Administrator by the next business day.

#### **IV. SUPERVISION AND OVERSIGHT**

##### **A. Quality Control**

- 1. Random checks of all extra-duty jobs will be made by the Professional Standards Unit, on-duty supervisors, or the staff duty officer. These checks may include quality control reviews to ensure that all responsibilities and duties are being performed and that the customers are receiving the requested services.
- 2. The Extra-Duty Assignment Administrator, Divisional supervisors, and the Professional Standards Unit may perform checks via RECOM to ensure that officers working extra-duty assignments are signing in and out of service via the radio and at the appropriate times.

##### **B. Responsibilities**

- 1. Take appropriate action to assist the Extra-Duty Assignment Administrator with filling emergency absences due to sickness, etc.
  - a. This assistance can consist of contacting other off-duty officers or assigning an on-duty officer if necessary to fill an emergency vacancy.
- 2. Will maintain oversight and supervision of incidents such as pursuits, uses of force and line of duty injuries involving extra-duty officers. The patrol shift supervisor will be responsible for completing any related SIR reports, WC-1 forms, or use of force reports. The patrol shift supervisor will then notify the extra-duty officer's direct supervisor of any such incident.

## C. Authority

1. If deemed necessary, the Patrol Shift Supervisor or Staff Duty Officer can assign an on-duty officer(s) to assist with extra-duty assignments which are not sufficiently staffed to prevent an escalation into a more serious situation.

## V. EXTRA-DUTY ASSIGNMENT ADMINISTRATOR DUTIES

- A. The New Castle County Division of Police uses a web-based extra-duty assignment system to assist the Extra-Duty Assignment Administrator with the management of assignments. The scheduling and booking of extra-duty assignments through the web based extra-duty assignment system is the responsibility of the Extra-Duty Assignment Administrator or a designee assigned by the Chief of Police. No one else is authorized to schedule extra-duty assignments. All assignments will be managed via the web-based extra-duty assignment system.

## VI. ACCOUNTING PROCEDURES: BILLING AND PAYMENTS

- A. Officers working extra-duty jobs will record these hours by properly closing their jobs in the web-based extra-duty assignment system at the completion of the job. The failure of an officer to close a job may result in payment to the officer being delayed.
- B. Since extra-duty contract assignments are requested by a private entity or outside agency having a public purpose, an hourly rate plus indirect costs will be charged to the customer seeking extra-duty services. A two (2) hour minimum will be charged to the customer for each assignment. Any assignments canceled by the private entity or outside agency within two (2) hours of the start time will be billed the two (2) hour minimum. Any officer scheduled to work an assignment that was canceled within two (2) hours of the start time will be paid for two (2) hours of work.

The billable hourly rate will be established by the Chief Financial Officer of New Castle County before the beginning of each new fiscal year using actual costs incurred and determining an average hourly rate or tiered rates designed to recover such costs. The new hourly rate will be provided to the Chief of Police and the Extra-Duty Assignment Administrator. The Extra-Duty Administrator is responsible for notifying the web-based extra-duty assignment system vendor.

- C. Under no circumstances are any payments (cash or checks) to be picked up by officers at the job site.

## VII. JURISDICTION

### A. In NCCPD Jurisdiction

1. Members of the New Castle County Police will typically only work extra-duty jobs within their own jurisdiction.

### B. Outside NCCPD Jurisdiction

1. The Chief of Police may approve extra-duty assignments in another police jurisdiction.
2. All complaints of a minor nature and those requiring minimal investigation will be handled by the assigned officer.

3. If the officer observes or is notified of a major or significant crime (e.g., burglary, robbery, rape) or an incident requiring complex investigation, the scene will be secured by the assigned officer, and the appropriate agency of the jurisdiction will be notified to investigate.
4. In an ambiguous situation, the immediate New Castle County Supervisor (i.e., Patrol Sergeant, Squad Lieutenant, etc.) will contact the supervisor of the affected jurisdiction to determine who will handle the investigation.

## **VIII. WEB-BASED EXTRA-DUTY ASSIGNMENT SYSTEM**

### **A. Sign-up Procedures**

1. Officers interested in working an extra-duty assignment shall log into the web-based extra-duty assignment system to view the available assignments.
2. An email will be sent to the officers selected for the job; however, this email should not be solely relied upon for notification of an assignment. Officers should check their schedule on the web-based extra-duty assignment system to verify their job assignments.
3. If a job requires a supervisor, this will be indicated in the details of the job. Only supervisory personnel will be eligible for the job and able to view and express interest in the assignment.
4. Officers may use the web-based extra-duty assignment system while on duty.

B. If an officer wishes to cancel an extra-duty assignment, the officer must contact the web-based extra-duty assignment vendor directly by phone. Once a cancellation request is submitted, the officer remains responsible for that job until it is taken by another officer. If the job is not taken, the original officer must appear for the assignment. If a cancellation is due to a sudden illness or personal emergency, the officer must contact the Extra-Duty Assignment Administrator or designee, if available, to advise of the circumstances surrounding the conflict. The Extra-Duty Assignment Administrator or designee will also try to fill the job by sending out an emergency notification through the web-based extra-duty assignment system. Ultimately, it is the responsibility of the original officer to make every reasonable effort to find a replacement or to work the assignment.

1. If the Extra-Duty Assignment Administrator or designee is not available, the officer must contact an on-duty supervisor. When contacted, the supervisor in conjunction with the original officer should attempt to fill the position with an off-duty officer.

- C. The web-based extra-duty assignment system will accommodate and document changes when necessary. The Chief of Police or designee may implement rules or restrictions related to assignment changes as necessary, based on analysis of system usage. Abuse of the selection process will result in progressive discipline for the officer involved which will include but not be limited to suspension from the extra-duty assignment process. The Extra-Duty Assignment Administrator should only be contacted in case of an emergency. Only the Extra-Duty Assignment Administrator or designee can reassign a job in cases of an emergency cancellation. All routine job cancellation requests should be submitted by the original officer through the web-based extra-duty assignment system. The Extra-Duty Assignment Administrator may only override the established rules (i.e. 1 job every 24 hours) if needed to fill a job on an emergency basis.
- D. Any officer discovering inappropriate activity regarding the extra-duty assignment system shall immediately report the activity to the Extra-Duty Assignment Administrator or designee, and have a memorandum submitted through their chain of command to the Professional Standards Unit.
- E. At no time shall any member of the Division use another member's credentials to access the web-based extra-duty assignment system. Any member found to have violated this section shall be subject to progressive discipline to include, but not limited to, suspension from extra-duty assignments.
- F. Data regarding extra-duty assignments will be maintained in the web-based extra-duty assignment system and by the Extra-Duty Assignment Administrator.