



# **NEW CASTLE COUNTY POLICE**

## OUTSIDE EMPLOYMENT AND EXTRA-DUTY ASSIGNMENTS

### **DIRECTIVE #3**

Appendix 3-A

Updated October 30, 2024

## I. GENERAL GUIDELINES FOR OUTSIDE EMPLOYMENT

- A. 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.
- B. 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.
- C. Areas of outside employment that are prohibited:
  - 1. The direct sale/distribution of alcoholic beverages and controlled medication
  - 2. Bail Bond agencies
  - 3. Investigative work for insurance agencies
  - 4. Private Investigators
  - 5. Private Guard Service
  - 6. Collection Agencies
  - 7. Attorneys – Conducting any type of investigative services
  - 8. Sales of weapons
  - 9. Adult entertainment industry
  - 10. Working at a drug dispensary
- D. No officer will perform any type of outside employment without written approval of the Chief of Police.

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*. The form will indicate the name of the prospective outside employer, the name of the prospective supervisor, the address of the outside employer, the telephone number of the outside employer, the email address of the outside employer (if applicable), the position/job title to be held, the nature of work to be performed, the anticipated start date of employment, and the number of hours the officer anticipates working during the week. If the officer will be self-employed, he/she must complete the Outside Employment Request Form. 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. The Outside Employment Request Form will be valid for one (1) year, starting on July 1<sup>st</sup>. A new form must be submitted and approved each year, by June 30<sup>th</sup>, if the officer is requesting to continue work with an outside employer. The files containing outside employment authorizations will be purged annually with a June 30<sup>th</sup> expiration date. Officers who do not have a current form on file will not be authorized to work any outside employment.

Each officer shall notify the Chief of Police in writing, via the chain of command, upon the change in status of such employment. This notification shall be made on the officer's first working day after the change has taken place. 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 his/her designee. A copy shall also be forwarded for placement in the officer's unit file.

E. The total number of outside employment and extra-duty hours worked will not exceed 24 hours per week. The definition of one (1) week is the 7-day period encompassed between Monday at 0001 hrs. through Sunday at 2400 hrs. Both outside employment and extra-duty employment will be counted toward the 24-hour maximum. 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. This in no way alleviates the officer from the responsibility of not exceeding the 24-hour limit. 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. Any officer exceeding the 24 hours worked per week for extra-duty assignments or outside employment without prior consent of the Chief of Police will be subject to progressive discipline.

F. An employee on sick leave, Family Medical Leave (FMLA) (except for intermittent FMLA), Paid Paternity Leave (PPL), military leave, administrative leave, light/modified duty, absent due to an injury, or is in any way not fit for full duty is prohibited from engaging in outside employment.

**Note:** For restrictions on total hours worked per day, refer to section II.F., which applies to outside employment and extra-duty assignments.

G. 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. The officer will notify the on-duty shift commander on the officer's next working day, who shall have the injury documented as per divisional policy as necessary. While the officer is obligated to report the non-duty related injury, this in no way obligates New Castle County to provide benefits for the employee under the Workers Compensation plan of New Castle County as this type of employment is for the sole benefit of the individual employee, not New Castle County. 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.

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.

H. Any officer maintaining outside employment does so as an individual and not as an employee of the New Castle County Division of Police.

## II. GENERAL GUIDELINES FOR EXTRA-DUTY ASSIGNMENTS

- A. The Chief of Police and the Director of Public Safety must authorize all extra-duty police assignments in advance before any member of the Division of Police undertakes any such activity. Additionally, a signed customer contract must be on file with New Castle County before any assignments are posted for that customer. In the event of an emergency, The Chief of Police is authorized to provide verbal permission to work the assignment.

When verbal permission is given, the Extra-Duty Administrator will be notified and will be responsible for obtaining a signed contract from the customer by the close of the next business day. The Extra-Duty Administrator will maintain all contracts. 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, divisional policies, and all local, state, and federal laws. Although extra-duty jobs may recur at regular intervals throughout the year, each customer requires a new contract each fiscal year (July 1 through June 30). Private entities are also responsible for obtaining all necessary permits for events held.

Customers have no authority over the Division of Police, Communications, Emergency Medical Services, or Office of Emergency Management personnel and are restricted to providing only general assignment of duties to be performed. Police personnel shall not be considered employees or agents of the customer while on extra-duty assignment. Rules/regulations of customers **NEVER** supersede New Castle County Department of Public Safety policies, procedures, and laws.

- B. 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 Director of Public Safety.
- C. 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:
1. The direct sale/distribution of alcoholic beverages and controlled medication
  2. Bail Bond agencies
  3. Investigative work for insurance agencies
  4. Private Investigators
  5. Private Guard Service
  6. Collection Agencies
  7. Attorneys - Conducting any type of investigative service
  8. Sale of weapons
  9. Adult entertainment industry
  10. Working at a drug dispensary

- D. The Chief of Police will determine whether any Extra-Duty assignment is compatible with the interests of the Division.
- E. The total number of outside employment and extra-duty hours worked will not exceed 24 hours per week. The definition of 1 week is the 7-day period encompassed between Monday 0001 hours through Sunday 2400 hours. Both outside employment and extra-duty assignments will be counted toward the 24-hour maximum. 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. This in no way alleviates the officer from the responsibility of not exceeding the 24-hour limit. 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. 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. **The CYA/SEMS system should not allow an officer to sign up for more than 24 hours of extra-duty assignments in a 7-day week; however, it is the ultimate responsibility of the officer applying for the extra-duty assignment to ensure that they are complying with this rule.** 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.
- F. Employees can work extra-duty assignments on their regularly scheduled days off or approved vacation days. 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 one (1) calendar day. Note the regularly scheduled calendar workday begins at 0001 and ends at 2400 hours.
- G. An employee on sick leave, Family Medical Leave (FMLA) (except for intermittent FMLA), Paid Paternity Leave (PPL), military leave, suspension, administrative leave, light/modified duty, absent due to an injury, is in any way not fit for full-duty or has utilized sick leave for an entire shift within 24-hours before the start of the extra-duty assignment is prohibited from engaging in extra-duty assignments.
1. If an officer's assignment has been restricted/modified, they are prohibited from working extra-duty assignments.
- H. The scheduling and booking of extra-duty assignments is the responsibility of the Extra-Duty Assignment Administrator or a designee assigned by the Chief of Police. No one other than the Extra-Duty Assignment Administrator or designee, approved by the Chief of Police, is authorized to schedule extra-duty assignments. All assignments will be managed via the CYA/SEMS system.

- I. 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. In addition, 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 shall be completed and submitted before the officer ends their shift for OHS mobilizations.
- J. 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.
- K. No member of the Division of Police over the rank of Senior Lieutenant shall be permitted to participate in an extra-duty assignment. Exceptions shall only be granted when exigent circumstances exist, and no other officer is available to work. A copy of this document shall be maintained in the employee's file in the Professional Standards Unit.
- L. Before officers engage in outside employment or extra-duty jobs, they must be familiar with this policy, Directive 3, and successfully complete the Field Training Program.
- M. 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 needs. The on-duty shift commander will notify the staff duty officer when this occurs. The on-duty shift commander shall inform the Extra-Duty Administrator by the next business day.
- N. Officers classified as "on-call" and receiving compensation as outlined in the Collective Bargaining Agreement are not permitted to work extra-duty assignments.

### **III. CONTRACTUAL SERVICES – EXTRA-DUTY ASSIGNMENT ADMINISTRATOR DUTIES**

- A. The New Castle County Division of Police has contracted with Cover Your Assets (CYA), LLC, to provide a Secondary Employment Management System (SEMS). This system is designed to assist the Extra-Duty Assignment Administrator with the management of assignments. The CYA/SEMS system allows jobs to be posted in two formats. The first format is System Based Assignments (SBA). SBA jobs are assigned to interested officers based on a predetermined set of rules to ensure a fair and equitable distribution of extra-duty assignments. The rules were provided to CYA by the New Castle County Division of Police and are outlined in this policy. The second format is Open Agency jobs, which are jobs available on a first come basis, provided the officer is eligible for the assignment.
- B. The Extra-Duty Assignment Administrator or designee ensures signed contracts are on file for each private entity or outside entity before officers are assigned to work extra-duty jobs. A new contract will be required to be on file for any agreements that have expired or have been canceled by New Castle County. The Extra-Duty Assignment Administrator or designee will ensure that all approved assignments are posted at least one week before the actual extra-duty event.

In the event that the assignment is requested within the week, it will be posted as soon as it is approved. Each assignment will be posted in the CYA/SEMS system for interested officers to submit a request to work the assignment. The SBA system will subsequently choose each assignment on Monday morning between 0500 and 0700 hours. The Extra-Duty Assignment Administrator will prioritize the order of job processing based on the work hours each job offers. Jobs with the highest number of hours requested will be processed and assigned first, the next highest number of hours will be processed and assigned second, and so on.

Assignments not filled per the SBA process can be filled per sections VII.D and E. of this policy. Circumstances may cause some last-minute assignments to be posted after the Monday SBA selections are made. The Extra-Duty Assignment Administrator will advertise these last-minute assignments via a notification through CYA/SEMS. Any officers who have signed up for these notifications will receive notice of new assignments. The notification will contain the date the job is posted and if it is available as an SBA or open agency job. If the job is SBA, the date and time that the job will be processed and assigned will be provided in the notification.

The CYA/SEMS system will maintain an electronic assignment log and other applicable records to provide a proper check and balance record. Officers' electronic timesheets will be retained for at least two years. The Extra-Duty Assignment Administrator will have access to various reports through the CYA/SEMS system. The administrator can generate these reports as needed for audit purposes.

- C. Officers who wish to engage in extra-duty jobs must first review the online training provided by CYA. The online link can be obtained from the Extra-Duty Assignment Administrator. After completing the training, the officer should be able to recover his/her login credentials for the system. After reviewing the training and recovering the login credentials, the officer must email the Extra-Duty Assignment Administrator to certify that the training has been completed. The administrator will then activate the officer in the CYA/SEMS system.  
**Officers cannot work extra-duty assignments until these steps are completed.**
- D. Officers who are seeking extra-duty assignments shall enter the CYA/SEMS system. This is a web-based application that is available via any computer or smart device at <https://www.cyausa.com/offduty/>. Officers may then sign up for the jobs they desire to work in the SBA jobs list. After the SBA process is complete, any unfilled jobs for that week will be transferred to the open agency section of the CYA/SEMS system. These open agency jobs shall be filled on a first-come/first-serve basis.
- E. After the SBA process, all assigned jobs are automatically posted to the officer's schedule in the CYA/SEMS system. The posting will include location, type of service required, names and identification numbers of officers, date, time, and number of hours involved. The CYA/SEMS system will also send an email notification to officers who receive a job. This email is an additional tool but should not be relied on to confirm a job assignment. Confirmation can only be made by checking the officer's schedule in CYA/SEMS. Any unfilled jobs will be available for sign-up as specified in sections VII.D-F.
- F. Police Staff Officers and CYA agency administrators can view the schedule for the entire agency. Police supervisors can view officers working at any given time by clicking the "Who's On Now?" button in the CYA/SEMS system. All personnel can view staffing for the upcoming 48 hours by clicking the "Quick View" button.



#### IV. ACCOUNTING PROCEDURES: BILLING AND PAYMENTS

- A. Officers working an extra-duty job shall receive payment in their bi-weekly paycheck through the county's payroll system.
- B. Officers working extra-duty jobs will record these hours by properly closing their jobs in the CYA/SEMS 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. When these extra-duty hours are reported through the CYA/SEMS system, they are reviewed by the Extra-Duty Assignments Administrator and compared to those posted (see Section III).

On a bi-weekly basis and corresponding to the Monday of payroll processing, CYA, LLC will provide New Castle County Information Systems with an electronic file containing all jobs worked during the previous two-week period. **Only jobs that have been worked and properly closed within the CYA/SEMS system will be included in the file.** This file lists each officer, the extra-duty job's site, date, time, and number of hours worked. Information Systems will then upload this file to PeopleSoft for review by the Fiscal Control Unit. After the file is reviewed for accuracy, the Fiscal Control Unit will approve the entries for payment.

The Fiscal Control Unit shall transfer these hours to each officer's biweekly payroll timesheet (which also contains regular hours, vacation, holiday, overtime, shift work, etc.) for the current payroll period. The hourly rate applied to the extra-duty job will be the higher of the officer's rate at time-and-one-half or \$35. The Fiscal Control Unit will code the payroll timesheet to separate charges for extra-duty jobs from normal operations by charging the Police Duty Revolving Fund for extra-duty hours.

- C. The Police Duty Revolving Fund is appropriated as private revenue in the Department of Public Safety/Division of Police. The fund acts as a special fund to record revenues received in exchange for services rendered on extra-duty assignments. In addition, it records payroll and other related expenses incurred on extra-duty assignments.

The New Castle County Office of Finance performs an analysis of the Police Duty Revolving Fund annually. The Director of Public Safety, with the concurrence of the Chief Financial Officer, is responsible for setting the rate of this service. The hourly rate assessed for extra-duty assignments is determined in the following manner, and all calculations are added together to determine the final rate per hour:

1. The hourly rate of pay for police officers is calculated by determining the median hourly pay rate of officers who have worked extra-duty assignments during a previous predetermined time. Once the median hourly rate is determined, a time-and-one-half rate is set.
2. Employee benefits are calculated.
3. A vehicle cross-charge rate is calculated.
4. An administrative fee is calculated.

5. A Community Policing fee will be assessed per hour. The Community Policing fee will be reserved for the Division of Police to further address community-related concerns and issues. The Community Policing fee may be used for enhanced extra-duty assignments, first responder equipment/training/supplies, or services that the Director of Public Safety deems an extension of community-related policing.
  6. The Director of Public Safety, with the concurrence of the Chief Financial Officer, reserves the right to assess an hourly rate for specialized police services (i.e. the NCC Mounted Patrol, etc.) as required. This fee will be in addition to any rate established for extra-duty assignments. The specialized police services fee may be adjusted more frequently than the standard extra-duty assignment rate.
- D. CYA, LLC will forward payroll information to New Castle County Information Systems for direct input into PeopleSoft, becoming part of the regular payroll process. The Fiscal Control Unit will review the upload for accuracy and approve the entries for payment.
  - E. The Public Safety Fiscal Control Unit will prepare financial transactions in the Tier Accounts Receivable system to match the extra-duty time reported every two weeks by the CYA system. The Extra-Duty Assignment Administrator will prepare invoices through the CYA invoice interface. These invoices will be emailed directly to the individual identified in the contract as responsible for payment. The Extra-Duty Assignment Administrator will send a copy of the invoice to the Public Safety Fiscal Control Unit for entry into the Tier Accounts Receivable system. Invoices will be billed at the agreed-upon rate. These invoices will be subject to the same collection provisions as all other bills due New Castle County. Copies of signed contracts will be stored in the Fiscal Control Unit, with the original in a secured file maintained by the Extra-Duty Assignment Administrator.
  - F. At least annually, and as deemed necessary by the Director of Public Safety and Chief of Police, a review of these processes and controls could be required. In those cases where responsibility for the extra-duty assignment process is changed, an audit will be required to cover the period from the previous change in personnel by the County Auditor.
  - G. 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 so that the Extra-Duty Administrator can incorporate it into the renewal of existing contracts.

- H. All customer payments will be mailed directly to the Extra-Duty Assignment Administrator, who will then forward the payment to the Fiscal Control Unit. Customers will be required to make payment thirty **(30)** days from the invoice date. The Fiscal Control Unit shall contact all customers who are thirty **(30)** days in arrears and will inform the Extra-Duty Administrator. Undue delay by customers in paying their invoices may result in the suspension or cancellation of extra-duty assignments for that customer. Any customers with unpaid invoices sixty **(60)** days after the invoice date will receive written notification on or about that date demanding payment. Notification at that time, of contract termination, will be at the discretion of the Chief of Police.
- I. Accounts Receivable aging reports are available online for review from the TIER Accounts Receivable System. The Police (Public Safety) Fiscal Control Unit should provide copies to all concerned parties, including the Extra-Duty Assignment Administrator or designee and the Director of Public Safety. Outstanding Accounts Receivables shall also be monitored until the Police Fiscal Control Unit and the Extra-Duty Assignment Administrator have received payment in full or until New Castle County (Chief Financial Officer) deems the receivable uncollectible.
- J. Under no circumstances are any payments (cash or checks) to be picked up by officers at the job site.

**V. RESPONSIBILITIES OF OFFICERS WORKING EXTRA-DUTY CONTRACTUAL POLICE SERVICES:**

- A. Any officer who fails to appear for any extra-duty assignment for which he/she is assigned will be referred for progressive discipline in accordance with Directive 26.
- B. 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.
- C. The officer must comply with all Divisional Directives, New Castle County Work Rules, and all memorandums. Any violations will be addressed per Directive 26.
- D. The officer must forward all applicable information to the Extra-Duty Assignment Administrator or designee. All officers must fill out and submit an Activity Report upon completion of the job. These reports will be submitted within 24 hours upon completion of that job. Delay in submitting an Officer Activity Report may result in being restricted from applying for jobs in the CYA/SEMS system and/or progressive discipline including but not limited to suspension of no fewer than thirty **(30)** days from working such extra-duty assignments. Any jobs closed in the CYA/SEMS system after the payroll deadline will be added to the following payroll period. In addition, the Office of Highway Safety timesheet is federally mandated to be submitted within 24 hours of completing any Office of Highway Safety assignment.

E. Each officer will read the extra-duty assignment log regularly 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 being provided, including listing those services on the officer's activity report. 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 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, times and location of areas checked, and end time.

The customer copy should not contain officer clearances, or the names of victims, suspects, or other persons contacted during investigations, etc.

F. Any officer who encounters a situation that will cause him/her 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.

G. Every officer shall carry an 800 MHZ portable radio and all issued equipment for any extra-duty assignment. If the officer has a division-issued body camera, the camera shall be worn and utilized per Directive 41 Appendix B.

H. Immediately upon the start of an extra-duty assignment, officers will log in with RECOM, providing the officer's name, IBM#, location of the assignment, and duration time, and remain available via the radio. The officer must also log-out 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.

I. 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 as necessary.

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 defined by the Chief's Memorandum covering seasonal uniforms. **No "dress down," or specialized unit uniforms are permitted unless specifically requested within the extra-duty requirements.** 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 the Officer's Activity Report and in the notes section when closing the job in the CYA/SEMS system.

- K. Every officer shall utilize their assigned vehicle for the extra-duty assignment unless otherwise approved by a supervisor. Officers assigned to the Canine Unit are permitted to work extra-duty assignments. If the vendor has not specifically requested canine services, the officer will not be permitted to utilize their canine partner and must report to the job in the patrol uniform of the day, utilizing 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 is permitted to utilize his/her canine partner, canine uniform and canine vehicle. The vendor must have a specific need for a canine officer and make this request through the Extra-Duty Assignment Administrator for this condition to apply. The canine must be currently certified to be utilized for any extra-duty assignment.
- L. 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 Administrator by the next business day.
- M. 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 signed up for an extra-duty jobs must contact the on-duty shift commander to ascertain 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 Administrator of any cancellations by the next business day.
- N. It shall be the responsibility of every officer to file the appropriate taxes and W2 information at the conclusion of the year. Since all extra-duty assignment pay shall be incorporated into the payroll system, all taxable earnings shall be included on the payroll stub as well as the yearly W2 statement.

## **VI. PATROL SHIFT SUPERVISOR AND/OR STAFF DUTY RESPONSIBILITIES**

- A. Will conduct random inspections of extra-duty locations, when possible, to ensure that all responsibilities and duties are being performed.
- B. Take appropriate action to assist the Extra-Duty Assignment Administrator with filling emergency absences due to sickness, etc. This assistance can consist of contacting other off-duty officers or assigning an on-duty officer if necessary to fill an emergency vacancy.
- C. As deemed necessary, 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.
- D. 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.

## **VII. JURISDICTION**

- A. Members of the New Castle County Police will typically only work extra-duty jobs within their own jurisdiction. However, the Chief of Police may approve extra-duty assignments in another police jurisdiction. During such assignments, all complaints of a minor nature and those requiring minimal investigation will be handled by the assigned officer. If the officer observes or is notified of a major or significant crime (e.g., burglary, robbery, rape) or 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. 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. SIGN-UP PROCEDURES**

- A. Officers interested in working an extra-duty assignment shall log into the CYA/SEMS System and express interest in desired assignments by searching in the SBA list. Jobs that are scheduled in advance will process and be assigned on Mondays between 0500 and 0700 hours. At the completion of the SBA processing, all extra-duty assignments will be posted to the selected officer's CYA/SEMS schedule. An email will also be sent to the selected officers; however, this email should not be solely relied upon for notification of an assignment. Officers should check their schedule in CYA/SEMS to verify their job assignments.
- B. The CYA/SEMS system will process and award SBA jobs by evaluating each job independently. The system will evaluate each interested officer's extra-duty hours worked over the previous 28 days, and the officer with the least number of hours documented in CYA/SEMS will be awarded the job. In the event of a tie, the system will move to the previous 56 days. If a tie still exists, it will evaluate the previous 84 days. If a tie continues to exist, seniority will be used to break the tie. Seniority is based on hire date, not rank.

After evaluating the above criteria, the system will evaluate the other rules set forth in this policy, to include hours allowed per day, hours allowed per week, assignments allowed per day, overlapping or double-booking or failing to close past assignments when due. Therefore, just because an officer was identified based on previous hours worked, he/she may not be awarded a job due to these other rules.

If a job requires a supervisor, this will be indicated in the details of the job in the SBA list. When this occurs, only supervisory personnel will be eligible for the job and only supervisory personnel will be able to view and express interest in these assignments. The Extra-Duty Assignment Administrator or designee will not add any jobs to the SBA list after 1600 hours on Friday prior to processing without prior authorization from the Director of Public Safety or Chief of Police.

- C. Officers may utilize the CYA/SEMS system and express interest in SBA jobs while on duty as there will be limited, if any, disruption of the standard work product related to on-duty performance.

- D. Any jobs that are not awarded through the SBA process will become available as Open Agency assignments. Officers that did not receive a job via the SBA process will have access to these Open Agency extra-duty jobs via the CYA/SEMS System after the SBA processing is completed, typically by 0705 Monday morning. Officers may sign up for only one job in any 24-hour period, regardless of whether this job was obtained via the SBA process, or an Open Agency assignment was selected. The CYA/SEMS system is configured to prevent one officer from obtaining more than one job in 24 hours.
- E. In the event that an officer submits a cancellation request for a particular job, that job will appear as immediately available under the CYA/SEMS Open Agency job search. These jobs may be taken immediately, as long as the officer taking the job is eligible. (see section VIII.G.)
- F. Additional extra-duty jobs may become available after the SBA process is completed. On the occasions additional extra-duty jobs are approved, the Extra-Duty Assignment Administrator or designee will post the additional job(s) to the CYA/SEMS System. Every effort will be made to assign the job through an SBA process, thereby giving all interested officers an opportunity to express interest. The administrator can set an SBA processing date and time to accommodate these requests. When posting a new job, the Extra-Duty Assignment Administrator will send a notification via the CYA/SEMS system indicating that the job is available and the date that the SBA process will run for the job. If a situation arises where the job must be filled immediately, the administrator will attempt to fill the job by sending a notification through the CYA/SEMS system and posting the job through the Open Agency search. **Only officers who have signed up for CYA/SEMS notifications will receive these notices.**
- G. If an officer wishes to cancel from an extra-duty assignment, the officer may submit a cancellation request through the CYA/SEMS system. The officer will be prompted by the system to provide a reason for the cancellation, this cannot be bypassed. 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. If the Extra-Duty Assignment Administrator or designee is not available, the officer must contact an on-duty supervisor. When contacted, these officers in conjunction with the original officer are to attempt to fill the position with an off-duty officer. Names of persons contacted by the original officer must be supplied to the supervisor and Extra-Duty Assignment Administrator or designee to avoid duplication of efforts. The Extra-Duty Assignment Administrator or designee will also try to fill the job by sending out an emergency notification through the CYA/SEMS system. Ultimately, it is the responsibility of the original officer to make every reasonable effort to find a replacement or work the assignment. (see section V.A.)

- H. The CYA/SEMS system will accommodate and document changes when necessary. The system will provide the Extra-Duty Assignment Administrator or designee with a tracking record of those officers making any change to the assignments they have selected to work. 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 cases of an emergency. Only the 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 CYA/SEMS system. The administrator may only override the established rules (i.e. 1 job every 24 hours) if needed to fill a job on an emergency basis.
- I. Any officer discovering inappropriate activity regarding the extra-duty assignment system shall immediately report such activity to the Extra-Duty Assignment Administrator or designee or the Professional Standards Unit if it should in fact, involve the Extra-Duty Assignment Administrator. The supervisor will initial the violation and will submit a memorandum detailing the violation to the Extra-Duty Assignment Administrator or designee, along with a copy of the violation.
- J. At no time shall any member of the Division utilize another member's credentials to access the CYA/SEMS system, as all such activity is monitored. 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.
- K. Current information regarding extra-duty assignments will be maintained in the CYA/SEMS system and in the office of the Extra-Duty Assignment Administrator.

## **IX. SUPERVISION**

- A. 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 the customers are receiving the desired services.
- B. The Extra-Duty Assignment Administrator, designee and Professional Standards Unit shall 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.
- C. Specific instructions for each of the extra-duty jobs will be listed in the job details in the CYA/SEMS system. It is the responsibility of each officer working an assignment to be familiar with the specifics of the job in question, and to perform those noted duties. Those functions will be noted on the Officer's Electronic Activity Report.
- D. Those officers not performing the tasks outlined in this appendix may face progressive discipline to include, but not be limited to, suspension from working extra-duty assignments.