



## Newport News Police Department - Administrative Manual

### ADM-360 - SECONDARY EMPLOYMENT

Amends/Supersedes: ADM 360 (03/21/2022)

Date of Issue: 01/09/2023

#### I. GENERAL

- A. The scope of this policy includes any employment, including self-employment and personal or entrepreneurial employment (both off-duty and secondary) performed for a fee or exchange of goods/services completed voluntarily by a member of the Newport News Police Department (NNPD) for an individual or business (other than the City of Newport News).
- B. In accordance with [§15.2-1712](#) of the Code of Virginia and Newport News Code of Ordinances [Sec. 32-3](#), the Chief of Police has the authority to regulate secondary and off-duty employment of sworn personnel. Secondary employment is an optional activity.
- C. The Department sets conditions for such activities to ensure; professionalism and safety, that secondary employment does not interfere with employee performance, protect the reputation of the employee and the Department, and guard against conflicts of interest. Although technically employed by the individual employer while engaged in secondary employment, officers may be directed to perform law enforcement functions at any time by police supervisors.

#### II. DEFINITIONS

- A. *Secondary Employment*: Employment that will require the use, or potential use, of law enforcement powers or authority granted to the officer.
- B. *Off-Duty Employment*: Employment not administrated by the Secondary Employment Coordinator that will not require the use, or expectation for use, of law enforcement powers or authority granted to the officer.
- C. *Secondary Employment Coordinator (SEC)*: A member of the Department designated to administer secondary employment.
- D. *Site Coordinator (SC)*: An officer designated by the SEC who is responsible for coordinating secondary employment activities for a specific employer.
- E. *Recurring or Continuous Service Location*: Any business, organization, public entity, or individual requiring the same type of police service multiple times throughout the calendar year on a regular basis. These employers will be assigned an SC.
- F. *Non-Recurring Service Location*: Any business, organization, public entity, or individual requesting a one-time police service for a particular occasion or event. These events will not require an SC assignment.

#### III. Secondary Employment Administration

- A. Secondary Employment Coordinator (SEC):
  - 1. Maintains the secondary employment records for the Department.
  - 2. Reviews applications from employers and determines eligibility for secondary employment.
  - 3. Monitors compliance for secondary assignments.

4. Ensures that secondary employment forms and paperwork are available to potential employers and citizens.
5. Ensures information regarding the assignment is made available to assigned personnel, including specific duties and responsibilities requested by the employer. [22.2.5(e)]
6. Selects an SC for each business requesting continuous secondary employment service and considers the employer's request.
7. Acts as the default SC if one is not selected/available.

**B. Site Coordinator (SC)**

1. The SC is responsible for scheduling available secondary employment personnel and acting as the liaison between the businesses, the extra-duty officer(s) assigned, and the SEC. The SC may be compensated for time spent conducting routine administrative duties (e.g., scheduling associated with site management); however, under no circumstances shall the SC be compensated for on-duty and secondary for the same period of time.
2. Officers may concurrently serve as the SC for no more than two businesses classified as recurring or continuous service locations.
3. The SC is prohibited from conducting routine administrative duties (e.g., scheduling their site(s) while on duty. All of these activities shall be completed while working secondary employment. Any work time for which the SC receives compensation (including administrative time) shall count towards the hourly limitations that have been established.

**NOTE:** The only exceptions shall be in emergency cases when the SC must find a replacement officer to work at a particular site. In these cases, it is acceptable for the SC to conduct the limited emergency site business while on duty.

4. The SC will submit a weekly or monthly work schedule for each site to the SEC in electronic format via the Secondary Employment Software System (SESS) before the work week begins.
  - a. The SC must maintain a schedule documenting the names of officers working the site, dates and times, total number of hours, rate of pay, and any reported problems.
  - b. A secondary employment site that utilizes officers on a continuous basis shall submit either a weekly or monthly schedule by the close of the business day, the Friday before the start of the new schedule. If the schedule changes, the SC should notify the SEC as soon as possible and make appropriate changes in the SESS.

**Example:** A workweek is listed as Monday – Sunday (e.g., work schedules for the week of Monday the 19<sup>th</sup> – Sunday the 25<sup>th</sup> should be entered into the SESS by Friday the 16<sup>th</sup>).

- c. Replacement officers must have an approved [Secondary Employment Eligibility Application](#) on file.
  5. To ensure familiarity with the job requirements, SCs will work at least one shift per month at each business where they serve as the SC.
- C.** The secondary employer will pay the NNPd for services rendered. Unless otherwise negotiated, payment is required for a minimum of three hours per assigned officer, even if the event is shorter than scheduled. Payment will be made in accordance with the minimum rates set by the Chief of Police.
- D.** Income earned through secondary employment will not be included in retirement calculations or other benefits provided by the City.

- E. The Department will compensate the officer for court time that results from the officer's secondary employment if related to the exercise of police powers. Court time generated by secondary employment should not be billed to the secondary employer.
- F. If an officer responds or is directed to respond by a supervisor to a call for service unrelated to secondary employment, the officer will revert to an on-duty status and note their time for adjustments in compensation for extra duty.

**NOTE:** The Department will compensate the officer at their regular or overtime rate of pay, as applicable, for any time spent on law enforcement actions or activities that the Department mandates and require the officer to work past the regularly scheduled duty hours of the secondary assignment (e.g., Departmental paperwork, processing prisoners, etc.).

- G. The Chief of Police is authorized to establish minimum rates of pay to be charged for secondary assignments. Rates will be provided on the Secondary Employer Request Application (NNPD [Form # 33](#)). The minimum rates of pay established for supervisory personnel (sergeant and above) only apply when the individual is serving in a supervisory capacity and shall be in accordance with their secondary employment assignment rank. If a supervisor is working secondary employment in a non-supervisory capacity, the minimum pay rate shall be in accordance with that of the officer/detective. If any portion of the work assignment is spent in a supervisory capacity, they shall be paid in accordance with their secondary employment rank for the entire assignment.
- H. Records associated with secondary employment operations will be maintained per the Virginia Records Retention Act.
- I. Any request for an exemption to this policy must be forwarded through the officer's chain of command to the Chief of Police prior to the sworn employee engaging in secondary employment. Approvals will be forwarded to the SEC in writing. [22.2.5(a,c)]

#### IV. Eligibility to Participate

- A. The Chief of Police reserves the right to determine officers' secondary and off-duty employment status based on potential conflicts of interest.
- B. Officers must be eligible for independent patrol before they can work secondary employment.
- C. Before engaging in secondary employment, personnel shall complete and submit an [Application Request for Secondary Employment](#). This form shall be submitted through the chain of command to the officer's respective precinct/division commander (or bureau commander for employees holding the rank of captain). [22.2.5(a,e)]
- D. The employee's immediate supervisor must recommend approval or denial of the request for secondary employment. If denied, the supervisor will indicate the reason(s) and forward the application to the next step in the chain of command.
- E. Approval will be granted or refused by the employee's precinct/division commander based on Departmental policies and the recommendations of the reviewing supervisors. If approved, the employment application will be valid until it is suspended, revoked, or terminated (see section IV. I). When secondary employment is suspended or denied for performance or disciplinary reasons, and the employee still wants to participate in secondary employment, they must submit another application: [22.2.5(c)]
  - 1. After the suspension from secondary employment time frame has been met, per the disciplinary notification, or
  - 2. Three months after the denial for performance reasons where secondary employment status was not part of a disciplinary action.

- F. All original secondary employment forms shall reside with the SEC to ensure that the process complies with policy. [22.2.5(d)]
- G. Civilian Employees [22.2.3]
1. Civilian employees should review the City of Newport News Personnel Administrative Manual (PAM) [1000 Standards of Conduct](#) for additional information regarding employee conduct off-the-job.
  2. Civilian police employees must submit requests for off-duty employment when the employment offer is directly attributable to the employee's Department position and authority granted to them by the City (i.e., police aides).
- NOTE:** If there is any question regarding whether an offer of employment requires Department approval, the employee should contact their immediate supervisor.
3. Police aides may work department-approved secondary employment to conduct traffic control. When working secondary employment traffic control, police aides must follow the same standards and protocol as sworn officers.
  4. Police aides will be paid at the minimum rate of pay established by the Chief of Police, listed on the Secondary Employer Request Application (NNPD [Form # 33](#)).
- H. Auxiliary officers are prohibited from engaging in any form of secondary employment defined in this policy.
- I. Denial, Revocation, or Termination of Secondary Employment
1. Secondary employment may be denied, revoked, or terminated for any of the following circumstances: [22.2.4;22.2.5(b,c)]
    - a. The employee is not performing satisfactorily;
    - b. The employee fails to meet the minimum established requirements of their assignment within the Department;
    - c. The employee has either been charged with a criminal offense or a group 2 or group 3 administrative violation, which has not been disposed of in the employee's favor.
    - d. The employee has been assessed disciplinary points for a group 2 or group 3 misconduct violation per [ADM-210 Standards of Conduct](#) or counseled for unsatisfactory work performance or misconduct within the preceding six months.
    - e. Special consideration is required in scheduling the officer's regular duty hours.
    - f. The employee is restricted to a light-duty assignment, on administrative leave, worker's compensation, PML, FMLA (see section V.G.), or suspension. This does not include SC's conducting administrative duties.
    - g. The officer has failed to obtain secondary employment approval or allowed the current documentation to expire.
    - h. Excessive tardiness or unexcused absences from secondary employment assignments.
  2. The Chief of Police may deny, revoke or terminate employee secondary employment privileges to regulate program activities.
  3. If an employee's eligibility is denied, revoked, or terminated, the appropriate commander or designee will notify the SEC in writing within two (2) business days of the eligibility status change.

## J. Secondary Employers

1. Events with a large number of participants/assignments with an increased risk factor will be required to hire the number of officers that will ensure officer safety. The SEC shall determine the necessary number of officers. If it is determined that an employer needs five officers working simultaneously, the fifth officer must be a ranked supervisor. In combination, every fifth officer shall be a supervisor. If 15 officers are needed, the third supervisor shall be a lieutenant (e.g., 12 officers, two sergeants, one lieutenant). The Chief of Police reserves the right to allow exceptions to this rule or require that specific job sites require a police captain. The parameters established for the number of officers required and the necessary supervisory ratio apply only to NNPd officers. They shall not pertain to private security, officers from other jurisdictions, or deputy sheriffs.
2. Before any secondary employment assignment to a Secondary Employer, a completed NNPd [Form # 33](#) will have been submitted to the SEC. [22.2.5(a,e)]
  - a. All potential employers must submit a Secondary Employer Request Application (NNPD [Form # 33](#)) and receive approval from the SEC before employing NNPd officers.
  - b. Notification of approval (or denial) will be provided to the requesting employer within five business days and outlines the set rate of pay, number of personnel, and the types of activity that the officers may perform.
3. If possible, employers' applications shall be submitted at least seven business days before the date of service.
4. The Secondary Employer Request Application for recurring service (NNPD [Form # 33](#)) will be valid until December 31<sup>st</sup> of the year in which it is submitted. It is renewed annually.
5. Emergency Situations

Situations may require the need to employ a secondary employment officer(s) immediately, and it is not practical to get the appropriate forms and paperwork completed and forwarded to the SEC. The Precinct Commander or designee may approve secondary employment on a temporary basis in these cases.

  - a. The approving supervisor will be required to notify the SEC in writing by the close of the next business day of the employment and the officer(s) assigned.
  - b. All normal protocols and necessary paperwork must be completed on the next business day.

## K. Liability

1. Officers who choose to participate in secondary employment must acknowledge their comprehension and understanding of the following issues pertaining to liability and workers' compensation coverage.
2. Eligibility for workers' compensation benefits provided by the City is governed by the Virginia Workers' Compensation Act provisions, including [§ 65.2-102](#) of the Code of Virginia. Officers will be expected to file their workers' compensation claim against the secondary employer for injuries sustained outside the scope of law enforcement functions during the course of secondary employment. It is recommended that the officer understand the coverage (if any) that is, or will be, provided by the secondary employer. If the secondary employer does not provide workers' compensation coverage for the employee, the employee has the right to obtain such coverage on their own.
3. The employee shall acknowledge their comprehension and understanding of the issues pertaining to liability and workers' compensation coverage in writing ([Secondary Employment Eligibility Request Application](#)).

4. The secondary employer will be made aware of the issues pertaining to liability and workers' compensation coverage. This will be accomplished by presenting each employer with a copy of the Secondary Employer Request Application form (NNPD [Form # 33](#)).

V. Procedures, Rules, and Regulations

- A. Personnel who receive requests for secondary employment shall refer them to the SEC.
- B. Serving as an employment agency where compensation or goods are provided for procurement of secondary employment is strictly prohibited (i.e., taking money for referring a job or charging a fee for yourself beyond the rate provided to the officers working the assignment).
- C. Before starting a secondary employment assignment, the officer shall notify Communications by radio of their location, start time, estimated end time, and radio number. The officer shall notify Communications of their departure.
- D. Employees are prohibited from conducting any secondary employment while on duty.
- E. Supervisors are responsible for ensuring minimum staffing requirements for the squad are maintained when reviewing requests for personal leave to work secondary employment. Staffing during overlap hours will not be considered towards meeting minimum staffing requirements. If overtime positions are used to meet minimum staffing requirements, the use of personal leave to work secondary employment is prohibited.
- F. Secondary employment is not credited as work time and shall not count toward overtime hours.
- G. Employees signed up to work secondary employment are expected to show up for the assignment on time, prepared to conduct required duties. If they are unable to work a scheduled assignment, officers will notify the SC or SEC and arrange for a replacement whenever possible.
- H. Employees may not work secondary employment while utilizing leave time for a personal illness. Employees are prohibited from working a secondary assignment for a 24-hour period from the end of the last missed shift (e.g., an officer who is scheduled to work 0730 – 1530 and uses leave time for a personal illness is not allowed to work a secondary assignment prior to 1530 the following day).  
**NOTE:** This provision does not apply to prescheduled dental appointments, doctor's appointments, or similar activities.
- I. Employees will abide by the guidelines regarding continuous work hours, employment hours, and required off-duty time established in [ADM-331 Fatigue & Officer Safety](#).
- J. Equipment:
  1. Sworn officers shall utilize issued equipment and uniforms per [ADM-520 Issuance and Wearing of Uniforms and Equipment](#) when approved to work secondary employment.
  2. Non-department-approved equipment is prohibited for secondary employment.
  3. Officers working secondary must have a police radio in their possession.
- K. Plainclothes and utility uniforms are not authorized for secondary employment without the prior approval of the Patrol Bureau Assistant Chief. Officers shall adhere to all departmental guidelines, directives, and policies while engaged in secondary employment. [41.3.4]
- L. Limitations on Secondary and Off-Duty Employment [22.2.4;22.2.5(b)]
  1. Secondary employment in uniform or plain clothes in a law enforcement capacity is prohibited outside the City of Newport News unless a mutual aid agreement has been invoked.



2. The Chief of Police reserves the right to determine employer eligibility. To prevent potential conflicts of interest, sworn police personnel shall not engage in any of the following types of employment:
  - a. Working inside an establishment that sells or distributes alcoholic beverages for on-premises consumption.
    - 1) Exceptions may be made for events with a Virginia ABC banquet license.
    - 2) Sworn employees may be permitted to work secondary employment security in the parking lots of establishments that serve alcohol on-premises, provided the establishment employs a minimum of two (2) officers on the property at the same time.
  - b. Working at any secondary employment location that has a contract with the City to provide wrecker or mechanical services.
  - c. Working as a private investigator or doing investigative work for insurance agencies or attorneys.
  - d. Working for or operating a private security business or agency.
  - e. Working for or operating a collection agency.
  - f. Working for or operating a bail bonds or bounty hunter company.
  - g. Any employment that may otherwise bring the employee and/or Department into disrepute with the public.
  - h. Any other employment that the Chief of Police determines to be counterproductive to the Department's mission, vision, and values.

#### M. Exercise of Police Powers and Use of Force

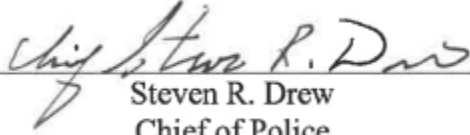
1. Officers working secondary employment are expected to take appropriate law enforcement action with regard to all criminal activity and code violations encountered.
2. Officers working secondary should not hesitate to contact an on-duty supervisor for guidance regarding any law enforcement question.
3. Officers working secondary employment will complete any incident-specific forms or reports generated during the course of a secondary employment action (e.g., BlueTeam Use of Force Report or Pursuit Incident Report). Completed forms/reports shall be submitted for review before the conclusion of the secondary assignment.
4. Officers are expected to transport and process their prisoners and complete all associated paperwork before the secondary assignment conclusion, except when they do not have a vehicle to transport prisoners.
5. In a use-of-force incident, the officer must contact an on-duty supervisor within that precinct immediately after securing the scene.
6. Officers working secondary employment are subject to a call-out in case of emergency and are required to assist on-duty units as directed by an on-duty supervisor.

#### N. Courtesy Officer Positions

[22.2.3]

1. Police officers who meet secondary employment eligibility requirements shall be permitted to serve as courtesy officers for apartment complexes and other residential facilities within the City of Newport News.
2. Courtesy officer positions shall be considered secondary employment.

3. For the purposes of this policy, courtesy officers shall include those officers who live at a complex or in a residential facility for reduced/no rent in exchange for providing security or law enforcement services to the complex.
4. Officers must follow all established guidelines and protocols in this policy except submitting work schedules as outlined in section III.B. 4.
5. Courtesy officers may still serve concurrently as an SC for two businesses providing continuous service.

  
Steven R. Drew  
Chief of Police