
ADMINISTRATIVE DIRECTIVE – 101.011
SECONDARY, EXTRA-DUTY, AND OUTSIDE EMPLOYMENT

EFFECTIVE DATE: May 1, 1982

REVIEW SCHEDULE: Annual

AFFECTS: All Personnel

CALEA STANDARDS: 22.2.2; 22.3.4; 22.3.5

REVISION DATE: September 29, 2023

I. PURPOSE

This policy provides guidelines to all City of Plano Police Department employees to inform them of secondary, extra-duty, and outside employment which employees may engage in. Civilian and sworn employees working outside employment that does not require the use of law enforcement authority shall also refer to City of Plano Policy 204.000.

II. POLICY

Employees shall only work secondary, extra-duty, and outside employment when it does not interfere with their work schedule and primary responsibilities to the Police Department, and does not conflict with the mission and values of the Department or the City of Plano. For these reasons, and because certain occupations inherently conflict with the employee's primary responsibility, the Police Department or the City of Plano shall approve all secondary, extra-duty, and outside employment, and may prohibit or revoke particular employment altogether.

In order to be eligible for **any** secondary, extra-duty, and/or outside employment, an employee must be in good standing and is subject to all rules, regulations, policies, and procedures of the City of Plano and the Plano Police Department. Continued Departmental approval for an employee's secondary, extra-duty, and outside employment is contingent on such good standing as well as employee's completion and submission of the necessary request forms. Employees placed on Performance Improvement Programs (PIP) may have their requested employment privileges revoked, until they have satisfactorily completed the PIP. Employees may not work secondary and extra-duty employment while under terms of suspension (without pay).

Employees may not work more than 16 hours in any 24-hour period in combination with regular duty, secondary, extra-duty, or outside employment. Work hours for all secondary, extra-duty, and/or outside employment must be scheduled in a manner that does not conflict or interfere with the employee's duty performance. Employees may not split their work day by leaving regular police department duties to report to an extra-duty or secondary assignment, and then return to police department duties during the same work day. No employee will be allowed to engage in any private business or employment where their official position might be used to advance private interests.

Sworn officers while working secondary or extra-duty employment shall not enforce company policies or any rules (commonly known as "house rules") or regulations outside the scope of his or her official law enforcement duties. For purposes of this directive, only sworn Plano police officers may work secondary and extra-duty duty assignments where law enforcement authority may be required.

No supervisor may work secondary employment in which the Assignment Coordinator is a subordinate. This applies only to personnel who are in the direct chain of command to the secondary Assignment Coordinator.

III. DEFINITIONS

A. Extra Duty Police Employment – Any employment offered through the Plano Police Department outside of regular assignments that is conditioned on the actual or potential use of law enforcement powers by the employee.

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B. Non-law Enforcement Outside Employment – The provision of a service for a fee, service or other benefit in which duties have no actual or potential use of law enforcement powers. Employment does not include volunteer charity work.

C. Private Club by Right – Business that has a private club permit issued by the Texas Alcoholic Beverage Commission and is located in Downtown Business/Government district or Central Business -1 Zoning district (Legacy Town Center and Granite Park). Private clubs by right do not have a food and beverage ratio requirement but must provide food service to their members and guests.

D. Secondary Employment – Any employment which the sworn officer as an employee for pay, service or other benefit has duties that actually or potentially could give rise to the use of law enforcement powers.

E. Special Event Pay – A designated pay rate for assignments paid through the city payroll system, where the assignment is not consistent with normal job duties, and outside the employee's normal work schedule. The pay rate is equal to the employee's overtime rate. The assigned employee is paid the overtime rate, regardless of actual time worked during the pay period.

IV. PROCEDURES

A. Non-law Enforcement Outside Employment

Employees may engage in outside employment that meets the following criteria:

1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer; and is not performed during assigned hours of duty.

2. Employment that presents no potential conflict of interest between the employee and the duties for their outside employer. Some examples of employment representing a conflict of interest are:

a. As a process server, re-possessor, or bill collector; towing of vehicles, or any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.

b. Personal investigations for the private sector or any employment which might require the employee to have access to police information, files, records, or services, as a condition of employment.

c. In police uniform or other police department attire in the performance of tasks other than that of police nature.

d. Assisting in any manner, the case preparation for the defense in any criminal or civil action or proceeding in the State of Texas.

e. For a business or labor group that is on strike.

ADMINISTRATIVE DIRECTIVE – 101.011
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3. Employment that does not constitute a threat to the status or dignity of the police as a professional occupation. Examples of employment presenting a threat to the status or dignity of the police profession are:

a. Establishments which sell pornographic books, magazines, sexual devices, or videos, or otherwise provide entertainment or services of a sexual nature.

b. Any employment involving the sale, manufacture, or transportation of alcoholic beverages as a principal business. Principal business is defined as any business which derives 51% or more of its revenue from the sale of alcohol. Request for secondary employment or extra duty employment at a business establishment that has a Private Club Permit by Right must be approved by the Assistant Chief of Police prior to any employee working at the establishment. In accordance with Administrative Directive 105.002, sergeants and below in the following assignments: Patrol, Traffic, HVEU, NPO, and SRO are mandated to complete the Standardized Field Sobriety Test (SFST) 4-hour Refresher Course, or other approved course, within the last three years as a requirement for their uniformed assignment. Lieutenants and above, as well as sergeants and officers in non-uniformed assignments (e.g. CISD, Admin, etc.) that work secondary employment at any establishment that has a TABC permit for on premise alcoholic beverage consumption must have completed a 4-hours SFST Refresher Course within the last three years.

c. Any gambling establishment, or any gambling event, not exempted by law.

4. Employees requesting to engage in outside employment must complete and submit an Outside Employment Request Form.

B. Regular Secondary and Extra-Duty Police Employment

Sworn employees may engage in secondary/extra-duty police employment that meets the following criteria:

1. Where a private business, non-profit organization, or governmental entity has contacted the Plano Police Department and received prior approval for employment, agreeing to the terms and conditions as imposed by this policy. Types of secondary/extra-duty services which may be considered:

- a. Traffic control and pedestrian safety,
- b. Crowd control,
- c. Security and protection of life and property, or
- d. Plain clothes assignments.

2. Sworn employees may only work secondary employment at locations which have been approved for the current calendar year. An administrative assistant in the Office of the Chief of Police maintains an updated database of all approved secondary employment locations within the city. This list is located on SharePoint and made available to officers in their patrol vehicles, allowing officers to confirm an approved location before agreeing to work on a last minute basis.

3. Sworn employees who have not completed their initial field training may not work secondary/extra-duty employment. Employees who are on sick leave, worker's compensation leave, FMLA, or light duty shall not be eligible to engage in any secondary/extra-duty employment. Any officer working off-duty

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SECONDARY, EXTRA-DUTY, AND OUTSIDE EMPLOYMENT

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police employment where law enforcement powers have the possibility of being performed must be capable of performing all police related functions.

4. A sworn employee engaged in any secondary/extra-duty employment is subject to call out in case of emergency, and is expected to leave his secondary/extra-duty employment in such situations.

5. No employee of the Department shall solicit or suggest to anyone a problem or situation might be resolved by employment of a secondary/extra-duty police department employee.

6. Employees accepting secondary/extra-duty police assignments are responsible for reporting to assignments as directed. Employees not reporting to assignments, or failing to satisfactorily complete assignments, may be denied future secondary or extra-duty police employment opportunities.

7. If a sworn employee arrives at a regular secondary or extra-duty police assignment, and finds that fulfilling the assignment will violate this policy, he or she shall immediately notify the on-duty Watch Commander. Employees of the Department shall immediately report in writing any incident or situations arising from or connected with their secondary/extra-duty employment

which might adversely affect the Department or its personnel. This letter shall be directed to the Chief of Police through the chain of command.

8. Employees are prohibited from providing secondary/extra-duty services while on duty. (Example: No officer shall answer courtesy calls at their apartment complex while on duty.)

9. No sworn or nonsworn employee working any secondary/extra-duty job shall have friends, relatives, or acquaintances accompany them without prior permission of the secondary/extra-duty employer.

10. Employment on any project, job site, or business, where there is a labor dispute or strike, is prohibited.

11. No sworn employee shall work any secondary/extra-duty police employment outside the corporate limits of the City of Plano.

12. No employee may enter into a contract to serve as a broker to provide secondary/extra-duty police employment. No employee will work on a commission basis or be paid a percentage of the salaries of other employees performing secondary/extra-duty police employment. Employees may coordinate activities for the employer with responsibilities documented and approved by at least the Assistant Chief of Police.

13. Employees engaged in secondary/extra-duty police work are responsible for notifying Public Safety Communications of:

- a. Location of assignment;
- b. Hours of assignment;
- c. Nature of duties; and
- d. Personnel assigned.

ADMINISTRATIVE DIRECTIVE – 101.011
SECONDARY, EXTRA-DUTY, AND OUTSIDE EMPLOYMENT

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Note: Notification must be made prior to or on arrival at the place of assignment. Employees shall also notify Public Safety Communications when they have completed the assignment.

14. Employees requesting to work secondary employment must complete and submit a Sworn Secondary Employment Form.
15. Officers working as a security officer at an apartment complex inside Plano city limits must notify the Office of the Chief of Police by completing and submitting a Courtesy Officer Request Form as well as a Sworn Secondary Employment Form, if not already on file, for the current calendar year. In addition, officers must list the apartment security assignment on the next Sworn Secondary Employment Request form they complete prior to January 1st of the next calendar year.

Upon moving out of the apartment complex, officers must notify the Office of the Chief of Police via email that they no longer hold the security job position. The Office of the Chief of Police shall keep a current database of all apartment complexes employing Plano police department officers as security officers. That database shall be placed on SharePoint <http://planonet/Pages/default.aspx> and made available to officers in their patrol vehicles for emergency situations at those apartment complexes. Officers are prohibited from working apartment security jobs outside of Plano city limits.

C. Extra-duty Employment Coordinators

The Patrol Services Division Administrative Sergeants shall serve as the primary Extra-Duty Employment Coordinators. The coordinators shall:

1. Receive and document requests for off-duty employment;
2. Post request, if time permits;
3. Approve, or disapprove, requests based on departmental guidelines and time and manpower constraints;
4. Monitor postings to insure adequate personnel are available for duty and/or special assignments; and
5. Recommend proposed changes to the Steering Committee.

D. Benefits and Liabilities

1. Sworn employees approved to perform off-duty police service, subject to the provisions set forth below, will be covered by benefits established under the Workers' Compensation Act, Chapter 401, Texas Labor Code, and injured employee salary continuation plan, if it is determined the employee was in the course and scope of police duties.
2. For purposes of this policy, course and scope of police duties will include:
 - a. Incidents where an officer is injured while in the act of enforcing a Federal or State law or ordinance of the City of Plano or Plano Police Department rules and regulations.
 - b. Incidents where an officer is injured solely because of his representation as a law enforcement officer or member of the Plano Police Department.

ADMINISTRATIVE DIRECTIVE – 101.011
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3. Specifically **excluded** from coverage under the City of Plano Workers' Compensation and salary continuation are:

- a. Incidents where an employee is injured on or near a secondary/extra-duty employer's premises when the employee is not in the act of enforcing a Federal or state law or Plano Police Department rules and regulations or City ordinance. (Example: Falling on a wet floor, cutting hand on broken window, etc., where not in act of enforcement.)
- b. Any incident where the employee is injured and is found to be in violation of any of the rules, regulations, or procedures of the Plano Police Department.

E. Oversight 1. Secondary Employment Steering Committee

A Secondary Employment Steering Committee of five (5) employees representing a departmental cross section will be appointed by the Chief of Police on an annual basis. This committee will be chaired by a Lieutenant appointed by the Chief of Police.

- a. The Chief of Police will solicit volunteers and appoint Committee members.
- b. The committee shall monitor internal posting procedures and recommend changes as necessary.
- c. The committee shall review rates for posted extra-duty assignments on an annual basis.

F. Pay

- 1. Extra-duty police posted assignments will be paid at a rate determined by the Department.
 - a. Special Event Pay will be utilized for police assignments that are approved by the City of Plano Special Event Team.
 - b. The Chief of Police, or his designee, may designate the pay rate as "Special Event Pay", for assignments outside an employee's normal work schedule.
- 2. Non-departmental non-posted assignments will be determined by agreement between the secondary employer and requesting employee.
- 3. Non-police related outside employment positions will have salaries determined by the employer with mutual agreement of the employee. Federal minimum wage guidelines will apply.
- 4. Employees working any outside or secondary/extra-duty employment are responsible for paying all appropriate taxes and reporting all income to the IRS pursuant to IRS regulations.

V. Forms

A. Outside Employment Approval Request Form

Employees that currently work or intend to work any outside employment shall complete and submit the City of Plano Outside Employment Approval Request Form through their chain of command to the Office of the Chief of Police prior to January 1st of the next calendar year.

B. Sworn Secondary Employment Request Form

ADMINISTRATIVE DIRECTIVE – 101.011
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Sworn employees that currently work or intend to work any secondary employment shall complete and submit the Sworn Secondary Employment Request Form through their chain of command to the Office of the Chief of Police prior to January 1st of the next calendar year.

C. Sworn Secondary Location Approval Request Form

Coordinators who oversee a secondary employment assignment shall complete and submit the Sworn Secondary Location Approval Request Form directly to their Assistant Chief of Police prior to January 1st of each calendar year.

D. Sworn Courtesy Officer Request Form

Sworn officers working as a security officer at an apartment complex inside Plano city limits shall complete and submit the Sworn Courtesy Officer Request Form to the Office of the Chief of Police prior to January 1st of the next calendar year.

VI. SPECIAL SITUATIONS

A. Use of Vehicle and Other Equipment

Occasionally employers have asked employees to use various pieces of equipment belonging to the City of Plano. These may include uniform, weapons, flashlights or vehicles.

1. Request to use police vehicles for secondary employment or extra duty employment must be approved by at least the Assistant Chief of Police prior to any such use. On-call employees may drive their city assigned vehicle to and from their secondary or extra duty assignment if they are subject to call-out during the time they are engaged in the off-duty employment with the written permission of their immediate supervisor.

B. Plain Clothes Assignments

For purposes of this directive, plain-clothes attire is defined as anything other than a standard issued patrol police uniform.

1. Sworn employees requesting to work plain-clothes assignments must have prior approval by at least an Assistant Chief of Police prior to working these assignments.

2. Duties, responsibilities and expectations of the employer must be fully documented and approved.

3. Plain-clothes assignments, while they may serve the interests of the secondary employer, must first have some legitimate interest in the safety of the community.

4. In the event of the necessity to make an arrest during a secondary/extra-duty police assignment, while working plain clothes, the officer must call for a uniformed officer, whenever possible, prior to intervening. If enforcement action is required, the officer must identify himself by visual and verbal means.

ADMINISTRATIVE DIRECTIVE – 101.011
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5. Regardless of whether the employee is working a secondary/extra-duty assignment in plain-clothes or uniform, an on-duty officer shall be called to handle offense reports as well as transport and all necessary activities related to an arrest. The officer working a secondary/extra-duty assignment shall only be responsible for writing a witness statement, supplement, etc., as necessary.