

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
3.2 SECONDARY EMPLOYMENT AND OFF DUTY LAW ENFORCEMENT ACTION

SUBJECT: Secondary Employment and Off-duty Law Enforcement Actions		
3.2	EFFECTIVE: 11-18-2025	<i>Chris G. Vallejo</i> Chris G. Vallejo, Chief of Police
	REVISED: 11-18-2025	
	TOTAL PAGES: 8	

3.2.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines to govern secondary employment.

3.2.2 POLICY

The policy of the Department is to provide guidelines of the type of secondary employment that is appropriate, establishing procedures to maintain accountability for secondary employment by Department members, and to regulate secondary employment. These requirements are essential for the efficient operation of the Department and for the protection of Department employees, the Department, and the community.

3.2.3 DEFINITIONS

- A. Secondary Employment: Any outside employment, which is either extra-duty or off-duty.
- B. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of police powers by a sworn police officer.
- C. Off-Duty Employment: Any employment that will not require the use or potential use of police power by off-duty employees.

3.2.4 SECONDARY EMPLOYMENT PROCESS

- A. Employees requesting secondary employment
All Department personnel that desire to engage in secondary employment must submit a secondary employment request form to the Secondary Employment Liaison.
 - 1. The Secondary Employment Liaison will ensure all proper documentation from the officer and the prospective employer is in place.
 - a. Secondary Employment Request form;
 - b. Certificate of Liability Insurance in compliance with Topeka Code 5.90.150.

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2. The Secondary Employment Liaison will consider:
 - a. Is there cause for concern with the employee working at the requested business?
 - b. Has the employee submitted a complete and up to date listing of ALL current secondary employment?
3. Forms will then be forwarded to the Police Department Legal Advisor, or City of Topeka City Attorney for review and approval.
4. Upon return of form from the Legal Advisor or City Attorney's office, the request will be forwarded to the Chief of Police or designee for final approval.
5. The officer will then be notified their secondary employment has been approved.
 - a. No officer may begin work for a secondary employer until approval has been given by the Secondary Employment Liaison.
6. Personnel obtaining or amending their secondary employment activity will reflect such changes on a new Secondary Employment Request Form. Employees are encouraged to keep a copy of the form that they turn in to the Department for their records.
7. Secondary Employment requests expire at the end of the calendar year, regardless of when the form is submitted. Officer working secondary employment will need to submit their requests on an annual basis.
8. Documentation of secondary employment will be kept.

B. Apartment Courtesy Officer:

1. Sworn employee residing in an apartment or residential community for the provision of on-site law enforcement in exchange for pay, housing, reduction in rent or other benefits.
2. Sworn employees working as an apartment courtesy officer must submit through the secondary employment process.

C. Request from outside employers to secure officers for events

1. Employers requesting to hire officers should be directed to contact the Secondary Employment Liaison.

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- a. Upon receipt of request and identification of needs, the Secondary Employment Liaison will ensure proper documents;
 - 1. Certificate of Liability Insurance in compliance with Topeka Code 5.90.150
 - 2. Off Duty Employment Agreement;
 - b. After proper documents are submitted, the Secondary Employment Liaison will send out a notification to all sworn personnel;
 - c. If long term needs- a separate position for an officer as acting coordinator should be implemented for the employer.
 - d. The notification will include the employer, dates, times, rate of pay and number of officers.
 - e. The filling of an approved secondary employers request is first come, first serve.
- D. Secondary employment is a privilege granted by the Department, which is regulated by the Secondary Employment Liaison, with overall approval by the Chief of Police.
- 1. Employees approved for secondary employment are to conduct themselves accordingly with respect to the policy, procedure rules, and regulations of the Department.
 - 2. An employee must be cognizant of the public's perception of police department employees. The public expects a police department employee to conduct him or herself in a manner as to inspire confidence and respect for the position of public trust that he or she holds.
 - 3. Consequently, an employee granted the privilege to work secondary employment subjects themselves to close scrutiny with respect to his or her secondary employment, which can be rescinded at any time.

3.2.5 GUIDELINES FOR SECONDARY EMPLOYMENT

- A. All personnel engaged in secondary employment will do so only after receiving approval for such employment from the Chief of Police or designee.
- B. Unless authorized otherwise by the Chief of Police, the class "A" uniform or field uniform will be worn while working extra-duty.
 - 1. If plain clothes are authorized, no Department equipment or any portion of the uniform will be displayed. Any equipment that is carried must not be visible.

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- C. An officer engaged in any secondary employment who is subject to call-out in case of emergency will be expected to leave the secondary employment in such situations.
 - 1. Any employee whose position of employment requires that they not leave a post until relieved (e.g., security at a bank) should note this in their request for outside employment (the Secondary Employment Request Form).

- D. The primary duty and obligation of each employee is to the Department. Employees of the Department who are directed to report for duty, required to appear in court, or required to work overtime will do so regardless of the fact that such activities may interfere with the secondary employment.
 - 1. Excessive use of sick time by an employee may result in the revocation or refusal of a request for outside employment.
 - 2. Personnel who engage in secondary employment after being denied permission to engage in such employment will be subject to discipline for insubordination.
 - 3. Independent of any other discipline, personnel who violate Department employment guidelines may also have current and future permission to engage in secondary employment revoked.

- E. The approval of a Secondary Employment Request Form authorizes only such work and conditions of employment as is designated on the form.

- F. The officer and the secondary employer will bear the responsibility for legal actions arising from secondary employment. The City will not be liable for:
 - 1. Any court appearance resulting from secondary employment.
 - 2. Injury and worker's compensation claims resulting from secondary employment.

- G. Kansas Police & Fire Retirement Disability Benefits state that if a member becomes disabled (i.e., the disability was incurred) while working for any employer other than your participating employer (Topeka Police Department) under the Retirement System, no disability benefits from the Retirement System are payable. KSA 74-4960(3), *Disability benefits; procedures and reports*.

3.2.6 LIMITATIONS ON SECONDARY EMPLOYMENT

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- A. In order to be eligible for secondary employment, a police employee must be in good standing with the Department. Continued agency approval of a police employee's secondary employment is contingent on such good standing and the stipulations of this order.
 - 1. Any officer serving a suspension is not allowed to engage in extra-duty employment.
 - 2. Any employee, who is off-duty due to any type of "sick leave" status, shall not engage in secondary employment during their assigned duty hours.
 - 3. Any officer who is on light duty status shall not engage in extra-duty employment until he or she is returned to full duty.
 - 4. A recruit police officer is not allowed to work secondary employment of any type until successful completion of the Recruit Academy.
 - a. Upon completion of the Academy, the graduate who is assigned to a Field Training Officer may work off-duty employment, but is not allowed to work extra-duty employment.
 - b. After the recruit is released from a Field Training Officer, the recruit may work extra-duty employment.

- B. Employee may not work more than 16 hours in any 24-hour period including Department duties and secondary employment duties.

- C. Employees may not engage in secondary employment that meets the following criteria:
 - 1. Employment that presents a potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Examples are, but not limited to:
 - a. Process server, for a repossession company, bill collector, towing of vehicles; any other employment in which police authority might be used to collect money or merchandise for private purposes.
 - b. Conducting personnel investigations for the private sector or employment that requires access to police information, files, records.

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- c. Use of the police uniform in the performance of tasks that are not related to security or law enforcement.
- d. Employment assisting in case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
- e. Extra-duty employment outside the jurisdiction of the city of Topeka.
- f. Employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
- g. Employment at a casino or business with gaming or gambling as the principal business.

3.2.7 OFFICER RESPONSIBILITIES

- A. Officers involved in extra-duty employment are bound by the same rules of conduct and Department policies required of on-duty officers.
 - 1. Officers will be responsible for all reports arising from secondary employment.
 - 2. Arrests will be performed in compliance with existing policies on arrests.
 - 3. Officers are responsible for notifying the Secondary Employment Liaison of any modifications to extra-duty jobs tasks, locations, or any other relevant information to the secondary position in accordance with section 3.2.4.A of this order.

- B. Employees involved in off-duty employment are bound by the same rules of conduct and Department policies required of all Department personnel.
 - 1. Employees will not wear Department uniforms, use City owned equipment, or wear Department identification.

3.2.8 OFF-DUTY SECONDARY EMPLOYMENT LAW ENFORCEMENT ACTIONS

- A. The risks/hazards shall be weighed before taking any off-duty secondary employment law enforcement action. Some of these risk/hazards are:
 - 1. Difficulty of identifying one's self as an officer;

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2. Possibility of mistaken identity by the public and/or other law enforcement personnel;
 3. Lack of radio communications;
 4. Confusion which may result from third-party phone calls to law enforcement agencies and/or the SCECC;
 5. Lack of back up and;
 6. Unavailability of equipment, which may be needed.
- B. Off-duty secondary employment law enforcement action should only be taken if there is an immediate threat of significant harm to persons or property, no reasonable alternative exists, and when immediate action is required.
- C. Off-duty secondary employment law enforcement action should not be taken in the following cases:
1. Traffic infractions or minor misdemeanor crimes
 2. Mere disturbances, when there is no threat to public safety
 3. Any incident where on duty law enforcement personnel can be summoned without jeopardizing public safety and
 4. Circumstances where the risk created by the officer's intervention appear greater than the hazard created by the incident itself.
- D. Officers shall display their agency credentials and announce their identity and authority whenever taking any law enforcement action in a secondary employment situation. Officers should consider possible problems and alternatives before they intervene in incidents when they do not have their official ID and sidearm.

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SECONDARY EMPLOYMENT REQUEST

Name:	
Badge #:	
Today's Date:	
Rank:	
Bureau:	
Secondary Employer:	
Address:	
Nature of Work:	
Use of Police Powers:	
Start Date:	
Days per week:	
Hours per day:	

Secondary Employer's liability insurers rarely extend coverage to independent contractors unless independent contractors are named as an additional insured on the policy. The City Attorney's Office will not approve the form unless the certificate of coverage or some other writing from the insurer indicates independent contractors are covered. Officers will not wear the TPD uniform, nor will they use city owned equipment while working extra duty employment for any security company unless authorized by the Chief of Police or his designee.

READ THE FOLLOWING CAREFULLY BEFORE SIGNING

Your request for Secondary Employment must conform to TPD Standard Operating Procedure 3.2 "Secondary Employment and Off Duty Law Enforcement Actions" and City Personnel Regulations concerning "Conflict of Interest and "Outside Employment". You certify that the foregoing answers are true, complete and correct to the best of your knowledge and belief and this position complies with TPD policy and City Regulations. You understand that any misstatement of material facts may result in disciplinary action.

This form expires at the end of the calendar year regardless when submitted. If there is a change in your secondary employment, fill out a new form and submit it to the Secondary Employment Liaison.

Employee:		Date:
Legal Advisor:	Approval: Y N	Date:
Secondary Employment Liaison:	Approval: Y N	Date:
Chief of Police/Designee:	Approval: Y N	Date: