



POLICY AND PROCEDURE

NO.60

Off Duty Assignments

Date Issued August 17, 2020	Date Effective August 17, 2020	Revision No. 4	No. of pages 9
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This policy establishes guidelines and procedures for police officers and officials regarding paid details and supersedes any previously issued policies and directives.

1. LEGAL BASIS AND RATIONALE FOR OFF DUTY ASSIGNMENTS:

Regardless of the nomenclature that is applied to a particular work assignment (*e.g.*, on-duty, over-time, special assignment or call-out, off-duty, paid-detail, extra-duty assignment), police officers are first and foremost employees of the City of Worcester and the Worcester Police Department. As such, they have the primary responsibility of enforcing the laws of the Commonwealth, City Ordinances and protecting the safety of the public. Because an off-duty assignment is an official Department assignment, all officers performing off-duty assignments shall adhere to all rules and regulations, as well as all relevant Policies and Procedures of the Worcester Police Department, in their performance of off-duty assignments.

2. GENERAL DUTIES AND OBLIGATIONS:

Officers performing a paid detail **shall**:

- Report to the detail location on time.
- Personnel on paid details shall wear complete uniform of the day. For inside assignments, jackets maybe removed but uniform caps must be worn. Uniform of the day is to include all issued weapons and other equipment.
- Officers shall stay at their assigned post for the duration of the off-duty assignment unless authorized to leave by the vendor or a police supervisor.
- Perform only police services and offer no other considerations to the vendor. (*E.g.*, assisting the vendor by performing errands or transportation in their private vehicle, except for so-called “bank runs,” or at other times when monies are customarily transported for safekeeping.)
- Officers shall perform all necessary Police services including taking incident reports and the issuance of parking and moving violations for the duration of the contractual period.
- With respect to arrest, injury, accident or incident reports, any police officer or official assigned to an off-duty assignment is required to submit a written report concerning any such arrest, injury, accident or incident that occurs during the period that he is assigned to the off duty pay job. These reports shall be submitted no later than the completion of the off-duty assignment, through the usual channels (*i.e.*, the officer’s/official’s chain of command), with the additional requirement that a complete copy of all such reports be submitted to the Commanding Officer of the Off-Duty Assignments Office. Arrest reports shall be forwarded forthwith to the Service Division, and all related paperwork shall be completed in the usual manner.

Officers performing a paid detail **shall not:**

- Act as ushers, ticket takers or assist in the buying or selling of tickets of admission to any theater or dance.
- When assigned to extra duty jobs at establishments serving alcoholic beverages, Police Officers shall not check I.D.'s (proof of age) at the door. Such checks shall be the responsibility of the establishment.
- Be required to perform consent searches.
- Take an assignment that interferes with or in any way conflicts with an officer's regularly assigned hours of duty or his statutory obligations, the Rules and Regulations of the Worcester Police Department, or the published directives of the Chief. Conversely, any officer indicating availability on a given day must be able to fulfill his/her obligation to the contractor.

3. ELIGIBILITY:

In accordance with the statutes and Revised City of Worcester Ordinances of 1996, Chapter 2, Sec. 11., the Chief of Police, or his designee, may assign police officers to off- duty assignments. Rank shall not be considered in such assignments except in cases where the Chief determines that supervisory personnel are necessary. Officers shall be deemed **ineligible** and are prohibited from working Paid Details when listed on their Division's Morning Report as being in one of the following categories:

1. Police Officer on Duty (i.e., during the listed hours of duty)
2. Injured On Duty
3. Leave of Absence
4. Sick
5. Suspended
6. D.I.F. (Bereavement Leave)
7. Extra/Punishment Duty.

All of the foregoing notwithstanding, the Chief of Police reserves the right, pursuant to the "Management Rights" clauses of the City's contracts with the police unions, to deny an officer or official the permission to work a specific detail, a specific type of detail, or any and all details. However, such a denial shall not be made capriciously.

All officers and officials must receive **Prior Approval** before he or she is authorized to work the assignment, **Or No Payment Will Be Made.** Assignments issued by the Off- Duty Assignments Office shall be considered to have prior approval.

4. METHOD OF ASSIGNMENT:

The "On-Line" Off-Duty Assignment site shall be utilized by all officers and officials in order to indicate their availability for an off-duty assignment. This system shall be used as follows: Log onto the paid detail site at the "Officer Availability Screen."; next, enter hours of availability, which go from 0000 to 2330 in ½ hour increments. (E.g., if you are going to be working from 1600 to 2359 hours the next day, you would probably list your availability as 0700 to 1530 hours. If you have a specific job, such as a market, bingo, etc., you would put in the specific hours, such as 1700-2200.) You have the ability to put yourself available for up to 4 weeks in advance.

When filling the jobs for a specific day, officers on day-off and furlough will receive preference over those officers who are working their regular shift. Jobs will also be given first to those officers within these categories who have the least hours for that week.¹

After exhausting the day-off and furlough list, officers working their regular tour of duty will be assigned to the remaining jobs, starting with those officers within this category who have the least hours for that week. When filling jobs over the radio, Off-Duty Assignments will utilize the channel designated for this purpose. Once again, as officers call in available, the names will be checked against the day-off and furlough list first. After exhausting the day-off and furlough list, Off-Duty Assignments then will go to the list of officers who are scheduled to work a tour of duty. The same procedure utilized above with regard to hours worked/scheduled in a given week shall be applied. **Any officer or official who is found to have deliberately misrepresented his or her duty status in order to gain preference in obtaining an off-duty assignment may be removed from the eligible roster for a period of time to be determined by the official-in-charge of Off-Duty Assignments and/or the Chief of Police.**

In non-emergency situations, all requests for an off-duty assignment by a business/vendor/contractor, *etc.*, shall be referred to the Off-Duty Assignment Office. If the request is made after normal business hours, the vendor shall be advised to contact that office during business hours.

When an emergency arises after normal business hours and an Off-Duty Assignment official is unavailable and a request is made for an off-duty officer, the on-duty Operations Division official-in-charge shall assign any available off-duty personnel. If no official is available in Operations at the time that the emergency occurs, the request for personnel shall be referred to the on-duty Service Division official-in-charge. In such situations, said official-in-charge shall notify the Off-Duty Assignment Office, via the new E-Journal, no later than 0700 hours of the next day. The written notice shall state:

- Name of person making request for an off-duty officer
- Name, mailing address, telephone number of business/vendor/contractor, *etc.*
- Location and time of assignment
- Name(s) of officer(s) assigned }
- Name of official who made the assignment

An officer may, at their discretion because of safety or other concerns, notify the F-1 or F-2 dispatcher of the location and time of their assignment should the need for immediate assistance arise.

The following practices, regarding the acceptance of details, shall be prohibited:

- **Unauthorized Details:** Sworn officers may only accept details processed through the Department's established system. Under no circumstances shall an officer seek, solicit or promote paid details outside the approved system of detail distribution. No officer has the authority to act as an agent of the City to negotiate a contract with any vendor for any Off Duty Assignment without prior approval.
- **Court Conflicts:** **Officers shall not accept or perform a detail which conflicts with a scheduled court appearance,** or which overlaps with a normally scheduled tour of duty, an

¹ This determination will be based on the total number of hours worked and scheduled to be worked by an officer, as indicated in the computer, for any given period beginning at 0000 hours on Sunday morning to 2359 hours on Saturday night.

overtime assignment or another detail. However, the fact that an officer is performing a court assignment shall not bar him/her from accepting a paid detail, if one is available, provided that the scheduled detail time does not conflict with the officer's appearance in court.

- **Change Days:** Officers shall not change a normally scheduled tour of duty to accept a paid detail without the approval of his or her Commanding Officer.

5. SUPERVISORY RESPONSIBILITIES:

If a police official is assigned to the detail as a supervisor, he/she shall be responsible for all other officers and officials assigned to his/her command for that detail. If more than one police official is assigned to a specific detail, than the official designated by the Off-Duty Assignment Office as “The Official-in Charge” of that detail shall have the ultimate responsibility for and control of the other officers and officials assigned to that detail. Said “Official-in Charge” shall in-turn be accountable to the Deputy Chief of Operations.

In the case of individual details, or details to which no ranking official is assigned and/or designated as the “The Official-in Charge,” the on-duty Operations Division Supervisors shall be responsible for the supervision of paid detail personnel within their respective sectors. Said on-duty Operations Division Supervisors shall in-turn be accountable to the Deputy Chief of Operations.

Supervisory responsibilities shall include, but not be limited to ensuring that:

- The uniform of the day is being worn.
- All departmental Rules and Regulations and Policies and Procedures are followed accordingly.
- Motor vehicle tows are properly executed.
- Any violations by an officer performing extra duty work are reported.
- Filling-out of IOD paperwork.
- **Sickness, IOD, Court, etc.:** A police officer or official who is unable to report for an assigned detail must notify the Off-Duty Assignments Office, or the On Duty Operations Commanding Officer when the Off-Duty Assignments Office is closed. A police officer or official who becomes sick or injured while performing a detail must notify a sector supervisor. (See “Injured On Duty” below.) Any police officer or official, who is scheduled to perform a detail but is unexpectedly summonsed to court, must notify an Off-Duty Assignments or Operations Official forthwith of this occurrence. It shall then be the responsibility of that official: 1) to make arrangements for a relief, if possible, until the officer is able to return to the detail; or 2), to make an alternate arrangement to fill the detail; and 3), notify the contractor or civilian in charge of the work detail of any changes in coverage.

6. DETAILS AT LICENSE ESTABLISHMENTS-ADDITIONAL AND SPECIFIC REQUIREMENTS:

All details scheduled and performed at any licensed liquor-pouring establishment shall be conducted in strict compliance with the following requirements (see also Rule #1 of the Rules and Regulations of the License Commission for the City of Worcester):

- All officers assigned to an establishment that is licensed for the sale of alcoholic beverages shall be knowledgeable about M.G.L. c. 138, as well as the 29 rules adopted by the License Commission.
- All such details performed as part of an establishment's regular, nighttime operating hours shall be scheduled to run from 2300 hours on the starting day until 0300 hours on the following day, unless the establishment requests an earlier starting time. In all such cases, the ending time shall remain at 0300 hours.
- The assigned officer(s) are responsible for conditions both the inside and outside of the premises.
- The assigned officer(s) shall ensure that the management stops serving all drinks/beverages no later than 0145 hours, that all unconsumed drinks/beverages are collected by 0200 hours, and that all patrons have left the premises by 0200 hours, in accordance with official requirements.
- The assigned officer(s) shall remain at the detail location until 0300 hours, in order to ensure that the proper closing time is observed, the safety of employees and patrons, and the orderly departure and dispersal of patrons. In keeping with these goals, the assigned officer(s) shall also monitor the exterior of and immediate vicinity surrounding the licensed premises, taking any and all necessary police action as circumstances may require. Under no circumstances shall the assigned officer(s) depart from the detail site while any patrons remain in the vicinity.
- Any violation of laws, licensing regulations or conflicts involving management and police personnel at licensed establishments shall require an immediate on-air request for a Patrol Supervisor.
- All officers performing paid details at licensed establishments shall do so in full uniform, unless there is permission from the Off-Duty Assignment Office to do otherwise.
- All overtime associated with any arrest or other incident, including the completion and filing of the appropriate reports, which occurs during the paid detail shall be passed on to the hiring establishment through the paid-detail office. A copy of any such arrest or incident report that is generated shall be filed with the License Division within 12 hours.
- Pursuant to WPD R&R 1613.1, Officers shall not seek or accept any gift or gratuity, including food, drink or admission to public transportation or public amusements for themselves or others, from any merchant or business establishment, when it can be construed to involve their position as an employee of the Worcester Police Department.
- Pursuant to M.G.L. c. 268A, §2 (a) and (b), any offer of any present or future consideration in an attempt to influence a municipal employee or any such act by a municipal employee in order to obtain any such consideration is a **three (3) year felony**.
- **Exceptions**—In the case of a detail performed until closing at an establishment that closes earlier than 0200 hours, the detail hours shall cover the last three (3) hours that the establishment is open, and the 1st hour immediately after it closes. In the case of a detail at a licensed establishment to be performed earlier in the day, because of a special event, or at an event for an organization that has obtained a special liquor license for a specific event, assigned officer(s) shall remain at the designated location for the time specified when assigned, unless circumstances require that the officer(s) remain for additional time.

- **Reports**—In the event of the occurrence of any of the following incidents, reports shall be submitted through proper channels as follows:
 - Arrest—Within a minimum of 12 hours after the arrest, unless the suspect is due in court within a shorter period of time, or unless directed to do so sooner by a superior officer;
 - Injury—Within a minimum of 12 hours after the injury, unless an arrest was involved or unless directed to do so sooner by a superior officer;
 - All other incidents not involving arrest or injury—Within a minimum of 12 hours after the incident, unless directed to do so sooner by a superior officer.

7. INJURED ON DUTY:

Injured-On-Duty Status will be granted to an officer who has received prior written approval as specified above and who is injured while performing police duties connected with such Off Duty employment.

In the event an officer is injured while performing an off-duty assignment, he shall immediately call for an Operations Division Official to come to the scene and investigate the incident. That official and the involved-officer shall make out full reports concerning the incident, as set forth in the Injured-On-Duty Policy.

8. PAYMENT FOR OFF-DUTY ASSIGNMENTS:

Four Hour Minimum:

All officers and official working off-duty assignments shall be paid a minimum of four hours pay at the established payment rate for that particular detail, provided that they have not been notified of the cancellation of the detail prior to its commencement.

Relevant Collective Bargaining Agreement:

Agreement off duty road construction jobs performed for utility companies shall be compensated according to the following minimum hours at the applicable detail rate:

- For details worked in excess of four 4 hours but less than six 6 hours a minimum of six 6 hours pay;
- For details worked in excess of six 6 hours but less than eight 8 hours a minimum of eight 8 hours pay.

Administrative Charge:

All billing must include an administrative charge, which is payable to the City of Worcester. This charge shall be equal to 10% of the total billing for any detail.

Payment Rate:

Payment will be made normally at the rate of “time and one-half” the maximum pay-rate for a police officer, under the current prevailing contract between the City and the Police Officers’ Union, for each hour or portion thereof that is worked. Whenever an officer is assigned to a detail as an officer of rank, he/she shall receive pay at the rate of “time and one-half” of the maximum pay-rate for the specific rank, under the current prevailing contract between the City and the Police Officials’ Union, for each hour or portion thereof that is worked commensurate with that rank.

Authorized Method of Payment:

The only authorized method of payment to personnel for an off-duty assignment is a City of Worcester payroll check.

Off-Duty Assignment Book:

Officers assigned to off-duty assignments must have an off-duty assignment book (available at the Off-Duty Assignment Office), which contain work slips for individual assignments. A fully completed work slip must be turned-in for each assignment worked. Police Officers shall be responsible for submitting work slips that accurately reflect the actual hours worked, and shall not accept payment for hours not worked except where the "Four Hour Minimum" rule applies. **If no work slip is submitted within 7 days of the completion of the assignment, no payment will be made, and the officer will not be able to log into the Off-Duty Assignment site.** When circumstances dictate, the official-in-charge of an off-duty assignment may include all officers working the assignment on one slip. Whenever an unusually large number of officers are assigned (e.g., paving details, ethnic festivals, concerts, etc.) a roster detailing each assigned officer's hours worked may be attached to a single slip, in lieu of submitting individual work slips. The completed work slip may state the total number of officers who were assigned with a reference to the attached roster, and it must contain all other normally required data, and be signed by the official-in-charge.

All work slips must be signed by an agent or representative of the vendor. Whenever such a signature cannot be obtained, a note must be attached to the slip explaining why it was not obtained.

Payments by Vendors:

In the normal course of business, all payments by vendors shall be sent directly to the Treasurer's Office at City Hall. Because some details may involve vendors who are transient in nature (e.g., carnivals and concerts), it may be necessary for payment to be made, in advance, by the vendor in person at the Worcester Police Department Off Duty Assignment Office, or to the officer assigned to the detail. Such payment shall be in the form of a money order, cashier's or certified check, made payable to the City of Worcester. If the officer assigned to the detail receives the money order or check, it must be attached to the assignment slip at the time that it is turned in. The officer receiving the check is responsible to ensure that the payment is for the correct amount, including the 10% administrative charge. Failure to collect the administrative charge may result in a reduction in the amount paid to the officer(s) working the detail. **Cash is not to be accepted for payment for any paid detail, unless explicitly authorized in advance by the Off-Duty Assignments Office.** In any such instance, the officer or official receiving the cash will be responsible for converting it into the form of a money order or cashier's check before delivering the funds to the to the Off-Duty Assignments Office. All such funds shall be delivered no later than 0800 hours of the next regular business day for the Off-Duty Assignments Office. The official-in-charge shall provide the officer or official turning over the money with a signed receipt. The official-in-charge shall then be responsible for delivering this money to the Treasurer's Office at City Hall.

9. SPECIAL CIRCUMSTANCES:**Accidents/Emergencies:**

At the scene of truck or large vehicle accidents, off-duty assignment officers shall be utilized only when requested by the towing company and authorized by a police supervisor/official, and/or when the area involved is expected to be affected for an extended period, i.e., more than 60 minutes. In such instances the work slip must be signed by the towing company representative and the police supervisor/official.

Substitute Officers: Whenever an officer, who has been assigned to an off-duty assignment at a specific time and place, is unable to fulfill that assignment due to an emergency or illness, the officer must notify the Off-Duty Assignments Office forthwith and prior to the scheduled start of the detail. If the office is open, the information shall be given to the official-in-charge, who will then be responsible for making any decisions and arrangements for a replacement officer. If the office is closed, the officer that is unable to fulfill the assignment shall place a call to the Off-Duty Assignments Office's dedicated phone line (508-799-8686, intra-office menu choice #5) and state the following, **prior to the scheduled start of the assignment:**

- Officer's name and phone number
- Date, time, and location of the assignment
- Name of the vendor/POB
- Reason why you cannot fulfill the assignment
- **Name of the replacement officer who is going to work the assignment, if any.**

This dedicated phone line will provide an automatic time date stamp, which will show when the substitution was made. Any substitution made after the scheduled starting time of the detail will be deemed invalid unless, it is authorized by an on-duty supervisor and recorded on the Operations Division Journal, with a copy of the entry forwarded forthwith to the Off-Duty Assignments Office. Invalid substitutions will not be recognized or paid, and will also be subject to disciplinary action. This procedure will ensure that any officer who fills-in for the originally assigned officer will be properly covered in the case of any arrest, injury, *etc.*

Volunteer Details:

Any eligible police officer who wishes to be assigned to a particular detail as a volunteer must request prior approval in writing through channels to the Office of the Chief of Police.

Ineligible Vendors:

The Off-Duty Assignment Office may occasionally establish a list of vendors who are delinquent in payment for prior assignments and who are thus not eligible to secure an officer for an off-duty assignment.

Use of Departmental Marked Motor Vehicles:

Use of a departmental marked motor vehicle during a paid detail will be justified when a hazardous condition exists, such as would pose a threat to the safety of the officer, vendor and/or the public. Whenever a marked vehicle is so utilized, **it must be approved by an official from Off-Duty Assignments during that office's normal business hours and a supervisor from the division or unit from which the vehicle is requisitioned**, and so noted on the division's or unit's daily journal. When Off-Duty Assignments is closed, authorization by a supervisor from the division or unit from which the vehicle is requisitioned and the journal notation will suffice.

Use of Departmental Unmarked Motor Vehicles:

As unmarked police vehicles have a diminished public safety role, they are not to be utilized at the scene of a hazardous condition, such as would pose a threat to the safety of the officer, vendor and/or the public, **unless no marked departmental vehicle is available**. Otherwise, only such off-duty assignments that, due to their investigative nature require the use of an unmarked police vehicle, shall

be assigned one. Whenever an unmarked motor vehicle is utilized, it must be approved by following the same procedure as outlined above for marked departmental motor vehicles.

Conflict of Interest:

It is the policy of this Department to be in strict compliance with the intent of Massachusetts General Laws, 268A, Section 19. (See also WPD Rules & Regulations #1600 ff.) With respect to the acceptance off-duty assignments, this law would prohibit a municipal employee from accepting an assignment if, to his knowledge, any prior or existing arrangement between the employee and the vendor would impair or compromise the employee’s independent judgment in the performance of his official duties. This provision in the law would further prohibit a public employee from accepting an off-duty assignment if by so-doing it would seem likely, to a reasonable person, to create the impression that any person can unduly enjoy the municipal employee’s favor in the performance of his official duties. It is incumbent upon any police officer or official, as municipal employees, to notify the official-in- charge of the Off-Duty Assignments Office whenever he/she believes that working a particular detail might involve a conflict under Chapter 268A, Section 19.

Per:



Steven M. Sargent
Chief of Police

*Policy #60 Off Duty Assignments 2-22-05 was revised on 3-3-06

*Revised June 2019:

Section #4 “Off-Duty Assignments will then print a list from the computer that lists...” removed.

Edit on page 3, “An officer may, at their discretion because of safety or other concerns, notify the F-1 or F-2 dispatcher of the location and time of their assignment should the need for immediate assistance arise”.

*Policy #60 Off Duty Assignments Revised 8-17-2020: Collective Bargain Language added p.6