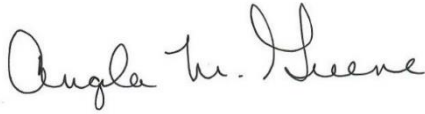


	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	8.09
		Original Issue Date	Reissue/Effective Date
		01/06/2024	01/06/2024
Order Title: EXTRA DUTY ASSIGNMENTS and OFF-DUTY EMPLOYMENT		CALEA Accreditation Standard:	Section
		22.2.4; 22.2.5	8
		VLEPSC: PER 04.01; 04.02	
		Rescinds: PER 01-09	
Section Title PERSONNEL		 Angela M. Greene, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

This General Order provides Lexington Police Department personnel guidelines concerning department and private duty overtime assignments.

II. POLICY

It is the policy of the Lexington Police Department (“Department”) to provide guidelines to members regarding department and private duty police assignments and to establish procedures to maintain accountability for the welfare of the Department, its employees, and the public.

III. DEFINITIONS

Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

Extra Duty Assignment: Activities outside of normal work schedules performed by members of the Department in which the member engages in approved police activities performed by contract, and where payment is made by an approved third- party employer to the member, and where the approved secondary employment activities are managed through the Deputy Chief of Police.

Off-Duty Employment: Employment that is not of a law enforcement nature in which vested police powers are not a condition of employment requiring no real or implied law enforcement service to the off-duty employer.

IV. PROCEDURES – Extra Duty Assignments

A. General Procedures

1. Lexington personnel may not work more than sixteen (16) hours of regular duty, department and/or private duty overtime or any combination thereof within any 24-hour period except in the event of emergency conditions. All Lexington personnel must have a minimum of a consecutive eight-hour rest period between scheduled assignments.
2. The Department must approve all secondary employment/extra duty assignments. The Chief of Police or designee may refuse any work request that may bring disrepute on the agency or involves duties that would not be appropriate for agency personnel.
3. Members of the department working a private duty assignment are considered on duty. Therefore, members shall be bound by all department rules and directives and will be paid through the City of Lexington payroll or the event organizer.
4. All department and private duty work that is scheduled in advance shall go through the Deputy Chief of Police or designee. The Deputy Chief of Police, or designee, shall oversee adherence to department policies, procedures and Standards of Conduct. The Chief of Police has the authority to revoke an extra duty assignment based on violation of department policies or Standards of Conduct or the guidelines of this policy.
5. Any modification of department or private duty work assignments (including changes in hours, number of officers, duties, etc.) must be authorized by a supervisor.
6. The supervisor authorizing these changes shall notify the Chain of Command in writing.

B. Sign-Up Procedures

1. All extra-duty services shall be assigned by use of the interdepartmental messaging through Planit and governed by the City of Lexington Personnel Manual.
2. Extra-duty employment must be scheduled in a manner that does not conflict or interfere with the member's regular assigned hours.
3. Officers shall submit a written request for off-duty employment to the Chief of Police for approval, prior to engaging in such employment. The original will be returned to the submitting officer and a copy will be placed in the chief's office file and a copy will be placed in the employee's personnel file.
4. Permission for a member to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not

in the best interest of the department.

5. A member engaged in any off-duty employment is subject to call-out in case of an emergency, and may be expected to leave their off-duty or extra-duty employment in such situations.

C. Extra Duty Duties and Responsibilities

1. Outside contractors and City agencies employing members on private duty will determine the duties of that member insofar as those duties are consistent with the policies and procedures of the Lexington Police Department.
 - a. These duties shall be generally described on the written request for extra duty.
 - b. The significant aspects of the private duty job shall be documented including, but not limited to:
 - i. Date
 - ii. Time
 - iii. Location
 - iv. Hours worked/requested
 - v. Type of private duty job (i.e., traffic, security, etc.)
 - vi. Whether a police vehicle is required
 - c. If questions or concerns should arise regarding the duties to be performed on the extra duty assignment, the member on said assignment should contact the on-duty supervisor to assist in resolving the issue.

D. Payments for Extra Duty Assignments

1. Payment rates charged to vendors are determined by the Chief of Police.
2. Payment rates paid to employees are as follows:
 - a. Supervisors: Paid at their calculated overtime rate
 - b. Patrol Officers and Sergeants: Paid at current overtime rate

E. Terms Of Employment For Private Duty Assignments

1. A two (2) hour minimum shall exist for all non-construction, private duty work. After two (2) hours, the job will be worked in increments of one-half hour.
2. A four (4) hour minimum shall exist for all construction private duty work that is voluntarily signed for and not the result of a departmental order in.

3. Vendors may cancel a job without penalty two (2) hours prior to the start of the job. If the vendor fails to do so, the officer who has signed for the job shall be entitled to payment for two (2) hours and the vendor will be billed by the department for same.
4. Any vendor hiring police officers for a security detail at an establishment or function where alcoholic beverages are being served shall be required to hire at least two (2) officers. At the discretion of the Department, additional officers may be required.

F. Billing Procedures For Private Duty Assignments

1. The officer working the private duty assignment is responsible for documenting time, and no payments will be processed until they:
 - a. Have the private duty work order signed by and name printed of the person in charge of the assignment and turns it in to the Account Clerk.
 - b. Sign into the appropriate overtime roster with the correct number of hours worked and any other required information.
 - c. All dates and hours on the work order and the roster must match. All work orders and roster entries shall reflect the actual number of hours worked on the private duty assignment.
2. The Account Clerk is responsible for the following:
 - a. Once the work order is received, the Account Clerk will enter the information and invoice the vendor.
 - b. Forward a copy to the Payroll Clerk to verify the hours worked.
 - c. Once payment is received, forward the check and invoice to the Finance department (or follow current procedures established by that office).
3. The Payroll Clerk is responsible for the following:
 - a. Verifying the number of hours worked on the roster and the work order.
 - b. If correct, enter the information into the payroll system.
4. At no time should work orders or roster entries be submitted by the same officer showing the same hours worked at two or more different jobs (either department or private duty) as this will result in improper billing, overpayment, and/or double payment to the officer.

Example: an officer works a private duty assignment for Vendor A that ends as stated in Section VI or finishes early and then begins another private duty assignment or Department job. The first vendor and second vendor or Department should only be billed for the actual hours worked at each.

G. Administrative Review

From time to time the procedures contained herein may be updated. Such changes will be addressed through memorandum and incorporated into this General Order on an annual basis or as needed.

V. **PROCEDURES – Off-Duty Employment**

A. General Considerations

1. To maintain the integrity of the Department and its employees, the Department prohibits its employees from participating in Outside Employment having a potential for conflicts of interest, the appearance of conflicts of interest, or that which would tend to lower the dignity of the profession. Therefore, employees are prohibited from:
 - a. Performing tasks other than those of a law enforcement nature while in police uniform.
 - b. Participating in professional sporting events where there is a substantial risk of serious injury, without prior written approval of the employee's supervisor.
 - c. Repossessing or towing vehicles, acting as a process server or bill collector, or in any other employment in which police authority might tend to be used to collect money, merchandise, etc., for private purposes of a civil nature.
 - d. Employment which requires access to police information (files, records, or services) as a condition for employment; except where specific approval for such use has been authorized by the commander having control over such information.
 - e. Employment which results in other qualified persons being deprived of "rightful" employment and which results in a justified complaint. The Department will be the sole judge in these matters.
 - f. Employment which assists in the case preparation for the defense in any criminal action or proceeding.
 - g. Employment directly for or on behalf of establishments that sell or

dispense intoxicating beverages. The Chief of Police, or designee, may grant an exception to this prohibition if the employer is a business association that has received specific authorization from the Department to hire off-duty officers. Under no circumstances will authorization be granted for a direct employer/employee relationship between nightclubs and officers. The Chief of Police may grant an exception to this prohibition under the following conditions:

- i. The employer's main activity is not the sale or consumption of alcohol (athletic events, hotel operation, etc.); or
 - ii. The employer is the Commonwealth of Virginia and the state-operated facility where the work is to be performed allows the sale but not the on-premises consumption of alcoholic beverages.
- h. Owning, operating, managing, or having a financial interest in: a business providing security services where the employee utilizes their color of office, position of employment, or access to Department information, files, records, or services for private or business gain; and/or a private investigation business.
 - i. Performing police functions in uniform for a private employer beyond the jurisdiction of the corporate limits of the City, without prior written approval of the outside police agency having jurisdiction.
 - j. Employment directly for, or on behalf of, an establishment that is licensed for or provides adult entertainment.
 - k. Employment involving any form of gambling, including, but not limited to, cards, bingo, raffles, "Reno Nights", etc.
 - l. any other employment activity not herein defined where there is a law enforcement obligation for close police scrutiny, or that would tend to lower the dignity of the police profession or creates conflicts of interest or the appearance thereof.

B. Approval Required

- 1. Any employee seeking Off-Duty Employment as defined above will provide the Chief of Police with a memo outlining the following information:
 - a. Name, address and contact information of the employer;
 - b. Expected hours of work;
 - c. Type of work to be completed; and
 - d. The anticipated length of employment

2. All requests must be submitted and approved, in writing, by the Chief of Police prior to engaging in such employment.
3. The memo will be attached to the "Off-duty employment approval" form. The original form and two copies shall be submitted. The original will be returned to the submitting officer, a copy will be placed in the chief's office file and a copy will be placed in the employee's personnel file
4. The Chief of Police may deny requests for off-duty employment that would interfere with an employee's ability to complete their responsibilities as an employee for the City of Lexington or where the work conducted is in conflict with the values and objectives of the Lexington Police Department.
5. If the Chief of Police approves a request for outside employment, such approval may be rescinded if it is determined that the employee's outside employment activities are resulting in unsatisfactory work performance such as excessive tardiness or other misconduct.
6. Permission for a member to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interest of the department. The Chief of Police shall be responsible for monitoring any employee's off-duty employment for any potential violations v policies, processes, conflicts, or other matters deemed appropriate.
7. A member engaged in any off-duty employment is subject to call-out in case of an emergency, and may be expected to leave their off-duty or extra-duty employment in such situations.