



LOUDON POLICE DEPARTMENT LOUDON, TN



Chapter 18

Subject: Secondary Employment	Effective Date: March 19, 2018	Revised Date: March 12, 2019
Title: Establishment of Procedures and Guidelines for Secondary Employment	Pages: 13	Distribution: All Officers
Cross Reference:	Chief of Police Approval:	

PURPOSE:

The purpose of this directive is to set forth guidelines to govern secondary employment by members/employees of the Loudon Police Department.

This directive shall consist of the following sections:

- I. Policy
- II. Definitions
- III. Procedures for Secondary Employment

I. Policy

The City of Loudon Police Department has an interest in the relationships that may exist between employees of this Department and other employers. The policy of this Department is to provide guidelines to employees as to inform them of the types of Secondary Employment which are appropriate and to establish procedures to maintain accountability for the welfare of the Department. These guidelines/requirements are essential for the efficient operations of the Police Department and for the protection of the community.

In all circumstances, employment by the City of Loudon Police Department shall be considered primary employment and shall not be jeopardized by secondary employment issues. Secondary employment shall not interfere with an employee's job performance with the City of Loudon Police Department. An employee's secondary employment must be accomplished in a manner that cannot be reasonably construed as being detrimental to the department or a threat to the status and dignity of the Department or the police profession.

Authorization to engage in extra-duty employment is a privilege, not a right. No officer/employee shall engage in a secondary employment without the knowledge of the Chief of Police or his designee. No officer/employee shall engage in any secondary employment or transaction, or have a financial or other personal interest, directly or indirectly, which is incompatible with the proper discharge of the officer's official duties, or which would tend or appear to impair the employee's independence of judgment or action in the performance of official duties. Secondary employment, other than extra-duty employment treated as departmental overtime, shall not be used in lieu of police services normally provided by on duty personnel.

Authorization shall be granted only for secondary employment that may not be reasonably construed to be in conflict with law enforcement duties or detrimental to the Department as determined by the Chief of Police. The Chief of Police or designee may determine at any time, and for whatever duration necessary, that all City of Loudon Police

Officers/Employees are needed to perform regular police duty and cannot be permitted to engage in secondary employment.

II. Definitions

- a. Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work, except where that volunteer charity work is based on the actual or potential use of law enforcement powers.
- b. Secondary Employment: Any employment whether extra-duty or off-duty, outside the City of Loudon Police Department and the member's/employee's primary employment. Secondary employment includes the ownership, management, or directing of a business or other entity for profit, nonprofit, or charitable purposes.
- c. Extra-Duty Employment: Any employment, including volunteer charity work, that is conditioned on the actual or potential use of law enforcement powers by the member.
- d. Off-Duty Employment: Any employment that will not require the use of or potential use of law enforcement powers by the off-duty employee. (This includes both sworn and civilian employees.)
- e. Brokering: Acting in any manner to arrange extra-duty employment for any department employee or any law enforcement officer employed by another department or agency, regardless of whether compensation and/or other benefits are received for such service.
- f. Eligibility Roster: Any list(s) established and maintained by the Chief of Police that contains the names, phone numbers, and available times of employees who volunteer for assignment for extra-duty employment through the Chief of Police.

III. Procedures for Secondary Employment

- a. Secondary Employment

1. Off-Duty Employment: Members/employees may engage in off-duty employment that meets the following criteria:

a) 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.

b) Employment that presents no potential conflict of interest between their duties as a police department member and their duties for their secondary employer. Examples: Employee works at a clothing store, employee owns an electronics store.

c) All members/employees must register off-duty employment with the Chief of Police or designee and must complete the "Secondary Employment Form"

2. Extra-Duty Employment: Members may engage in extra-duty employment as follows:

a) All extra-duty employment shall be coordinated and scheduled by the Chief of Police or designee.

b) Services which may be considered for extra-duty employment include:

1) Traffic control and pedestrian safety

2) Crowd control

3) Security and protection of life and property

4) Routine law enforcement for public authorities

5) Plain clothes assignments

c) The rate of pay for extra-duty employment not scheduled through a contract will be set at a rate authorized by the Chief of Police. No member shall negotiate or accept any extra-duty employment at a rate other than the standard rate unless specifically authorized to do so by the Chief of Police or his designee.

d) Events with four or more officers will require an onsite supervisor (sergeant). Span of Control for events requiring multiple officers is four (4) to twelve (12) members, with more allowed for short periods dependent upon circumstances. In those situations, the shift supervisor shall monitor the event.

b. Limitations on secondary employment are as follows:

1. In order to be eligible for extra-duty employment, a member must be in good standing with the department. Continued departmental approval of a member's extra-duty employment is contingent on such good standing. "Good standing", as it applies to extra-duty employment, means that an employee is not on suspension or other than regular duty status. Employees on suspension or other than regular duty status will not be eligible for extra duty employment during that time period.
2. Entry-level probationary members shall not be eligible to engage in extra-duty employment, unless approved by the Chief of Police.
3. Any member assigned to remedial training as a result of a disciplinary action for a performance issue will not be eligible for extra-duty employment until such remedial training is completed.

4. Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the member's/employee's performance of duty. No member may engage in extra-duty employment while on sick leave.
5. A member engaged in any secondary employment is subject to call-out in case of emergency, and shall be expected to leave their off-duty or extra-duty employment in such situations.
6. A member/employee may work a maximum of 80 hours of on-duty, off-duty or extra-duty employment in any calendar week (Sunday through Saturday). Any hours above 80 must be approved on a case by case basis by the member/employee's Shift Supervisor and reported to the Chief of Police or designee.
7. Prior to accepting secondary employment, a member/employee shall comply with departmental procedures for approval and assignment of such employment.
8. Extra-duty employment will be reviewed by the member's/employee's supervisor and the Chief of Police or designee to ensure compliance with this general order.
9. Except where a governmental entity has a current contract or memorandum of understanding with the Department or when officers are responding to a request for assistance pursuant to state law, extra-duty employment for officers exercising police powers and authority will be limited to work within the jurisdiction of the City of Loudon Police Department unless otherwise authorized by the Chief of Police or designee.

10. A member/employee **will not** engage in any secondary employment which represents a conflict of interest. Some examples are:

a) As a repossession or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.

b) Employment in investigations for the private sector which might require the member to have access to police information, files, records or services as a condition of employment. (E.g. employment as a private investigator, traffic reconstruction of accidents within the department's jurisdiction).

c) In police uniform in the performance of tasks other than that of a police nature unless approved by the Chief of Police or designee.

d) Employment which assists (in any manner) the case preparation for the defense in any criminal proceeding or for the plaintiff or defense in any civil action or proceeding.

e) In occupations that are regulated by, or that must be licensed through the police department. Examples: Towing or wrecker service, taxi service, pawnshop or in instances where individual must obtain a beer or alcohol server permit.

11. An employee will not engage in any secondary employment that constitutes 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 exclusively sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.

b) Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business, or any employment by an establishment that sells or otherwise provides alcoholic beverages for consumption on the premises, except extra-duty employment for special events authorized by the City of Loudon. In the discretion of the Chief of Police, permission may be granted for extra-duty employment by establishments selling or providing alcoholic beverages for consumption on the premises where there is a demonstrated need for additional police services, but such extra-duty employment shall be limited to providing security outside the premises of said establishments.

c) Any illegal gambling establishment.

12. Employees shall not utilize any police property or equipment in extra-duty employment other than equipment specifically authorized by the Chief of Police or designee. Members engaging in extra-duty employment may utilize such equipment as is customarily worn with the Class A uniform during on-duty employment. Police vehicles may be used for transportation to and from extra-duty employment. Use of vehicles for off-duty employment is forbidden.

13. Permission for an employee to engage in secondary employment may be revoked where it is determined by the Chief of Police or designee pursuant to departmental procedures that such secondary employment is detrimental to the interests of the department.

14. Any request for a member/employee to testify as an expert witness in any court must be approved by the Chief of Police.
15. Published material and public speaking engagements, whether paid or unpaid, shall be first submitted in writing to the Office of the Chief of Police for prior review. This does not apply to non-police related material or material that does not reflect on the City of Loudon Police Department, nor is it to be construed in any way as restricting the constitutional rights of any employee.
16. No employee of the City of Loudon Police Department shall be permitted to broker secondary employment. In addition, no employee may have a direct or indirect interest in a business that engages in brokering secondary employment for law enforcement officers, regardless of whether such officers are employed by the City of Loudon Police Department or another department or agency.
17. No employee of the City of Loudon Police Department shall seek or accept any fee or consideration, financial or otherwise, for scheduling or arranging for extra-duty employment for the employee or any other person (not including the regular salary and benefits paid to the Chief of Police or designee and any employees under the direct supervision of the Chief of Police or designee), nor shall any employee accept any fee or consideration for recommending any other person for extra-duty employment.
18. Any supervisor may order an employee to cease working any secondary employment a) who is observed in violation of any rule, regulation or procedure of the Department, b) which could embarrass or discredit the Department or c) if the employee is physically or mentally incapable of performing the job, pending review by the Chief of Police. In

this case, the supervisor so acting will immediately report the incident in writing to the Chief of Police or designee, stating the specific reasons for ordering the cessation of the secondary employment. Within five days of such an order to cease working said secondary employment, the Chief of Police shall make a determination of whether and for how long the prohibition shall continue.

19. The Chief of Police may place restrictions on an employee's secondary employment privileges during the pendency of an Internal Affairs investigation into the employee's conduct, or pending disciplinary action based on the results of the investigation.

c. Assignment of Extra-Duty Employment.

1. The Chief of Police or designee shall receive and process all requests by private employers for extra-duty employment of members/employees, and coordinate assignments in a fair and transparent manner.
2. An attempt should be made to accommodate members desiring to work a particular job if the nature of the event, job or facility allows, but sensitive jobs such as employment in public assembly facilities, dignitary protection, etc. shall be assigned by Chief of Police or designee based on the specific needs of the event, job or facility.
3. These assignment procedures shall not apply to departmental overtime not constituting secondary employment.
4. When making assignments for extra-duty employment, the Chief of Police or designee may take into account any pre-existing employment relationships with a private employer and requests by a private employer for employment of a specific officer for extra-duty employment, so long as the

relationship or employment does not constitute a conflict of interest or bring the Department into disrepute.

d. Employee responsibilities:

1. The secondary employer may be responsible for liability, compensation, and indemnification issues arising from injuries or other incidents occurring during secondary employment. Should the employee not be covered by the secondary employer then that employee is responsible for liability, compensation and indemnification issues arising from injuries or other incidents occurring during secondary employment.
2. Any employee seeking or engaging in secondary employment (off-duty and extra-duty) will complete the necessary "Secondary Employment Form." All recurring secondary employment activities must be renewed at a minimum on an annual basis.
3. Police officers working any extra-duty employment shall wear the Class A uniform unless otherwise approved by the Chief of Police or designee. Specialty uniforms may be approved by the Chief of Police prior to extra-duty employment, and any other exceptions must be authorized by the Chief of Police or designee. Plainclothes employment requests must receive prior approval by the Chief of Police, or designee in writing. Members working extra-duty employment shall not wear the uniform or logo of or indicia of affiliation with an extra-duty employer.
4. Any employee engaged in secondary employment will not use any departmental files or investigative resources to provide information to that secondary employer that would not be available to the public. **Examples: N.C.I.C., criminal history checks.**

5. Members engaged in secondary employment shall not apply for, assist in acquiring or arrange for any City-issued permit required for the secondary employer or event for which the member is hired. If a member is approached about a festival or special event requiring a road closure that has not been staffed by the police department, the member should refer the organizers to the Chief of Police or designee, to ensure that the proper permits have been acquired. Likewise, organizers of events serving alcohol should be referred to the City Recorder for information about gaining approval from the Beer Board.
6. While engaged in any type of extra-duty employment for any employer, employees will be held accountable for adhering to all state laws, local ordinances and all rules, policies, and procedures of the City of Loudon Police Department, including any departmental, city or state reporting requirements.
7. Any member/employee engaged in secondary employment during their normal work hours will utilize annual leave or accrued comp time for the overlapping hours. Only comp time that has been accrued through payroll shall be utilized. Employees exempt from overtime will not be required to submit leave due to their exempt status.
8. There will be occasions when members/employees fail to report for an extra-duty job or must find a replacement to cover their secondary assignment. The member/employee must immediately notify the Chief of Police or designee by e-mail of their failure to report and the name of the member/employee that covered the assignment or if no member/employee covered the assignment. The Chief of Police or designee may decline to schedule members/employees for extra-duty employment who fail to appear for extra-duty employment without good cause.

9. It shall be the responsibility of the Chief of Police or designee to make prospective employers aware of the applicable directives in this policy.