

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE August 9, 2011	NUMBER 1401.1
SUBJECT Secondary Employment	REVISED August 9, 2011	
REFERENCE SCLEA 2 nd Edition 7.7, 7.8	AMENDS/SUPERSEDES 1401	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 8

I. Purpose

The purpose of this policy is to set forth guidelines to govern secondary employment by all members of the City of Anderson Police Department.

II. Policy

Employment with the City of Anderson Police Department is the principal occupation of all full-time members of the agency. Therefore, it is the policy of the police department to provide guidelines for both sworn and non-sworn members in order to inform them of the types of secondary employment that are appropriate and to establish procedures to maintain accountability for the welfare of the police department. These requirements are essential for efficient operation and for the protection of the community.

III. Definitions

Off-Duty Employment - Any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the member of the agency. Off-duty employment is one of the two subsets of *Secondary Employment*. (Also see section V.)

Extra-Duty Employment - Any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the member of the agency. Extra-duty employment is one of the two subsets of *Secondary Employment*. (Also see section V.)

Primary Employment – Employment by the City of Anderson, Incorporated. This includes all work for which a member of the police department receives compensation through the City of Anderson, Incorporated's payroll system. If the City of Anderson compensates the individual for working via the individual's payroll check, it is primary employment even if a private party pays or contracts the city for the service. This includes both "regular time" and "overtime". (Also see section V.)

Secondary Employment – All paid and volunteer work activities performed by a member of the City of Anderson Police Department for any entity other than the City of Anderson Police Department, including private citizens, other government agencies, business concerns, nonprofits and/or any other organization as well as work performed for those entities on a volunteer basis. Members are compensated for secondary employment by a means other than the City of Anderson Police Department payroll process. Secondary Employment consists of two separate subsets: Off Duty and Extra-duty, whether paid or volunteer. (Also see section V.)

IV. Procedures

A. Off-Duty Employment

1. Members 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 the officer's duties as a Police Officer and his/her duties for the secondary employer.
 - c. Employment that does not constitute a threat to the status or dignity of the City of Anderson Police Department.
2. Work hours for all off-duty employment must be accomplished in a manner that does not conflict or interfere with the officer's performance of duty. Off-duty employment must be performed while keeping the best interests of the City of Anderson Police Department in mind.
3. A sworn officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty employment in such situations.
4. Permission for a sworn officer to engage in outside employment may be revoked where it is determined that such outside employment is not in the best interests of the police department.
5. All off-duty employment must be approved, in writing, by the officer's immediate supervisor and the Chief of Police prior to the officer accepting the position. Form APD-1401 or a document containing the same information as required by APD-1401 will be used.
6. A copy of the document shall be maintained in the officer's personnel file.

B. Extra-Duty Employment

1. Written Agreements

- a. Sworn personnel must receive City of Anderson Police Department permission to engage in extra-duty employment.
- b. A document requesting permission to engage in extra-duty employment must be written to the Chief or the Chief's Designee, through the officer's supervisor. If the officer's supervisor is in agreement with the request, the officer's supervisor should sign off on the document, indicating approval, prior to forwarding it to the Chief or the Chief's Designee. There are two (2) approved types of written agreements for all secondary employment. They are:
 - (1) Form APD-1401 or
 - (2) A document (i.e. memo) containing the basic information as required by APD-1401. If a memo is utilized, it must address, at a minimum the following basic information:
 - (a) Where the officer will be working,
 - (b) What duties will be performed, and
 - (c) When (i.e. what hours) the employment will take place, including duration as measured in weeks or months.
- c. Types of extra-duty employment that may be considered for agreements are (This list is not all inclusive):
 - (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) Plainclothes assignments.
- d. Types of extra-duty employment that will not be allowed for agreements are:
 - (1) Where the sale of alcoholic beverages is the primary business concern.
 - (2) Employment by credit agencies for the purpose of investigating or collecting accounts, including the repossession of motor vehicles and collection of bad debts.

- (3) Pre-employment investigations for private enterprise.
- (4) Any type work related to bail bonding.
- (5) Investigative work for insurance companies, attorneys or private security services.
- (6) Employment with any company while affected by a labor strike.
- (7) Employment that involves the officer's operation or control of any taxicab.
- (8) Officers will not engage in extra-duty employment when in the following status without the written permission of the Chief of Police:

(a) Sick leave.

- i. For the purposes of this general order, if an officer is on sick leave the last scheduled day of work prior to scheduled days off, the officer is deemed to be on sick leave until the next scheduled day of work.

(b) Disability leave.

- i. For the purposes of this general order, if an officer is on disability leave the last scheduled day of work prior to scheduled days off, the officer is deemed to be on disability leave until the next scheduled day of work.

(c) Administrative leave.

- i. For the purposes of this general order, if an officer is on administrative leave the last scheduled day of work prior to scheduled days off, the officer is deemed to be on administrative leave until the next scheduled day of work.

(d) While suspended from duty.

- i. For the purposes of this general order, if an officer is suspended from duty the last scheduled day of work prior to scheduled days off, the officer is deemed to be on suspension until the next scheduled day of work.

- (9) Any position that requires appointment as a law enforcement officer in another jurisdiction, unless otherwise approved by the Chief of Police.
- (10) In any capacity which harbors the potential to cause conflict of interest or bring discredit upon the officer and/or the Police Department.
- (11) Any Officer found to be engaging in extra-duty employment in violation of any provision contained within this General Order may be subjected to disciplinary action up to and including termination and/or revocation of permission to engage in extra-duty employment.

C. Approval, Review, and Revocation

- 1. All requests for extra-duty employment are subject to review and approval by the Chief or the Chief's designee.
- 2. In order to be eligible for extra-duty employment, a sworn member of the agency must be in good standing with the City of Anderson Police Department (not under suspension, not on administrative leave due to an internal investigation, etc.).
- 3. Those officers who are on medical leave, or other leave due to sickness, or officers who fail to meet the minimum requirements of the physical fitness test (if one is prescribed) will not be eligible for extra-duty employment. Those with a temporary disability or an on-duty injury may be authorized on a case-by-case basis.
- 4. South Carolina is a Right-to-Work state. Therefore, the Chief of Police will make the final decision regarding approval or disapproval of extra-duty employment and any related conditions or restrictions, and shall have the authority to revoke any approved existing agreement at any time for any reason or for no reason at all, with or without cause. The decision(s) of the Chief of Police regarding extra-duty employment is final.

D. Conduct and Activities of Officers

- 1. Officers may engage in extra-duty employment involving the use of their law enforcement authority only within City of Anderson.
- 2. Officers engaged in extra-duty employment will be responsible for reports and paperwork arising from action taken during such employment. Assistance from on-duty personnel should be requested for transporting and processing prisoners as available.

3. Work hours for all extra-duty employment must be scheduled in a manner that does not conflict or interfere with the officer's performance of duty.
4. Injuries sustained while engaged in extra-duty employment must be promptly reported to the officer's supervisor, or if not available to the on-duty supervisor, who must ensure that all necessary reports are completed and filed.
5. A sworn officer engaged in any extra-duty employment is subject to call-out in case of emergency, and will be expected to leave his/her extra-duty employment in such situations.
6. The on-scene supervisor shall oversee officers assigned to extra-duty employment and ensure that the officers' conduct and activities are in compliance with the City of Anderson Police Department's Policies and Procedures. In the absence of an on-scene supervisor, officers will be under the supervision of the on-duty shift supervisor.
7. The on-duty shift supervisor shall be made aware of all extra-duty employment details assigned during his/her shift hours.
8. Members of the City of Anderson Police Department who are engaged in extra-duty employment shall at all times conduct themselves in a manner creditable to the City of Anderson Police Department.
9. Extra-duty employment must be performed while keeping the best interests of the City of Anderson Police Department in mind.
10. Use of City of Anderson Police Department property and equipment is authorized for extra-duty employment.
11. Any member of the agency found to be engaging in secondary employment in violation of any provision contained within this General Order may be subjected to disciplinary action and revocation of permission to engage in (any and all) secondary employment.

E. Coordination and Administration

1. The Chief's Office will coordinate all requests and maintain all paperwork for secondary employment of sworn personnel.
2. *Normally*, whenever opportunities exist for extra-duty employment a written announcement will be posted and distributed describing such extra-duty employment.
3. Extra-duty employment assignments will *normally* be offered to off-duty personnel first and then to other officers as may be required.

4. At the discretion of the Chief of Police and the on-duty supervisor, extra-duty employment for which a law enforcement need exists and no off-duty officer is available, on-duty personnel may be assigned to handle it.
5. Officers will generally be compensated at the prevailing hourly rate for extra duty employment (of police officers) in upstate South Carolina. Such pay is subject to all applicable taxes and deductions, regardless of the hours worked in their FLSA cycle. If the services are paid for in cash, the individual officers are responsible for filing their respective taxes.
6. The City of Anderson Police Department reserve officers may also be available for extra-duty employment. The Training Division will determine which officers are eligible, (current in hours and training requirements). Reserves will be used only after all attempts to fill extra-duty with full-time officers have been exhausted.

F. Documentation

1. Significant aspects of extra-duty employment, including but not limited to date(s), time(s), location, and duties to be performed, will be recorded in the written agreement, *Form APD-1401*, or a memo (or email) with substantially the same information.
2. Incidents occurring during an officer's extra-duty employment, including but not limited to uses of force, complaints received, incidents occurred and injuries sustained, shall be documented utilizing normal City of Anderson Police Department procedures and forms.
3. Members of the City of Anderson Police Department who are working extra-duty employment must contact dispatch via radio and advise dispatch of the officers who are working and their start & (approximate) end times. The on-duty supervisor should acknowledge this transmission and "pass on" the information to the next supervisor if the officer's off-duty assignment crosses shifts. Dispatch should cut a call-for-service for the assignment.

V. Clarification of Types of Employment

- A. The Chart on the following page depicts the types of employment in chart form.

By order of:


Martin D. Brown, Chief of Police

8-9-2011
Date

