

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 16: Professional Ethics and Discipline
Topic: SECONDARY EMPLOYMENT
Approved: 07/01/19
Review: Annually in May by Professional Services Commander
Supersedes: General Order 1670 dated 01/01/2013

Order Number: 1670
Issued by: Chief of Police

.01 PURPOSE:

To set controls upon secondary employment activities by sworn and civilian personnel

.02 CROSS-REF:

G.O. [1210](#), "Manpower Availability"
G.O. [1405](#), "Expert Witness Fees"
G.O. [1422](#), "Jurisdiction"
G.O. [1650](#), "Standards of Employee Conduct"
G.O. [1655](#), "Police Officer Conduct"
G.O. [1663](#), "Uniforms and Appearance"
G.O. [1672](#), "Extra-Duty Employment"
City of Frederick Ethics Law (Chapter 21 of the Frederick City Code)
Labor Agreement
Form OCP-003A Application for Extra-duty Employment
Form OCP-003B Application for Outside Employment

.03 DISCUSSION:

Law enforcement can function properly only in an atmosphere of public trust. It is a profession with high visibility, demanding that those employed in it avoid not only the actuality but also the appearance of conflicts of interest. Because law enforcement confers upon its employees' special powers and authority, or may give them access to privileged information, it is the duty of each employee to ensure that the integrity of the Department is never compromised.

.04 POLICY:

The Frederick Police Department does not discourage Secondary Employment by its personnel, so long as that employment does not conflict with the legitimate interests of the Department. By accepting a full-time paid position with the City of Frederick, an employee agrees that City employment is to be his **primary** job. Any supplemental employment is considered to be secondary in importance and subject to review and approval by the Department. The process is designed to determine if efficiency and effectiveness are or would be impaired by the secondary employment, or if the secondary employment would be incompatible with City employment.

All Secondary Employment will be in accordance with the City of Frederick Ethics Law, which is located in Chapter 21 of [The Code of the City of Frederick](#), as it is amended and revised.

Injuries to City employees while engaged in Secondary Employment will be handled in accordance with the policies and procedures of the secondary employer. Workmen's compensation for injuries incurred while working for any secondary employer will be entirely through the secondary employer.

.05 DEFINITIONS:

EXTRA-DUTY EMPLOYMENT: Any employment for which an individual is hired for the express purpose of protecting the proprietary interests of an employer or providing some other related **law enforcement service**. It is part-time employment in which the employee's essential function is to

protect life and property, keep the peace, or otherwise maintain order, or, should circumstances warrant, enforce state and/or local laws and ordinances.

EXTRA-DUTY EMPLOYMENT COORDINATOR: An individual (or individuals) selected by the Fraternal Order of Police whose function is to administer the Extra-Duty Employment program in accordance with the Labor Agreement and [G.O. 1672, "Extra-Duty Employment."](#)

TOUR OF DUTY: A period of time during which an employee works one continuous shift, i.e., 0700-1730 hours, 0800-1600 hours, etc.

OUTSIDE EMPLOYMENT: Any additional off-duty occupational activity that a Department employee may pursue while employed by the Department. It includes self-employment and contractual employment as well as employment by others. Outside employment is employment that is **NOT** related to the law enforcement profession, for which vested police powers are not a condition of employment, and which provides no real or implied law enforcement services to the employer.

SECONDARY EMPLOYMENT: **Any** work, service, occupation, labor, or profession which is performed for any individual, business, corporation, or entity **other than the City of Frederick**, for which pay or any other type of compensation or benefit is received. For the purposes of this order, "Secondary Employment" refers to both Outside and Extra-Duty Employment. Military Reserve, National Guard, and/or active duty is **NOT** considered secondary employment for the purposes of this order.

.10 OBTAINING APPROVAL:

Whenever Secondary Employment of any type is sought, the employee will complete and electronically submit the appropriate application through their chain of command. **NO EMPLOYEE, SWORN OR CIVILIAN, MAY WORK SECONDARY EMPLOYMENT WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT.**

1. Extra-Duty Employment
 - A. For the initial request, complete the Extra-Duty Employment Form (OCP-003A), which is located on the "R" drive. One "blanket" Application for Secondary Employment may be submitted. See [G.O. 1672, "Extra-Duty Employment"](#) for further information.
 - B. Electronically submit the Extra-Duty Employment Form through the chain of command to the Chief of Police for approval.
 - C. Once approved or disapproved, the employee's Extra-Duty Employment Form will be forwarded to the Professional Services Division for retention.
 - D. Extra-Duty Employment will remain valid indefinitely unless the employee becomes ineligible as described in [G.O. 1672.42, "Extra-Duty Employment"](#) and Section .14 of this order.
2. Outside Employment
 - A. Complete the Outside Employment Form (OCP-003B), which is located on the "R" drive.
 - (1) A separate Outside Employment must be completed and submitted for each new employer and each new employment position.

- (2) A new Outside Employment Form must be completed and submitted if services, duties, or responsibilities previously approved by the Department change and have not been described, noted, or otherwise amended in an approved request on file with the Professional Services Division.
- B. Electronically submit the Outside Employment Form through the chain of command to the Chief of Police for approval.
- C. Once approved or disapproved, the employee's Outside Employment Form will be forwarded to the Professional Services Division for retention.
- D. Outside Employment is valid for one year from the date of approval unless the employee becomes ineligible as described in Sections .14 and .20 of this order.
 - (1) It is the employee's responsibility to ensure renewals are completed and submitted in a timely fashion.
 - (2) Renewal forms that are incomplete or lack necessary information will be returned to the employee and may delay approval.

.12 GENERAL CRITERIA AND CONDITIONS OF APPROVAL:

1. The Department will consider a number of factors in deciding whether to approve or deny a request for Secondary Employment, including, but not limited to:
 - A. Whether or not it conflicts with the employee's City employment;
 - B. Whether or not it is detrimental to the Department or City;
 - C. The nature and type of work to be performed;
 - D. The employee's sick leave use history;
 - E. The individual's most recent performance evaluation, which must have a minimum overall "satisfactory" performance rating; and,
 - F. The recommendation of the employee's superiors as reflected on the "Application for Secondary Employment."
2. The Department may require that additional conditions must be met for approval of Secondary Employment. These conditions will be included with the initial or the renewal Application, and will be sent to the employee and the employee's chain of command as part of the approval process. The employee's Division Commander will discuss any Application that includes additional conditions with the employee prior to final approval. The employee will be required to sign an acknowledgment that these additional conditions have been explained and reviewed with the employee by his Division Commander. The Division Commander will make reasonable efforts to ensure that this occurs within the required twenty (20) day time period for approval.
3. The Professional Services Division will ensure that a list of all personnel approved for Extra-Duty Employment are provided to the Extra-Duty Employment Coordinator to fulfill his

responsibilities under [G.O. 1672, "Extra-Duty Employment,"](#)

.14 DENIAL, REVOCATION, OR SUSPENSION OF APPROVAL:

1. In the event that the Department denies a request for Secondary Employment, the employee will be informed in writing of the reason(s) for the denial. The application form may be used for this purpose.
2. The Chief of Police or his designee may revoke or suspend an employee's approved request for Secondary Employment if:
 - A. The employee violates any provision of this order;
 - B. The employee's overall job performance evaluation is reported as less than "satisfactory" during the year the Secondary Employment is approved, as reported by the employee's supervisor through the chain of command to the Chief of Police;
 - C. The employee has a significant amount of sick leave use for the last calendar year, as reported by the employee's supervisor through the chain of command to the Chief of Police. Long-term medical conditions, line of duty injuries, or other unusual circumstances will be judged on a case-by-case basis;
 - D. The employee is found guilty of a **significant** violation of the Department's General Orders. Normally, a "significant" violation would be one for which punishment greater than summary punishment as defined in Department General Orders is imposed; and/or
 - E. The employee is suspended on an emergency basis, pending a suspension hearing.
3. If it is determined an officer was not renewed for Extra-Duty Employment through the evaluation process, the Extra-Duty Coordinator will be notified, only for eligibility purposes.

.16 UNAUTHORIZED SECONDARY EMPLOYMENT:

Employees are generally prohibited from working in any of the following Secondary Employment situations:

1. In any employment or business which would in any way reduce the effectiveness of the employee in performing assigned Departmental duties, or which might constitute or reasonably be perceived as constituting a conflict of interest, such as private investigator (including investigative surveillance), criminal or civil investigator, bail bondsman, accident reconstructionist, etc.;
2. For any employer or establishment which sells, dispenses, or handles alcoholic beverages, EXCEPT employment in a motel, hotel, country club, baseball stadium, or similar establishment as a security guard, desk clerk or similar capacity, provided that no part of his specific duties are related to or involve the restaurant/bar area where alcoholic beverages are sold or dispensed;
3. In any position in which the image of the Department may be demeaned, tarnished, or brought into disrepute, i.e., a "bouncer" or an employee of a business that features "adult" entertainment;
4. In any employment that will pose an unacceptable or excessive risk of temporary or disabling injury or that may adversely affect an employee's ability to perform his

duties in a satisfactory manner as an employee of the Department;

5. As a private process server, bill collector, investigator, pre-employment or background investigator, or in any employment in which police power might be used for private purposes;
6. Employment in the field of sales where an employee's identity as a police officer or Department employee will be used to promote or provide a product, i.e., home security systems, security products, etc.;
7. Any employment that assists in any manner with the case preparation for the defense in any criminal or administrative proceedings;
8. Any employment that may require, as a condition of employment, that the employee have access to police information, files or records and requires furnishing of those records as a condition of employment;
9. For any other law enforcement agency in a full-time or part-time capacity. Excluded from this prohibition is service in a military law enforcement capacity while in regular Reserve or National Guard training, active duty for training, or if mobilized for a period of active duty;
10. As a strike-breaker, temporary worker, or replacement worker for any corporation, business, or agency within the City (public or private) that is, or is about to be, the subject of a strike, job action, or demonstration, other than as an approved security guard in accordance with [G.O. 1672, "Extra-Duty Employment"](#);
11. While on sick, medical, or disability leave unless specifically approved by the Chief of Police (see Section .20); and,
12. Employment by a credit agency for the purpose of investigating or collecting accounts, including the repossession of vehicles or collection of bad debts. The operation of a tow truck may be approved if the job does not involve repossession of vehicles.

.18 ACCESS TO RECORDS:

Under State law, it is a crime to disseminate criminal record information to non-criminal justice agencies or to anyone when not in the scope of official business. Furthermore, obtaining, using, or disseminating any information developed by, filed, or otherwise held by the Department, whether criminal or non-criminal in nature, is only permitted for official police activity unless it is obtained in the same manner as allowed by a private citizen.

.20 SECONDARY EMPLOYMENT WHILE ON DISABILITY OR SICK LEAVE:

1. Department personnel engaged in Secondary Employment who are placed on disability leave, sick leave, restricted, limited or light duty, with or without police powers, will **cease such employment** until their condition and Secondary Employment is evaluated by their division commander. The division commander will then review the duties of the Secondary Employment and recommend to the bureau commander whether such Secondary Employment should be continued. If the bureau commander determines that the Secondary Employment should be discontinued while that employee is on disability leave, sick leave, restricted, limited or light duty, the decision will be conveyed to the employee in writing through the chain of command. When normal on-duty activities are resumed by the employee, normal Secondary Employment may also be resumed with the approval of the Bureau Commander, subject to the provisions of this order.
2. Criteria for determining continuance or discontinuance include, but are not limited to, the

following elements:

- A. Whether the Secondary Employment is medically detrimental to the total recovery of the disabled employee, as indicated by the professional judgment of competent medical authority;
 - B. Whether the Secondary Employment requires at least the same physical ability as would be required of a full-duty employee.
3. Employees will not work Secondary Employment during any calendar day where sick leave is used without specific authorization to do so from their Division Commander.

.22 OUTSIDE EMPLOYMENT WHILE SUSPENDED:

Employees who have been suspended for disciplinary reasons (other than on an emergency basis) may engage in Outside Employment subject to the restrictions and provisions of Department General Orders.

.24 TIME LIMITATIONS:

Except as waived by the Chief of Police or his designee due to unusual circumstances, the following time limitations will be in place:

1. Employees will not be permitted to exceed a combined total of 68 hours (actual time worked) of any type of employment, either on-duty with the Department or Secondary Employment, in any calendar week (Sunday through Saturday).
2. There will be an **uninterrupted** break of at least 7 hours within the 12 hour period immediately preceding an employee's tour of duty with the Department.
3. The combination of scheduled hours of employment and approved Secondary Employment will not exceed a total of 16 hours in any 24-hour period. This 24-hour period commences with the beginning of the employee's regularly scheduled tour of duty with the Department.

.26 EMERGENCY CALL-IN BY THE DEPARTMENT:

Inasmuch as an employee's employment with the Department is his primary responsibility, the Department reserves the right to summon personnel for duty under exigent and/or emergency conditions. In the event of emergency or exigent circumstances, the ranking on-duty Supervisor/Commander may order an individual who is working or who is scheduled to work Secondary Employment to report for duty with the Department. Supervisory/Command personnel will exercise restraint when employing this option and will do so only when an emergency or exigent circumstance dictates that this step be taken.

.28 WORK CONTRACTS/AGREEMENTS:

If a contract or work agreement is executed by an employee for any Outside Employment, either within or outside the City, the employee will furnish the Professional Services Division with a copy as soon as practical after execution, but in any event prior to beginning the Outside Employment, unless exempted by the Office of the Chief. A copy will be retained with the approved Authorization Form.

.30 POLICE ACTION DURING OUTSIDE EMPLOYMENT:

1. No part of the uniform or any equipment issued by the Department will be used for Outside Employment without the specific approval of the Chief of Police or his designee. While officers engaged in Outside Employment are required to carry their Departmental identification, it is not to be used as part of the Outside Employment. It may be displayed only when there is a direct threat to safety and/or when an officer places himself on-duty to handle an exigency requiring police action.

2. In the event that a sworn employee encounters a situation during Outside Employment that does not require immediate police intervention to protect life or property or the apprehension of an individual committing a crime, the employee will contact the appropriate law enforcement agency for an on-duty officer to respond. The employee engaged in Outside Employment will conduct himself as a private citizen and not assume an on-duty status unless the situation warrants immediate police action.

.32 PAYMENT:

1. All wages earned will be paid **directly** to employees who work Secondary Employment, in whatever form the employer deems appropriate (i.e., cash or check). Under no circumstances will any monies be paid to the City of Frederick, the Frederick Police Department, the Extra-Duty Employment Coordinator, or any other person or organization for any Secondary Employment performed by employees of the Department without the specific permission of the Chief of Police or his designee.

2. **UNDER NO CIRCUMSTANCES WILL AN EMPLOYEE BE PAID BY AN OUTSIDE EMPLOYER AND THE CITY OF FREDERICK FOR THE SAME PERIOD OF WORKED TIME.**