	<b>Abilene Police Department Operating Procedures</b>		
	Subject: <i>Secondary/Outside Duty Employment</i>	Issued: 03/01/2022	TBP: 4.05

### **Employment Definitions**

Outside employment – employment outside the agency not related to law enforcement/security duties. This employment must adhere to City policy.

APD Secondary employment – employment related to law enforcement/security duties outside of your primary duty assignment.

Central Manager – the individual appointed by the Chief of Police to manage the assignment of all extra work activities.

System Administrators – the individual(s) appointed by the Chief of Police to assist the Central Manager in the assignments of secondary employment.

Hiring Entity – individual employer, organization or business.

### **Secondary Employment General Provisions**

The Chief of Police or central manager has the right to prohibit certain secondary employment based upon the character or reputation of the hiring entity. Secondary employment is a privilege granted by the Department, and not a right guaranteed by employment. The Department reserves the right to suspend or terminate such privileges, as it deems necessary.

Officers assigned secondary employment are bound by all policies, procedures, rules, regulations and standards that would apply to them if they were working regular duty assignments. Law enforcement action shall only be taken in accordance with federal, state and local laws. Officers shall not enforce internal rules and regulations of the hiring entity.


No officer will perform secondary employment outside the city limits of Abilene without prior approval of the Chief of Police.

Hiring entities shall employ officers for a minimum of three (3) hours at the established extra work rate.

Officers engaged in secondary employment may use departmental equipment, if approved by the Department.

Injuries occurring during secondary employment are considered on-duty for the purpose of Workman’s Compensation and other benefits provided by the City of Abilene.

All secondary employment will be conducted in uniform unless requested by the hiring entity and specifically authorized by the central manager.

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If a hiring entity desires five (5) or more officers at any one event or location at the same time, one of the officers will be a police supervisor at the rank of sergeant or higher.

Employees working secondary employment shall report their work location/status (including start and end times) to dispatch.

### **General Procedure**

Individual employers, agencies, organizations or businesses desiring to hire secondary employment officers will be asked to contact the systems administrator. The central manager will determine if the Department will provide the requested secondary police services.

Emergency requests for secondary employment police services during non-business hours will be referred to the Patrol shift commander or, in his absence, one of the Patrol sergeants. The Patrol supervisor will attempt to arrange the secondary employment by contacting any eligible officer. If he or she cannot comply with the request, he or she will notify the requester. The central manager should be advised of the request.

Patrol supervisors are not required to arrange secondary employment for non-emergency situations that are requested during non-business hours.

### **Secondary and Outside Employment Authorization Form**


All employees are expected to complete a Secondary Employment Authorization form annually whether an officer intends to work secondary employment or not. The form records permanent assignments as well as tracking projected weekly hours worked. Officers must have an approved form prior to engaging in secondary employment. The form shall be completed in January of each year or when new employment is sought.

### **Secondary Employment Restrictions**

Officers on disciplinary suspension or administrative leave shall not work secondary employment.

Officers will not be permitted to split their regular duty shift to work secondary employment, unless it is determined by the Chief of Police or his designee to be in the best interest of the Department. Approved altering or splitting of normal duty shifts require documented equivalent use of previously earned vacation, holiday or compensatory time.

Officers shall not work secondary employment on a day they are absent from regular duty because of illness, injury, funeral leave, emergency leave, FMLA or are assigned to light duty. Further, they shall not work secondary employment during any period, including days off, in which they have an illness or injury that would make them unfit for regular duty.

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Probationary officers may not work secondary employment, unless approved by the Chief of Police or his designee.

Employees will not work more than sixteen (16) hours of combined on-duty and secondary employment within a 24-hour period and will not work more than thirty (30) hours of overtime and secondary employment in a work week. **EXCEPTION:** Employees may work an additional one (1) hour of overtime or secondary employment for each hour of approved vacation, holiday, or compensatory time taken during a work week.

Officers shall not solicit business in connection with secondary employment. Any citizen who inquires about secondary employment should be directed to the Central Manager, or his designee.

Officers shall not work at establishments whose primary income source is 51% or more from alcohol sales. One time, stand-alone events, such as parties, weddings, and concerts, will be evaluated on a case-by-case basis by the central manager.


**Outside Employment Restrictions**

Employees will not work any Outside Duty employment that may be thought to conflict with their duties or that threatens the dignity or integrity of the Department. This includes but is not limited to:

- A. Debt collection;
- B. Property repossession;
- C. Private investigation or working for a person or agency with a private investigator’s license;
- D. Sexually oriented businesses.
- E. Working at an establishment whose primary income is 51% or more from alcohol sales.

Unless it is determined by the Chief of Police or his designee not to be a conflict with their duties or threatens the dignity or integrity of the Department.

All employees are required to complete the City’s form for Secondary Employment per the Employee Policy Manual.

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### **Arrests, Citations, Criminal Investigations**

Any person arrested by an officer working secondary employment will be turned over to an on-duty officer for transportation to the county jail. The secondary employment officer will assist the on-duty officer in completing the arrest report and/or arrest narrative.

If a person is to be cited for an offense, the citation should be issued by the secondary employment officer.

If an incident occurs at a secondary employment event or location and a criminal investigation is warranted, the original case report may be initiated by the secondary employment officers.

Complaints against the hiring entity for secondary employment will be investigated by on-duty officers and not officers working the secondary employment.

### **Secondary Employment Suspensions**

Officers may be suspended (prohibited from working secondary employment) for just cause, including failure to report to the secondary employment event or location at the appropriate time. Secondary employment is considered a duty assignment.

If the actions of an officer are significantly inappropriate, they may be immediately and indefinitely suspended from the secondary employment list as well as be subject to any other disciplinary procedures such actions may warrant.

If an officer has been suspended from the secondary employment list, they may apply for reinstatement by submitting a letter to the Chief of Police. At a minimum, the letter should outline the reasons for the reinstatement and what actions have been taken to correct the initial inappropriate behavior. The decision of the Chief of Police to approve or deny the request is final and the officer will be notified.

### **Cancellation of Secondary Employment**

Hiring entities that wish to cancel a secondary employment assignment must do so no later than 24 hours prior to the scheduled assignment. Failure to do so may result in having to pay restitution for an officer showing up to work the assignment after lack of notification.

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**Apartment Security**

Officers working as security officers for apartment complexes where they live must be aware of the potential conflict of interest of enforcing the law and living at the same location. Police recruits or probationary officers shall not work as apartment security officers. Officers should limit their enforcement action to crimes in progress and other crimes against the person, which may, by their nature and appearance, be a threat to society.

Officers should not enforce minor misdemeanors, on-premise traffic violations or become involved in family disputes unless it is necessary to stop an assault. Officers may ask tenants to reduce their loud music, etc., but other breaches of the peace should be reported to on duty personnel for action.

Officers may enforce property management policies (house rules) while acting in their capacity as a representative of management; however, officers will not become involved in disturbances with tenants or the public while performing in that capacity.