

Secondary Employment and Outside Overtime

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized secondary employment or outside overtime.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Secondary employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Secondary employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime (Reimbursement) - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such additional services are reimbursed to the Department.

1021.2 POLICY

Members of the Havre de Grace Police Department shall obtain written approval from their Division Commander prior to engaging in any secondary employment. Approval of secondary employment shall be at the discretion of the Chief or Division Commandin accordance with the provisions of this policy. Failure to obtain prior written approval for secondary employment, or engaging in secondary employment or outside overtime that is prohibited by this policy, may lead to disciplinary action.

1021.3 SECONDARY EMPLOYMENT

1021.3.1 REQUEST AND APPROVAL

Members must submit the designated secondary employment request Form 17) to their immediate supervisors. The request form will then be forwarded through the chain of command to the Division Commander for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for secondary employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue secondary employment must submit a new request form at the start of each calendar year.

1021.3.2 DENIAL

Any member whose request for secondary employment has been denied should be provided with a written notification of the reason at the time of the denial.

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1021.3.3 REVOCATION OR SUSPENSION

Any member whose approval for secondary employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for secondary employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the secondary employment may be related to the deficient performance.
 - 1. Approval for the secondary employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or secondary employment conflicts with department policy or any law.
- (c) When the secondary employment creates an actual or apparent conflict of interest with the Department or City.

1021.3.4 APPEAL

If a member's request for secondary employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1021.4 REQUIREMENTS

1021.4.1 PROHIBITED SECONDARY EMPLOYMENT

The Department reserves the right to deny any request for secondary employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Havre de Grace Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.
- (g) Any entity that is (COMAR 19A.04.02.04):

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1. Subject to the authority of that member of the Department.
 2. A contractor or subcontractor with this department or that is negotiating a contract with the Department.
- (h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).
- (i) Employment prohibited by City local law enacted pursuant to COMAR 19A.04.01.03.

1021.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any secondary employment as a law enforcement officer, private investigator, or other similar position except as allowed by state law (Md. Code PS § 3-110).

1021.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department security sensitive equipment or resources in the course of, or for the benefit of, any secondary employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1021.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving secondary employment, the Department may request that a member provide personal financial records for review if the Chief of Police determines that a conflict of interest may exist.

If, after approving a request for secondary employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the secondary employment pursuant to this policy.

1021.4.5 CHANGES IN SECONDARY EMPLOYMENT STATUS

If a member terminates his/her secondary employment, the member shall promptly submit written notification of such termination to the Division Commander through the chain of command. Any subsequent request for renewal or continued secondary employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Division Commander any material changes in secondary employment, including any change in the number of hours, type of duties or the demands of any approved secondary employment. Members who are uncertain whether a change in secondary employment is material are advised to report the change.

1021.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their secondary employment while on such leave or restricted status. The immediate supervisor shall review the

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duties of the secondary employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Division Commander determines that the secondary employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding secondary employment, a notice revoking approval of the secondary employment will be forwarded to the member and a copy attached to the original secondary employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The secondary employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The secondary employment requires performance of the same or similar physical ability, as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Havre de Grace Police Department, a written request may be submitted to the Division Commanderto approve the secondary employment request.

1021.5 OUTSIDE OVERTIME

1021.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored, and compensated through the Department as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.
- (b) The requestor will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requestor will be required to reimburse the Department for the member's compensation, benefits, and costs (e.g. court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
 - 4. Outside overtime shall not be subject to the collective bargaining process.

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- (e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

1021.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1021.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officer or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.