

PALM BEACH GARDENS POLICE DEPARTMENT

EXTRA-DUTY AND OUTSIDE EMPLOYMENT

POLICY AND PROCEDURE 4.1.4

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PURPOSE: To establish procedures for the authorization and approval of extra-duty employment and outside employment for department members and to define the conditions of such employment.

SCOPE: This policy and procedure applies to all members.

REVIEW RESPONSIBILITY: Administrative/Investigations Division Assistant Chief

POLICY: It is the policy of the Palm Beach Gardens Police Department to allow members to engage in extra-duty employment and outside employment provided the employment is approved by the Department and does not impair the employee's ability to perform his/her regular duties. This policy is designed to benefit the interests of the employee and the Department, and will not be construed to inhibit the Department's right to assign any personnel to any function or event when circumstances dictate.

PROCEDURES

1. ADMINISTRATION OF EXTRA-DUTY EMPLOYMENT

- a. The Administrative/Investigations Division Assistant Chief is responsible for the coordination and administration of extra-duty employment.
- b. The Administrative/Investigations Division Assistant Chief may designate an extra-duty coordinator to facilitate the day-to-day operation of the program.
- c. The extra-duty coordinator may be a collateral duty of a sworn member or a civilian member.
- d. All extra-duty employment must be approved by the Administrative/Investigations Division Assistant Chief or designee, and the only authorized extra-duty employment are those approved and scheduled in accordance with this policy and procedure.
- e. Any requests for, or inquiries about, extra-duty employment from citizens or businesses in the City shall be directed to the assigned authority or designee.
 - i. An officer shall not solicit nor work any extra-duty employment when it benefits only that officer and is not assigned through the Department.

2. ASSIGNMENT OF SWORN PERSONNEL TO EXTRA-DUTY EMPLOYMENT

- a. Any sworn officer or Sergeant on regular duty status is automatically approved for extra-duty employment, with the following exceptions:
 - i. An officer or Sergeant on light duty, administrative leave, suspension or otherwise not on full duty status is not eligible for extra duty employment. Whenever an officer or Sergeant has a change from or to full duty status, the Administrative/Investigations Division Assistant Chief shall notify the extra-duty coordinator.
 - ii. Officers under field training supervision are prohibited from working extra-duty employment prior to the satisfactory completion of, and release from, the Field Training Program except upon written approval by the Chief of Police.
 - iii. Officers or Sergeants who are temporarily prohibited from working extra-duty employment in accordance with this policy and procedure.
- b. Assignment of extra-duty details will be the responsibility of the extra-duty coordinator.
- c. The extra-duty coordinator will post available extra-duty details in a manner accessible to all sworn personnel. In the event of computer problems, the extra-duty details may be posted via hard-copy on the Department bulletin boards.
- d. It is the responsibility of eligible members desiring to work extra-duty employment to review the available details.
- e. Officers and Sergeants can access the available and scheduled extra-duty details information from the extra-duty detail files located on the Department's intranet and/or TeleStaff. Extra-duty detail request must be completed and submitted for assignment to work the selected detail. Extra-duty detail request will be processed by the extra-duty coordinator and assigned to individuals in accordance with the following considerations:
 - i. The date and time printed for submission.
 - ii. The total number of hours previously worked by an officer or Sergeant on extra duty details in the calendar year.
 - iii. Number of details in total worked by the requesting officer or Sergeant in the calendar year.
- f. The extra-duty coordinator will make every effort to fairly distribute detail assignments based on the foregoing considerations.
- g. It is the responsibility of the requesting officer or Sergeant to check the extra-duty detail schedule to see if his/her request was approved and to which requested details he/she has been assigned. Failure of the requesting officer or Sergeant to check to see if he/she was assigned to the requested detail will not serve as an excuse or reason for arriving late to or missing the assigned detail.
- h. A Sergeant shall be assigned when five (5) or more officers are assigned to an extra-duty detail. In the event no Sergeant is available to work the detail, an additional officer will be assigned and the on duty Sergeant will select one of the assigned officers to be the Officer-In-Charge (OIC) at the Sergeant's extra-duty detail rate of pay.
 - i. The on duty Sergeant will notify the extra-duty detail coordinator of such assignment.
- i. Two (2) Sergeants shall be assigned when more than ten (10) officers are assigned to an extra-duty detail; only one of these may be an OIC in accordance with paragraph h above.
- j. Three (3) Sergeants shall be assigned when more than fifteen (15) officers are assigned to an extra-duty detail.
- k. The Chief of Police or designee reserves the right to determine the appropriate level of supervision for any function or event and may schedule a Sergeant as regular duty.

- l. If an officer or Sergeant is unable to work the extra-duty detail to which he/she has been assigned, it shall be the officer's responsibility to find a replacement officer or Sergeant to work the detail. Notification shall be submitted to the extra-duty coordinator at least ten days prior to the detail date for approval or to be placed back in the available detail pool.
 - i. Two (2) such changes may decrease the number of details the officer or Sergeant are assigned.
- m. Exchanges made in "last minute" circumstances require notification to the extra-duty coordinator, or, if the coordinator is unavailable, the on-duty Sergeant.
 - i. Two (2) exchanges based on these circumstances will be reviewed and may decrease the number of details the officer or Sergeant receives.
- n. Trading or giving away assigned extra-duty details by individual officers or Sergeants without approval is strictly prohibited. Failure to follow proper procedure will result in the same disciplinary action as if the detail was missed.
- o. When the proper procedure is followed for trading or giving away any assigned extra-duty detail, the officer or Sergeant accepting the detail becomes responsible for the detail being staffed.
- p. If an officer or Sergeant is unable to work an extra-duty detail due to illness, injury or legitimate emergency, it is his/her responsibility to notify the extra-duty coordinator, if on duty, or the on-duty Sergeant as soon as possible, but in no event less than five hours prior to the designated starting time of the detail.
- q. When an officer or Sergeant is unable to work his/her regular scheduled shift because of an illness or injury and has an assigned extra-duty detail in the sixteen hour period following the end of the shift he/she was unable to work, that officer or Sergeant may not work the extra-duty assignment. The officer or Sergeant shall notify the on duty Sergeant or extra duty detail coordinator at least eight (8) hours prior to the starting time of the detail that he/she will not be available for the extra-duty detail.
- r. Regular and special on-duty assignments take precedence over extra-duty employment. An officer or Sergeant shall not request or be assigned to work an extra-duty detail when he/she is scheduled for regular duty or involved in an on-duty activity or responsibility; however, an officer or Sergeant may use compensatory time and/or scheduled personal leave time to work extra-duty employment with the approval of their Bureau Major.
- s. The on duty Sergeant will be responsible for ensuring extra-duty details are attended during their shifts. If an assigned officer or Sergeant does not arrive for an extra-duty detail, the on duty Sergeant will first attempt to contact that officer or Sergeant to determine his/her status. If necessary, the on duty Sergeant will make arrangements to cover the detail with another officer or Sergeant. Factors to be considered in deciding whether or not to cover the detail include:
 - i. The critical nature of the extra-duty position and the potential for police problems arising from that location if no officer presence is maintained.
 - ii. Whether the vendor's contact person is willing to allow the position to go uncovered.
 - iii. The availability of on-duty personnel to conduct extra patrol or assist at the location.
- t. Nothing in this policy and procedure precludes the extra-duty coordinator from soliciting officers and Sergeants directly when there is a "last minute" need to cover an extra-duty detail. However, this may not be used to circumvent the fair distribution of extra-duty details.

3. RATE OF PAY

- a. The rate of pay charged to vendors for use of extra-duty employment services and the rate paid to officers and Sergeants shall be governed by the collective bargaining agreement between the City and the Palm Beach County Police Benevolent Association (PBA).
- b. Rates may be modified by a memorandum of understanding between the Department and the PBA.
- c. Any officer or Sergeant assigned to work overtime for an official City function shall be paid at time and a half in accordance with the PBA contract.
- d. Any hours worked at an extra-duty detail shall be recorded on the Extra Duty Detail Report slip. The slip will be approved by a Sergeant who was on-duty during the extra-duty detail and forwarded to the extra-duty coordinator. Upon receipt of the approved slip, the extra-duty coordinator will approve the corresponding request for pay in Telestaff for payment in the officer's or Sergeant's regular paycheck.
- e. Hours worked at a City function shall be submitted via request for pay entries in Telestaff. The Telestaff request for pay will be approved by a Sergeant who was on-duty during the City function and provided to payroll for payment in the officer's or Sergeants regular paycheck.

4. RULES PERTAINING TO EXTRA-DUTY EMPLOYMENT

- a. All policies, procedures, rules, regulations and other directives governing officer conduct and performance apply to any assigned extra-duty employment.
- b. Officers and Sergeants working extra-duty details are expected to enforce all laws they would normally enforce while working regular duty.
- c. Officers assigned to extra duty details are required to maintain that post until the end of the assignment unless otherwise instructed by the on duty Sergeant.
- d. Unless specifically approved by the Chief of Police or designee, officers and Sergeants shall not work more than 16 hours including on-duty and extra-duty hours within a 24 hour period.
- e. Officers and Sergeants working extra-duty details may use their assigned department vehicle for the detail. Marked vehicles should be used for extra-duty details unless the vendor has requested otherwise or the nature of the assignment does not require a vehicle. Officers and Sergeants without an appropriate assigned vehicle may use a line car with the approval of the on-duty Sergeant.
- f. Officers and Sergeants working extra-duty details shall wear the full Class B uniform, as described in Policy and Procedure 4.2.1.7, unless requested otherwise by the vendor. Officers and Sergeants shall also wear their issued body armor (ballistic vest), unless the nature of the assignment precludes it, e.g., plainclothes assignment where a ballistic vest would stand out.
- g. It shall be the responsibility of one of the officer(s) assigned to an extra-duty detail to check in with the person designated, if any, prior to or at the designated starting time for any special instructions or requirements for the job.
 - i. In the instance of a one officer detail, it is the officer's responsibility to check in.
 - ii. In the instance of a multi-officer detail with no Sergeant assigned, it is the responsibility of the senior officer assigned to check in.
 - iii. In the instance of a multi-officer detail with a Sergeant assigned, it is the Sergeant's responsibility to check-in.
- h. There are different criteria and/or requirements for each extra-duty employment and the officer(s) shall comply with the requests or requirements of the designated vendor representative as long as the requests/requirements do not violate any laws or Department rules, regulations, policies, procedures or other directives.
- i. On-duty Sergeant shall monitor extra-duty details during their shifts.

- j. If an officer is late for, or fails to report to, an assigned extra-duty detail without prior approval, or reports without being properly prepared (e.g., complete uniform and all required equipment), the following actions shall take place:
 - i. Any “no-shows,” concerns, problems, or deviations from directives shall be reported.
 - ii. The on-duty Sergeant shall notify the Administrative/Investigations Division Assistant Chief, the affected officer’s Sergeant, and the extra-duty coordinator via written memorandum.
 - iii. For a first offense within a one-year period, the officer’s Sergeant will verbally counsel the officer and note such on the memo received from the on-duty Sergeant. The memo shall then be forwarded to the extra-duty coordinator for filing. A copy of the memo will be forwarded to Professional Standards by the extra-duty coordinator.
 - iv. For a second offense within one year of the first offense, the affected officer’s Sergeant will issue a Corrective Action to the officer. A copy of the Corrective Action will be provided directly to the extra-duty coordinator for filing. The original will be forwarded to the Professional Standards via the chain of command.
 - v. For a third or subsequent offense within one year of the first offense, the affected officer’s Sergeant shall forward a written reprimand directly to the extra-duty coordinator noting that it is a third or subsequent offense. The affected officer will lose eligibility to work extra-duty details for a period of six months from the issue date of the reprimand. The extra-duty coordinator shall replace that officer on any details the officer then has scheduled. The extra-duty coordinator shall provide a copy of the memo and the results to Professional Standards.
 - vi. Upon completion of a six month suspension from extra-duty details for a third or subsequent offense, or after two years from the date of the first offense, whichever is longer, the officer shall begin again at the first offense level for any subsequent violation(s).
 - vii. No officer or Sergeant may claim payment or be paid for any time not worked at a detail, whether it was due to being late, absent, or not prepared to assume the required duties of the detail. Claiming time not actually worked will subject the officer to disciplinary action. This shall not preclude officers or Sergeants who are released early from a detail by an authorized representative of the vendor from claiming any minimum time that is specified in the contract with the vendor.

5. AFTER-ACTION REPORTS

- a. It will be the responsibility of the senior Sergeant or senior officer at all extra-duty employment jobs to ensure that all unusual occurrences and circumstances are documented. This may be accomplished via an Incident Report, CAD Report or memo as appropriate. Copies shall be provided to the extra-duty coordinator.
- b. For major events, the senior Sergeant in charge will complete a written critique, in memorandum format, of the extra-duty job. The critique should discuss whether the number of officers was sufficient, the crowd reaction, any traffic impact, noise issues, incidents involving the use of law enforcement authority, injuries to officers or others, complaints received, etc. This report will be provided to the Administrative/Investigations Division Assistant Chief.

6. OUTSIDE EMPLOYMENT

- a. Members of the Department are authorized to engage in outside employment, subject to approval in accordance with the requirements of this policy and procedure.

- b. All outside employment must be approved by the Chief of Police. Approval may be obtained by submitting a memorandum to the Chief of Police. The memo must include the following information:
 - i. Complete name and address of the outside employer.
 - ii. Nature of business of the outside employer.
 - iii. Nature and description of the job duties to be performed for the outside employer.
 - iv. Written assurance that the member's City position is of primary importance.
- c. The Chief will notify the member in writing of his/her approval or denial of the employment.
- d. The following outside employment is prohibited:
 - i. Employment directly or indirectly in any establishment licensed to engage in the sale of alcoholic beverages. However, a member may be employed, with the approval of the Chief of Police, in businesses which have a license only to sell beer and wine for consumption off the premises.
 - 1. Ownership of stock or interest in any firm, partnership or corporation dealing wholly or in part in the sale of alcoholic beverages is also prohibited (officers only) per FSS 561.25.
 - ii. Employment as bail bondsman, runner, or employment under bail bondsman or employment with any bail bond business. This includes any direct or indirect benefit from the execution of any bail bond.
 - 1. This applies to all officers per FSS 648.44.
 - iii. Any employment as a private security officer within the City of Palm Beach Gardens. This applies to officers only.
 - iv. Any employment with another law enforcement agency in a sworn capacity.
 - v. The holding of any elected political office.
 - vi. Any other employment that may cause a conflict of interest or the appearance of a conflict of interest.
- e. Members must remain able to fulfill their duties and responsibilities with this agency, including court, overtime, call outs, etc.
- f. No member may work at any previously approved outside employment or future outside employment when the member is on leave, light duty or restricted duty due to injury or illness unless additional approval is obtained from the Chief of Police who shall take into consideration any recommendations from the member's physician and/or the City's physician.
- g. The Chief of Police reserves the right to revoke approval for any outside employment if such employment interferes with a member's ability to carry out his/her duties with this Department.

7. GLOSSARY

Extra-Duty Employment/Detail: Any Department approved jobs performed by officers for which police services are contracted and paid for by a vendor of the community.

Outside Employment: Employment that is outside the authority of the Palm Beach Gardens Police Department and includes any employment activity, non-police in nature, which does not require the exercise of any form of police authority. Any requests to work outside employment must be submitted on a departmental memorandum. This request will be submitted by the member through the chain of command to the Chief of Police. The Chief of Police must approve the request prior to commencing employment.

Member: for the purpose of this policy and procedure shall refer to both sworn and civilian positions of the Department.

Overtime Employment: Employment at a City function that is paid at time and one half the regular rate of pay.

Vendor: Any recognized group, organization, business or person that meets the criteria established for application and employment of off duty officers.

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APPROVED:



Stephen J. Stepp
Chief of Police

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