

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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SUBJECT: EXTRA DUTY EMPLOYMENT

EFFECTIVE DATE:

September 30, 2020

ACCREDITATION STANDARDS: 2.1.3

BY THE ORDER OF:

Deputy Chief Giacomo Sacca

BY AUTHORITY OF:

Police Director Earl J. Graves

SUPERSEDES ORDER #:

138/ V2, C 13 dated February 10, 2016.

PURPOSE: The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of the Elizabeth Police Department.

POLICY: The policy of this department is to provide guidelines to police employees to inform them of the types of secondary employment which are appropriate; and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the Elizabeth Police Department and for the protection of the community.

PROCEDURE:

I. Definitions

- A. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the Police officer employee.
- B. Regular Off-Duty Employment: Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.
- C. POSSWEB: Police Officer Scheduling System
- D. EDA: Extra Duty Assignment

II. Types of Off-Duty Employment In Which An Employee May Engage

- A. Regular Off-Duty Employment: Employees may engage in off-duty employment that meets the following criteria:
 - 1. 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.
 - 2. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for their secondary employer. Some examples of employment representing a conflict of interest are:
 - a. As a process server, reposessor or bill collector, towing of vehicles or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
 - b. Personnel investigations for the private sector or any employment which might require the police officer to have access to police information, files, records or services as a condition of employment.
 - c. In police uniform in the performance of tasks other than that of a police nature.
 - d. Which assists (in any manner) the case preparation for the defense in any criminal action or proceeding.
 - e. For a business or labor group that is on strike.
 - f. In occupations that are regulated by, or that must be licensed through the Police department.
 - 3. Employment that does not constitute a threat to the status or dignity of the police as a professional occupation. Examples of employment presenting a threat to the status or dignity of the police profession are:

- a. Establishments which sell pornographic books, magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.
 - b. Any employment involving the sale, manufacture or transport of alcoholic beverages. Liquor establishments at times have circumstances that require the use of trained police officers to provide outside crowd or traffic control. Police Officers may be employed in this capacity, as long as the licensee prepays for the services. At no time may a police officer directly work for or accept payment from a licensed liquor establishment.
 - c. Any gambling establishment not exempted by law.
- B. Extra-Duty Employment: Off-duty work of a police nature within the City of Elizabeth for private persons or government, business or commercial entities as provided for, and in compliance with appropriate state laws, city ordinances and as authorized by the Chief of Police. For purposes of regulation and control, these extra-duty assignments are subject to the rules and regulations and associated written directives of the Elizabeth Police Department. Personnel are subject to suspension or revocation from extra-duty privileges for violations of written directives. Personnel on extra duty assignments are considered on duty and are subject to the departmental regulations and applicable laws.
- C. Limitations on regular off-duty employment and extra duty employment are as follows:
- 1. In order to be eligible for off-duty employment, a police employee must be in good standing with the department. Continued departmental approval of a police employee's off-duty employment is contingent on such good standing.
 - 2. Officers who are on medical or other leave due to sickness, temporary disability or an on-duty injury, shall not be eligible to engage in regular or extra-duty employment. Officers out sick must be back on duty for one (1) work day before being eligible to work an extra-duty assignment.
 - 3. Working Hours: Working more than sixteen (16) hours without an eight (8) hour rest period before returning to work is prohibited. Experience has shown that working more than the indicated number of hours affects both the safety of the employee and overall work productivity. The sixteen (16) hour rule applies to department assignments, scheduled overtime, extra-duty assignments, etc. Work hours for all off- duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
 - 4. No officer will work more than thirty (30) extra-duty and/or regular off duty employment hours in one (1) week. A week is defined as for the purposes of this order as Monday through Sunday. It is the individual officer's responsibility to comply with this order by monitoring his/her hours. Officers found to be in violation of this thirty (30) hour rule shall be subjected to departmental charges.

5. A police officer engaged in any off-duty employment is subject to recall in case of emergency and may be expected to leave his/her off duty or extra-duty employment in such situations. Also, officers may be reassigned extra-duty positions when needed, as determined by the Director, Chief or Deputy Chiefs of Police, to satisfy an issue of public welfare or safety.

D. Guidelines for Extra Duty Assignments

1. Extra Duty Assignment Personnel: The Police Director shall assign civilian personnel to the Extra-duty assignment (EDA) office. The Chief of Police may assign police personnel to assist the scheduling coordinator of the EDA office.
 - a. Extra-duty office personnel shall be responsible for the administration and operation of the extra-duty assignments and for the acceptance, rejection, scheduling assignment and cancellation of all extra duty assignments.
 - b. Extra-duty office personnel shall be responsible for contacting subscribers and alleviating problems regarding extra-duty assignments, such as payment of personnel, conditions of employment and expectations of employers, changes in the hours of employment and complaints against officers. These complaints will be forwarded to the inspections Captain.
 - c. The Designated Supervisor of Extra Duty Assignments will ensure that all reported violations of the rules regulating extra-duty assignments or other related matters are handled in accordance with existing disciplinary procedures.
 - d. Extra-duty office personnel shall notify the Director, Chief and Deputy Chiefs of all events or situations which have the potential for causing emergency conditions affecting the public safety.
 - e. Extra-duty office personnel will supply the Office of Professional Standards and Police Administration with a monthly extra duty assignment report for evaluation.
2. Personnel Participation Restrictions: Police officers who have successfully completed the police basic training course and their working test period of one year may work EDAs. Sergeants and Lieutenant may also work EDAs. Captains and Deputy Chief's are prohibited from working extra-duty employment otherwise prohibited by the Chief of Police or other proper command authority, or by these or other rules and regulations of the Department.
 - a. The Chief of Police may at any time restrict an officer or supervisor from working extra-duty assignments for the efficient effective services of the Police Department, or for any violations of EDA protocols and procedures.
 - b. No officer shall work any extra-duty assignment on any day or during any period that said officer is absent from official duty due to leave of absence, illness or injury; nor shall any officer pick or work

any job when said officer is on-call for court; nor shall any officer pick or work any job on any day or during any period that such privilege to do so has been suspended or otherwise prohibited by proper authority.

- b. Supervisory personnel should seek only those assignments which will not reflect badly upon the rank.
 - c. Retiring personnel are only permitted to work extra duty assignments up to sixty (60) days after their last work day. Prior to commencing terminal leave.
3. Picking Extra Duty Assignments: All personnel shall pick assignments during those hours and in accordance with the established alphabetical schedule, periodically posted by the extra-duty office personnel.
- a. Except when otherwise authorized by extra-duty office personnel officers must pick their job on their scheduled pick day.
 - b. Officers initially may select up to a determined amount of hours in jobs per week on their scheduled pick day.
 - 1. Jobs not being regularly chosen may be offered as a second pick. These jobs will be posted by extra duty office personnel and adjusted as needed.
 - c. Job selections will be posted outside the Pay Job Office on a daily basis. Job selections will also be posted on POSSWEB. It is each officer's responsibility to verify their selections prior to the date of the job.
4. Acceptance, Assignment & Cancellation of Jobs
- a. Extra-duty assignments may be legally contracted only between the interested private employer and the Elizabeth Police Department. As the department's designated representative for extra duty assignments, extra-duty assignment personnel are responsible for the accepting, assigning and cancelling of all extra duty assignments. Except as otherwise provided for by these regulations, no member or employee of this agency shall contract accept, assign or cancel any extra-duty assignment with any entity, but shall direct such individuals to contact the extra-duty assignment personnel during regular business hours, or the Desk Lieutenant after hours.
 - b. On those occasions where due to an emergency or illness, personnel find they cannot respond to an extra-duty assignment, they must within a reasonable time frame, notify either the extra-duty assignment office, or, if afterhours, the Desk Lieutenant.
 - c. During those hours when the extra-duty assignment personnel or a member of his staff are not on duty, the Desk Lieutenant shall act on any job requests or cancellations received which cannot be postponed until the extra-duty assignment personnel or a member

of his staff return to duty. It is the Desk Lieutenant's responsibility to seek an officer to fill the assignment; record all necessary information on the extra duty assignment report and forward to the extra-duty assignment personnel.

- e. Officers who repeatedly cancel assignments may be removed from consideration for extra-duty assignments by the Chief of Police based on the recommendation of the Office of Professional Standards.
5. Return, Exchange, Trade and Reassignment of Jobs: Except as provided for herein, no member or employee of this department shall return, exchange, trade or reassign any extra-duty assignment without the permission of extra-duty assignment personnel or their designee.
- a. Whenever an officer is prohibited or unable to work an extra-duty assignment due to exigent circumstances (i.e. illness, injury, suspension, schedule change, last minute court subpoena) said officer must immediately notify the EDA Office, or if urgency requires, the Desk Lieutenant, of said fact, so as to allow for reassignment of the job.
 - b. Should a schedule change be accomplished on an involuntary basis, (office must be notified as soon as officer is aware) or, if the extra-duty assignment is canceled. Officers must be aware that certain assignments are susceptible to cancellation. Officers affected will not be entitled to a makeup selection.
 - c. Whenever an officer wishes to return or exchange an extra-duty assignment due to non-exigent circumstances, said officer must make the request to and receive authorization from extra-duty assignment personnel at least two (2) days prior to the job date. An officer that has a pattern of allowing scheduled extra-duty assignments to go uncovered will be subject to disciplinary action.
 - d. Except as provided for herein, no officer shall exchange a job for an unassigned job, or trade, reassign or give away a job to another officer without the prior authorization of extra-duty assignment personnel.
6. Uniform and Equipment
- a. Officers working extra-duty assignments shall wear the appropriate police uniform of the day, including hat, official on duty weapon and leather gear, assigned police portable radio and, when working a traffic assignment, department issued reflective vest.
 - b. Police vehicles are prohibited from use at extra-duty assignments, except when authorized by the designated EDA Supervisor or their designee. During exigent circumstances, the Desk Lieutenant may also authorize the use of a department vehicle. After authorization has been received to use a police vehicle at an extra duty assignment, the officer must sign out the vehicle with the Desk Lieutenant at the Front Desk.

- c. Vehicles utilized on construction sites are for the purpose of protecting the people working the construction site, not for police officers to rest, read or any other unintended use. Officers assigned to construction sites must be out of said vehicle assisting with pedestrian or vehicle traffic and issuing summonses when necessary. They should also be alert for any additional congestion their assignment may cause. In this instance they will be responsible for reporting some to an on duty supervisor.

- 7. Duty Requirements: While working extra duty assignments, officers shall be responsible for obeying all orders, rules and regulations of the Elizabeth Police Department, all Elizabeth City Ordinances and all laws of the State of New Jersey. Personnel hired through the Extra Duty Assignment payroll system are considered on duty.
 - a. Officers shall comply with the job requirements and requests of the subscriber, provided that they are not illegal, not in violation of department rules and regulations and are within acceptable standards of security work.
 - b. Officers, regardless of their rank, shall have in their possession an adequate number of report forms, so as to handle most police related jobs requiring a report at the assignment without calling upon on-duty police vehicles to assist.

- 8. Supervision of Personnel: Officers working extra-duty assignments shall be under the supervision of the Elizabeth Police Department and, thereby, subject to the direction and supervision of police supervisors.
 - a. Except where a superior officer is assigned to a job in a supervisory capacity, patrol supervisors shall be responsible for checking personnel working extra duty assignments to ensure proper performance and adherence to regulations. Extra duty assignment checks will be recorded on the "supervisor activity report". Note: The extra duty assignment officer is to provide a copy of the daily extra duty assignments to the Patrol Captain.
 - b. It shall be the responsibility of police department supervisors (on or off duty) to report any illegal practices or violations by officers on extra duty assignments and to take necessary action to correct same.
 - c. When, in the opinion of the extra duty personnel or higher authority, an extra duty assignment requires full time on site supervision, a supervisory slot or slots shall be provided. In relation to sporting events, festivals or other such details, a ratio is established. If three police personnel are required, one is to be a supervisor. When seven police personnel are required, two should be supervisors. Should more than ten officers be required, three should be supervisors.
 - d. When a supervisory slot has been provided, only a sergeant or lieutenant is eligible to select this position. This supervisor shall be

compensated at a supervisor's rate as set down in the current terms establishing rates of pay for extra duty assignments.

- e. If no Elizabeth police superior officer selects the supervisory position, the senior Elizabeth police officer assigned to the job shall assume the supervisory responsibilities at the job. The senior officer shall then be compensated at the rate of pay entitled to the detail supervisor at such an extra duty assignment.
9. Absence From Duty: It shall be the responsibility of every officer to report for duty at an assigned extra duty job on time and to remain on duty at said job until the time specified, unless otherwise directed by proper authority.
- a. Should the extra-duty assignment officer or in his/her absence the Desk Lieutenant be notified that an officer is late or has not reported for an extra-duty assignment, said supervisor shall attempt to contact the assigned officer to ascertain the reason for the absence and if the officer will be reporting for said duty. If the assigned officer cannot be reached or will not be reporting for said job, the supervisor shall make every effort to reassign the job to another officer. The Desk Lieutenant will notify the Inspection Captain if the assignment goes uncovered.
 - b. If an officer is late for an assigned job and said job has been reassigned to another officer as a result of said fact, the originally assigned officer shall forfeit the job to the newly assigned officer and be subject to disciplinary action.
 - c. Should any officer fail to report or report late for any extra duty assignment that officer will be subject to a performance deficiency investigation.
10. The changing of hours of an extra duty assignment is prohibited. An exception can only be made on the day of an assignment by either extra duty assignment personnel or in their absence the desk lieutenant. The exception is that if an extra duty assignment is not taken, an officer can be assigned to work a portion of the extra duty assignment rather than have the entire EDA go uncovered. All exceptions will be documented by the person authorizing the change and then filed in the extra duty assignment office.
- a. Also, personnel may not amend their scheduled tour of duty to accommodate them working a pay job.
11. Payment: The rate of pay for the various types of extra duty assignment shall be set by the Police Director and forwarded to City Council for approval.
- a. No police officer may, at any time, contract employment or accept payment directly from any person or entity utilizing extra duty employment.
 - b. Any extra duty employment shall be scheduled through the pay job office and payment made through the Finance Department.