



CITY OF FAIRFAX POLICE DEPARTMENT

GENERAL ORDER

Subject OUTSIDE AND EXTRA DUTY EMPLOYMENT	Number 3-19
Effective Date August 20, 2015	Rescinds General Order 3-19, dated 10-15-04
Accreditation Standards Fifth Edition 22.3.3, 22.3.4	Authority Colonel Carl R. Pardini Chief of Police

PURPOSE:

To establish policy and procedure governing off duty or secondary employment.

For the purpose of this directive, the following definitions apply:

EXTRA DUTY EMPLOYMENT: Any overtime or off duty employment that is coordinated through the department.

OFF DUTY EMPLOYMENT: Employment that is conditioned on the actual or potential use of law enforcement powers and for which no City compensation is received.

OUTSIDE EMPLOYMENT: Both of the above.

SECONDARY EMPLOYMENT: Employment, including self employment that does not require the use or potential use of law enforcement powers.

POLICY:

No member is permitted to engage in secondary employment without prior written approval of the Chief of Police. Off duty or secondary employment should not present a possible conflict of interest and must conform to this directive. Exempt from this General Order are hobby or arts and crafts type activities.

DISCUSSION:

It is reasonable to assume that the special nature of law enforcement duties requires careful monitoring of how and when police powers are used and that members are receiving adequate rest and relaxation to provide for alert and efficient services.

PROCEDURE:

I. PROHIBITIONS

A. Members are prohibited from engaging in the following outside employment:

1. Employment, business or professional activity which might require or induce the member to disclose confidential information gained by reason of their position with the department.
2. Employment, business or professional activity that might impair the independence of judgment in the performance of duties.
3. In any place where alcoholic beverages are dispensed, transported or consumed on premises as part of that business' activity, or where there is gambling or any other business activity of an illegal nature, except during undercover investigations with prior departmental approval. The exception to this

- requirement would be festivals and City sponsored events where a temporary Special ABC license has been issued.
4. Except for self employment, in any capacity for any private individual, private business, or any other employer who does not carry worker's compensation and liability insurance for employees.
 5. In any establishment which sells pornographic books, magazines, sexual devices, or videos or that otherwise provides entertainment or services of a sexual nature.
 6. 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.
 7. Employment which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding, unless approved by the Chief of Police.
 8. For any business or labor group that is on strike.
 9. As a defacto employment agent receiving compensation for procurement of jobs for employees covered under this directive.
- B. No member, while on duty, shall solicit any individual or firm for the purpose of gaining any type of secondary employment.
 - C. No member while on or off duty shall solicit any individual or firm for the purpose of gaining off duty employment for themselves or other members of the department. Requests for these services are referred to the Professional Standards Lieutenant.
 - D. To be eligible to work extra duty assignments, an officer must have completed field training and meet any restrictions or special instructions posted on the request for volunteers.
 - E. Probationary Officers are not authorized to engage in secondary employment.
 - F. Off duty employment or outside employment that interferes with or negatively affects a member's performance will result in the approval of the outside employment being withdrawn or limitations placed on off duty employment for that member.
 - G. Supervisors should monitor anyone within their command that is working off duty or outside employment for any negative effects.
 - H. Members may be prohibited from working off duty employment or extra duty assignments at the discretion of the Chief of Police. If a member is prohibited from working extra duty, off duty, or if a member's off duty employment approval is revoked, the member will be notified of the reason(s) in writing. The prohibition or revocation of off duty employment and/or extra duty assignments shall not be considered a disciplinary action.

II. EXTRA DUTY AND OFF DUTY EMPLOYMENT

- A. Requests from outside enterprises for off duty members (not compensated by the City) are referred to the Professional Standards Lieutenant. When the Professional Standards Lieutenant is not available the request is referred to the Professional Standards Commander. City paid overtime is not considered off duty employment and may be posted by appropriate authority. Types of off duty employment considered for approval include:
 1. Traffic control/pedestrian safety.
 2. Crowd control.
 3. Security and protection of life/property.

4. Routine law enforcement for public authorities.
 5. Plainclothes assignments.
- B. The Professional Standards Lieutenant screens requests to ensure the duties do not involve prohibitions found in paragraph I.A.1-9 of this directive. The requesting firm or individual is advised of the following:
1. The current hourly rate of pay for officer(s) (as set by the Chief of Police).
 2. The current hourly rate for the use of a police cruiser (as set by the Chief of Police). This would be in addition to the hourly rate for each officer.
 3. The requirement for worker's compensation/liability insurance.
 4. Any officer assigned is subject to emergency mobilization.
 5. Any problems concerning duties or failure of any member to report as indicated are directed to the Professional Standards Lieutenant, who notifies the appropriate supervisor.
- C. The Professional Standards Lieutenant posts requests for off duty employment in the Squad Room with the dates, times, and criteria of the employment.
- D. Officers signing a posted extra duty or off duty officer request are committed to completing the assignment the same as if scheduled for regular duty. **EXCEPTION:** Supervisors may co-sign a cancellation or substitution and explain the circumstances to the Professional Standards Lieutenant.
- E. First line supervisors are responsible for ensuring that members are not working extra duty or off duty employment details to the detriment of their regularly scheduled work hours i.e., causing tardiness, inattentiveness or abuse of leave.
- F. Members/employees may not work more than 16 continuous hours or any combination of hours exceeding 16 in a 24 hour period without 7 hours of rest between duty assignments. Exceptions are made for special events and unusual occurrences such as a hostage situation or natural disaster. This includes both off duty and on duty employment or any combination thereof.
- G. Officers approached by business firms or individuals concerning the hiring of off duty officers refer the matter to the Professional Standards Lieutenant.
- H. Extra duty and off duty employment shall not be worked during sick leave, temporary disability or with an injury that would affect normal on-duty status.
- I. Responsibilities During Extra Duty and Off Duty Employment:
1. Extra duty and off duty employment is restricted to the police service area of the City of Fairfax to include George Mason University.
 2. Officers performing extra duty and off duty employment shall wear their uniform, weapons and approved accessories unless plainclothes are approved by the Chief of Police.
 3. The use of City Police vehicles is permitted for extra duty and off duty employment when:
 - a. The event is paid through the City of Fairfax Payroll; or
 - b. The event is one of traffic control on public roadways; or
 - c. The use of a police vehicle is authorized by the Chief of Police.
 4. Arrests

- a. Officers making arrests during an extra duty or off duty assignment shall ensure that all necessary arrest documents and investigative reports are filed with the department within 24 hours of the arrest.
 - b. Court dates for arrests made during extra duty or off duty employment shall be scheduled for the officer's usual court dates. Under no circumstances shall a member receive paid compensation for any court appearance from both an off duty employer and the City of Fairfax.
5. Officers shall, in writing, notify the Professional Standards Lieutenant of any of the following situations that occur during extra duty or off duty employment:
- a. Any significant incident involving the use of Law Enforcement power. The duty supervisor is notified immediately.
 - b. Any injury to the officer. The duty supervisor is notified immediately.
 - c. Any court appearances resulting from an extra duty incident.
 - d. Any other incident that might be an indemnification concern.
6. Officers are also responsible for completing any other reports, forms, or notification as may be required based on the incident and in keeping with other General Orders.

J. Injuries

1. Members should be aware that injuries incurred during off duty employment activities may or may not be covered under the City of Fairfax Worker's Compensation Plan. All injuries are to be reported immediately to the on-duty Supervisor in accordance with G.O. 3-16. Absence from duty due to injury or illness incurred during secondary employment will necessitate the employee's use of sick or annual leave.
2. Injuries incurred during approved extra duty City overtime assignments shall be considered duty related and treated accordingly.
3. See General Order 3-16, Employee Accident/Injury for reporting procedures.

- K. Long term off duty employment is applied for and approved using the same procedures as secondary employment. For the purpose of this section, long term off-duty employment includes any employment beyond the normal posted request for volunteers.

III. SECONDARY EMPLOYMENT

- A. Secondary employment requests must be submitted for review, and are only authorized if approved at the discretion of the Chief of Police, for employment that does not constitute a threat to the status or dignity of the police as a professional occupation.
- B. Combined secondary employment must not interfere with a member's performance of duty.
- C. Secondary employment is limited to 32 hours per calendar week and eight (8) hours per day.
- D. Officers involved in secondary employment are subject to mobilization or call-out in cases of emergency.
- E. Secondary employment shall not be worked during sick leave, temporary disability or with an injury that would affect on-duty status.
- F. Probationary Officers are not authorized to engage in secondary employment.
- G. Application/Approval:
 1. Prior written approval by the Chief of Police is required before engaging in secondary employment.
 2. Requests are submitted in memorandum form to the Chief of Police through the chain of command. The request contains:

- a. Name of the firm, individual, or business.
 - b. Location of employment.
 - c. Description of the nature of work and duties.
 - d. Whether worker's compensation and liability insurance is in effect to cover employment.
 - e. Approximate number of weekly work hours expected.
3. Requests are approved or denied at the discretion of the Chief of Police and may be revoked at any time.
 4. Upon termination of approved secondary employment, members must report this fact by memorandum to the Chief of Police. No new application is approved without notification of termination of the previous employment.

Colonel Carl R. Pardiny / Chief of Police

Index as: Extra Duty
 Off Duty Employment
 Outside Employment
 Secondary Employment