



# ROCKFORD POLICE DEPARTMENT

## GENERAL ORDER

**NUMBER:** 10.11

**TITLE:** Secondary Employment

**SERIES NUMBER:** 10

**SERIES TITLE / SUBJECT:** Organization, Management, and Administration

**TOPICS/ REFERENCE:** Off-duty employment, extra-duty employment

**APPENDICIES:** None

**EFFECTIVE / ORIGINAL ISSUE DATE:** December 08, 2014

**REVISION / EFFECTIVE DATES:**

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RECINDED**

**CALEA STANDARDS:** 22.3.4, 22.3.5

### Policy:

It is the policy of the Rockford Police Department to establish guidelines for secondary and extra-duty employment of sworn personnel.

### Purpose:

To establish guidelines to ensure proper guidance, regulation and supervision of secondary employment to help prevent the possibility for conflict of interest and to identify processes and procedures for addressing issues which are critical to the Rockford Police Department and its personnel.

This Order is comprised of the following numbered sections:

- I. DEFINITIONS
- II. DEPARTMENT REGULATIONS
- III. EMPLOYEE RESPONSIBILITIES
- IV. SUPERVISOR RESPONSIBILITIES
- V. ADMINISTRATIVE SERVICES BUREAU RESPONSIBILITIES
- VI. DEPARTMENT RESPONSIBILITIES
- VII. LIMITATIONS ON SECONDARY EMPLOYMENT
- VIII. EFFECTIVE DATE
- IX. REVIEWS, REVISIONS AND CANCELLATIONS

### I. Definitions:

- A. Alcohol Establishment – Any place of business where the on-premise sale and/or consumption of alcohol is the primary source of income or revenue. For purposes of this policy, restaurants that serve alcohol as a primary source of revenue during a specific time frame will be considered an alcohol establishment.

- B. Conflict Of Interest – A clash between the secondary employer’s interest and the interest of the public and/or the Rockford Police Department.
- C. Nuisance Activity – Every place which, as a regular course of business, is used for the purposes of lewdness, assignation, gambling, the illegal possession or sale of alcoholic beverages, the illegal possession or sale of controlled substances, prostitution, or every such place in or upon which these acts occur.
- D. Official Duties – Any duties executed by the officer that are related to enforcing Federal, State or local laws.
- E. Secondary Employment – Any supplemental employment for salaries, wages, commission or in kind compensation (such as reduced or free rent) as well as, self-employment by sworn officers of the Rockford Police Department.
- F. Secondary Employer – Any employer other than the City of Rockford who hires a sworn employee of the Rockford Police Department as an employee to work at their establishment.

II. Department Regulations:

- A. Secondary employment is a privilege not a right. While reasonable efforts will be made to accommodate secondary employment requests, the Chief of Police may prohibit any and all employees from working a secondary job. The Chief may also impose additional restrictions in specific instances deemed to be in the best interest of the department and the City of Rockford.
- B. Secondary employment is open to public view and critical scrutiny. Employees should not engage in any secondary employment without carefully considering the possible effects on the employee, the Rockford Police Department and other municipal services.
- C. Secondary employment must not conflict with the employee’s hours of municipal employment or with the satisfactory and impartial performance of municipal duties. Additionally, secondary employment will not interfere with the employee’s responsibility to the city and the police department or satisfactory police duties.
- D. While employed secondarily, employees must abide by all federal, state, and local laws, rules, regulations, orders and policies of the Rockford Police Department and the City of Rockford. Failure to follow regulations or the provisions of this order may result in disciplinary action in the same manner as on-duty employment, up to, and including, termination.
- E. Police Officers will not enforce any rules created by the secondary employer or its agents. Police officers will act only to enforce the law and preserve public safety. Officers will take appropriate action regarding all violations of law.
- F. Official duties will take precedence over outside employment and officers working secondary employment are subject to emergency callback to official duty.
- G. Sworn Police Officers are encouraged to work supplemental employment where the job function is strictly that of a law enforcement officer. However, supplemental employment in non-law enforcement capacities will be considered on a case-by-case basis and when the nature of the employment does not reflect unfavorably on the Rockford Police Department and/or the City of Rockford (CALEA 22.3.4).
- H. All employees are required to complete an Officer's Report for any, and all, employment outside of the Rockford Police Department.
- I. Alcohol Related Secondary Employment  
Officers are prohibited from working at any establishment where alcohol or gambling is their primary source of income.
- J. Supervision and Adequate Staffing
  - 1. The department will require any secondary employer hiring four or more officers to hire at least one supervisor to work the detail.

2. The supervisor may be included as one of the four or more required officers
- K. Worker's Compensation
1. Any injuries, subject to the following exceptions, sustained by a City employee while in the service of another will be the responsibility of that employer and not the City of Rockford. All worker's compensation injuries shall be reported in accordance with City Policy.
  2. The City of Rockford will be responsible for injuries the officers incur while performing official police duties, subject to the following illustrative exceptions, which will be the responsibility of the secondary employer:
    - a. Injuries resulting from defects on the premises
    - b. Injuries resulting from employer's, or its agent's, negligent conduct
    - c. Injuries resulting from employer's, or its agent's, intentional conduct
- L. Liability Protection
- The secondary employer will assume any and all liability and responsibility for the officer's actions while the officer is working for the secondary employer and for any incidents occurring during such employment, but for which claims may be made subsequent to the employment. In addition, the off-duty employer must provide the following:
1. A letter to the Chief of Police verifying that the officer is an employee with a description of job duties and hours of employment.
  2. Indicate if a uniform or if plain clothes will be worn during the assignment.
  3. Name, address and phone number of person or business hiring officer(s).
  4. Obtain and, at all times the employee is so employed by Employer, maintain an insurance policy issued by a company licensed to do business in the State of Illinois providing coverage to the employer and all employees including the employee providing commercial general liability coverage with combined single limits of \$1,000,000.00. The City of Rockford shall be listed as co-insured on this policy.
  5. Furnish proof of such insurance coverage by filing with the Police Department a certificate of insurance listing the City of Rockford as certificate holder and providing insurance coverage, and by filing with the Police Department a copy of the Employer's commercial general liability policy.
  6. Execute and file with the Police Department an Indemnification and Hold Harmless Agreement. Agreement forms will be furnished by the administration.
- M. Donating Time
- Any sworn officer who wishes to donate their time while performing police related security for the purpose of assisting various civic, religious or other types of organizations may do so at the discretion of the Chief of Police, or his designee.
- N. Uniforms
1. Officers approved to work police related secondary employment will be in the uniform being worn at the time of the assignment, except:
    - a. Officers may request plain clothes assignments, but they must be approved by the Commander of the Administrative Bureau or his designee; and
    - b. If an officer is approved to work plain clothes, they must be able to produce identification when the situation dictates.
    - c. Employees approved to work non-police related secondary employment will not wear clothing or insignia(s) which identifies them as an employee of the Rockford Police Department.

2. Regardless of uniform worn during secondary employment shift, officers shall wear their protective vest and carry their portable radio with them during their secondary employment shift.

O. Equipment/Vehicles

1. Employees will not use any police equipment in secondary work other than authorized by the Commander of the Administrative Services Bureau or his designee.
2. Issued uniform equipment may be used for employment involving law enforcement related security activities when that employment has been approved by the Rockford Police Department.
3. City police vehicles, when available, may be used in the performance of law enforcement related duties while working secondary employment when authorized by the Commander of the Administrative Bureau or his designee. If the officer working secondary employment is using a City police vehicle appropriately equipped to transport prisoners, the officer may use the vehicle to transport their prisoner.
4. On-duty officers may assist transporting prisoners where the safety of the prisoner is a concern or when it is not feasible for the officer working the secondary employment to leave their post.

III. Employee Responsibilities:

- A. Employees will complete an Officer's Report requesting permission to work a secondary employment position. This Report will be required for all secondary employment positions that the officer wants to work.
- B. Upon approval by the Administrative Services Bureau, the information may be maintained in a secondary employment database that will be maintained by the Administrative Services Bureau.
- C. Completing Police Related Paperwork
  1. Each officer is responsible for completing all reports and paperwork arising as a result of action taken during secondary employment. This includes, but is not limited to the following:
    - a. Incident Reports
    - b. Secondary Reports
    - c. Inter-Departmental Administrative Reports
    - d. Collision Reports
    - e. Use of Force Reports
  2. Officers are responsible for handling all law enforcement related duties while working for a secondary employer. Officers who make arrests will be responsible for completing any Probable Cause Statements or Hospital Holds along with an incident report.
- D. Communications
  1. Police personnel working police related secondary employment shall contact the Shift Commander's Office and the Communications Center by phone prior to beginning work, supplying the following information:
    - a. Name
    - b. Badge number
    - c. Location
    - d. Duration of work
    - e. Uniform or plain clothes status
    - f. Radio channel monitoring

2. When completing their secondary employment shift, officers must notify the Shift Commander's Office and the Communications Center via radio or phone that they are no longer in service.
3. The officer(s) must contact the Shift Commander's Office and the Communications Center within 15 minutes of the start time of the secondary job and within 15 minutes of the end time of the secondary job.
4. Officers will transmit the necessary information when they encounter any situation requiring police assistance or intervention.

E. Court

Officers will honor all court subpoenas that are served on them arising out of the scope of their secondary employment.

F. Reporting Income

1. Employees working in a secondary employment capacity who are paid cash must file appropriate tax forms, including but not limited to a 1099 form in accordance with local, state and federal laws.
2. Employees are responsible for negotiating the terms of their employment with the outside employer and ensuring appropriate tax and earning records are kept and filed at the end of the tax year.

G. Notification to Administrative Services Bureau

1. Employees will notify the Administrative Services Bureau Commander by completing an Officer's Report if any of the following occurs for the approved secondary employment:
  - a. Changes in supervision
  - b. Changes in nature of the work
  - c. Changes in place of employment
  - d. Changes in hours of work

IV. Supervisor Responsibilities:

- A. Approval for secondary employment will be reviewed on a case by case basis for each employee taking into consideration the employee's work performance, disciplinary history and overall suitability for the type and location of employment for which they are requesting approval.
- B. The Commander of the Administrative Services Bureau or his designee has the primary responsibility of reviewing all requests submitted for their approval. That responsibility includes researching and reviewing the place of employment to make a determination as to the suitability for secondary employment consistent with department rules, regulations, policies and procedures, the departments' values and the safety of the officer/employee.
- C. The Administrative Service Bureau Commander or his designee may conduct a criminal background check on potential secondary employers/managers (authorizing representative of the business) prior to approving secondary employment requests.
- D. The person responsible for conducting the background check will ensure all documentation regarding the background check is attached to the initial secondary employment request.
- E. The Shift Commander or his designee is responsible for conducting periodic checks at all police related secondary employment locations, particularly to ensure adherence to all department policies and procedures. Any concerns noted by the Supervisor will be forwarded to the Administrative Services Bureau Commander (CALEA 22.3.5d).

V. Administrative Services Bureau Responsibilities:

- A. The Administrative Services Bureau is the point of coordination for all secondary employment activities. Potential employers interested in hiring police officers will be directed to contact the Administrative Services Bureau Senior Administrative Assistant.
- B. When a request is received the Administrative Services Bureau Senior Administrative Assistant will discuss the work detail with the employer, identify any policy issues related to the type of work, and distribute the work request via email. Officers interested in the work detail will contact the employer to coordinate the request and process the necessary paperwork.
- C. The Administrative Services Bureau Senior Administrative Assistant will review all law enforcement and non-law enforcement related request forms for completion and consistency with policy.
- D. The Administrative Services Bureau Senior Administrative Assistant will maintain a computerized database to include the following:
  - 1. All approved secondary jobs.
  - 2. The number of officers required to work each secondary job.
  - 3. The employees who are approved to work a secondary job. Employees must check their department email to verify their request has been approved.
- E. Annually, the Administrative Services Bureau Senior Administrative Assistant will conduct a check of secondary employment records and update the database to ensure obsolete work details will be deleted from the system.
- F. If a location is removed from the approved secondary employment list between the annual checks, the Administrative Services Bureau Senior Administrative Assistant will remove the secondary employment site from the database as an approved site / establishment.

#### VI. Department Responsibilities:

- A. Nuisance Locations
  - 1. An establishment may be rejected for secondary employment based on a record of excessive violence or nuisance activity as indicated by police reports, citizen complaints, nightly reports, etc. This rejection may occur whether alcohol is served or not.
  - 2. The Chief of Police or his designee will notify all “not approved” establishments of their rejection with the understanding that after a six-month period they may be reconsidered, provided that the adverse activity has abated.
  - 3. Any establishment that currently employs officers in a secondary employment capacity where a nuisance abatement letter has been served will lose the privilege of having officers employed by their establishment.

#### VII. Restrictions on Secondary Employment:

- A. Employment will be restricted when there is a presumption that a law enforcement officer’s symbolic authority may improperly serve private rather than public interests. Specifically, police authority may not be used for the private interest of an individual or an organization.
- B. Employees of the police department are prohibited from working secondary employment for a location or activity where their employment involves the potential for conflict of interest as defined by this policy. Therefore, employees are prohibited from working under conditions where they confer a special advantage to a private interest at the expense of a public interest. Finally, certain types of self-employment or work for particular types of employers will be restricted.
- C. Officers may provide law enforcement security services as secondary police employment to a person, firm, association or corporation provided that the entity is not engaged in private security or investigative services.

- D. Types of Restricted Employment include but are not limited to:
1. For attorneys.
  2. For a wrecker service or as a re-possessor.
  3. For collection agencies or to collect accounts or debts.
  4. As a polygraph examiner.
  5. At any location that may reflect unfavorably on the officer or the department, or that may place the officer in a compromising position.
  6. For an employer or manager with any felony convictions.
  7. As a private investigator.
  8. Performing work as a bouncer, door man, or cashier at a nightclub / bar.
  9. Working with a taxi company.
  10. Serving or selling alcoholic beverages (sworn employees only).
  11. Working for businesses involved in labor disputes.
  12. Where the employment would constitute a threat to the status or dignity of the police as a professional occupation. Examples include establishments which sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
- E. Any employee who disagrees with the reason(s) a location and/or employee(s) were denied secondary employment may discuss the matter with the Commander of the Administrative Services Bureau.
- F. The Chief of Police has final authority for approving and denying any secondary employment requests.
- G. Specific Prohibitions
1. Officers are prohibited from soliciting secondary work. Such requests for secondary employment should be initiated independently by the secondary employer. Officers receiving requests for off-duty officers will direct the inquiry to the Administrative Services Bureau Senior Administrative Assistant.

VIII. Effective Date:

- A. The Effective Date of general Order 10.10 – Secondary Employment is December 04, 2014.

IX. Reviews, Revisions and Cancellations:

- A. This General Order is scheduled to be reviewed annually by the Commander of the Administrative Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.
- B. This order does not supercede or cancel any previously issued Department policy or procedure. (use this language as shown when order is new or not a revision of any previous order)
- C. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Administrative Services Bureau.

By Order of  
Chet Epperson  
Chief of Police