

# TYLER POLICE DEPARTMENT

## GENERAL ORDER: 11.100

	<b>EXTRA DUTY EMPLOYMENT</b>	
	<b>EFFECTIVE DATE: 07-01-1991</b>	
	<b>REVISED DATE: 09-02-2020</b>	
<b>CALEA STANDARDS: 22.2.4; 22.2.5</b>		

### 11.101 PURPOSE

A. The purpose of this General Order shall be to ensure that extra duty work performed by employees of the Tyler Police Department is in compliance with the City of Tyler Personnel Policies and the general orders of the department. Furthermore, the Department has an obligation to regulate the conduct of employees while working for a different employer and at the same time representing the Tyler Police Department. Finally, it is necessary to establish procedures to ensure that all interested employees have the same opportunity to work extra duty jobs.

### 11.102 TYPES OF EMPLOYMENT – [CALEA Standard: 22.2.4; 22.2.5]

A. Regular Duty / Employment – hours for which an employee is regularly scheduled to work and / or which the employee receives his regular rate of pay.

B. Police Related Extra Duty Employment – consist of any outside employment, business enterprise, or professional activity that requires officers to be in uniform working in a law enforcement capacity exercising the use of police powers and not being compensated by the City of Tyler.

1. Permanent police related extra-duty employment will consist of employment requiring officers on a continuous basis.
2. Temporary police related extra-duty employment will consist of seasonal or special requests for assistance to meet a specific need for a limited time.

C. Non-Police Related Extra Duty Employment – any outside employment, business enterprise, or professional activity that is not conditioned on the actual or potential use of law enforcement powers. Non-Police related extra duty employment may be referred to as secondary employment and is regulated by this order, [General Order 03.200 \(Code of Conduct\)](#), and the [City of Tyler Personnel Policy \(Chapter 2 Section 40 Conditions of Work and Conduct\)](#).

D. Overtime Employment:

1. Required Overtime – duty related assignments originating from within the department which are outside of an employee's regularly scheduled hours of duty and for which the employee normally receives overtime compensation (example: completing late calls and paperwork at the end of the regular shift, on-going investigations, minimum staffing holdover, mandatory court appearance, parades or other special events with required attendance).
2. Voluntary Overtime – overtime that is not required overtime (example: special assignment details, voluntary special events, directing traffic for road construction jobs, S.T.E.P.).

**11.103 APPLICATION PROCEDURE – [CALEA Standard: 22.2.5]**

- A. Citizens and / or Department personnel submitting an application request for Police related extra-duty employment will do so through the Department's website.
  1. A separate application will be submitted for each extra-duty employment request.
  2. All application requests shall be made five (5) days in advance to the start of the event, unless extenuating or emergency circumstance (as determined by the Assignment Coordinator's immediate supervisor, Asst. Chief of Police, Chief of Police, or their designee) exist.
  3. Telephone applications requests for extra-duty employment will only be taken / accepted if extenuating or emergency circumstance (as determined by the Assignment Coordinator's immediate supervisor, Asst. Chief of Police, Chief of Police, or their designee) exist.
- B. Once a Request for Extra-Duty Employment has been submitted the Assignment Coordinator or designee will present the application to the Chief of Police for its approval or denial.
- C. All application request must be approved at least twelve (12) hours prior to working the extra-duty employment assignment
  1. To be accepted each application request must list:
    - a. The Date(s) and Time(s) of the event
    - b. Event Location
    - c. Number of Officers / Supervisors
    - d. Nature / Description of employment
    - e. Form of Payment (e.g. cash, check)
  2. Before an application can be accepted the requesting party will be required to acknowledge that they have read and agree to the Department's Extra-Duty Assignment terms. The clause states that all part-time job cancelations must be made twenty – fours (24) hours in advance and a three (3) hour minimum per employee will be charged for those who fail to comply with these conditions.
    - a. If, upon review, extenuating or emergency circumstance existed that prevented the requesting party from complying with the agreed-upon

terms, the Assignment Coordinator's Immediate Supervisor, Asst. Chief of Police, or Chief of Police may not require the requesting party to pay the three (3) hour minimum.

3. If there is insufficient time for an application request to be submitted and approved prior to the working of the extra-duty assignment, the officer's Commander, or in the Commander's absence, the Supervisor in command of the Division may approve the application request and forward it through the Chain of Command.
4. If the use of a Department vehicle(s) is being requested the applicant shall be notified of the current vehicle usage rate. The rate will be listed on the online request form and the requesting party invoiced separately for the use of the vehicle.
  - a. Upon completion of the extra-duty employment the Assignment Coordinator shall forward a detailed invoice to the requesting party for the use of Department vehicles.
  - b. Upon receipt of payment the Assignment Coordinator or receiving party shall immediately deposit the funds in the appropriate account.
  - c. The vehicle usage rate will be reviewed periodically to ensure the rate is competitive for this region. Only the Chief of Police can authorized an increase in the vehicle usage rate for extra-duty employment.

D. Officers will not engage in any police related extra-duty employment without the application request having first been approved by the Chief of Police.

E. Probationary officers are restricted from working any extra-duty employment without the express permission of the Chief of Police or their designee.

F. A paper copy of all approved and denied extra duty employment applications reviewed and signed by the Chief of Police will be maintained by the Office of Chief's administrative secretary.

G. An electronic spreadsheet containing all extra duty employment requests submitted online and a database containing all electronically approved extra duty employment applications will be maintained by the Assignment Coordinator.

H. The assigned Integrity Unit investigator will make periodic unannounced inspections of extra-duty employment assignments to insure policy compliance.

I. The Assignment Coordinator will notify and request all officers who work a permanent extra-duty employment assignment to submit an up-dated "*Extra-Duty Employment Information*" form on or before the 31<sup>st</sup> of January each year.

1. Officers are required to include information on each permanent extra-duty employment assignment they currently work.
2. Officers will not be permitted to work a permanent extra-duty employment assignment unless there is a form on file for the specific job.

J. Officers who desire to be included in the temporary extra-duty employment rotation list should notify the Assignment Coordinator in writing. Officers will not be contacted to work temporary extra-duty employment unless the Assignment Coordinator has notified.

The Assignment Coordinator will poll officers annual to determine if they desire to remain on the temporary extra-duty employment rotation list.

- K. Officers who desire to be removed from the rotation list must notify the Assignment Coordinator in writing.
- L. Temporary police-related extra-duty assignment pay shall be reviewed periodically to ensure that it remains competitive for this region. The officer and supervisor's hourly rate shall be posted on the online request form. Only the Chief of Police can authorize a permanent increase in the hourly pay rate for police-related extra-duty employment.
  - 1. The extra-duty assignment pay rate for both temporary and permanent jobs requiring a supervisor, as outlined in subsection [11.107\(B\)](#) of this policy, shall be \$5.00 greater than the approved hourly rate for officers.
    - a. The lead designated supervisor overseeing a large scale temporary event / function requiring two (2) or more supervisors shall be paid \$10.00 greater than the approved hourly rate for officers. The pay rate for the assisting event supervisor(s) shall remain \$5.00 greater than the approved hourly rate for officers.
  - 2. Parties requesting extra-duty employment on certain holidays will be notified that the hourly rate for employment will be higher than the standard hourly rate. This adjust shall stand for both officer and supervisor pay rates. The designated holidays are:
    - a. Thanksgiving Day
    - b. Black Friday
    - c. Christmas Eve
    - d. Christmas Day
    - e. New Year's Eve
    - f. New Year's Day

#### 11.104 PERSONS REQUESTING POLICE RELATED EXTRA-DUTY EMPLOYMENT

- A. Any citizen who contacts an employee of this Department with questions concerning extra-duty employment of off-duty officers shall be referred to the Department's website containing the link to complete the online request form. Citizens may also be directed to contact the Assignment Coordinator by telephone during "normal" business should they have additional or more specific questions.
- B. After "normal" business hours, an on-duty Patrol Supervisor will be notified to explain the process and direct the citizen to the Department's website.
  - 1. If, after speaking with the citizen, the Patrol Supervisor believes that it is immediately necessary to notify and provide off-duty personnel for extra-duty employment, section [11.103\(C\)\(3\)](#) detailed above will be followed.
  - 2. The on-duty Patrol Supervisor will forward the information to the Assignment Coordinator to ensure the information is properly recorded / documented.

C. No member of this Department shall, on an individual basis, solicit or suggest to anyone that a problem or situation might be solved by that person employing a particular individual or officer in a police related extra duty capacity.

**11.105 POLICE RELATED EXTRA-DUTY EMPLOYMENT DISTRIBUTION**

A. The Assignment Coordinator is responsible for:

1. Notifying officers of all approved police related extra-duty employment opportunities.
  - a. The Assignment Coordinator **may** utilize a computerized software program authorized by the Department to arrange and rotate officers for notification of part-time employment.
  - b. **All extra-duty employment notifications will be sent to officer(s) via email.**
    - 1) **No more than three (3) notifications will be sent, per extra-duty employment (permanent and temporary assignments), unless deemed necessary by the Assignment Coordinator's immediate supervisor, Asst. Chief of Police, Chief of Police, or their designee.**
2. Ensuring each employee who accepts an extra-duty employment assignment is properly documented on the application request.
3. Informing the requesting party within 24 hours from the start of the assignment that the job has or has not been filled.
  - a. If a job is initially unable to be filled, the Assignment Coordinator is authorized to ask the requesting party to increase the officer / supervisor pay rate by \$5.00 an hour.
  - b. If the Assignment Coordinator is unable to fill the extra-duty employment opportunity, the requesting party will be contacted and notified that the job cannot be filled.
    - 1) The Assignment Coordinator may suggest to the requesting party other agencies to contact for part-time employment.

- B. When the Assignment Coordinator receives an application for police related extra-duty employment in which a specific officer(s) has been requested, the Assignment Coordinator will make a reasonable attempt to contact the officer(s). If the officer(s) is unavailable or cannot be reached the Assignment Coordinator will adhere to section 11.105 (A)(1) detailed above.
- C. When officers who work permanent police related extra-duty employment learn that their employer has additional time slots available, these slots can be filled with officers who are currently working that specific permanent job. **When these slots cannot be filled using those permanent employees, the Assignment Coordinator or managing sworn supervisor shall be notified.**
1. Permanent extra-duty assignments that do not meet the requirements outlined in subsection 11.107(B) of this policy shall be routed to the Assignment Coordinator to be filled. Permanent extra-duty assignments that do meet the

requirements of subsection [11.107 \(B\)](#) shall be addressed by the designated sworn supervisor.

**11.106 OFFICERS SIGNING UP FOR TEMPORARY POLICE RELATED EXTRA-DUTY EMPLOYMENT**

- A. Any officer signing up for temporary police related extra-duty employment is responsible for reporting to the assignment as directed.
- B. Any officer actively working a temporary police related extra-duty assignment desiring to be relieved must have good cause and approval from an on-duty Supervisor.
- C. In the event an assigned officer becomes unable to work an approved temporary police related extra-duty assignment it shall be their responsible for finding a qualified replacement for the position. Both the initially assigned officer and the replacement officer shall notify the Assignment Coordinator as soon as possible prior to the assigned time.

1. *"Normal" Business Hours:*

- a. If the officer(s) is unable to work the temporary police related extra-duty assignment, immediately prior to the start of the assignment, because of an emergency or unforeseen circumstances, the officer shall notify the Assignment Coordinator. The Assignment Coordinator shall notify the party requesting the part-time employment and attempt to find a replacement officer, as detailed in section 11.105 (A)(1) – (3) above.
- b. If the Assignment Coordinator cannot locate a replacement officer the Assignment Coordinator's immediate supervisor, the Support Services Division Commander / Asst. Chief of Police, or their designee shall be contacted and informed of the situation.
  - 1) The Assignment Coordinator's immediate supervisor, the Support Services Division Commander / Asst. Chief of Police, or their designee will then determine if qualified on-duty personnel can be utilized or if the extra-duty employment must be cancelled.

2. *After Business Hours:*

- a. If the officer(s) is unable to work the temporary police related extra-duty assignment, immediately prior to the start of the assignment, because of an emergency or unforeseen circumstances, the officer shall notify an on-duty patrol supervisor.
- b. If the on-duty patrol supervisor determines it is necessary that the extra-duty assignment be kept they will attempt to locate a qualified on-duty replacement officer(s). The on-duty patrol supervisor will notify the requesting extra-duty employment party that a replacement officer(s) has been located.
  - 1) If an on-duty replacement officer cannot be located the on-duty patrol supervisor will contact both the Patrol Division Commander / Asst. Chief of Police and the party requesting the extra-duty employment to inform them of the situation.

- 2) If the Patrol Division Commander / Asst. Chief of Police determines it is necessary that the extra-duty employment be filled the on-duty patrol supervisor will assign an officer to the position.
- c. The on-duty patrol supervisor will then forward the above information to the Assignment Coordinator for documentation purposes.

D. Any employee who fails to report or satisfactorily complete a police related extra-duty employment assignment, may be denied future police related off-duty employment opportunities. The employee may also be subject to disciplinary action.

**11.107 ADDITIONAL EMPLOYMENT RESTRICTIONS – [CALEA Standard: 22.2.5]**

- A. A sworn supervisor shall be required to participate in all police related extra-duty employment assignment for any event or function requiring four (4) or more Police Officers at one time.
- B. Police related extra-duty assignments designated as permanent that routinely employ four (4) or more officers, whether together or on separate days and times, shall be managed by a designated sworn supervisor.
  1. The supervisor shall be responsible for coordinating with the requesting party to ensure that all scheduled work hours / days are filled. If the supervisor is unable to fill the designed spots they may contact the Assignment Coordinator for assistance in filling the vacancies in accordance with subsection [11.105\(A\)\(1\)\(b\)](#) of this policy.
- B. No police related extra-duty employment will be approved outside the City of Tyler's jurisdiction, except under very limited circumstances and only with the expressed permission and approval of Chief of Police prior to the assignment.
- C. No member of this Department will be permitted to own, operate, or work in a place of business where the primary income for said business is derived from the sale and / or consumption of alcoholic beverages (i.e., Private Clubs where food is not the primary commodity sold), except with the expressed permission and approval of Chief of Police. No member of this Department will be allowed any police or non-police related employment with collection agencies, law firms (in any capacity), private investigations firms, security companies, or insurance agencies that would require investigative activities on the part of the employee.
- D. No employee will be allowed to engage in any private business or employment that would be in violation of the City of Tyler Personnel Policies.
- E. All extra-duty employment request granted to an officer(s) may be rescinded by written or verbal notice from the Chief of Police if a change occurs involving an officer's capability to perform their duties or maintain Department performance requirements.
  1. The exception to this order is when an officer(s) fails to maintain Department performance requirements to such a degree that they are placed on a Performance Improvement Plan, as outline under [General Order 09.706\(2\)\(a\) – Performance Evaluations](#). In such situations, a verbal or written notice from the Chief of Police is not required.
- F. If any officer elects to quit a permanent police-related extra-duty employment assignment the officer is required to:

- 1. Notify the Assignment Coordinator
- 2. Notify the Supervisor responsible for scheduling the job, if applicable.
- 3. The resigning officer is required to provide a minimum of a two week written notice prior to their resignation; extenuate circumstance notwithstanding.
- G. All police related extra-duty employment assignments shall be performed in the standard Department issued uniform, unless the wearing of plain clothes or an alternate uniform is specifically approved by the Chief of Police.
- H. No employee shall allow extra-duty employment to interfere in any way with the performance of their official duties or the effective operations of the Department.
  - 1. This includes the alteration of Department work schedules for the benefit of extra-duty employment when such scheduling hinders Department operations.
  - 2. Employees shall be limited to working a combined total of twenty-four (**24**) hours of Department overtime and police related extra-duty employment during each seven (**7**) day work week. This seven (**7**) day period begins at the beginning of an employee's assigned shift time on the first work day after the employee's regular days off.
  - 3. Employees shall be limited to working a combined total of fourteen (**14**) regular duty, Department overtime, and police related extra duty employment hours in a twenty-four (**24**) hour period. The twenty-four (**24**) hour period starts at the beginning of the employee's regularly assigned shift time. The employee may work a combined maximum of sixty-four (**64**) hours of police related work in the seven (**7**) day work period.

<b><i>Combined Hours Worked</i></b>	
<b><i>14 hours in 1 day</i></b>	Combined regular, overtime, and extra-duty employment.
<b><i>24 hours in a 7 day week</i></b>	Combined overtime and extra-duty employment.
<b><i>64 hours in a 7 day week</i></b>	Combined regular, overtime, and extra-duty employment

- a. Employees may work an additional one (1) hour of extra-duty employment for each hour of approved vacation, holiday, or super-flex time taken during their seven (7) day work week.
- 4. Employees who desire to work more hours than allowed in this policy must get approval from the Chief of Police prior to working the extended hours.
- 5. If an employee's supervisor believes the employee's extra duty employment is impacting the employee's work performance, the employee may be instructed to complete a monthly report. The report shall include the number of regular hours, overtime hours, and extra-duty employment hours worked and the type of work completed by the employee.

- a. After completing the monthly report, the employee's supervisor will review it to determine if the total number of hours, including the number of extra-duty employment hours violates this policy and if the volume of hours worked is contributing to the employees declining work performance.
- b. If the total number of hours, including the number of extra-duty employment hours worked by the employee violates this policy the employee will be instructed by their immediate supervisor to reduce the number of hours worked to avoid disciplinary action.
- c. If the total number of hours, including the number of extra-duty employment hours does not violate this policy the employee's immediate supervisor will work with the employee to improve their job performance.
  - 1) If the employee continues to work the total number of hours, including the number of extra-duty employment hours with job performance show no signs of improvement and / or continues to decline, the employee's immediate supervisor will notify the employee's chain of command in writing.
  - 2) The written notification shall include the monthly report previously completed by the employee, sets taken by the supervisor to improve the employee's on-duty work performance (including any disciplinary action taken), and their recommendation to restrict or deny any of the employee's extra-duty employment.
  - 3) The final decision to temporary or permanently restrict or deny the employee's extra-duty employment rests solely with the Chief of Police.
- 6. During unusual occurrence events such as hurricanes or other major events requiring prolonged work hours, each employee is required to submit to their supervisor the number of hours they work each day. This will allow the supervisor to retain the necessary time records and monitor the employee's effectiveness.

- I. Any employee whose overall performance is less than effective, as determined by their Bi-monthly and / or six month performance evaluations, they may not be permitted to work extra-duty assignments or on-duty special assignments until such time as the employee's work performance is brought up to an effective level.
- J. When working an approved police related extra-duty assignment, an officer(s) will have their Department issued radio on their person. Officers will notify the Communications Unit at the beginning and end of their extra-duty assignment. Notification may be done by cellphone, text, email or radio.
- K. Injuries that occur during police related extra-duty employment that are the result of police action taken by employees are considered "on-duty" for the purpose of worker's compensation and other benefits provided by the City of Tyler. Employees who are injured while working police related extra-duty employment will submit the City Of Tyler Injury Report in accordance to City Policy.

11.108 CONDUCT WHILE WORKING EXTRA-DUTY EMPLOYMENT – [CALEA Standard: 22.2.5]

- A. Officers will enforce all applicable city ordinances and state laws. Officers shall not act to enforce any rule or regulation set up solely by the employer; so called "*House Rules*." Officers are to maintain a professional demeanor at all time while working extra-duty employment.

**11.109 PAY FOR EXTRA – DUTY EMPLOYMENT**

- A. The suggested hourly rate of pay for temporary extra-duty employment shall be approved by the Chief of Police.
  - 1. Temporary rate of pay increases for a single event or assignment shall be authorized under special circumstance, as detailed in section 11.105(A)(3)(a) above.
- B. The hourly rate of pay for permanent extra-duty employment will be determined by the officer and the off-duty employer.

**11.110 NON – POLICE RELATED EXTRA DUTY EMPLOYMENT – [CALEA Standard: 22.2.4]**

- A. Personnel desiring to perform non-police related extra duty employment will comply with appropriate sections of the [Code of Conduct \(General Order 03.200\)](#) and the [City of Tyler Personnel Policies \(Chapter 2 Section 40 Conditions of Work and Conduct\)](#) requiring approval from the Chief of Police.
- B. Personnel must notify the Assignment Coordinator when the non-police extra duty employment is terminated. The Assignment Coordinator will document this accordingly.

**11.111 REGULATIONS FOR RESIDENT APARTMENT COMPLEX OFFICERS**

- A. An officer(s) employed as a resident security officer shall confine police related duties to enforcing crimes in progress. Officers should not enforce minor misdemeanors, on-premise traffic violations, or become involved in family disturbances unless it is to stop or prevent an assault of any nature. Officers may require tenants to lower loud music, but other breaches of the peace should be reported to on-duty personnel.
- B. When performing any of the duties of a resident security officer, all employees will wear particular clothing along with their Department issued badge clearly displayed as to easily identify them as a police officer.
- C. Officers employed as a resident security officers shall not respond to a complaint at the apartment complex when they have been consuming alcoholic beverages. The officer shall notify an on-duty officer to respond to the complaint.
- D. On-duty officers shall not respond to complaints at the complex where they are employed as a resident security officer unless they are dispatched to the location. Officers who are on-duty responding to calls where they are employed as a resident security officer represent the Tyler Police Department and not the management of the complex. In this situation, the on-duty officer shall notify management to represent the apartment complex.
- E. Officers will not be allowed to collect rent, debts, or monies of any form for the apartment complex. Officers should not become involved in any civil processes at the apartment complex, unless it involves enforcing state law, city ordinances, preventing a breach of the peace or an assault of any nature.
- F. Officers must live on the property where they are employed as resident security officers.

G. Before an application request for extra-duty employment for a resident security officer can be approved, the apartment complex manager shall submit a “*job expectation*” list to the Assignment Coordinator. This list is to ensure compliance with the policy and shall be forwarded to the Chief of Police with the application request.

Approved: 09-02-2020



Jimmy Toler  
Chief of Police