1041 EXTRA-DUTY LAW ENFORCEMENT EMPLOYMENT (USE OF POLICE POWERS)

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to establish eligibility guidelines for employees wishing to participate in extra-duty law enforcement employment. In addition, this policy will establish the criteria and procedure for an extra-duty position to be approved. This policy is in addition to any requirements and expectations described in the City’s Administrative Rules.

1041.1.1 DEFINITIONS

Definitions related to this policy include:

**Courtesy Officer:** Any officer who resides in a rental property and receives reduced rates due to their position as a law enforcement officer and/or in exchange for security patrols of the property.

**Extra-Duty Employment:** Extra-duty employment is any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the officer-employee for an outside organization, company or individual within this jurisdiction. This includes employment as a Courtesy Officer. Compensation for these services is paid directly to the employee by the organization, company or individual. Any Extra-duty employment conducted out of uniform must receive prior approval from the Chief of Police or his/her designee.

**Off-Duty Employment:** Off-duty employment is any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee. See Policy 1040 for guidelines on Off-Duty Employment.

**Secondary Employment:** Any employment outside the scope of regularly assigned duties, which is either extra-duty or off-duty.

1041.2 ELIGIBILITY REQUIREMENTS

No member of this department may engage in any extra-duty employment without first meeting the eligibility requirements set forth in this policy. Violation of this policy is grounds for disciplinary action.

**Extra-Duty Law Enforcement Employment Eligibility:** Any officer of this department, who has completed their initial probationary period, is authorized to work regular duty, and not under an existing...
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1041.3 APPROVAL OF OFF-DUTY EMPLOYMENT POSITIONS

All extra-duty positions must be approved by the Chief of Police or his/her designee prior to being worked by an eligible CPD employee. Short notice situations may be approved by an Assistant Chief or above so long as the approval procedure is completed as soon as practicable. Violation of this policy is grounds for disciplinary action.

1041.3.1 EXTRA-DUTY POSITION APPROVAL PROCEDURE

The Administrative Sergeant position will be the designated point of coordination and administration for the extra-duty management system and process for the Columbia Police Department. The Administrative Sergeant will oversee and ensure adherence to all policies related to extra-duty employment activities organized through the extra-duty management system in place.

1. An EXTRA-DUTY POSITION APPROVAL REQUEST form will be completed online by the outside organization, company or individual requesting extra-duty police services. Information provided will include the significant aspects and description of duties expected of each employee’s extra duty employment to include:
   a. Date(s), time and place of employment.
   b. Agreement that injuries to extra-duty employees (except those which occur while conducting law enforcement activities) are covered by the extra-duty employer.
   c. Any complaints received by the extra-duty employer on the extra-duty employee will be forwarded to the Columbia Police Department Internal Affairs Unit.
   d. Description of anticipated incidents/duties to be performed by the extra-duty employee(s) that may require the use of law enforcement powers.
   e. Agreement that extra-duty employees are to perform only the functions of a law enforcement officer and are not to enforce “house Rules” of the extra-duty employer.

2. This form will be submitted to the Administrative Sergeant or his/her designee by email.

3. The Administrative Sergeant/designee will review each request and submit to the Chief of Police or his/her designee for position approval.

4. Once an extra-duty position is approved, the Administrative Sergeant will enter the extra-duty position into the extra-duty employment program in use at the time.

5. Once entered, the extra-duty position will be available for eligible employees to work.

6. Short notice situations may be approved by an Assistant Chief or above, so long as the approval procedure is completed as soon as practicable. For accuracy and consistency, all hours worked, including temporary approved short notice positions, must be entered into the extra-duty employment program even if the position was a one-time only event.
7. Any officer whose name is entered in the “Referred By” section of the approval form will have the first opportunity to claim available shifts for that specific extra-duty position. The remaining shifts will be available to all eligible employees on a first come basis.

1041.4 EXTRA-DUTY EMPLOYMENT EXPECTATIONS

Due to the possible impact of extra-duty employment, employees engaged in such activity shall adhere to the following expectations:

1. Generally, employees should not schedule to work extra-duty employment during their regularly scheduled work hours/shift. On rare occasions, with prior watch commander or higher approval, exceptions can be made.

2. Extra-duty employment shall not impair regular duty job performance.

3. Time Restrictions for extra-duty employment:
   a. Employees shall not work more than 60 hours of overtime, secondary employment or combination thereof per pay period without prior permission from an Assistant Chief or above.
   b. Employees shall not engage in more than 16 hours of any type of employment during any 24 hour period without permission from an Assistant Chief or above. This includes regular work duty, overtime, and secondary employment.

4. Any employee actively working an extra-duty assignment, unless working a temporarily approved short notice situation, must be entered into the extra-duty employment program prior to working the shift, accounting for the hours to be worked and the location where they are working. Short notice situations must still be entered into the extra-duty employment program at a later time as soon as practicable.

5. Any employee working an approved short notice extra-duty employment (approved but not yet entered into the extra-duty employment program) must notify the Administrative Sergeant prior to working the detail, by email, of the employer and the date and time the assignment was worked.

6. Any employee working extra-duty is subject to call back, during exigent circumstances, and shall respond immediately as directed by a Columbia Police Department supervisor.
1041.5 CHECKING INTO AND OUT OF SERVICE

All employees, when working extra-duty, shall contact the front desk to be placed into service. The employee must specify that he/she is working “extra-duty” so the appropriate CAD code can be assigned. The employee is responsible for calling out of service at the conclusion of the extra-duty shift/assignment.

1041.6 EXTRA-DUTY EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working approved extra-duty employment shall be required to complete all related reports in a timely manner. Time spent on the completion of such reports and other associated tasks (arrest and prisoner processing procedures), except the service of warrants, shall be considered incidental to the extra-duty employment.

1041.7 DEPARTMENT RESOURCES

Employees may generally utilize any issued or authorized reusable uniform and equipment issued for patrol purposes while engaged in extra-duty employment.

Employees shall not use any motor vehicle owned by the city for any extra-duty employment without prior approval from a Bureau Commander.

1041.8 CHANGES IN EXTRA-DUTY EMPLOYMENT STATUS

Within seven (7) calendar days employees shall submit written notification to the Administrative Sergeant/designee of any material changes in an extra-duty position including any change in the number of hours, type of duties or demands of the extra-duty position, or termination of or from the position itself. Employees who are uncertain whether a change in an extra-duty position is material shall report the change.

Notifications are necessary for the Administrative Sergeant/designee to properly manage the extra-duty employment program. The Administrative Sergeant/designee will notify the Chief of Police/designee of any employment or position status changes. The Chief of Police/designee will review and decide if any changes in employment eligibility status or change in position approval status are needed.

1041.9 SPECIAL RESTRICTIONS

1. Except for emergency situations or with prior authorization from an Assistant Chief or above, undercover officers assigned to covert operations shall not be eligible to work extra-duty employment or in another capacity that might reasonably disclose the officer's law enforcement status.
2. Employees shall not engage in extra-duty employment while on administrative leave, or while serving a suspension, unless specifically authorized to do so by the Chief of Police or his/her designee.

3. Employees may engage in extra-duty employment while on Family Medical Leave Act (FMLA), if performed within the restrictions specified by the physician monitoring the condition requiring leave, except as provided in Section 19-130(n) of the City Code of Ordinances, which restricts use of sick leave in connection with Secondary and Off-Duty Employment.

4. Any employee on sick leave due to personal illness shall not engage in any extra-duty employment activity for a 24-hour period beginning when the employee was scheduled to report for their most recent regular duty shift.

5. Employees shall not engage in extra-duty employment while on Transitional Duty Assignment.

6. Employees shall not engage in extra-duty employment outside the city limits unless specifically authorized to do so by the Chief of Police or his/her designee.

7. Employees shall not perform tasks, other than those of a law enforcement nature, while wearing the Department uniform. Employees working extra-duty will not be used for the enforcement of “HOUSE RULES” of the extra-duty employer.

1041.10 PROHIBITED EXTRA-DUTY EMPLOYMENT

The department expressly reserves the right to deny any request for approval of an extra-duty position for reasons that include but are not limited to the following:

1. A conflict of interest with the department Mission, Vision and Values that includes:
   a. Any activities performed in uniform that are presumed to involve conflicting interests such as:
      i. Serving judicial process;
      ii. Repossessing real or personal property;
      iii. Collecting money or merchandise for private purposes or;
      iv. Collecting private debts
      v. Work for, as, or on the behalf of a Private Investigator.
   b. Any activity assisting a criminal defendant in preparing for an actual or anticipated criminal prosecution (does not include honoring a subpoena issued by a defense attorney).
   c. Any other employment activity deemed by the Chief of Police or his/her designee to involve a conflict of interest.

2. Engagement for, or on behalf of, any person or entity that conducts business involving any of the following activities/circumstances:
   a. The distribution of pornographic books, magazines, movies, sexual devices or novelties.
   b. The provision of entertainment or services of a sexual nature.
   c. The distribution of alcoholic beverages.
1041.11 REVOCATION/SUSPENSION OF ELIGIBILITY STATUS

Any employee who is eligible to work extra-duty employment, may have their eligibility revoked or suspended for any reason to include but not limited to the following:

1. If an employee’s performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, the Chief of Police may, at his/her discretion, notify the employee of the intent to revoke his/her eligibility status for extra-duty employment. The employee will have the opportunity to appeal the revocation or suspension with the Chief of Police. After the appeal process has concluded, any sustained revocation will remain in force until the employee’s performance has been re-established to the minimum level of acceptable competency.

2. If, at any time an employee’s conduct or extra-duty employment conflicts with the provisions of department policy, or any law.

Should an approved employee have their extra-duty eligibility suspended or revoked, a written explanation containing the reasons for the suspension/revocation shall be provided to the employee within seven (7) calendar days.