



Ocean City Police Department

General Order

Subject: Secondary Employment		No. G.O. 200 S-1	
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I. Purpose

The purpose of this policy is to regulate general secondary and police-related secondary employment.

II. Definitions

- A. **Employment:** The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.
- B. **General Secondary Employment:** Employment that is not related to law enforcement or security, does not require the use of law enforcement power or authority, and does not utilize any Department equipment or assets.
- C. **Police-Related Secondary Employment:** Employment that is conditioned on the actual or potential use of law enforcement powers by a sworn member of the Department.
- D. **No-Duty Status:** Where an employee of the Department has sustained an injury or contracted a medical condition which causes either a temporary or permanent impairment in the employee's ability to perform all of his/her duties and essential job functions.
- E. **Restricted Duty Status:** Where an employee of the Department is unable to perform his/her duties and essential job functions and the employee has been released by an attending physician to perform duties less vigorous than outlined in the employee's job description.

III. Policy

The Department recognizes the right of its employees to engage in secondary employment. The Department shall, however, impose reasonable limitations on such employment to ensure its integrity is maintained and the Department receives full and faithful service in return for expended resources. This Policy applies to all employees.

IV. Prohibitions

No employment is allowed which in the opinion of the Department, would constitute a conflict of interest or would tend to bring discredit to the Department. The Chief of Police may grant exceptions to the below prohibitions when he/she deems the public safety benefit is greater than the potential conflict. Prohibited secondary employment includes but is not necessarily limited to the following employment when;

- A. The employer charges a fee for, or earns money by, towing or repossessing vehicles, and/or stores such vehicles.
- B. The employer is a security guard company, armored car service, or similar provider of armed or protective services.

- C. The employer operates a gambling enterprise or sells tickets for a lottery other than the official Maryland state-sponsored lottery. For purposes of this directive, "chances" and door prizes sold during a one-time charitable or community event do not qualify as lottery tickets.
- D. The employer operates an enterprise that involves the sale, manufacture, or transportation of alcoholic beverages as the principal business.
- E. The employer operates or participates in an enterprise that provides entertainment or services of a sexual nature.
- F. The employee collects bills or debts, attempts to convince any person to pay a bill or debt, or takes other actions in furtherance of a civil dispute involving financial payments and/or the repossession of property.
- G. The employee performs private investigation or assists in the preparation of any plaintiff's or defendant's case for civil or criminal court.
- H. The employee administers or assists in the administering of a polygraph, voice stress analyzer, or other type of deception detection examination.
- I. The employee serves or assists in the serving of any civil or criminal legal processes such as subpoenas, writs, eviction notices, etc.
- J. The employee performs personal security or bodyguard services for any individual person.
- K. The employee provides security or police-related services to a business whose employees are on strike, or otherwise assists any party in the furtherance of a labor-management dispute.
- L. The employee operates a taxicab or other transportation for hire.
- M. The employee performs services as a bartender and/or provides security services for any establishment that serves alcoholic beverages.

V. Limitations

It is the responsibility of each individual employee to ensure his or her compliance with the below-listed limitations.

- A. An employee shall not work more than twenty-four (24) hours of secondary employment per week or a total of sixty-four (64) hours per week in combination with primary employment hours. Primary employment hours include all regular and overtime hours worked for the department.
- B. A rest period consisting of a minimum of eight (8) hours where no secondary employment of any type is performed shall occur prior to the beginning of any primary duty hours.

- C. An employee who uses accrued sick leave, except family medical leave, shall not work secondary employment for a period of eight (8) hours after the conclusion of their primary duty hours when the accrued sick leave was used. Nothing in this section prohibits employees from engaging in secondary employment if the sick leave usage was used by the employee to attend a routine medical examination or visit.
- D. An employee shall not work secondary employment while in a “no-duty” status. An employee in a “restricted duty” status may work secondary employment as outlined in General Order 500 H-3.
- E. Seasonal sworn employees are prohibited from engaging in police-related secondary employment.
- F. Employees attending the entrance level police training academy and/or in field training are prohibited from engaging in secondary employment.
- G. An employee shall vacate their secondary employment obligation in situations deemed an emergency by the Department or when ordered to do so by an on-duty supervisor.
- H. Employees shall not perform secondary employment while on-duty with the Department.
- I. The conduct of employees engaged in secondary employment shall conform to Department policies and procedures.
- J. Police-related secondary employment is permissible only within the corporate limits of the Town of Ocean City.
- K. Exempt rank employees shall only engage in police-related secondary employment that is of a supervisory nature.

VI. General Secondary Employment

- A. An employee seeking to work general secondary employment shall complete a General Secondary Employment Approval Request Form (OCPD Form 49) and submit the form to the Chief of Police through the employee’s chain of command.
- B. The Chief of Police retains authority to disapprove any application for general secondary employment that is contrary to the interests of the municipality, Department, or community. The Chief of Police shall provide to the applicant written notification and explanation of the disapproval.
- C. An employee may not begin general secondary employment until written approval has been granted by the Chief of Police.
- D. Re-approval for general secondary employment is required if the employee's secondary employment duties change.

- E. An employee's personally owned business or other self-employed business venture is considered secondary employment.
- F. All applications for secondary employment along with approvals shall be maintained by the Administrative Division Commander in a data base that can be easily accessed for review by approved supervisory personnel.

VII. Police-Related Secondary Employment

A. Application Process-Employer

- 1. Any individual or business (hereafter referred to as the "secondary employer") desiring to hire a sworn employee for police-related secondary employment shall submit an application (Police-related Secondary Employment Work Application: OCPD Form 49-A) and a Assumption of Risk and Indemnity Agreement (OCPD Form 49-B) to the Office of the Chief of Police.
- 2. A secondary employer who desires special equipment needs (i.e. police vehicle) in conjunction with the secondary employment of a sworn employee must make a separate request through the City Manager's Office for such approval.
- 3. The Town of Ocean City shall establish and periodically revise a minimum hourly pay rate for police-related secondary employment. Any employer desiring to hire sworn employees shall agree to pay that rate, or the application will not be approved.
- 4. The application requesting police-related secondary employment shall be renewed annually by the secondary employer.
- 5. Employees are prohibited from soliciting any individual or business in order to obtain police-related secondary employment. Employees shall refer all employers interested in hiring a sworn employee for police-related secondary employment to the Office of the Chief of Police.
- 6. The Chief of Police retains authority to disapprove any application for police-related secondary employment that is contrary to the interests of the municipality, department, or community. The Chief of Police shall provide the applicant written notification and explanation of the disapproval.

B. Officer Eligibility

- 1. All sworn employees with the exception of those designated under Section V, subsection D, E and F are eligible.

2. Suspension of police-related secondary employment privileges is automatic in any case where the employee's normal police status, certification, or arrest powers, etc., are suspended or otherwise interrupted. Officers in such situations shall not work police-related secondary employment, regardless of whether secondary employment privileges were mentioned in the primary suspension notice.

C. General Procedures

Employees working police-related secondary employment shall comply with the following requirements:

1. Employees engaged in police-related secondary employment shall wear either a Class "B" or Class "C" uniform unless the Chief of Police grants written permission to wear an alternate uniform.
2. Employees shall be supervised by the on-duty supervisor working in the district of the secondary employment site. The employee shall notify the supervisor and the Communications Division via police radio of the assignment location(s) and the assignment's scheduled start and stop times. The employee shall also notify the supervisor and the Communications Division when he/she has concluded the secondary employment.
3. Employees engaged in police-related secondary employment shall investigate all crimes and write all police reports that arise from their secondary employment.
4. Unless instructed otherwise by an on-duty supervisor, an employee who makes an arrest while working police-related secondary employment shall perform all booking and arrest-related tasks, and shall document the arrest on the appropriate police report form(s).
5. Employees shall immediately notify an on-duty supervisor of any police-related secondary employment incident involving an injury, use of force, damage to departmental property, or damage to private or public property that was caused by the officer.
6. Employees shall perform only tasks that would be commonly performed by an on-duty police officer.

VIII. Police-Related Secondary Employment Coordination:

- A. All police-related secondary employment matters shall be coordinated by the Administrative Division Commander or his/her designee who shall maintain records thereof.

- B. Police-related secondary employment requires the following oversight to assure assignments are made available and work hours are submitted to the appropriate entity for compensation purpose.
 - 1. Police-related secondary employment will be advertised via department e-mail and require the sworn employee seeking to participate in a specific police-related employment opportunity to submit a Police-related Secondary Employment Officer Work Request Form (OCPD Form 49-C). Opportunities for police-related secondary employment shall be on a first come, first served bases according to an eligibility list maintained by the Administrative Division commander or designee.
 - 2. Assignment lists for police-related secondary employment shall be submitted to the secondary employer for review. The secondary employer may select an employee from the list to meet their specific job task. In the event an employee is unavailable for the assignment, the next available employee on the eligibility list will be selected for the assignment by the employer.
 - 3. Sworn employees engaged in police-related secondary employment shall complete and submit a Secondary Employment Report Form (OCPD Form 49-D) to the employee's supervisor daily. The supervisor shall then forward the form to the Administrative Division Commander outlining the number of hours worked at a given location for a set period of time.
 - 4. All hours worked by an employee shall be recorded on the employee's bi-weekly payroll time sheet with the designated payroll code: "PE". The Police H.R. Coordinator will record the hours in the payroll work order program to facilitate billing to the secondary employer.
- C. The Administrative Division Commander or his/her designee shall retain all documentation regarding individual employee secondary employment documents.

IX. Payment of Wages

- A. Compensation for general secondary employment shall be made directly from the employer to the employee. An employee engaged in general secondary employment shall complete and submit a Secondary Employment Report Form (OCPD Form 49-D) to the employee's supervisor daily. All hours worked by an employee shall be recorded on the employee's bi-weekly payroll time sheet with the designated payroll code: "GE". This recording is to ensure the employee's compliance with Section V, Subsection A.
- B. Compensation for police-related secondary employment shall be arranged through an agreement with the employer seeking police-related secondary employment and the Town of Ocean City's Finance Department.
 - 1. Employees engaged in police-related secondary employment shall not accept any payment directly from the secondary employer.

2. Employees engaged in police-related secondary employment shall agree to an hourly rate for said employment without regard to their salary and/or overtime salary while employed in their primary function with the Town of Ocean City. The employee must complete and sign OCPD Form 49-C acknowledging such agreement.

X. Cancellation of Approved Secondary Employment

- A. The Chief of Police may suspend or revoke the approval for any employee to engage in secondary employment. The employee concerned shall be notified in writing of the reason(s) for such cancellation.
- B. Any change in the conditions, type or place of secondary employment shall require the resubmission of the request for secondary employment. Upon termination of such employment, the employee must forward a memorandum to the Administrative Division Commander, via the chain of command, indicating that their secondary employment has ended. This is required to facilitate the updating of personnel records.

XI. Secondary Employment Forms

- A. OCPD Form 49: General Secondary Employment Approval Request
- B. OCPD Form 49-A: Secondary Employment Work Application
- C. OCPD Form 49-B: Assumption of Risk and Indemnity Agreement
- D. OCPD Form 49-C: Police-related Secondary Employment Officer Work Request
- E. OCPD Form 49-D: Secondary Employment Report