

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 22.3

OFF-DUTY AND EXTRA-DUTY EMPLOYMENT

ACCREDITATION STANDARDS: CALEA – 22.3.3, 22.3.4 CFA 2.10, 2.11

EFFECTIVE DATE: March 1, 1996

RESCINDS: G.O. 22.3 August 4, 2016 and all applicable Amended/Temporary Orders prior to January 5, 2018

LAST REVISED DATE: January 5, 2018

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This General Order contains the following numbered sections:

- I. Off-Duty Employment
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POLICY

It shall be the policy of the Winter Haven Police Department to provide off-duty police officers, at an hourly rate, for approved requests from private citizens and/or businesses for the purposes of performing law enforcement duties. The Department shall also monitor and regulate the nature and duration of off-duty employment as restricted by statute, and as it affects the operation of this Department.

PURPOSE

The purpose of this order is to establish guidelines for the off-duty employment of members as well as the facilitating of extra-duty employment of sworn police officers.

SCOPE

This order shall apply to all Department members.

PROCEDURE

- I. **Off-Duty Employment (CFA 2.10. 2.11)**
 - A. Department members wishing to engage in off-duty employment shall submit a written request (WHPD Form-42) via the chain of command to the Chief of Police for approval. Members shall be notified if the request was approved or disapproved.

- B. Members shall not be allowed to participate in off-duty employment, which interferes with their normal work schedule.
- C. Only members who are not on probationary appointment or disciplinary probation shall be allowed to work in an off-duty status, unless authorized by the Chief of Police.
- D. Department members are not covered by the City's Workers' Compensation benefits while engaged in non-law enforcement activities during the course of their off-duty employment.
 - 1. Injuries/disabilities sustained during off-duty employment shall be reported to the off-duty employer.
 - 2. The member shall make their immediate supervisor aware of any injuries/disabilities.
- E. Each member accepting off-duty employment shall be responsible for ascertaining if Workers' Compensation or other such injury insurance is provided by the employer.
- F. The Chief of Police reserves the right to inspect members engaged in privately arranged work agreements to ensure conformity of Department General Orders, policies and procedures.

II. Extra-duty (Detail) Assignments

- A. Police officers are prohibited from engaging in or performing any extra-duty detail employment without the permission of the Department. (CALEA 22.3.5a)
- B. The Chief of Police shall designate a member of the Department as the Extra-Duty Coordinator. This person is responsible for the supervision, scheduling and administrative control of all extra-duty details/assignments. (CALEA 22.3.5d)
- C. All extra-duty employment hourly rates of pay shall be established by the Chief of Police.
- D. There shall be a minimum assessment of three (3) hours on all assignments requiring less than that amount of time.
- E. Police officers shall not engage in solicitation from the public for extra-duty details. Violation is considered an unethical practice and subject to disciplinary action. (CALEA 22.3.5b)(CFA 2.11b)
- F. Police officers shall wear the class B uniform with full leather or nylon gear when engaged in extra duty employment, unless specifically authorized by competent authority. (CALEA 22.3.5b)(CFA 2.11b)
- G. All General Orders, policies and procedures shall apply to Department police officers when working extra-duty details. (CALEA 22.3.5b)(CFA 2.11b)
- H. Officers assigned to an extra-duty detail shall report to the location of the detail at the assigned time. (CALEA 22.3.5b)

- I. When an officer is unable to work an assigned detail, it is the responsibility of that officer to find a replacement. The Extra-Duty Coordinator will be notified in writing of any change of assignments.
- J. Officers who fail to report to any extra-duty detail as scheduled may be subject to disciplinary action and may be excluded from working future details.(CALEA 22.3.5b)(CFA 2.11b)
- K. When working an extra-duty detail, all officers shall report their status (i.e., in-service, location, and completion) with the Communications Division. (CALEA 22.3.5b)(CFA 2.11b)
- L. All officers shall be required to conduct initial investigations of any reported or discovered offenses or incidents occurring at the location of the detail. Every attempt will be made to have an on-duty officer assume or assist in the investigation if it is determined that the investigation shall be time consuming and it will detract the extra-duty officer from the detail. All investigative reports or other paperwork if written shall be completed and submitted as required in G.O. 82.2. (CALEA 22.3.5b)(CFA 2.11b)
 - 1. Officers shall notify the on-duty shift supervisor of any arrests, criminal investigations or major incidents.
 - 2. The shift supervisor shall ensure that all necessary assistance is provided to the officer.
 - 3. In the event of an arrest, the officer working the detail shall forward their probable cause or arrest affidavit and transfer the prisoner to an on-duty officer for booking, processing and transportation.
 - 4. Officers conducting an investigation or completing paperwork will continue to be paid at the detail rate until the scheduled conclusion of the detail. At that point, said time will be considered regular on-duty time and compensated as outlined in General Order 22.1.
- M. Officers shall remain at the location of the detail at all times unless an emergency requires the officer to leave. The on-duty supervisor shall endeavor to ensure another off-duty officer is assigned to complete the detail.
- N. Officers engaging in extra-duty employment shall be subject to the supervision of the next higher supervisor on duty.
- O. Officers engaging in extra-duty employment shall be subject to immediate call to “on-duty” status. (CALEA 22.3.5b)
- P. Police officers shall be considered on-duty and eligible for on-duty injury benefits regardless of scheduled work hours or pay status when in the performance of official law enforcement or public safety duties. (CALEA 22.3.5e)
- Q. Officers are covered by City of Winter Haven injury benefits (Workers’ Compensation) while engaged in, and within the scope of, extra-duty law enforcement employment.
- R. City of Winter Haven Workers’ Compensation claims are subject to review and approval. Injuries/disabilities sustained during official law enforcement actions shall be reported and documented pursuant to current Department policy and procedure.

- S.** Subscriber Responsibilities: Those persons or businesses within the community requesting an officer for an extra-duty detail shall be referred to the Extra-Duty Coordinator, who shall review with the subscriber the following: (CFA 2.11c)
 - 1. Rate of pay;
 - 2. Method of payment;
 - 3. Types of work prohibited (See section F-4);
 - 4. What to do if there is an officer-related problem;
 - 5. Discussion of restrictions involved;
 - 6. An assessment of the potential risk of injury.
- T.** Subscriber is to give notice of cancellation of detail at a minimum of twenty-four hours prior to the beginning of the detail.
- U.** Circumstances under which the detail service may be revoked or canceled by either party to include but not limited to:
 - 1. Non-payment of fees
 - 2. Dissatisfaction with the officer's performance. (CALEA 22.3.5c)
- V.** Officers engaging in extra-duty assignments shall use only Department property as authorized by the Extra-Duty Coordinator. (CALEA 22.3.5b)(CFA 2.11b)
- W.** The police officer's respective Bureau Commander shall have the authority to limit the number of hours that an officer under their command may participate in extra-duty details when deemed in the best interest of the officer and the Department. (CALEA 22.3.5b)(CFA 2.11b)
- X.** All certified police officers who have successfully completed the Field Training Program and are released to solo duty shall be eligible for extra-duty details.
 - 1. If needed and at the discretion of the Extra-Duty Coordinator a police officer who has not completed the Field Training Program may be used to supplement an extra-duty detail where a non-probationary police officer(s) will be employed as well and shall be assigned by the Extra-Duty Coordinator to work under the direction/supervision of a non-probationary police officer.
- Y.** Police officers who are on disciplinary probation status shall not be eligible for extra-duty details.
- Z.** The Winter Haven Police Department reserves the right to inspect and supervise officers engaged in extra-duty details to ensure conformity of the Department's General Orders, policies and procedures. (CALEA 22.3.5c)(CFA 2.11c)
- AA.** Documentation of the significant aspects of each officer's extra-duty work shall include the following:

1. Date, time and place of detail;
2. Incidents that involve the use of law enforcement powers, court attendance from extra-duty work, and injury to officers or others; and
3. Liability and indemnification concerns stemming from actions during extra-duty work. (CALEA 22.3.5e)

III. Restrictions on Employment (CFA 2.10)

- A.** Below listed employment is specifically prohibited by law or by official policy of the Winter Haven Police Department:
1. Employment involving the sale or distribution of alcoholic beverages F.S. 561.25.
 2. Employment involving bailbond agencies F.S. 648.44(2).
 3. Investigative work for attorneys, insurance collection or security agencies.
 4. Any other employment which adversely affects the performance of official duties or as the Chief of Police may deem to be a conflict of interest.
- B.** Those members engaging in off-duty work shall not work more than twenty (20) hours per week in an off-duty capacity. Exceptions to the twenty (20) hours maximum may be approved by the Chief of Police during periods of unusual seasonal demand.
- C.** All members engage in off-duty employment with the explicit understanding that they are subject to emergency recall to on-duty status. If it appears that the off-duty employment has caused their work at the Department to suffer through fatigue, distraction, or other factors the approval for off-duty employment will immediately be canceled. (CALEA 22.3.3)
- D.** All authorization to work off-duty and extra-duty employment is immediately and automatically suspended whenever the member is:
1. Placed on light duty status.
 2. Relieved of duty status.
 3. Has applied for Workers' Compensation benefits.
 4. On military leave.
 5. Scheduled for any official activity such as court, training, special events or Department assignment.
 6. Unable to report for regular duty or court due to illness or illness in the family, until they have subsequently completed a full tour of regular duty or a time period of 24 hours has elapsed since scheduled reporting time.
 7. Involved in a conflict or apparent conflict of interest between on-duty and off- duty responsibilities.

IV. Definitions

- A.** *Off-Duty Employment* – The performance of activities which are in no way dependent upon the uniform and/or authority of the Winter Haven Police Department.
- B.** *Extra-Duty Employment* – Any secondary employment that is conditioned on the actual or potential use of law enforcement powers by a police officer performed within the jurisdictional boundaries of the City of Winter Haven and as approved and authorized by the Chief of Police.

APPROVED 

Charles E. Bird
CHIEF OF POLICE