

	GAITHERSBURG POLICE DEPARTMENT			
	Secondary Employment			
	GENERAL ORDER	204.1		Related CALEA Standards:
	Effective Date	12/10/2021		22.3.4, 22.3.5, 81.2.9
Authorized by: Mark P. Sroka CHIEF OF POLICE		SIGNATURE	DATE 12/10/2021	

1. PURPOSE

1.1. It is the policy of the Department to permit employees to engage in secondary employment, pursuant to the provisions of governing statutes and City policies.

2. POLICY

2.1. It is the policy of the Department to permit employees to engage in secondary employment, with the approval of the Chief of Police and the Human Resources Director, provided that the employment is not a conflict of interest, does not give the appearance of a conflict of interest or does not interfere with or take precedence over the employee's performance of his or her primary job duties and responsibilities.

3. DEFINITIONS

3.1. **Secondary Employment** - Within the context of this directive, the term “secondary employment” refers to any actual work performed for an employer that results in monetary pay other than for the Gaithersburg Police Department.

4. PROCEDURE

4.1. General Provisions

4.1.1. State law permits police agencies to promulgate reasonable rules and regulations to govern secondary employment and prohibits agency policy that would prevent employees from engaging in secondary employment.

4.1.2. Section 1107 of the Personnel Rules and Regulations Manual permits employees to engage in certain types of secondary employment, with the approval of the Chief of Police and the Human Resources Director.

4.1.3. The primary duty, obligation and responsibility of every employee is to the Department. Secondary employment shall not become additional full-time employment, nor shall it interfere in any manner with the employee’s primary obligation.

- 4.1.4. Officers working approved law enforcement-related secondary employment have all the powers granted to police officers in accordance with law, Department regulations and City policies.
 - 4.1.4.1. Officers on light duty, sick leave, or any other type of leave because of illness, injury, or other condition that prevents the performance of full-duty work, shall not be permitted to engage in secondary employment.
- 4.1.5. Officers are not permitted to engage in secondary employment if their police powers have been suspended.
- 4.1.6. Secondary Employment is automatically suspended while an employee is on a “Performance Improvement Plan.”
- 4.1.7. Outside short term secondary employment requests, those made by citizens or businesses, will be forwarded to the Operations Bureau Commander, or designee.
 - 4.1.7.1. The Operations Bureau Commander, or designee, will then announce opportunities via e-mail and they will be filled equitably. The senior officer assigned to the secondary employment detail will be responsible for all required applications and forms for themselves and junior employees.
- 4.1.8. On-going approved secondary employment that is typically worked over a period of months or year round will be coordinated by one City officer. That City officer will assist all other officers with scheduling and all required applications and forms.
- 4.1.9. An officer must have a minimum of one year of sworn service, before becoming eligible to work secondary employment.

4.2. Approval Process

- 4.2.1. The Chief of Police acts as the point of coordination to oversee adherence to the policies, processes and other matters relating to secondary employment and the approval process.
- 4.2.2. The Chief of Police and Human Resources Director must give written approval before an employee engages in any secondary employment.
- 4.2.3. Employees seeking approval for secondary employment shall complete and submit an Application for Secondary Employment Form to the Chief of Police, via chain of command.

- 4.2.4. Employees seeking approval to work secondary employment in a security-related position must also submit a Secondary Employment Agreement Form, which provides the following:
 - 4.2.4.1. Documentation, from a prospective secondary employer, that the employee and the City will be co-insured under the secondary employer's liability insurance; and
 - 4.2.4.2. Evidence of workers' compensation coverage that specifically affords coverage to the individual employee.
- 4.2.5. After approval by the employee's supervisor and the Chief of Police, the required forms will be forwarded to the Human Resources Director.
- 4.2.6. Approval may be rescinded at any time. An employee may not begin working in a secondary employment capacity until the employee is informed that approval has been granted by the Chief of Police.
- 4.2.7. It is the employee's responsibility to advise the Chief of Police and the Human Resources Department of any changes in, or termination of, secondary employment.
- 4.2.8. An employee owning a business involving secondary employment will indicate so in the Application for Secondary Employment.

4.3. Observance of Hours

- 4.3.1. When directed or required to work overtime, or to report for duty while on regularly scheduled days off, employees will do so regardless of any approved secondary employment.
- 4.3.2. Employees are not permitted to work more than 18 combined hours in any 24-hour period, without at least an eight-hour rest period before returning to a regular duty assignment.
- 4.3.3. Employees are not permitted to show preferential treatment to any business(es) where he or she is approved for secondary employment.
- 4.3.4. Under no circumstances shall any employee be on-duty concurrently with the City and any secondary employer, or receive pay from both the City and any secondary employer for the same hours worked (see [Criminal Law Article, § 7-104, Annotated Code of Maryland](#)).
- 4.3.5. Security-related secondary employment is restricted to no more than 20 hours per week, regardless of the number of employers for whom the work is performed, unless the employee is on pre-approved paid

leave, except for sick leave.

- 4.3.6. Adjustments to officers' regular work schedules are not permitted to accommodate secondary employment.
- 4.3.7. Supervisors will monitor their officers' weekly work schedules, including secondary employment.
 - 4.3.7.1. Officers will provide supervisors with their secondary employment work schedules and any changes to same.
 - 4.3.7.2. The combination of secondary employment and total work hours shall not be allowed to cause any safety or performance issues with officers' primary duties.
 - 4.3.7.3. Issues will be immediately reported to the appropriate bureau commander.

4.4. Special Restrictions

- 4.4.1. Employees engaging in sales will not divulge their association with the Department or the City of Gaithersburg during the course of their sales activities.
- 4.4.2. Employees may not own or operate a towing business, drive or operate a taxi cab or serve civil process.
- 4.4.3. Employees may work in or at businesses that sell, dispense, or handle alcoholic beverages, contingent upon approval of the secondary employment application, provided no part of his or her specific duties are related to the restaurant/bar area where alcoholic beverages are sold or dispensed.
- 4.4.4. Employees shall not, in the course of any secondary employment, use or disseminate criminal history record information from the CJIS, NCIC or Department databases or records.
- 4.4.5. If, during the course of performing secondary employment duties, it is determined that a police report is necessary to document an event, crime, traffic collision, etc., the employee will call for an on-duty officer to take a report and initiate the investigation.
 - 4.4.5.1. Follow-up investigations of previously reported offenses or events will not be handled by employees while working secondary employment.
 - 4.4.5.2. Information relating to such incidents will be reported to investigating officers.

- 4.4.6. Officers will not perform any law enforcement or security-related functions for locations outside of the City of Gaithersburg boundaries.

4.5. Use of Uniforms and Equipment

- 4.5.1. If authorized to do so by the Chief of Police, sworn members may wear their issued uniform and utilize Department equipment in the performance of secondary employment within the City.
- 4.5.2. If wearing of the Department’s uniform is not authorized by the Chief of Police, but approval has been granted to the employee to work secondary employment:
 - 4.5.2.1. Any Department equipment that the Chief of Police has authorized for use during secondary employment must be concealed (i.e., pistol must not be openly worn).
 - 4.5.2.2. Officers shall not wear anything that openly identifies them as a police officer (i.e., a shirt or cap that displays the word “police”).
- 4.5.3. Officers engaged in secondary employment, and utilizing a City police vehicle, will respond to any emergency call or situation that they become aware of if the officer's response could, under reasonable circumstances, prevent serious injuries or the loss of life.

4.6. Required Notifications

- 4.6.1. Law enforcement-related secondary employment:
 - 4.6.1.1. In the interest of officer safety, officers will advise the PSCC of their status and location through the MDC/CAD system, prior to the commencement of secondary employment at the location.
 - 4.6.1.2. Officers will ensure that the on-duty shift supervisor is notified in advance of the location, type and duration of event and identities of Department personnel engaged in any secondary employment within the City.
- 4.6.2. When practical, officers will also notify the on-duty supervisor in advance when working secondary employment within the City that is not law enforcement-related.

4.7. City Overtime Details

- 4.7.1. City-sponsored events (i.e., Winter Lights, Smooth Operator, Teen

Dance and other Recreation Department functions) are not, by definition, secondary employment.

- 4.7.1.1. Coordination of coverage for these events is customarily delegated to a commander or other supervisor and requests to work these overtime details do not generally require the approval of the Chief of Police.
 - 4.7.1.2. Once the commander or supervisor has determined staffing requirements, coverage will be solicited through a sign-up sheet, roster, e-mail or calendar that is circulated to all personnel qualified to work the event.
 - 4.7.1.3. When the commander or supervisor selects personnel to work in this capacity, the commander will ensure that all employees who submitted requests are appropriately notified of their approval or denial.
 - 4.7.1.4. Even though a request may have been initially approved, the designated commander, supervisor, or Chief of Police may withdraw approval for all personnel working a particular event, or individual employees, if it is believed to be in the best interests of the Department.
- 4.7.2. Personnel are prohibited from utilizing paid City leave in order to work City overtime. Employees will not be on paid leave and earning City overtime for the same hours.