

**SAN MARCOS POLICE DEPARTMENT  
POLICIES AND PROCEDURES MANUAL**

**Section Title: Secondary Employment**

**General Order: 601**

**Date Issued: January 17, 2004**

**Date Revised: January 1, 2006**

**Effective Date: January 14, 2006**

**Issuing Authority: *Howard E. Williams*  
Howard E. Williams, Chief of Police**

**I. POLICY**

The City of San Marcos and the San Marcos Police Department retain the right to regulate secondary employment by its employees. Provisions of the *City of San Marcos Employee Handbook* regulate non civil service employees. Secondary employment of civil service employees will be regulated to ensure that employees are prepared for regular duty.

**II. PURPOSE**

The Purpose of General Order 601 is to outline the limitations on secondary employment, and to establish procedures for approving secondary employment for civil service personnel.

**III. DEFINITIONS**

The terms used in General Order 601 are defined as follows, unless otherwise indicated:

- A. Employment – Hours for which an employee is regularly scheduled to work, and for which the employee receives his/her regular rate of pay.
- B. Extra-Duty Employment – Any employment, outside the employee's regular duty hours, that is conditioned on the actual or potential use of law enforcement powers by the employee.
- C. Off-Duty Employment – Any employment, outside the employee's regular duty hours, that is not conditioned on the actual or potential use of law enforcement powers by the employee.
- D. Secondary Employment – Includes both off-duty and extra-duty employment

**IV. SECONDARY EMPLOYMENT**

- A. Sworn employees may be permitted to work extra-duty law enforcement related jobs for compensation when a request from an outside employer has been made.
  - 1. The Department reserves the right to deny extra-duty employment and to provide guidelines to regulate this activity.
  - 2. No employee will actively solicit secondary employment while on duty.
  - 3. Employment rights of personnel assigned under a contract for law enforcement services will not be abridged.

- B. Employees will not work secondary employment in any business that derives 51% or more of its income from the sale of alcohol.
- C. Employees will be paid at the rate established by the extra-duty employer.
- D. The extra-duty employer will make all payments for extra-duty employment directly to the employee.
- E. Officers may not be covered by the City of San Marcos Workmen's Compensation if injured while working an extra-duty assignment unless actually performing a law enforcement function under the color of office.
- F. Officers may not be covered by the City of San Marcos health insurance if injured while working an extra-duty job.
- G. Officers working these types of jobs are usually contract labor by the employer, and no benefits are provided. Officers should obtain their own health insurance coverage in case of an injury received while performing extra-duty work for another employer.
- H. Employees will not work elective overtime and/or secondary employment in excess of thirty (30) total hours per calendar week. This includes any combination of elective outside overtime, and secondary employment hours. It does not include court overtime or departmental overtime, such as time required to complete late calls/reports; or when held over at the end of shift due to heavy workload, or outside overtime assigned to the employee by a supervisor.
- I. **EXCEPTION:** Employees may work an additional one (1) hour of secondary employment for each hour of approved vacation, holiday, or compensatory time taken during the calendar week.

**V. EXTRA-DUTY EMPLOYMENT**

- A. Each Officer must receive authorization from the Chief of Police to work extra-duty. Authorization must be requested in writing through the employee's chain of command.
  - 1. The Chief of Police must approve the employer.
  - 2. The Chief of Police must approve the officer's working the job,
- B. The Chief of Police may disapprove an officer's request based on the following criteria:
  - 1. The employee is on sick leave, administrative leave, injury leave, or modified duty status, or has not completed the initial training program;
  - 2. The employee is on suspension, or has been relieved of duty as a result of a disciplinary action or pending disciplinary action;
  - 3. The employee has failed to report extra-duty employment;
  - 4. The employee has not been appropriately trained to work the specific type of duty or is ineligible to work the employment based on requirements of the job;
  - 5. The employer is rejected by the Chief of Police, or
  - 6. Due to the officer's behavior or performance at the extra-duty job.

- C. Officers are allowed to use city owned equipment only when working extra-duty jobs within the city limits or at the discretion of the Chief of Police.
- D. Employees will not allow extra-duty employment to interfere with their on duty schedules, or on duty status. Employees will not work extra-duty employment during scheduled “on call” status unless prior approval from their supervisor has been received.
- E. Officers will not work more than 16 hours in a 24 hour period without prior approval of a Division Commander.
- F. Officers must get approval from the Chief of Police before doing volunteer *security* work while outside of Hays, Caldwell, or Guadalupe Counties.
- G. An employee on FMLA leave to care for a dependant may work off-duty or extra-duty assignments only on regularly scheduled days off.
- H. Employees on FMLA leave for their own illness or injury may not work off-duty or extra-duty Assignments.
- I. Officers are as accountable for performing extra-duty employment as they are for performing their regular duties.
- J. Officers engaging in extra-duty employment while in uniform will wear the Department uniform in compliance with the Department’s uniform policy.
- K. The on-duty supervisor will have general supervisory authority over officers working extra-duty. All violations of extra-duty policy will be reported to the Division Commander to whom the officer is regularly assigned.
- L. Officers may wear plain clothes for extra-duty employment only with specific written approval of the Chief of Police.
- M. When engaging in extra-duty employment, officers are to adhere to all Department policies, procedures, rules and regulations, and applicable operational guidelines.
- N. Officers are not to work extra-duty employment where any conflict of interest exists. Any actual or potential conflict of interest will be immediately brought to the attention of the on-duty Commander. Conflict of interest includes:
  - 1. Working for, or under the direction of, a private security firm;
  - 2. Working as an investigator for an attorney;
  - 3. Working extra-duty in any capacity, as an Officer, civilian or volunteer, in any establishment where the primary function and profits of the business are derived from gaming, and/or the distribution, sale or service of alcoholic beverages.
  - 4. Working as a private process server; or
  - 5. Working for a law enforcement agency other than the Department.
- O. Without the specific written permission of the Chief of Police, employees are prohibited from:
  - 1. Teaching or instructing the private sector in tactical use of firearms;
  - 2. Teaching or instructing the private sector in arrest or control techniques;

3. Teaching or instructing the private sector in pursuit or high speed driving techniques; and
  4. Teaching or instructing the private sector in canine techniques.
- P. Nothing will prohibit an employee from teaching in the private sector those skills obtained at his/her own expense, but the employee will not represent himself/herself as a member of the Department.
- Q. Officers are required to work extra-duty jobs once they have committed to work them, or they must personally find an eligible replacement.
- R. If an officer is scheduled for extra-duty employment and cannot report for duty, the failure on the part of an officer to find a replacement may result in the officer being removed from the secondary employment.
- S. If it becomes necessary for an officer engaged in extra-duty to leave the extra-duty assignment to render assistance to another officer or agency, permission will first be granted by the on-duty supervisor. In an emergency, the officer will notify a supervisor as soon as practical. The officer will then be on overtime status, and the extra-duty employer will not be charged for the time the officer is absent from the extra-duty assignment.
- T. If an officer engaging in extra-duty employment is required to make an arrest, he will contact Dispatch and request a patrol unit to take custody of the suspect. The extra-duty officer will be required to complete any applicable offense reports.

## **VI. OFF-DUTY EMPLOYMENT**

- A. Sworn employees may engage in off-duty employment that does not present a conflict of interest and does not interfere with the performance of the employee's assigned duties.
- B. No employee will obtain confidential information from the Department, NCIC, TCIC, or any other source for the direct use of a secondary employer.
- C. Any employee engaged in an off-duty employment or enterprise will submit a request to the Chief of Police via chain of command. The request must state:
1. The nature of the employment or enterprise;
  2. The employer, if not self-employed;
  3. The number of hours worked per week.
- D. If the Chief of Police determines that the employment does not conform to Department policy, he will return it, via chain of command, to the employee with a memorandum setting forth his determination.
- E. While working off-duty jobs, Officers will not wear the Department uniform without approval from the Chief of Police.