



511 Off-Duty Employment

Virginia Beach Police Department General Order

Chapter 500 – General Information
CALEA Standards: 22.2.4, 22.2.5

Purpose:

Establish guidelines for employees wanting to engage in employment outside their regular duty assignment/hours.

Definitions:

Off-duty Employment – Any employment by a department employee outside of their primary employment by the department, whether the additional employment is through another person, company, or the VBPD Off-duty Employment Office (OEO). The term **employment** includes the following:

- A. Being employed, providing services, or being compensated in any manner, directly or indirectly, by any other person, business, or entity, whether for profit, nonprofit, or charitable purposes; or
- B. The act of employing another person(s), business, or entity of any nature, whether for profit, nonprofit, or charitable purposes, to receive compensation of any nature, directly or indirectly; or
- C. Ownership, management, or directing of a business or other entity, whether for profit, nonprofit, or charitable purposes; or
- D. Obtaining or holding a license to operate a business enterprise, event, or other similar venture.

Secondary Employment – Employment of officers scheduled through the OEO involving the actual or potential use of law enforcement powers, including uniforms and vehicles when authorized at the request of an individual, business, or agency other than the Virginia Beach Police Department, and paid directly by Off-Duty Management (ODM).

Agency Job – Employment of officers scheduled through the OEO involving the actual or potential use of law enforcement powers, including uniforms and vehicles, when authorized at the request of the Virginia Beach Police Department or other agency and paid through VBTime.

Non-Police Employment - Any non-uniformed off-duty employment that does not involve the actual or potential use of law enforcement powers and is not scheduled through the OEO (i.e., landscaping, real estate agent, retail clerk, etc.).

Police Services – Secondary employment that may include providing security, vehicle/pedestrian direction or control, or providing any other services that require the use of Department equipment and uniform or the exertion of police authority.

Probationary Police Officer (PPO) – All employees currently undergoing training in the Police Academy or field training in the Police Training Officer program who have not completed the prerequisites established by DCJS to be certified as a law enforcement officer.

Professional Staff - non-sworn employees of the Police Department.

Off-Duty Management (ODM)- Third-party vendor used to track and schedule Secondary Employment and/or Agency Job assignments.

OfficerTRAK – A mobile application used by ODM to announce, schedule, and track Secondary Employment and/or Agency Job assignments.

Off-duty Employment Administrator (OEA)- Sergeant responsible for overseeing the Off-duty Employment Program.

Private Employer - People, groups, or organizations outside of the police department that are requesting police services through ODM. These result in secondary employment jobs that are posted as “Off-Duty” jobs.

Policy

As an employee of the VBPD, your primary duty and responsibility to the Department takes precedence over any off-duty employment.

Off-duty employment may be permitted at the discretion of the Police Chief, but is not guaranteed. Employees may be permitted to engage in off-duty employment, provided that such employment does not interfere with the performance of their primary duties.

Employees engaged in off-duty employment must comply with all City and Department policies and procedures. Failure to comply may result in disciplinary action or suspension from off-duty employment.

Employees' secondary employment or agency jobs are subject to all City and Department policies and procedures as if they were on duty.

Officers are reminded that citizens do not differentiate between on-duty officers and officers working a secondary employment job. While working these jobs, officers have a responsibility to take proper action when they observe violations of the law or when a violation comes to their attention. Officers will not use their police authority to enforce a secondary employer's non-law-enforcement policies and regulations.

Off-duty Employment and Recall to Duty

Employees with Alpha 1 status are subject to recall to duty and are expected to leave their off-duty employment upon recall.

Secondary Employment Objectivity and Impartiality

When working secondary employment and/or agency jobs for a private employer, officers must maintain their objectivity and impartiality. Officers are required to take appropriate action in response to observed violations, whether committed by the private employer, its agent, patrons, or members of the public.

Officers will not work a secondary employment job for a private employer in which the officer has a monetary or family interest, is a part owner, or is employed in any capacity other than the secondary employment role.

Secondary Employment Pay

ODM pay schedules run from Monday to Sunday, with pay sent the next occurring Friday.

The Police Chief has the final authority to set the pay scale for secondary employment jobs. **Officers are prohibited from negotiating pay rates or deals for secondary employment jobs.**

Officers working secondary employment and/or agency jobs are prohibited from accepting cash or any other form of payment for their services, including discounts, tickets, or other gratuities. All payments will be facilitated through ODM.

Secondary Employment Volunteer Time

An officer may volunteer their time to provide uniformed security at charitable causes occurring in the City of Virginia Beach. Charitable causes are defined as nonprofit 501(c)(3) events, community and public gatherings, and school events. When working a uniformed volunteer position, an officer is subject to all Department policies, including having a valid *Authorization to Work Uniformed Secondary Employment* (PD-51) on file with the OEO.

Requests to Hire an Officer

Department employees will refer all requests from potential outside employers to Off-Duty Management. Private Employers can visit the department's webpage at "Hire an Off-duty Officer" to learn about the services provided and to register with ODM, or call ODM directly at (877) 636-8300. ODM will screen all new applications for secondary employment and/or agency jobs with the OEA. The OEA will review all applications submitted to ODM to verify that the applicant is operating in accordance with this General Order.

Solicitation for Secondary Employment

Department employees shall not solicit any secondary employment. All inquiries regarding secondary employment shall be referred to ODM or the OEO.

Secondary Employment and Subsidized Housing

Any officer who receives subsidized housing in return for security services is engaging in secondary employment. Any officer who receives subsidized housing will have an approved *Authorization to Work Uniformed Secondary Employment* (PD-51) on file with the OEO.

Off-duty Employment Outside the City of Virginia Beach

Officers may work off-duty employment outside the City of Virginia Beach if the officer is acting as a private citizen without exercising law enforcement powers and has an *Authorization to Work Non-Uniformed Non-Police Employment* (PD-51A) on file with the OEO.

Unauthorized Off-duty Employment

Department employees are prohibited from working in any of the following off-duty employment situations:

- A. As a process server, bill collector, or where their police powers might be used for private purposes of a civil nature.

- B. Requires the employee to utilize police information files, records, or services as a condition of the secondary employment job.
- C. Case preparation for a defense attorney in any criminal action or proceeding.
- D. Wearing a police uniform in the performance of tasks other than those of a law enforcement nature.
- E. Private employer has a connection with a tow, taxi (not to include rideshare), massage, pawnshop, bail bond, cannabis manufacture/sale, or sex-oriented business.
- F. Any employment whose primary function is gambling, except for bingo fundraisers.
- G. Any job that the officer cannot arrive at on time. An Officer must allow a minimum of thirty (30) minutes between the end of a secondary employment job and the start of another secondary employment job, unless those jobs end and begin at the exact location. Officers must allow a minimum of thirty (30) minutes between off-duty employment jobs and their primary working hours, unless at the exact location.
- H. As an investigator or bodyguard of any kind.
- I. In police uniform at a location outside the City of Virginia Beach.

Secondary Employment Where Alcoholic Beverages are Served

All officers are prohibited from providing law enforcement or security-related services for any private employer or establishment whose primary business is the sale and/or service of alcoholic beverages (e.g., restaurants, bars, nightclubs, comedy clubs, liquor stores, etc.) unless the following procedure is followed. When the OEO receives a request for secondary employment officers for an establishment identified above, the Off-duty Employment Administrator shall provide a memorandum to the Operations Division Deputy Chief for consideration and approval or denial. The memorandum will explain the nature of the request, any prior police activity at the site, staffing recommendations, the entertainment being provided by the private employer (if any), verification of ABC status, and the officers' duty parameters. The OEO will then communicate the final decision to ODM and the potential private employer.

Off-duty Employment as an Expert Witness

Department employees will not engage in off-duty employment services as expert witnesses against the City of Virginia Beach. Department employees are permitted to act as paid expert witnesses; however, the Police Chief will be notified in writing of the substance of any expert testimony prior to the service being provided. Employees who are compensated by a private employer as expert witnesses will not prepare for testimony or testify on department time.

Department Right to Deny, Suspend, Revoke, Secondary Employment Private Employer Approval

The Department retains the right to deny, suspend, or revoke a private employer if:

- A. The private employer is not operating the business in compliance with all applicable local, state, or federal laws and regulations.

- B. The private employer does not comply with all the requirements of the VBPD governing off-duty employment.
- C. If continuation of the secondary employment job reflects negatively on the Police Department or the City of Virginia Beach.

If a private employer has their privileges suspended or revoked by the OEO, it may appeal the decision in writing to the Police Chief. The Police Chief has final authority over job approval for secondary employment.

Appropriate Staffing Levels of Secondary Employment Sites

The OEA will review requests for secondary employment officers prior to final approval by ODM. They will evaluate the number of officers requested relative to the expected attendance, location, venue, traffic considerations, and other variables to determine the appropriate number of officers, supervisors, and vehicles required. If the assessment differs from the request, the OEA will work with the private employer to ensure safe and appropriate staffing levels.

Secondary Employment Police Site Liaisons

Certain private employers may have a police liaison assigned to them. The liaison will be responsible for managing police activities on the site with the employer.

Considerations for permitting a site liaison will be:

- A. High volume of officers consistently working at the site.
- B. High volume of patrons.
- C. The site requires a substantial number of specialized requests, such as threat assessments, managing exceptional circumstances, specialized skills, and specialized knowledge of a facility.

Site Liaison Responsibilities

- A. The site liaison must be a member of the site's closed group.
- B. Site liaisons will be evaluated annually to ensure the continuation of the position is necessary.
- C. Future site liaison requests will be directed to the OEO.
- D. Liaison work will not be conducted while on duty.

Site Liaison Compensation

Liaison officers will be compensated at the set hourly rate by the private employer, who will contact ODM directly to add their actual work hours in OfficerTRAK.

Motor Carrier Escorts

Given the special nature of motor carrier escorts, permits, and required training, all escorts will be coordinated by members of the Motor Carrier Squad and reported directly to ODM following approval of the private employer.

Secondary Employment Coordinators

Officers are prohibited from serving as coordinators for secondary employment. A coordinator is defined as a person who may receive compensation to act as an intermediary between department employees and a private individual or business to negotiate agreements, or who may receive compensation for scheduling/managing.

Application for Authorization to Work Uniformed Secondary Employment

Department employees will apply for authorization to perform outside work by completing an *Authorization to Work Uniformed Secondary Employment* (PD-51), located on the forms drive. Employees engaged in secondary employment are subject to the requirements outlined in Human Resources Policy 1.03, Employment in Second Jobs, and *General Order 304, Conditions of Work*.

Department employees are prohibited from engaging in off-duty employment until their Division Deputy Chief has granted final approval.

Once this approval has been obtained, the OEA will contact ODM and assist the employees in creating their accounts with OfficerTRAK and ODM payroll.

Application for Authorization to Work Non-Uniformed Non-Police Employment

Employees requesting non-police employment will submit an *Authorization to Work Non-Uniformed Non-Police Employment* (PD-51A), located on the department forms drive.

Department employees are prohibited from engaging in off-duty employment until their Division Deputy Chief has granted final approval.

Evaluation of On-Duty Performance Prior to Authorizing Off-duty Employment

When a supervisor receives a PD-51 or PD-51A, they must evaluate the employee's on-duty performance before approving it. Supervisors shall check the employee's most recent evaluation and the Internal Affairs Unit resume.

Supervisors will document when secondary employment jobs interfere with the employee's on-duty performance.

Improper use of sick leave, tardiness, disciplinary issues, non-compliance with mandatory training, or failure to satisfactorily perform job tasks will be considered when reviewing requests for secondary employment.

Authorization to Off-duty Employment (PD51 and PD51A) Validation Period

The authorization to engage in off-duty employment is valid for one year, expiring on December 31st. Employees must reapply for off-duty employment authorization before engaging in any off-duty employment, including agency jobs paid by the city.

Obtaining Authorization for Off-duty Employment

The affected employee's Deputy Chief may authorize Off-duty Employment subject to the following terms and conditions:

- A. Probationary Police Officers are not eligible to work secondary employment or agency jobs.

- B. Employees with the supervisory rank of Sergeant or Lieutenant may work uniformed, secondary employment jobs that would typically be filled by an officer at the standard officer hourly rate.
- C. Employees at the rank of Captain or above may not work uniformed secondary employment jobs.
- D. Officers who are currently on military orders, regardless of their deployment location, are prohibited from working secondary employment.
- E. The off-duty employment does not conflict with the employee's City employment or existing law.
- F. The off-duty employment is not detrimental to the Department or City.
- G. The off-duty employment will not impede the effective performance of the employee's assigned duties.
- H. Off-duty employment or occupation meets all the requirements of this policy. The Police Chief is authorized to attach any other terms or conditions to an off-duty employment approval they determine to be in the best interest of the Department.

NOTE: Any circumstance that would constitute a violation of any of the qualifying conditions for off-duty employment authorization set out in this section will be evaluated by the chain of command and the OEO.

Sustained Departmental Rule Violation(s)

When an employee receives a sustained departmental rule violation(s), the employee's command will review their current off-duty employment authorization and determine whether to recommend modifying, suspending, or revoking that authorization.

OfficerTRAK

Officers working secondary employment jobs will be required to use the OfficerTRAK mobile application to bid for and select assignments. Officers shall use their city-issued cell phones for all aspects of off-duty employment. Officers shall keep their city-issued cell phone GPS data location services on and active while working their primary duties or engaged in off-duty employment.

Job postings in OfficerTRAK are categorized as Agency jobs or Off-Duty jobs.

Agency Jobs are created by the department and managed by the Off-duty Employment Administrator. These jobs are paid at the working officer's standard overtime rate. They require the time worked to be entered in both OfficerTRAK and VBTime. These jobs are paid for by the city and currently include PODS, Department of Human Services, Oceanfront Library, Traffic Calming, Pembroke 6, Crisis Intervention Assessment Center (CITAC), Parks After Dark, and 150X (Headquarters Warrant Service).

Secondary Employment Jobs are created and managed by ODM at the request of a private employer requesting police services. All secondary employment jobs are first approved by the OEA. They are posted in the OfficerTRAK app as "Off Duty" jobs.

OfficerTRAK serves as the primary communication platform between officers and ODM for administrative matters. The application also provides a "Field Notes" feature, which may be used to communicate information to assigned officers and, when appropriate, to the private employer.

Any information that is law-enforcement sensitive shall be clearly marked as such in the Field Notes section. Examples include photographs of missing or lost children, information related to potential suspects, or other sensitive operational details. Officers shall exercise caution when entering such information to ensure compliance with VCIN regulations and to prevent the unauthorized dissemination of protected data.

Department Vehicles at Secondary Employment Jobs

If a private employer wishes to use a police vehicle for their secondary employment, there will be a set hourly fee for the use. Officers must obtain the approval of a supervisor from the command where the vehicle will be taken. Department vehicles will not be used solely as a means of transportation to and from the secondary employment job location. If a vehicle is not available for a secondary employment job that has requested one, the officer will contact ODM so the private employer will not be charged. These guidelines do not apply to officers who, because of being in a critical assignment, are issued an approved take-home vehicle.

Reporting for Secondary Employment and Time Compensable

The time spent traveling to and from work is typically not paid by the employer. However, in some situations, portions of this time may be compensated, depending on whether a police vehicle has been requested for the job.

For secondary employment jobs that do not require a police vehicle:

An officer shall not bring a police vehicle to any job that does not explicitly require one. The private employer is not paying for the vehicle, and the officer is not compensated for travel time to the job site; therefore, there is no justification for using a police vehicle. The officer is required to be on-site and shall clock in/out via OfficerTRAK at the scheduled times.

The only authorized to use a police vehicle for a non-vehicle job are:

- A. Officers assigned take-home vehicles, and,
- B. Officers who are always on-call to respond to critical incidents.

This exception exists to prevent significant delays in responding to a call-out by requiring the officer to leave the secondary employment job and return home before responding.

For "Off Duty" jobs that require a police vehicle:

When a police vehicle is requested for "Off-Duty" jobs, ODM shall add thirty (30) minutes of payable time at the beginning and thirty (30) minutes at the end of the shift (60 minutes total). Officers will continue to clock in and out in OfficerTRAK at the scheduled job times.

Officers must be on the job site with the police vehicle at the scheduled times.

If no vehicles are available, the officer shall contact the private employer and/or ODM to determine whether the job may proceed without a vehicle. If approved, the officer shall notify ODM so that any vehicle-related fees can be removed for that shift.

.For “Agency” jobs that require a police vehicle:

When working an “Agency” job requiring a police vehicle, officers are not compensated for travel from the precinct to the job location. Instead:

- A. Officers shall enter their start time in VBTime as the time they arrived at the precinct to pick up the vehicle.
- B. Officers shall enter their end time as the time they returned to the precinct and secured the vehicle (or completed any other directly related duties).

Officers must still be on the job site and must clock in/out through OfficerTRAK at the scheduled times. Payroll may review VBTime entries to ensure accuracy.

If no vehicle is available, the officer shall make a reasonable determination whether the assignment can be performed without the vehicle or contact the Secondary Employment/Off-Duty Employment Administrator for guidance.

Tardiness

Officers shall be on the work site at the time of “clock-in” as well as “clock-out”. If an officer shows up late to a secondary employment job, the three-hour minimum pay shall be forfeited, and the officer will be paid for the actual time worked. Officers shall make a notation in OfficerTRAK for the job assignment describing the circumstances for their tardiness.

Shift Drop Procedures

Employee Cancellations

- A. Officers may drop an assigned extra-duty/secondary employment job at any time more than seven (7) days (168 hours) prior to the start of the assignment without a replacement for any reason by notifying ODM via the OfficerTRAK application or phone.
- B. Transfer Shift- Officers may attempt to transfer an assigned job directly to another officer up to two (2) hours prior to the start of the shift using the “Transfer Shift” function in OfficerTRAK.
 - 1. The OfficerTRAK system will display all eligible officers who may accept the transfer.
 - 2. Selecting an officer notifies that officer of the pending transfer.
 - 3. The transfer is not final until the receiving officer accepts it.
 - 4. If the transfer is not accepted, the officer assigned initially remains responsible for working the shift.
 - 5. Successful transfers do not require notification to the OEA or ODM.
- C. Conditional Drop (Up to Twenty-Four (24) Hours Before Start Time)
 - 1. Officers may initiate a Conditional Drop up to 24 hours before the assignment’s start time through the “Conditional Drop” option in OfficerTRAK.
 - 2. The Conditional Drop notifies all officers that the shift is available.
 - 3. Any officer may accept the shift through OfficerTRAK.

4. If no officer accepts the assignment before the 24-hour deadline, the shift returns to the original officer, who remains responsible for working the job.
- D. Unable to Attend After All Drop Options Are Exhausted
If an officer is unable to attend an assigned job after using all available options above, the officer shall:
1. Notify the Off-Duty Administrator (OEA) via email only;
 2. Explain the circumstances preventing attendance; and
 3. Document the steps taken to comply with this policy.
 4. This email serves as required documentation of compliance.
ODM shall not be contacted to drop the assignment and will not remove the officer from the shift under these circumstances.
- E. Officers who demonstrate a pattern of failing to report to scheduled assignments, arriving late, leaving early, receiving complaints, and otherwise failing to conform to policy are subject to suspension or revocation of their authorization to work secondary employment jobs.

Private Employer Cancellations

- A. When a secondary employment job is canceled with less than 48 hours' notice by the private employer, all employees scheduled to work the job shall receive three (3) hours of compensation.
- B. Employees shall not receive compensation from both the private employer and the City of Virginia Beach for the same period of time.
Example: An officer takes leave during a work shift to work a secondary employment job, but the job is canceled upon arrival at the scene. The officer receives three hours of compensation from the private employer due to the cancellation. They cannot cancel their approved leave and return to duty until after the three hours for which they were compensated have expired.
- C. When Virginia Beach City Public Schools (VBSPS) secondary employment jobs are canceled with less than 48 hours' notice due to inclement weather by the School's Activity Coordinator, employees scheduled to work the assignment will not receive the three (3) hour minimum compensation. If the shift is rescheduled, the officer will be offered the opportunity to work it. If the extra-duty job is cancelled within this time frame for non-weather-related reasons, the 3-hour minimum does apply.
- D. When any "agency job" is cancelled at any time before the beginning of the shift and the officer receives proper advanced notification, there is no compensation to the officer. If proper notification is not made and the officer arrives to find the job is cancelled, there will be a two-hour (2) minimum applied. The officer shall enter this time in VB Time and provide a detailed explanation in the comments section.

Suspension, Revocation, or Denial of an Employee's Off-duty Employment Authorization

The Police Chief or designee has the right to suspend, revoke, modify, or deny off-duty employment for cause.

Any supervisor has the right to immediately cancel a secondary employment job if they see clear safety concerns, policy violations, or an emergency arises requiring the employee working a secondary employment job for on-duty staffing.

Approval may be denied or revoked if it appears the off-duty employment might:

- A. Render the employee unavailable during an emergency to perform their primary assignment.
- B. At any time, the City of Virginia Beach is under a declared state of emergency, all permissions to work off-duty employment will be revoked for the duration of the declaration unless, on a case-by-case basis, the Police Chief has granted permission for the employee to take part in the off-duty employment during the state of emergency.
- C. Physically or mentally exhaust the employee to the point that their on-duty performance may be affected. This policy, as well as General Order 304, Conditions of Work, outlines conditions the supervisor shall consider when evaluating whether the employee's efficiency may be compromised.
- D. Bring the Department into disrepute or impair the operation or efficiency of the Department or its personnel.
- E. Conflict with General Order GO 105 Administrative Investigations and Employee Conduct, Rule #36 Gifts, Gratuities, Bribes or Rewards.
- F. Be a contributing factor in the employee failing to meet their obligations or causing them to perform their duties in an unsatisfactory manner, of either their primary assignment or the secondary employment. Documentation of excessive tardiness, missed work, or poor work performance that would violate any of the Department's rules and regulations, as defined in GO 105 Administrative Investigations and Employee Conduct, would support the revocation of an employee's permission to work secondary employment.

Uniform for Secondary Employment Assignments

The daily uniform for all secondary employment will be the Class A Summer or Class A Winter uniform, as appropriate by season, including the optional external mole vest carrier. The only current exceptions to this rule apply to Ocean Breeze waterpark and Parks After Dark, where department-regulated bike patrol uniforms are permitted as outlined in *General Order 309 Standards for Uniform and Personal Appearance*.

While working a secondary employment assignment, officers will comply with all aspects of the *General Order 309 Standards for Uniform and Personal Appearance*. The Off-duty Employment Administrator must approve any exceptions.

Violations of Secondary Employment Policy

The ability to engage in secondary employment is a privilege authorized by the Virginia Beach Police Department for its employees. All secondary employment jobs will be scheduled and coordinated by the Off-duty Employment Office and ODM. Intentional violations, attempts to circumvent, or disregard General Order 511 will result in administrative action, including the loss of the privilege to work secondary employment, based on the severity of the violation.

Violations of this policy can include, but are not limited to:

- A. Working outside the ODM purview.
- B. Repeated dropping of shifts within 7 days of assignment, with failure to find a replacement.
- C. Unauthorized use of a vehicle.
- D. Acting as a liaison for scheduling without authorization.
- E. Working secondary employment while on modified duty.
- F. Documented performance complaints from private employers or ODM.
- G. Arriving at job locations late.
- H. Clock-in or clock-out via Officer TRAK while not on-site.
- I. Leaving the secondary employment site without just cause

Recommended Administrative Actions for Sustained Violations within 18 Months

- A. 1st Sustained Violation – Make Note
- B. 2nd Sustained Violation – Make Note
- C. 3rd Sustained Violation – Written reprimand with 30-day secondary employment work privilege suspension

Additional Violations will result in progressive discipline and suspension from working secondary employment.

Secondary Employment Jobs While on Administrative or Modified Duty

All authorizations to work secondary employment are suspended upon the employee being placed on administrative leave or modified duty. The employee may appeal the temporary suspension to the Police Chief. When an employee returns to full duty, all secondary employment authorizations are automatically reinstated.

Secondary Employment Jobs While on Sick Leave

Employees shall not work secondary employment while on sick leave from the city. When calling out sick for a scheduled shift, the officer shall not be permitted to work secondary employment for 24 hours from the start of that shift. Employees who work a secondary employment job prior to their department shift and then use sick leave for their department shift must provide a written explanation to their commanding officer.

Secondary Employment Jobs While on FMLA

Officers may work secondary employment jobs while on FMLA leave, provided the secondary employment job time does not coincide with the time they are on leave from the city.

Example: An officer took FMLA leave for their 0800-1600 city shift. They may only work a secondary employment job prior to 0800 and after 1600.

Secondary Employment Jobs While on Standby Duty

Employees may not work a secondary employment job while they are on a standby duty status and receiving compensation from the city for their status.

Off-duty Employment and Court

Employees shall not miss or cancel a court obligation to work a secondary employment or non-police employment job. Unless released in writing by an attorney, all subpoenas shall be complied with, even during off-duty employment.

Maximum Authorized Hours Allowed per Week

As noted in *General Order 304, Conditions of Work*, all officers are restricted to a maximum of sixty-eight (68) hours of work in any consecutive seven (7) day period. This includes total time worked in the capacity of a police officer or providing law enforcement services, as defined by this policy, without prior approval from a supervisor. These limits include all time worked by the officer providing law enforcement services for the City of Virginia Beach and any private employers.

Maximum Authorized Hours in a Twenty-Four (24) Hour Period

Officers are restricted from engaging in law enforcement services and secondary employment jobs for more than sixteen (16) hours in a twenty-four (24) hour period. The 16-hour workday begins with the start of the first shift worked, regardless of whether the first shift is a secondary employment job or the officer's primary work assignment.

EXAMPLE: An officer may work a secondary employment job from 0800-1400 hours and in the same 24-hour period complete their regular shift from 1500-0100. At 0800 hours the following day, the officer would be allowed to work another secondary employment job.

EXAMPLE: An officer may not work a secondary employment job from 0800-1700 hours and, in the same 24-hour period, complete their regular shift from 2100-0700 hours.

The 16-hour limit includes court and mandatory Department overtime (See *General Order 304, Conditions of Work* for mandatory overtime guidelines).

Assignment Conflicts

Officers working secondary employment shall ensure their schedule provides at least thirty (30) minutes of separation between any secondary employment assignment and their primary duty assignment. Officers may not work a secondary employment job that ends at the same time their primary shift begins unless the assignments occur at the same location.

Officers shall also not accept back-to-back secondary employment jobs at different locations, as this prevents proper clock-in and clock-out verification. A minimum of thirty (30) minutes of separation is required between consecutive secondary employment assignments, unless both assignments are at the same location.

Officers shall not adjust their City work schedule or change regular days off for the purpose of working secondary employment. With supervisory approval and adequate staffing, officers may use Vacation or PTO to work secondary employment. Officers shall not use Leave Without Pay (LWOP) for this purpose.

Officers are prohibited from taking time off mid-shift to work a secondary employment job and then returning to their primary assignment.

Use of City Equipment at Secondary Employment Jobs

Officers working a secondary employment job may utilize their department-issued equipment while working the job. Officers who require any additional equipment, such as a RADAR, tint meter, etc., during a secondary employment job must obtain a supervisor's approval before using the equipment.

ECCS Notification of Secondary Employment Job Location

When an officer is working a secondary employment job, they are required to log on in to the OfficerTRAK app once they arrive at the job location. The officer shall notify the on-duty supervisor in the precinct where the job is occurring. That supervisor shall assume responsibility as the supervisory point of contact for the event. The officer will also provide Emergency Communications and Citizens Services (ECCS) with their location and the hours they will be working. The officer will be entered into the CADS system using a unit designator of "X" (e.g., "221X") if the secondary employment job is city-sponsored, and the officer will sign on with ECCS with the unit designator "F" (e.g., "221F") for all other secondary employment jobs. Upon completion of the secondary employment job, the officer shall log out of the assignment in the OfficerTRAK app and notify ECCS that they have secured the assignment and that the departmental equipment used has been returned.

Request for Resources during a Secondary Employment Job

An officer working a secondary employment job will, as soon as practical, advise an on-duty supervisor of any exceptional incidents encountered during their assignment that may require an on-duty police response (i.e., need for additional resources, major crimes, etc.).

Supervisor Responsibility While Working Secondary Employment

If a supervisor is working a secondary employment job, they retain their responsibility for taking appropriate action as a supervisor should the need arise.

Supervision of Officers Working Secondary Employment

Secondary employment jobs that require five (5) or more police officers shall require a supervisor to assume supervisory responsibility for the job. This will create a sixth (6) officer position. The supervisor must be a Sergeant or Lieutenant and will be in charge of the job.

In the event a supervisor does not sign up to work the job in a secondary employment capacity, the on-duty supervisor in the precinct where the job is occurring will be required to assume responsibility as the supervisory point of contact for the job.

In events where there are five (5) or more officers working the same job, it will be the responsibility of the supervisor to notify ECCS, the on-duty supervisor of the precinct where the work is being performed, and the Command Duty Officer, of the number of officers working and the times of the job. The supervisor shall generate a lineup (PD-246) and provide it electronically to the on-duty supervisor of the precinct in which the non-police employment job is being performed, ECCS (ECCSLineups@vbgov.com), and the Command Duty Officer (PDCEO@vbgov.com). Providing a copy of the PD-246 to each of these entities shall satisfy the notification requirement.

The secondary employment supervisor will use a unit designator of "X" (e.g., "207X") if the secondary employment assignment is city-sponsored or "F" (e.g., "207F") for all other secondary employment jobs. All officers working the same assignment under the supervisor's direction do not need unit designators. The supervisor or officer in charge will also be responsible for notifying ECCS and the on-duty supervisor of the precinct where the secondary employment took place that all personnel are accounted for and secured at the conclusion of the event.

Department supervisors employed in a secondary capacity cannot delegate or abdicate their supervisory role or authority to an employee of a lower rank.

Incidents Involving Secondary Employment/On-Duty Personnel

Officers working a secondary employment job are not considered to be working for the Department during the duration of the job, but rather as "third-party security contractors" on behalf of the private employer. In situations involving both on-duty and secondary employment officers, the on-duty officers shall take charge of the criminal incident whenever possible. This will enable the secondary employment officers to assist with scene security while remaining on-site and meeting the private employer's expectations.

If an officer working a secondary employment job is involved in a criminal case to the extent that they need to transport the arrestee to the magistrate, or if they are involved in a Response to Resistance incident, they shall sign out of OfficerTRAK and into VBTime as soon as possible. They will then receive compensation from the city.

Officers working secondary employment jobs are expected to remain on-site whenever able. They are not expected to respond to calls for service in surrounding areas, except when those calls involve situations that place the public or individuals in immediate danger of serious physical harm. In all other situations, secondary employment officers shall make the appropriate notifications to on-duty personnel.

Crime Reporting Responsibility

An officer working a secondary employment job who takes action that requires a physical arrest shall turn the arrest over to an on-duty officer when conditions permit them to do so. The on-duty supervisor shall meet this need whenever possible. In the rare cases when turning the arrest over is not possible, the officer working secondary employment shall be responsible for completing the arrest and investigation. This will require the secondary employment officer to log out of OfficerTRAK and log in to VBTime at the earliest reasonable opportunity. Suppose the officer can return to his secondary employment job after completing an arrest or investigation before its scheduled completion. In that case, ODM will create a new shift with the original completion time for the officer to finish the secondary employment job. Suppose the investigation requires the officer to work beyond the designated hours of the secondary employment job. In that case, the officer is still considered to be in an on-duty (compensable) status by the Virginia Beach Police Department, which shall be reflected in VBTime.

Suppose an officer takes law enforcement action that will require them to be absent from their secondary employment job for a significant period. In that case, they should consider, with a supervisor's approval, changing to an on-duty (compensable) status.

Under no circumstances will the officer accept payment from the private employer and the City of Virginia Beach for work performed at the same time.

Reports

The OEA will provide monthly reports to the Police Chief on any requested information regarding secondary employment. This includes total hours being worked by individual officers, frequency of job cancellations by individual officers, and detailed accounts of random "spot-checks" conducted throughout the month by the OEA at various private employer sites.

By the Authority of the Police Chief:

Paul W. Neudigato