

Cobb County Police Department

Policy 2.02

SECONDARY EMPLOYMENT

Effective Date: May 1, 2016
Rescinds: Policy 2.02 (July 20, 2012)
Related Orders: Code of Conduct
Issued By: Chief J.R. Houser Page 1 of 8
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all Employees of the Department.

The purpose of this policy is to establish procedures pertaining to the Secondary Employment of Department Personnel.

I. POLICY

Employees of this Department, to include sworn Employees assigned to the Cobb County Department of Public Safety, the Marietta-Cobb-Smyrna Organized Crime Task Force, or any other assignment, may be permitted to work for secondary employers during off-duty hours, provided the employment does not present a conflict of interest for the Employee and the Department.

II. DEFINITIONS

As used in this policy, the following words and terms are applicable:

- A. Compensation:** Any form of payment, or any act or service of value to the Employee, either directly or indirectly.
- B. Department:** The Cobb County Police Department.
- C. Duty Hours:** Hours worked for the Department, which includes the Employee’s regularly scheduled shift, special details, court appearance time, and overtime.
- D. Employee/Personnel:** Any person who is employed full or part-time with the Department or any sworn member of the Department assigned to the Department of Public Safety.
- E. Phase II:** That stage of training where the sworn officer is with a Field Training Officer, after completion of the Georgia Peace Officer Standards and Training Council certification requirements and training standards.

- F. **Point of Contact:** A Department Employee acting as the coordinator of a specific law-enforcement-related Secondary Employment job (i.e. – a movie theater, a mall, etc.). The Point of Contact is generally responsible for the scheduling of Personnel, obtaining the employer criminal history, and maintaining liaison with the Secondary Employment management on issues involving the Secondary Employment. A Point of Contact is not required for all Secondary Employment.
- G. **Secondary Employment:** Any outside activity, including self-employment, in which an Employee engages himself for the purpose of Compensation. This definition shall include those jobs where the actual or potential use of law enforcement powers is anticipated, as well as those jobs where the use of these powers is not anticipated.
- H. **Traffic Direction:** The controlling or restricting of movement of any motor vehicle that is traveling on any county-maintained road or state or federal highway within the county.

III. LIMITATIONS

Employees of the Department will schedule all Secondary Employment so as to be in compliance with the following procedures:

- A. Generally, no more than 70 combined hours of Duty Hours and Secondary Employment will be allowed in the seven-day work cycle of Sunday through Saturday. Additional hours may be approved by a supervisor on a case-by-case basis.
 - 1. Military reserve duty performed will account for 8 hours of Secondary Employment for each duty day served.
 - 2. Apartment security will be counted as 1 hour of Secondary Employment per day and 7 hours total per week.
- B. Employees are prohibited from using sick leave for the purpose of working Secondary Employment.
- C. Employees who miss duty due to personal illness are restricted from performing Secondary Employment for a period of 8 hours immediately after the conclusion of the shift they were regularly scheduled to work.
- D. Employees on “suspension”, “light duty”, or “administrative leave” are prohibited from working Secondary Employment that involves the use of law-enforcement powers. Employees on “administrative leave” are further prohibited from working any Secondary Employment during assigned “administrative leave” work hours.

IV. QUALIFICATIONS

- A. Normally, only those officers who have been certified as peace officers by the

Georgia POST Council, and have completed a minimum of Phase II of the Field Training Officer program of this Department, will be allowed to apply for Secondary Employment. Lateral entry officers may be granted permission to work Secondary Employment prior to release from Phase II on a case by case basis.

- B.** Civilian probationary Employees may apply for Secondary Employment as long as it is not with another unit of Cobb County Government and does not interfere with their job performance.

V. APPROVAL PROCESS

- A.** Employees must make a request to work any type of Secondary Employment. The Secondary Employment Request Form will be utilized for this purpose. This request must include all significant aspects of the Employee's duties. The request will then be sent through the chain of command to the Chief's Office. The Chief of Police, or his designee, will ensure that the form is properly completed and all Departmental policies are being adhered to prior to granting approval.

- 1. At the discretion of a supervisor, the Point of Contact may be requested to run a criminal history on the secondary employer. Examples of where a criminal history might be appropriate would include, but not be limited to: a private party, VIP security, etc.
 - a. Only the Point of Contact need run the criminal history. All other requests for the same employer and location should refer to the Department Point of Contact on the application.
 - b. The criminal history will be done under purpose code "P." The owner/manager must sign the Secondary Employment Request authorizing the criminal history request.
 - c. Whenever a conviction is listed the criminal history "printout" will be attached to the Secondary Employment Request. Upon receipt of the Secondary Employment Request by the Chief's Office, the criminal history document will be shredded.
- 2. If an Employee seeks Secondary Employment at a business that holds a license for the sale or distribution of alcoholic beverages, or at an event where alcoholic beverages will be served, the following guidelines will be followed:
 - a. The primary function of the business or event can not be the direct sale or distribution of alcoholic beverages (commonly referred to as a "bar" or "package store"). Examples of permissible employment would be a grocery store, convenience store, bowling alley, theme park, family type restaurant, a wedding, etc.

- b. Prior to submitting the Secondary Employment Request through the chain of command, the Point of Contact is responsible for contacting the Permits Unit to ensure the business does not have a pattern of violations.
 - c. The Permits Unit should monitor the list of approved secondary employers. The Chief of Police should be notified of any secondary employer who establishes a pattern of violations.
 3. Law enforcement related Secondary Employment that would take an Employee outside the corporate limits of Cobb County may be approved under the following circumstances:
 - a. Law enforcement related employment with the Cobb County School Board;
 - b. Dignitary protection or similar details. A memorandum describing the dignitary protection or similar duties must accompany the Secondary Employment Request.
 4. When the primary function of the Secondary Employment is Traffic Direction, the following provisions apply:
 - a. The Traffic Direction must enhance the flow of all traffic in the area and add to the safety of the pedestrian and motoring traffic. It cannot be for the sole purpose of enhancing the business of the company or individual involved.
 - b. All Traffic Direction employment for a period of two or more days per week must be approved by the Cobb County Department of Transportation. The Point of Contact is responsible gaining D.O.T. approval.
 - c. All Traffic Direction employment requests not sponsored by a division of Cobb County Government (e.g. – Cobb County Parks and Recreation and Cobb County D.O.T.) must have the Worker's Compensation section of the Secondary Employment Request filled out and signed by a representative of the business or organization seeking the traffic services. The representative must be authorized to make that request and grant the company's Employee benefits, in particular worker's compensation benefits. The Point of Contact is responsible for gaining the workers' compensation approval from the representative.
 5. All Secondary Employment requests involving interstate lane closures must

have the Worker's Compensation section of the Secondary Employment Request filled out and signed by a representative of the business or organization seeking the traffic services. The representative must be authorized to make that request and grant the company's Employee benefits, in particular worker's compensation benefits. The Point of Contact is responsible for gaining the workers' compensation approval from the representative.

- B.** In the event that the Secondary Employment opportunity is a last-minute offering that does not allow for prior final approval through the chain of command, the officer shall obtain approval from his immediate supervisor. This may be a verbal approval. This does not relieve the officer of complying with this policy in its entirety; the officer shall submit the appropriate documentation for the Secondary Employment at the earliest opportunity.
1. Final approval from the appropriate Deputy Chief must be received prior to working any Secondary Employment involving:
 - a. alcoholic beverages;
 - b. dignitary protection or similar details outside the corporate limits of Cobb County.

There will be no verbal approval for these types of employment.

2. An officer may work Traffic Direction Secondary Employment with approval from his immediate supervisor, provided that the Secondary Employment Request Form has been signed by a Department supervisor, and the Worker's Compensation section has been signed by the secondary employer.
- C.** All approved Secondary Employment is subject to review and evaluation at any time by superior officers. Failure to comply with all policies and procedures regarding Secondary Employment (refer also to the Code of Conduct) may result in the suspension/revocation of Secondary Employment privileges, in addition to disciplinary action.
- D.** All Secondary Employment approvals expire on December 31st of each calendar year. Employees may renew their request beginning 45 days from the yearly expiration.

VI. PROHIBITED ACTIVITIES

- A.** In addition to the prohibitions listed in the Code of Conduct, and elsewhere in this policy, Employees shall not seek employment with:
1. Pawn Brokers
 2. Precious Metal Dealers
 3. Contracted Wrecker Services

2.02 Secondary Employment

Page 6 of 8

4. Employers known to have a lawsuit or administrative hearing pending involving Cobb County or the State of Georgia

B. Personnel shall not sign any employment agreements/contracts (for law enforcement Secondary Employment):

1. Detailing services to be provided; or
2. Indemnifying the secondary employer of any losses, claims damages, expenses or any other liabilities.

Note: Employees are permitted to sign the Cobb County Board of Education's employment contract so long as the Hold Harmless portion provides an exemption for law enforcement officers.

VII. CONDUCT AND SUPERVISION

When Secondary Employment involves the use of the Employee's authority and powers as a police officer, officers are subject to all rules, regulations, policies and procedures currently in effect by the Cobb County Police Department. Officers are subject to disciplinary action for infractions of these rules, regulations, policies and procedures. In addition, when Secondary Employment involves the use of law enforcement authority:

A. Officers must conform to the same standards of conduct that applies to their on-duty activities. Officers are not bound by private rules or restrictions which an employer may wish to enforce for his own purposes.

B. At the discretion of the appropriate Deputy Chief, Secondary Employment may require the presence of a supervisor.

1. This would typically apply when the Secondary Employment involves:

- a. Four or more officers working at the same time and location (example: four officers working at a football game).
- b. A special event that requires supervisory planning and oversight.
- c. Any other circumstance deemed appropriate by the Chief's Office.

2. If a Department supervisor does not want to work the Secondary Employment, the appropriate Deputy Chief may waive this requirement.

3. If a supervisor is normally scheduled to work the Secondary Employment, but due to illness or other reason can not work the Secondary Employment, an officer may "fill in" for the supervisor. This does not convey supervisory authority to the officer.

C. Officers should be aware of applicable laws beyond criminal and traffic code violations (e.g. – state fire code, applicable ordinances, etc.).

- D.** The primary duty, obligation, and responsibility are to the Department. Officers are expected to respond to any lawful request for service. Should a response be detrimental to the responsibilities of the Secondary Employment, the officer should notify radio so a unit may be dispatched. An officer who avoids performing his duty is subject to losing his permission to work Secondary Employment, in addition to other adverse disciplinary action.

VIII. USE OF DEPARTMENTAL VEHICLES

- A.** The use of Departmental vehicles for Secondary Employment will be strictly limited and monitored. Each request to use a Departmental vehicle must be justified by the Point of Contact. Approval will be based on the following criteria:

1. Officer Safety and Public Safety

The use of a Departmental vehicle must enhance the safety of the officer as well as the general public. Examples would include: increased visibility of the officer to the motoring public while directing traffic or blocking the roadway (for construction or repairs); using a police vehicle to serve as a visible notice that a police officer is on the scene of a high crime area (as a deterrent to crime); etc.

2. Patrol Functions

When Secondary Employment requires that an officer patrol large areas such as neighborhoods or shopping complexes, a vehicle may be authorized. The officer working in this type of Secondary Employment will be responsible to answer any calls for police assistance within his area of responsibility. A benefit to the on-duty police function must be demonstrated.

- B.** Precinct, unit or shift supervisors may restrict the use of Departmental vehicles, even if prior approval has been granted, to meet the operational needs of the Department. Only fully equipped police vehicles with all emergency equipment in a functional status should be used for Secondary Employment.

- C.** The vehicle used for Secondary Employment should be from the precinct where the job is located. However, due to availability, a vehicle from another precinct/unit may be used with supervisory approval.

- D.** Officers using a Departmental vehicle for Secondary Employment will:

- 1.** Receive approval for use of the vehicle from the on-duty supervisor.
- 2.** Complete and turn in an Officer's Daily Report.
- 3.** Ensure that the vehicle is refueled and cleaned before turning the vehicle in.

E. Officers with assigned vehicles may use those vehicles for Secondary Employment under the following circumstances.

1. If the officer is in an on-call status, the officer may utilize his assigned vehicle, even if the Secondary Employment Request does not approve the use of a vehicle.
2. If the officer is not in an on-call status, but will be going directly to his Departmental work assignment, or is coming directly from his Departmental work assignment (incidental use), the officer may utilize his assigned vehicle, even if the Secondary Employment Request does not approve the use of a vehicle.
3. If the officer is not in an on-call status, and will not be going directly to, or coming directly from his Department work assignment, then the vehicle may only be used when the Secondary Employment Request approves the use of a vehicle.

IX. PART-TIME DEPARTMENT CIVILIAN EMPLOYEES

Part-time civilian Employees are not required to submit Secondary Employment Requests. However, part-time civilian Employees are not permitted to work for an entity described in this policy or the Code of Conduct. All part-time Employees will keep their supervision advised, in writing, of all other current employment.