



# Carrboro Police Department

<b>Subject:</b> <b>Chapter 31: SECONDARY EMPLOYMENT POLICY</b>		<b>Number:</b> <b>IV. Subsections</b>
<b>Issued: 07-02-18</b>	<b>Revised: N/A</b>	<b>Pages: 1 of 6</b>

- I. Purpose
- II. Policy Considerations
- III. Definitions
- IV. Procedure

## **I. PURPOSE**

The purpose of this chapter is to establish policies and procedures for secondary or off-duty employment by sworn and non-sworn employees of the Carrboro Police Department.

## **II. POLICY CONSIDERATIONS**

- A. Employment responsibilities to the Department are primary and any other employment or recurring activity for compensation in which an employee chooses to engage is secondary. The nature of law enforcement responsibilities requires Department employees to have the ability to work irregular hours, be alert while performing their duties and avoid actual or apparent conflicts of interest. In addition, Department employees must contribute to the public's confidence in the Department by avoiding any outside employment that would undermine the public's trust and confidence in the Department or the criminal justice system.
- B. There are certain occupations that inherently conflict with these needs and consequently, interfere with the employee's primary responsibility to the Department and the community. For this reason, the Department may impose conditions on outside employment or may prohibit it altogether.
- C. This chapter is for internal use of the Carrboro Police Department only and does not in any way enlarge an employee's civil or criminal liability. This chapter should not be construed to create a higher standard of care in any evidentiary sense with respect to third party claims. Proven violations of the policies and procedures set forth in this chapter may form the basis for Department disciplinary action.
- D. This chapter is subject to the provisions of Section 4-27 of the Town of Carrboro Personnel Policy, and should be construed in conformity therewith.



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### III. DEFINITIONS

- A. Secondary Employment: The provision of a service by a Department employee (sworn or non-sworn) for an employer other than the Carrboro Police Department, in exchange for a fee or other service. Secondary employment includes events when an employee is in uniform or otherwise identified as an employee of the Department. The terms “secondary employment” and “off-duty employment” are synonymous.
- B. Law Enforcement Secondary Employment: Any secondary employment that is conditioned on the actual or potential use of law enforcement authority by a sworn employee.
- C. Non-Law Enforcement Secondary Employment: Any secondary employment that does not require the actual or potential use of law enforcement authority by a Department employee. This includes self-employment such as teaching, contracting or sales jobs.

### IV. PROCEDURE

Employees may engage in part-time, secondary employment subject to the following provisions:

- A. Approval, Review and Revocation Process
  - 1. Every employee, sworn or non-sworn, seeking secondary employment shall submit a Town of Carrboro Outside Employment Form to his immediate supervisor.
  - 2. The employee’s immediate supervisor shall investigate to see that all provisions of this chapter are met. The immediate supervisor shall make a written recommendation and justification to approve or disapprove the request.
  - 3. The immediate supervisor shall then submit the request to the Chief or his designee for approval. The request must be approved by the Chief before



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the employee engages in any type of secondary employment.

4. Approval shall be denied where it appears that the secondary employment might:
  - a. Render the employee unavailable during an emergency;
  - b. Physically or mentally exhaust the employee to the point that his performance may be affected;
  - c. Require that special consideration be given to scheduling of the employee's regular duty hours;
  - d. Constitute a threat to the status or dignity of the Department, reflect discredit upon an employee, or impair the operation and efficiency of the Department;
  - e. Expose the employee or place him at significant risk of temporary or disabling injury that may prevent normal return to duty; or
  - f. Present any actual or apparent conflict of interest.
5. Employees who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible for secondary employment.
6. The Chief reserves the right to require any employee to discontinue any secondary employment if, in the Chief's judgment, this secondary employment constitutes "Prohibited Secondary Employment" as set forth below. Failure to comply with such order shall result in disciplinary action.

## B. Prohibited Secondary Employment

Employees of the Department are prohibited from engaging in any secondary employment which:



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1. Presents a real or potential conflict of interest between the employee’s duties as a Department employee and their duties for the secondary employer;
2. Involves any type of gambling that is prohibited by North Carolina or Federal law;
3. Requires the investigation or collection of accounts, including repossession of automobiles and collection of bad debts;
4. Requires access to police information, files, records or services as a condition of employment;
5. Is in any way related to bail-bonding;
6. Involves protection of management, employees or property during a strike or labor dispute;
7. Involves the sale or service of alcoholic beverages to customers or guests at any establishment whose primary purpose is the sale of alcoholic beverages, such as bars, night clubs, and roadhouses. This provision does not prevent employees from working at Town related functions that serve alcohol. This provision also does not prevent sworn employees from engaging in “law enforcement secondary employment” at such premises, provided that such employment does not require the employee’s presence inside the establishment (for example it would be permissible for a sworn employee to engage in law enforcement secondary employment at a night club, provided that the employee would only be required to patrol the parking lot and entrance);
8. By its nature could bring discredit upon the Department; or
9. Occurs when the member is regularly scheduled to work (even if the member is on sick or vacation leave).

## C. Additional Considerations for Law Enforcement Secondary Employment



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1. Sworn employees shall wear standard duty uniforms when engaged in law enforcement secondary employment. Wearing of partial uniforms is prohibited.
2. Sworn employees may use Departmental equipment issued to the employee for regular duty when engaged in law enforcement secondary employment. This includes equipment such as service pistols, radios, batons, OC spray, handcuffs, or flashlights. Employees shall not use Department issued specialized unit equipment (such as canines and CIU equipment) in secondary employment without the Chief's approval.
3. Department vehicles shall not be used by employees engaged in secondary employment without the approval of the Chief. Vehicles may be approved for use on jobs in which a Department vehicle is necessary for public or officer safety.
4. Sworn employees engaged in law enforcement secondary employment shall conform to all applicable laws and Departmental policies. Sworn employees engaged in such secondary employment shall conform to the same standard of conduct as applies to their on-duty activities.
5. Sworn employees engaged in law enforcement secondary employment shall take appropriate action to enforce the law and preserve public safety and shall not be bound by rules or restrictions of the secondary employer in taking such action.
6. Sworn employees engaged in law enforcement secondary employment shall not act to enforce the rules and regulations of an employer which are not otherwise violations of the law.
7. Sworn employees engaged in law enforcement secondary employment shall not work off-duty in a police-related capacity in any businesses not frequented by the general public.
8. Sworn Carrboro Police Department officers engaged in law enforcement secondary employment provide a substantial benefit to the safety and security of the Town of Carrboro and its citizens. Therefore, it is the intent



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of this policy that, in the event that a sworn officer working in an approved law enforcement secondary employment capacity suffers an otherwise compensable Workers' Compensation injury by accident, then the Department shall be considered that officer's employer for purposes of the North Carolina Workers' Compensation Act. The injured employee must report any such injury in the same manner as an on-duty injury. [NOTE: These provisions do not apply when officers are working outside their jurisdiction but are operating under a mutual aid agreement.]

9. The immediate supervisor of any sworn employee engaged in law enforcement secondary employment shall periodically contact such employee's secondary employer to ensure that all conditions of this chapter are met and shall prepare a record of such contact and its result.