



# GENERAL ORDER ADM-07 SECONDARY EMPLOYMENT

EFFECTIVE SEPTEMBER 1, 2021

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This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. RESPONSIBILITY
- IV. NON-UNIFORMED SECONDARY EMPLOYMENT
- V. UNIFORMED POLICE SERVICES DETAIL
- VI. CIVILIAN EMPLOYEES
- VII. CANCELLATION OF APPROVAL
- VIII. CANCELLATIONS

## **I. POLICY**

The Howard County Department of Police (HCPD) recognizes the desire of some members to engage in secondary employment. The HCPD is authorized by the Law Enforcement Officers' Bill of Rights to impose reasonable limitations on the secondary employment of sworn officers to ensure that its integrity is maintained, and that the Department receives full and faithful service in return for expended resources.

## **II. DEFINITIONS**

- A. Liability: One person's legal responsibility to pay for any losses or damages incurred by another.
- B. Non-Uniformed Secondary Employment: Any secondary employment where an officer is hired directly by a business or organization to protect the personal or proprietary interests of the employer, and the officer is compensated directly by the employer.
- C. Off-Duty Employer: Any person, partnership, corporation, professional association, or other entity employing a member of the Department, including self-employment.
- D. Secondary Employment: Any work, occupation, labor, or profession that results in payment of any kind to the employee in addition to that earned from the Department.
- E. Sick Leave Notice: A written warning to any member who has used excessive disability leave, mandating a physician's note for all future disability leave.
- F. Uniformed Police Services Detail (UPSD): A secondary employment assignment where the HCPD enters into a written agreement with a business or outside organization for the HCPD to provide uniformed police officers for security functions, and where payment is made directly to Howard County which will then compensate the UPSD officer for the assignment.<sup>1</sup>

## **III. RESPONSIBILITY**

- A. A member's primary duty, obligation, and responsibility is to the Howard County Department of Police, not a secondary employer.
  - 1. These rules and procedures are not intended to create any financial hardship, but rather to ensure that employment with the HCPD remains the primary responsibility of all personnel and to avoid conflicts with law enforcement duties and responsibilities.
  - 2. All members should consult the Howard County Employee Handbook and the and the County's Public Ethics law, Title 22, Subtitle 2 of the Howard County Code, for additional information on secondary employment.

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<sup>1</sup> CALEA 22.2.5a

- B. Officers remain subject to call-up status at any time for emergencies or operational needs.
- C. Members shall not:
  - 1. Engage in any secondary employment, private business, or profession during the hours in which they are employed to work for the County.
  - 2. Engage in secondary employment that affects or is deemed likely to impact his effectiveness as a member of the Department.
- D. The conduct of any employee while involved in Secondary Employment is governed by General Order ADM-12, [Code of Conduct](#).
- E. The Executive Director for Administration shall oversee adherence to the secondary employment policy and process. A list of approved secondary employment shall be made available to the Chief of Police and members of the Command Staff.
- F. Whenever a District or Bureau Commander places a member on performance-based bi-monthly evaluations or sick leave notice, he shall be responsible for notifying that member that he is restricted from engaging in secondary employment. The Commander shall also notify the Administration Command.<sup>2</sup>

**IV. NON-UNIFORMED SECONDARY EMPLOYMENT**<sup>3</sup>

- A. Requests
  - 1. Officers must secure prior written approval from the respective Deputy Chief or Chief of Police or their designee, through the chain of command, when they wish to engage in security-related secondary employment, the service of subpoenas or other court-ordered civil documents, or another assignment that relies on the officer's work-related experience.
  - 2. A separate request must be made for each off-duty employer. Each request must be submitted on the appropriate secondary employment forms, HCPD Form 1133, Employee Application for Non-Uniformed Security-Related Secondary Employment, and 1138, Secondary Employment Liability Worksheet.
    - a. All items on the form must be completed. If a section is not applicable, an "N/A" shall be used.
    - b. Requests must detail all significant aspects of the secondary employment, including scope of duties and responsibilities.
    - c. The prospective security-related secondary employer must complete HCPD Form 1134, Employer Agreement for Security-Related Work, which details employer stipulations, insurance, and legal issues.
      - i. This agreement must be renewed on an annual basis. The completed form must accompany the written request of the first employee hired or renewed for each new calendar year.
      - ii. Only one Employer Agreement form is necessary for any individual employer.
      - iii. The Commander must verify an Employer Form is on file Prior to approving the request.

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<sup>2</sup> CALEA 22.2.5c

<sup>3</sup> CALEA 22.2.4

- iv. If the assignment will involve the officer working at more than one of the employer's work sites, each work site must be individually approved.
- v. Work site requests must be updated on an annual basis.

B. Eligibility and Conditions

1. Secondary employment is subject to all conditions and limitations imposed by Howard County and the Chief of Police. To be eligible for a security-related secondary employment position, officers must:
  - a. Have successfully completed the Field Training Program; and
  - b. Be on full duty status.
2. The following conditions apply to participation in non-uniformed secondary employment:
  - a. An employee's duty status may not be listed as sick leave, Workers' Compensation leave, administrative duty, leave of absence without pay for disabilities, long-term disability, or light duty.
  - b. An employee may not be on performance-based bimonthly evaluations or sick leave notice unless written permission is obtained from the District or Bureau Commander.
3. The following secondary employment assignments are prohibited:<sup>4</sup>
  - a. Any assignment that would reflect poorly on the HCPD or its personnel or bring them into disrepute, or that presents a conflict of interest or the appearance of a conflict.
  - b. Any assignment that would impair the employee's efficiency or ability to perform their Departmental duties.
  - c. Any assignment involving the handling or dispensing of alcoholic beverages in any facility.
  - d. Any assignment involving the operation of a school bus by an officer who has worked the night shift.
  - e. Any assignment where the duties include any type of investigative work or criminal or civil consulting services related to Department employment, except the service of civil process documents or any employment related to Section VII.
  - g. Members are not permitted to own, operate, manage, invest, be financially vested in, employed by, or otherwise involved in the operation or management in any way of any cannabis cooperative, dispensary, business, or location that is used to manufacture, grow, process, transport, use, sell, or dispense cannabis for any reason, including but not limited to medical purposes.

C. Guidelines for Security-related Secondary Employment

1. Security-related secondary employment shall be limited to duties customarily associated with those performed by a watchman or guard and shall not include background investigations, criminal or civil investigations, or any form of investigative surveillance work.

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<sup>4</sup> CALEA 22.2.4

2. Officers shall not work as licensed private investigators but may serve papers such as subpoenas and other court-ordered civil documents.
3. Minor, non-violent incidents, i.e. shoplifting, alcohol violations, etc., handled by off-duty officers working in security related employment shall be dealt with in their capacity as security guards and officers shall not identify themselves as police officers.
4. An officer applying for charges or summons shall notify the Commissioner that action has been and is being taken as private security and not as an officer of the HCPD.
5. Officers are prohibited from using the Department's name, a Department address, or their Departmental employee identification in any way.
6. Officers are prohibited from identifying themselves as police officers unless they are involved in or responding to any felony or any misdemeanor crime when the officer reasonably believes that reverting to police officer status is necessary under the circumstances to prevent injury to himself or another person. Such situations should be rare and include a situation or incident within close proximity to the secondary employment site.
  - a. Officers shall be bound by all the rules and regulations of the HCPD if they revert to police status.
  - b. Officers must remember that during secondary employment they are first an agent of the secondary employer and that all actions should reflect this obligation.
7. If an incident occurs at the site of the secondary employment assignment that would warrant an incident report, the officer shall call for an on-duty officer to take a report and initiate an investigation.
8. Officers shall remember that when working security-related secondary employment they are acting as private citizens and any use of force shall be governed by the rules of self-defense as with any private citizen. If the situation dictates an officer to revert to on-duty status, General Order OPS-11, [Use of Force](#), will apply.
9. Neither the HCPD nor Howard County shall provide a legal defense for or assume liability for officers unless the Employee has properly reverted to on-duty status and is determined to be acting within the scope of County employment, as required under the Local Government Tort Claims Act, Md. Cts. & Jud. Proc. Code Ann. §§ 5-301 et seq.
10. Officers required to appear in court because of actions arising from secondary employment shall do so on their own time.
  - a. When an on-duty officer is summonsed to court about an off-duty secondary employment incident, the officer must take leave to appear in court unless, for logistical reasons, the Watch Commander grants a waiver to this requirement.
  - b. The officer shall not dress in an HCPD uniform nor identify himself as a Howard County police officer during such appearances unless the actions taken required the officer to revert to on duty status.
11. No follow-up investigations of previously reported offenses shall be handled by off-duty officers; however, all information coming to their attention relating to such incidents shall be reported promptly.

12. The employee shall not provide any preferential treatment or coverage to the place of his secondary employment while on-duty with the HCPD. The employee shall not pursue investigations arising from off-duty incidents while on duty as a Howard County police officer.
13. Members shall not encourage visitation by on-duty officers while engaged in secondary employment.
14. Members are prohibited from using HCPD equipment, uniforms, resources, or technology in secondary employment assignments or for the benefit of a secondary employer. The member may carry the following County equipment or have it available when engaged in secondary employment at a site located in Howard County for use only in the event the member must revert to an on-duty status as described in this order:
  - a. Body armor worn under clothing;
  - b. Radio;
  - c. Handcuffs; and
  - d. Assigned weapons such as OC spray, ASP baton, and firearm.
  - e. Radios and weapons shall either be concealed or must not have any symbol or wording that ties them to the HCPD.
15. A member's use of a county vehicle is limited to driving to and from the secondary employment work site, sitting in the parked vehicle while at the work site, and using communications equipment located in the vehicle to call for assistance when the secondary employment site is located within Howard County.
  - a. The vehicle may be used as appropriate in the event the officer must revert to on-duty status.
  - b. Personally assigned vehicles may be used as transportation to and from the place of secondary employment within normal guidelines, but may not be used with or as a tool of secondary employment unless:
    - i. Working a uniformed police service; or
    - ii. Sitting in the parked vehicle at a work site.
16. Officers are prohibited from accessing criminal history record information or using other databases available to law enforcement agencies for a non-uniformed secondary employment assignment. Members are reminded that federal and Maryland state laws prohibit the unauthorized access to or dissemination of criminal history record information.
17. Members may engage in security-related secondary employment outside of Howard County but may not use any HCPD-issued equipment.
18. Members are prohibited from engaging in security-related secondary employment outside the state of Maryland.
19. The renting out of any Departmental vehicles for any secondary employment purpose is prohibited.

**V. UNIFORMED POLICE SERVICES DETAIL**

A. Requests

1. A business or organization may request the HCPD provide uniformed police officers for security functions. These requests shall be processed through a member designated by the Deputy Chief for Field Operations Command (FOC).
2. The HCPD may provide a Uniformed Police Services Detail to entities who enter into a written agreement with the Department. These requests shall be processed through a member designated by the Deputy Chief for Field Operations Command.<sup>5</sup>
3. The HCPD shall consider requests for UPSD based upon factors including:
  - a. The detail would provide a valuable public service to the community at large.
  - b. A reduction of crime would likely result from the detail.
  - c. A reduction of routine calls for police services would likely result from the detail.
  - d. The availability of appropriate members to staff the detail.
4. The Chief of Police may refuse any request for a UPSD or terminate any previously approved UPSD agreement.
5. The HCPD may re-deploy any officer assigned to a UPSD at the sole discretion of a commissioned officer. This should only occur in emergency circumstances. If the officer on assignment is re-deployed for a lengthy period of time, they shall notify the entity with whom the HCPD has agreed to provide the detail.
6. A member designated by the Chief of Police shall work with the Office of Law to develop a written agreement for an approved UPSD. This agreement shall outline the services to be provided, how payment for the services shall be completed, and how the second party may request the service on specific dates.

B. To be eligible for UPSD, officers shall:<sup>6</sup>

1. Have successfully completed the Field Training Program. When officers complete FTO, the designated member of the FOC will notify them of their eligibility for UPSD and provide them with instructions for signing up for assignments.
2. Be on full duty status. Officers are not eligible for a UPSD assignment if their duty status is listed as sick leave, Workers' Compensation leave, administrative duty, leave of absence without pay for disabilities, long-term disability, or light duty.
3. Officers on performance-based bimonthly evaluations or sick leave notice may not request a UPSD assignment unless written permission is received from his District or Bureau Commander.
  - a. Whenever a District or Bureau Commander places an officer on bimonthly evaluations or sick leave notice, he shall be responsible for notifying the employee that he is restricted from engaging in UPSD assignments.
  - b. The Commander shall also notify the designated member of the FOC.

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<sup>5</sup> CALEA 22.2.5a

<sup>6</sup> CALEA 22.2.5a and c

4. Only officers holding the rank of Lieutenant and below may work UPSD assignments.

C. Notification of Positions Available and Assignments

1. The designated member of the FOC shall serve as the HCPD liaison for all UPSD assignments and shall:<sup>7</sup>
  - a. Be the point of coordination and administration of all UPSD assignments;
  - b. Oversee adherence to all appropriate policies and procedures; and
  - c. Shall ensure that officers requesting UPSD assignments are eligible to work them.
2. All approved UPSD opportunities shall be advertised through PowerDetails.<sup>8</sup>
  - a. Members will be notified of available UPSD listings in PowerDetails via departmental email.
  - b. An eligible officer desiring to work an approved assignment shall log into PowerDetails and apply for the jobs he would like to work.
  - c. Assignments will be staffed on a first come, first served basis. Members will be notified immediately if they have been approved to work an assignment.<sup>9</sup>
3. The assignment shall be canceled and the organization shall be immediately notified by the designated member of the FOC if the assignment cannot be adequately staffed.
4. The designated member of the FOC shall provide a copy of the UPSD agreement to the officers selected for that assignment. Officer shall read and understand the agreement prior to working an assignment.
5. Assignments received at the last minute shall be posted and filled on a first come, first served basis. When assignments cannot be staffed at the last minute, the designated member of the FOC shall notify the requesting organization that the request cannot be filled and no officer(s) shall be provided for the detail.
6. If an officer is assigned UPSD and cannot report for the detail:
  - a. If it is more than seven (7) days prior to the assignment, the officer shall request to be cancelled from the assignment in PowerDetails.
  - b. If it is fewer than seven (7) days prior to the assignment, the officer shall contact the Administrative Sergeant to request to be cancelled from the assignment.
  - c. In the event of illness or an emergency the day of an assignment, the officer is to call the designated member of the FOC or, if after hours, the Watch Commander, to notify him of the illness or emergency that will prevent the officer from fulfilling the assignment.

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<sup>7</sup> CALEA 22.2.5c and d

<sup>8</sup> CALEA 22.2.5c

<sup>9</sup> CALEA 22.2.5a

- d. Officers assigned a UPSD detail are required to work the assignment unless positively notified by PowerDetails that they are cancelled; they are approved to be cancelled by the designated member of the FOC; or another officer agrees to cover the detail. Officers failing to appear for their assignment without proper notification shall be subject to disciplinary action and/or suspension from the program.

D. Uniform and Conduct on Assignment<sup>10</sup>

1. Officers shall report to the location of the assignment at the scheduled time in the patrol uniform of the day.
2. The officer shall have a Departmentally-issued radio tuned to the channel for the Patrol District where the detail is located and monitor it at all times.
3. A marked patrol vehicle is preferred for all UPSD assignments.
  - a. Officers shall use their assigned PVSP or attempt to secure an available marked line car from the respective District with permission of the Watch Commander. If a line car is not available, the officer may use his SAV.
  - b. The use of a personal vehicle is prohibited for UPSD assignments.
4. Officers on UPSD assignments shall in all ways be considered on-duty and shall adhere to all rules and regulations of the HCPD. All complaints regarding the conduct of officers assigned to the detail shall be handled through established HCPD procedures.
5. The employment rights of officers assigned under a contract for a UPSD are not abridged by the HCPD or the second party to the UPSD agreement.
6. Any supervisory notifications that the officer working a UPSD is required to make shall be made to the on-duty patrol supervisor for the area in which the UPSD is located. This includes significant calls for service and any Departmental collisions.
7. Officers assigned to the UPSD shall work within the parameters of the contract with the organization and handle in-sight activities that are discovered by the officer or come to the officer's attention by way of a walk-up citizen complaint, i.e. lock-outs, thefts from auto, CDS violations, etc.
8. In the event of a trespassing complaint, officers assigned to the UPSD shall stand by while a security agent or qualified representative of the organization directs the suspect(s) to leave the property.
  - a. The UPSD officer may make an arrest for trespassing if the suspect(s) refuses to leave the property as directed.
  - b. Detail officers shall not issue banning notices but may document the fact that a banning notice was issued and served on a specific individual by the organization's representative in an incident report.
  - c. UPSD officers shall refer to General Order OPS-64, [Banning Notices](#).
9. Written reports shall be made in compliance with General Order ADM-11, [Departmental Reporting System](#).<sup>11</sup>

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<sup>10</sup> CALEA 22.2.5b

<sup>11</sup> CALEA 22.2.5e



10. The agency to which officers are detailed shall have authority over the officers only to provide direction as to which areas of the property are to be patrolled and/or what problems are to be addressed during the detail.
11. Officers assigned to the UPSD shall contact the on-duty security supervisor or management representative at the beginning and end of their detail and, if available, be issued a portable radio to carry during their detail.
12. Detail officers must act in accordance with the procedures of the Department in handling their assignments.
13. Officers shall notify Dispatch and the patrol area supervisor of their identity by four-digit ID number and assignment when they begin and end each UPSD detail.
14. Officers assigned to the UPSD may enforce any violation of law that they witness during their detail as they would if they were on normal patrol duty.
15. Officers shall not perform bank runs, janitorial functions, or other functions not ordinarily associated with police patrol duties. Questions relating to the appropriateness of specific duties shall be addressed through the designated member of the FOC or the on-duty patrol supervisor for that area.

E. Compensation

1. Officers working a UPSD shall be paid at a rate established in the UPSD agreement for a minimum of four (4) hours unless the UPSD agreement specifies a shorter minimum, i.e. three (3) hours.
2. Officers shall be paid a minimum of two (2) hours for reporting for an assignment if the detail is cancelled or the date or location of the event is changed without notification to the designated member of the FOC in sufficient time to permit notification to the assigned officer of the change or cancellation.
3. Officers shall submit their overtime slip directly to the designated member of the FOC within seventy-two (72) hours of working a detail.
  - a. The overtime slip shall include the date and times worked.
  - b. Officers shall check the appropriate box and write "UPSD" or "Board of Education" in the space provided on the overtime slip and write the name of the UPSD detail or school name in the narrative section of the overtime slip.
4. The contracted party to the UPSD agreement shall be billed for the expenses consistent with the agreement.
5. Based on information provided by the designated member of the FOC, the Budget Fiscal Section shall create and maintain records of the overtime and FICA expenditures for each officer who works a UPSD and shall be responsible for billing the second party consistent with the agreement.

VI. **CIVILIAN MEMBERS**<sup>12</sup>

- A. Civilian members may not work in any line of employment or establishment that is prohibited to sworn officers.

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<sup>12</sup> CALEA 22.2.4

- B. In accordance with the Howard County Employee Manual, civilians are restricted from engaging in secondary employment when there is a conflict of interest or the appearance of a conflict of interest.
- C. Should a civilian member have a question regarding employment outside of the HCPD, they should contact the Employment Services Division.

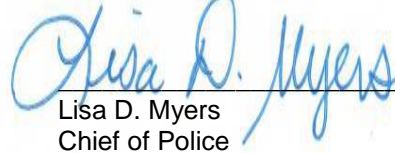
**VII. CANCELLATION OF APPROVAL**<sup>13</sup>

- A. The Chief of Police or respective Deputy Chief may cancel, temporarily or permanently, the approval for any officer to engage in secondary employment. The officer concerned shall be notified in writing of the reason(s) for such cancellation.
- B. Any change in the conditions, type, or place of secondary employment shall require the resubmission of the request for secondary employment. Upon termination of such employment, the employee must forward a memorandum to the Chief of Police via the chain of command indicating that their secondary employment has ended. This is required to facilitate the updating of personnel records.

**VIII. CANCELLATIONS**

This order cancels and replaces General Order ADM-07, Secondary Employment, dated September 5, 2019.

AUTHORITY:



Lisa D. Myers  
Chief of Police

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<sup>13</sup> CALEA 22.2.5c