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| <b>PBP FORM 290</b><br><br><b>PITTSBURGH BUREAU OF POLICE</b><br><i>"...honor, integrity, courage, respect, and compassion."</i> |  | <b>SUBJECT:</b><br><b>"SECONDARY EMPLOYMENT"</b> |   | <b>ORDER NUMBER:</b><br><b>29-01</b>     |  |
|   |  | <b>PLEAC STANDARD:</b><br><b>1.7.1</b>           |   | <b>PAGE 1 OF 6</b>                       |  |
| <b>REISSUE DATE:</b><br><b>03/00/2022</b>   | <b>EFFECTIVE DATE:</b><br><b>7/29/2015</b> | <b>REVIEW MONTH:</b><br><b>MARCH</b>             | <b>RESCINDS:</b><br><b>ALL PREVIOUS</b> | <b>REVIEW DATE:</b><br><b>03/00/2022</b> |  |

## **1.0 POLICY OR PURPOSE**

- 1.1 The purpose of this policy is to set forth guidelines to govern secondary employment by members of the Pittsburgh Bureau of Police (PBP).
- 1.2 It is the policy of the Pittsburgh Bureau of Police to permit members to engage in secondary employment within the guidelines set forth in this policy. These guidelines are to inform members of the types of secondary employment that are appropriate and to establish procedures to maintain accountability. These requirements are essential for the efficient operation of the Bureau of Police and for the protection of officers, the Bureau and the community.

## **2.0 DEFINITIONS**

- 2.1 Cost Recovery Fee (CRF) – A per officer per hour fee (at the rate of 10% of the wage established in the Working Agreement between the Fraternal Order of Police, Fort Pitt Lodge No. 1 and City of Pittsburgh) charged to all Secondary Employers.
- 2.2 Job – An assigned position through the Secondary Employment System
- 2.3 Outside Employment – Any employment of a member by a private entity that will not require the use or potential use of law enforcement powers by the off-duty employee.
- 2.4 Quick Picks – Job requests received less than 5 days prior to the start of the job will awarded to whomever picks the position first, regardless of seniority.
- 2.5 Seniority Based Assignments – Jobs are awarded by following a list, which begins with the most senior officer requesting to work a specific job and ends with the least senior officer eligible and takes into account if an officer has reached the maximum amount of hours permitted to be scheduled per week.
- 2.6 Scheduler – an officer selected by the Secondary Employer to assist with scheduling their jobs. Schedulers shall have a minimum of (4) four years of service completed with the PBP.
- 2.7 Secondary Employer - A private entity that employs a member conditioned on the actual or potential use of law enforcement powers by the police officer employee.
- 2.8 Secondary Employment – Any employment of a member by a private entity that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.
- 2.9 Seniority Based – Seniority based jobs are those secondary employment jobs posted well in advance of the job date. These jobs are assigned (5) five business days prior, based on the officers' seniority on a rotating basis.
- 2.10 Special Event – An event that is sponsored by the City of Pittsburgh that has supervised assignments (i.e., Light Up Night, First Night, etc.).
- 2.11 Special Hauling Permit – This is any required permit issued by the Commonwealth, County, or City, granting permission to haul any non-standard cargo or operate any non-standard vehicle on the roadways within the City of Pittsburgh.
- 2.12 Traffic Job – A secondary employment position where the primary function is traffic control.
- 2.13 Workweek – The workweek will be Monday through Sunday.

### **3.0 AUTHORITY**

3.1 The Chief of Police or his/her designee shall have the authority to approve or disapprove the Secondary Employer and the eligibility of any member of the PBP to work any Secondary Employment, including the duration of employment.

### **4.0 ACCOUNTABILITY**

4.1 Members will be subject to all departmental rules, regulations, policies and procedures set forth by the Pittsburgh Bureau of Police while engaged in a secondary employment capacity.

4.2 Supervisors given authority over the Planning Office have the authority to oversee adherence to this policy Bureau wide.

### **5.0 ELIGIBILITY**

5.1 In order to be eligible to engage in secondary employment, a police officer must be in good standing and have completed twelve (12) months from their date of hire with the PBP.

5.2 Officers are permitted to work only special events and traffic jobs until they have eighteen (18) months of service completed.

5.3 Officers at PO2 status will be eligible to work a maximum of twenty-one (21) hours per week in secondary employment opportunities.

5.4 Officers at PO3 status will be eligible to work a maximum of twenty-nine (29) hours per week in secondary employment opportunities.

5.5 Officers at PO4 status and above will be eligible to work up to a maximum of thirty-seven (37) hours per week in secondary employment opportunities.

5.6 Sergeants and Lieutenants are required to fill any vacant supervisory post before selecting a position open to officers on any job. If supervisors have signed up for officer jobs and supervisory positions remain open, the supervisory positions will be filled by inverse seniority from those that have picked officer positions.

5.7 The following is a list of reasons that preclude an officer from working Secondary Employment. This list shall not be considered all inclusive:

- Denied, suspended, or revoked by the Chief of Police or his/her designee
- During Administrative Leave
- During Suspension from Duty
- During Leave without Authorization (X-Days)
- While collecting Workman's Compensation or Heart & Lung benefits
- While on Medical Leave (FMLA, Maternity, Sick, etc.)
- While working Modified Duty assignments

### **6.0 PRIMARY DUTY**

6.1 An officer's primary duty, obligation and responsibility is to the PBP and the City of Pittsburgh, while so employed. No secondary employer's interests will supersede the interests of the PBP or the City of Pittsburgh.

### **7.0 SECONDARY EMPLOYER OBLIGATIONS**

7.1 The Secondary Employer must complete and submit a PBP Form #219.10, "Secondary Employment Application Agreement." It will be reviewed and either approved or disapproved by the Chief of Police, or their designee.

7.2 Applicants will receive notification via phone and/or in writing of the outcome of the review of their application.

- 7.3 The hourly pay rate for the officer is set according to the Working Agreement between the Fraternal Order of Police, Fort Pitt Lodge No. 1 and City of Pittsburgh.
- 7.4 The Secondary employer will receive an invoice for the officer(s) time, as well as the CRF and additional equipment fees, as required. The Secondary Employer will make payment of the invoice to the "Treasurer, City of Pittsburgh", within thirty (30) days of receipt of the invoice. Officers will not accept cash, check, or any other form of compensation directly from an employer.

## **8.0 SCHEDULING**

- 8.1 Secondary employers have two options when scheduling officers for a job, Open Bidding, or using a Scheduler.
- 8.2 Open Bidding – the job(s) are posted and open to all members of the PBP, following the process set forth in this order.
- 8.3 Scheduler – The Secondary Employer selects an officer to act as the Scheduler for their jobs, by completing a PBP Form #219.20, "Scheduler Request Form". Once approved, the scheduler then fills the openings.
- 8.4 The PBP will consider all requests from secondary employers to prohibit specific officers from working for them. The secondary employer must submit this request in writing to the Chief of Police, or their designee.

## **9.0 SECONDARY EMPLOYMENT SYSTEM AND ITS USE**

- 9.1 An officer may pursue open jobs by registering on the secondary employment scheduling system website.
- 9.2 Once a job is scheduled, it is final. No one can bid on or change their schedule to work a different secondary employment opportunity during that same time.
- 9.3 It is the responsibility of each individual officer to have a full and complete understanding of the system.
- 9.4 Training regarding the system is available by contacting the Special Events Planning Office, Monday-Friday between 08:00-15:00 hours, except on holidays.
- 9.5 Officers shall maintain and update their secondary employment profiles (phone number, assignment, address, etc.). A valid phone number to contact the officer is required. *A duty location phone number is not acceptable.*
- 9.5.1 The provided contact number shall have an operable voicemail/answering system that can accept messages.
- 9.5.2 Messages not received due to the lack of an operable voicemail/answering system (eg: mailbox full or voicemail not set up) shall not be considered an acceptable excuse.
- 9.6 Open jobs will be published through the Mobile Application for applying and working assigned shifts.
- 9.7 Once an officer accesses the Mobile Application, they will be required to login and provide a password. All members will be responsible for his or her private password, which is not to be disclosed to any other individual. (*Refer to Order #68-01, Electronic Communication/Computer Network Policy*)
- 9.8 Jobs that require specialized training, equipment or rank are posted for only those eligible to fill the position. Officers not meeting the requirements of the position, as determined by PBP policy, will not be able to bid on the positions.
- 9.9 All officers scheduled to work a job will be notified by the system prior to the start of their assigned shift. It is the responsibility of the officer to maintain their notifications for notice of job changes, cancellations, or alerts to shift start times.
- 9.10 Once an officer completes a secondary job, he/she must close out the job for the number of hours worked no later than the following Monday at 08:00 hours.

## **10.0 JOB CANCELLATIONS AND OFFICER CALL-OFF'S**

- 10.1 If a job cancellation occurs more than 24 hours prior to the job, notification may be in the form of an e-mail message, phone call, phone message, or the deletion of the job from the officer's schedule on the system.
- 10.2 If a cancellation occurs within two (2) hours of the start time, notification will go to the phone number listed in his/her profile, and the officer will receive two (2) hours of pay.
- 10.3 All officers who report to a job that has been cancelled or postponed upon arrival, and the officer was not previously notified, shall be entitled to the full scheduled hours of pay.
- 10.4 When an officer scheduled for a job needs to "call-off", he/she will call-off the job using their mobile device through the mobile application.
- 10.4.1 - If the Officer is requesting a call-off greater than 48 hours from the start of the assigned shift, the Officer will choose the call-off option to "remove if replacement is found". This will re-post the job based on the prior posting rules outlined in section 2.4, 2.5, and 2.9. If no other officer selects the job then the officer originally scheduled is responsible for working by filling the position.
- 10.4.2 - If the Officer is requesting a call-off less than 48 hours from the start of the assigned shift, the Officer will choose the call-off option but will be prompted to contact RollKall Services at 855-589-1126. RollKall Services will post as first come first serve. If no other officer selects the job then the officer originally scheduled is responsible for working by filling the position.
- 10.5 Emergency call-off's including but not limited to: hospitalization of the officer or the officer's immediate family, injury to the officer in which he/she would not be able to report for their regular tour of duty, death in the officer's family, a late call, a late arrest, mandatory training or mandatory overtime at the officer's duty location will occur. call-off's due to an emergency negates the requirement to fill the job.
- 10.6 If required duty is the reason for the call-off, the CCR# of the event or the hiring supervisors' name will be entered into the description of the reason for call-off.
- 10.7 To call-off a job due to an emergency or mandatory forced overtime, the officer must, call-off choosing the option to "Remove Completely", unless the job utilizes a Scheduler, then all cancellations go through the Scheduler.
- 10.8 A Planning supervisor may request proof of such emergencies.
- 10.9 Officers will be granted two (2) non-penalized cancellations per calendar month.
- 10.9.1 Any member who has three (3) unexcused absences within a 90-day period, as determined by the Planning Unit, will result in a 90-day suspension of details. The Planning Unit will be responsible for documenting the unexcused absences, notifying the member and FOP of the suspension, suspending their secondary employment status in the scheduling software, and notifying the member when they are reinstated.
- 10.9.2 On the 4th cancellation within the same 90-day period, the member shall submit a PBP Form #54.0, "Special Report," through their chain of command, to the Commander of SDD, explaining the cause(s) of their cancellations. A 4th cancellation will also result in an additional ten (10) day system lockout.
- 10.10 Officers may not call-off a job to voluntarily work in a Zone or at their duty location.
- 10.11 Closing a job with "0.0 hours" is equivalent to cancelling a job.
- 11.0 SECONDARY EMPLOYMENT REPORTS/ARRESTS/COURT**
- 11.1 The member working the secondary employment job is responsible for handling the initial report for incidents that occur at the job location.
- 11.2 Incidents that occur at a location other than the job location will be directed to on-duty personnel working in the Zone where the victim is located.

- 11.3 For incidents that require immediate follow-up, the officer working the secondary employment job will notify the on-duty supervisor in the Zone where the job is located. The supervisor will ensure the utilization of all resources that are necessary for any follow-up investigation.
- 11.4 If a member working a secondary employment job makes an arrest related to the job, he/she will handle the arrest and testify as required in any subsequent court case.
- 11.5 If the situation dictates that the arresting officer cannot leave the secondary employment job until a specific time, he/she will handle the paperwork as soon as practicable and add the additional time required to the secondary employment when closing the job in the Secondary Employment System.
- 11.6 On-duty personnel will handle the transportation of all prisoners.

## **12.0 SECONDARY EMPLOYMENT LIMITATIONS**

- 12.1 Secondary employment shall be limited to a reasonable number of hours per workweek, not to exceed 16 hours per day in combination with the member's scheduled tour of duty or the permissible number of hours per week.
- 12.1.1 Work hours for all secondary employment must be scheduled in a manner that will not exceed the permissible limit.
- 12.1.2 When necessary, a request to exceed the permitted number of hours within a workweek will be directed to the Planning Office and reviewed for approval by the Commander overseeing the Planning Office, or his/her designee.
- 12.1.3 Accommodations will be made for incidents outside the members control, eg: sporting events (OT, rain delays, extra innings) going longer than expected, or an emergency repair taking longer than anticipated.
- 12.2 A member may not work a secondary employment opportunity where the secondary employment might be in conflict with their ability to discharge their duties to the PBP. Officers shall not schedule or work jobs that conflict with their normal tour of duty.
- 12.3 Police officers may not engage in secondary employment outside of the City of Pittsburgh.
- 12.4 An officer may work for a Secondary Employer who sells alcoholic beverages under the following provisions:
- Officers shall be in full uniform, to include the full duty belt.
  - Officers will not work inside the establishment but may respond to any report of criminal activity occurring within the establishment.
  - Officers will not review identification for determining if the holder is of age to patronize the establishment.
  - Officers will not search patrons prior to entry into the establishment. This includes the operation of metal detectors for the purpose of scanning or searching customers for weapons.
- 12.5 Officers may not work secondary employment at any location that may tend to bring the PBP into disrepute, or that may reduce the efficiency or usefulness of the officer as a member of the PBP.

## **13.0 OUTSIDE EMPLOYMENT**

- 13.1 Employees may engage in off-duty outside employment that will not require the use or potential use of law enforcement powers by the off-duty employee.
- 13.2 Outside employment related work will not be performed during assigned hours of duty.
- 13.3 The employment may not present potential for a conflict of interest between the primary duty as a police officer and the duties required by the outside employer.
- 13.4 The employment does not constitute a threat to the status or dignity of the police as a professional occupation.

## **14.0 GENERAL RULES, REGULATIONS & GUIDELINES**

- 14.1 If a police officer complies with the requirements regarding secondary employment, the City will consider any injury or illness the police officer suffers while so engaged to be the same as if actively employed on behalf of the Bureau. That is, if otherwise qualified, the police officer will be entitled to Heart and Lung or Worker's Compensation Benefits under the law. (Refer to the Fraternal Order of Police, Fort Pitt Lodge No. 1 and City of Pittsburgh Act 111 Interest Arbitration Award, Case No. 55 630 L 00341 04, Supplemental Award and Grievance Awards).
- 14.2 All members will adhere to the PBP Manual of Procedural Orders at all times while working secondary employment.
- 14.3 If the hiring company releases an officer early from a scheduled shift, he/she shall receive pay for the entire scheduled shift.
- 14.4 If an officer working a detail is not relieved on time by the next scheduled officer, the officer working the detail can stay over and work the additional time until relieved. The officer who is late forfeits time from their shift in quarter hour increments. Officers who are late for a detail shall email the Planning Unit supervisor detailing the circumstances of their tardiness and shall also provide an explanation in the comments section when closing out the detail. In addition, the officer who remained until relieved shall also note in the comments section the reason for remaining at the detail and exceeding the hours originally scheduled.
- 14.5 Officers scheduled to work shall report to the job at the designated starting time.
- 14.6 Upon reporting to a secondary employment opportunity location, if the officer cannot locate the employer, the officer will call the employer's contact person listed in the job description or the designated scheduler. If the officer is unable to make contact with the employer, the officer shall call the Planning Unit supervisor and advise of the situation. After one (1) hour has elapsed, officers may leave the job if no contact is made with the employer. Officers shall email the Planning Unit supervisor detailing the circumstances and shall also provide an explanation in the comments section when closing out the detail.
- 14.7 Officers working secondary employment jobs will not enforce business rules for the Secondary Employer.
- 14.8 Officers will not use any PBP vehicle for secondary employment, unless specifically authorized by the PBP.
- 14.9 Officers will be compensated not more than thirty (30) minutes for the time it takes to pick up a vehicle prior to a job and to arrive at the designated start time.
- 14.10 All personnel will legally park their personal vehicles. No officer shall park his/her personal vehicle on private property, unless given permission from the private property owner.
- 14.11 If an officer has an issue at any secondary employment job, the officer is to contact an on-duty supervisor in the Zone where they are located to assist in resolving the issue.
- 14.12 With the approval by the Chief of Police or his/her designee, officers may voluntarily work jobs and not be compensated (i.e., for non-profit or community events).
- 14.13 Officers must remain on location until one of the following conditions are met:
- all patrons have left the premises
  - the scheduled job hours are completed
  - released by a PBP Supervisor
  - released by the employer

Approved By:

A handwritten signature in blue ink, appearing to read "Scott Schubert".

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Scott Schubert  
Chief of Police