

114.00 - EMPLOYMENT OUTSIDE THE POLICE DEPARTMENT

114.01 Secondary Employment

- (1) SECONDARY EMPLOYMENT, as used in this Section, is defined as any work, including self-employment, performed by any officer apart from official assigned duties and required duty times. Secondary Employment is not permitted under certain circumstances as outlined in this policy. Secondary Employment Police Work can be denied or limited in hours at any time by the Chief of Police or an officer's commander. Violations of this section may result in a suspension of the off-duty work privilege in addition to formal disciplinary action.
 - a. The Chief of Police shall have complete charge of all off-duty assignments and/or Secondary Employment Police Work. The Chief of Police may delegate this authority to a designated subordinate.
 - b. Officers employed to perform Secondary Employment Police Work will be bound only by their police authority for the enforcement of the ordinances and laws of the City, State, and United States. Officers may act to prevent a breach of the peace or to enforce the law, but officers shall not enforce rules made in the interest of management and/or their secondary employer.
 - c. Officers engaged in Secondary Employment will be subject to all rules, regulations, and procedures of the Denver Police Department.
 - d. No officer will engage in any Secondary Employment activity, the result of which could be detrimental to the best interest of, or in conflict with, the goals, objectives, and procedures of the Denver Police Department.
- (2) Definitions
 - a. POLICE WORK - Secondary Employment requiring the use of police authority.
 - b. NON-POLICE WORK - Secondary employment not involving the use of police authority.
 - c. SUPERVISOR - An officer holding the rank of Sergeant or above.
- (3) Restrictions
 - a. All officers are reminded that their primary responsibility is to the duties of their assignments. Secondary Employment must not interfere with their on-duty responsibilities.
 - b. No officer will be permitted to perform Secondary Employment Police Work prior to completing the probationary period. Lateral entry personnel may perform Secondary Employment Police Work after completing one full year with the Denver Police Department.
 - c. No officer with less than two (2) years of service with the Denver Police Department will be permitted to perform Secondary Employment in any establishment whose primary business is the sale of liquor or any alcoholic beverage for on-premises consumption, unless specific written approval is obtained from the Chief of Police.
 - d. Officers off duty due to illness, injury, pregnancy or on a limited duty status will not be permitted to perform secondary employment police work. However, such officers may seek written permission from the Chief of Police to perform secondary employment non-police work. The Chief of Police will grant or deny such requests on a case-by-case basis under the same factors that are applicable to active duty officers seeking permission to work secondary employment non-police work.
 - e. No Secondary Employment will be performed contrary to the provisions of Article IV, Section 2-54 of the Revised Municipal Code of the City & County of Denver relating to Ethics and Conflicts of Interest.
 1. No officer will be permitted to work as private security, a private investigator or for a private investigation firm without prior approval from the Chief of Police.
 2. Before an officer may work as a body-guard or as non-police private security a letter will be sent to the Chief of Police through the officer's chain of command requesting approval for this kind of employment. A copy of the approved letter will be attached to DPD 149 when submitted for approval.

- f. The total of on-duty hours and off-duty Secondary Employment hours, including Department Administered Overtime Assignments, shall not exceed sixty-four (64) hours in the calendar week, Sunday through Saturday. Exemptions to the maximum weekly hour limits may be made by the Chief of Police. Court time will not be included in this total.
1. Officers will not be allowed to work more than sixteen (16) hours in a twenty-four (24) hour period unless exigent circumstances exist, and only with approval of their commanding officer. Exemptions to the maximum weekly hour limits may be made by the Chief of Police.
 2. Officers will not split shifts to accommodate a Secondary Employment schedule.
- g. Officers will not perform Secondary Employment at any establishment or in connection with any industry during a period of strike affecting any of the workers connected with such industry without prior approval of the Chief of Police.
- h. Denver Police Officers are not permitted to work secondary employment police work that utilizes a non-police scheduler or broker.
- i. Officers must be compensated directly by the employer and not by any intermediary or agent.
1. No officer of any rank may handle or distribute any cash payments to officers.
 2. The employer must arrange for any cash distribution to officers.
 3. Checks written by the employer may be distributed by the officer coordinating the off duty employment.
- j. Officers are prohibited from working off-duty in any establishment which constitutes a threat to the status or dignity of the police as a professional occupation. This includes establishments which furnish "adult" entertainment (nudity of any kind); those which sell pornographic books, magazines, sexual devices or videos or that otherwise provide entertainment or services of a sexual nature; or any gambling establishment not exempted by law.
- k. Officers shall not perform secondary employment at any establishment after a Public Nuisance case has been filed with the City Attorney's Office and/or the District Attorney's Office. In addition, officers shall not perform secondary employment at any establishment **whose primary business is the sale of alcohol for on-site consumption, social clubs, or mixed venues (combination of alcohol and non-alcohol events), where a public nuisance case has been opened by the Nuisance Abatement Unit.**
1. The Secondary Employment Office will be notified by the Nuisance Abatement Coordinator of any establishments which are subject to such an investigation.
 2. Individual officers who have current requests for secondary employment for establishments which fall under the nuisance abatement restrictions will be notified by secondary employment of those restrictions when they become effective.
 3. A list of locations subject to such restrictions will be published in the Daily Bulletin.
 4. Restrictions on secondary employment will commence seven calendar days after the notice appears in the Daily Bulletin.
 5. This does not preclude the Chief of Police from canceling secondary employment POLICE WORK at any establishment at any time. The Chief of Police may also withdraw his permission to an officer for secondary employment non-police work at any establishment at any time for reasons consistent with this policy.
- l. The use of police vehicles in the performance of Secondary Employment Police Work duties must be approved by the officer's Division Chief. This approval will be granted only when the use of this equipment can be justified for the safety of the public and/or officers, or when such use is determined to be in the best interest of the department.
- m. Officers assigned to the Secondary Employment office shall not accept Secondary Employment received through their office without prior approval from the commander of Internal Affairs.

- n. Whenever a Commander places restrictions upon an officer regarding secondary employment issues, that Commander will insure that the Internal Affairs Bureau is notified of the specific restriction and its intended duration. In the event that the privilege is restricted for an indefinite time period, the Commander will be required to notify the Internal Affairs Bureau again, when that restriction is lifted.

The notification requirement includes any restrictions placed on an officer working department paid overtime (or other work) that requires a Secondary Employment work permit.

1. Upon transfer of the involved officer, notification of any change in status of work privileges must be routed through the Internal Affairs Bureau, and the officer's new assignment.
- o. Failure to obtain secondary employment approval, DPD 149, shall result in suspension of secondary employment privileges as follows:
1. 1st offense in a twelve (12) month period – sixty (60) days
 2. 2nd offense in a twelve (12) month period – one hundred-twenty (120) days
 3. 3rd offense in a twelve (12) month period – three hundred-sixty (360) days
 4. Subsequent violations will be dealt with by more severe sanctions.

(4) Requirements

- a. Officers authorized to perform Secondary Employment Police Work will be responsible for properly advising their secondary employer of the department policy regarding Secondary Employment Police Work as stated on DPD 149E, Employment Contract.
- b. Officers performing Secondary Employment Police Work who become involved in a police action shall be equipped with, and complete the routine paperwork involved with the action. Off-duty officers must attempt to have prisoners transported via scout car prior to calling on-duty officers to transport. The intent of this section is to reduce unnecessary demands on on-duty personnel. On-duty officers, however, will provide backup support, aid or transportation required by officers performing Secondary Employment Police Work.
- c. District supervisors will ensure that on duty resources are not utilized unnecessarily and will monitor compliance of off-duty officers.
- d. Officers using department radios will monitor the district in which the job is located and shall notify the dispatcher of their location and anticipated length of the job.
- e. Events staffed with more than seven (7) officers require the off-duty supervisor to fax a detail to the Communications Bureau.
- f. The provisions for Secondary Employment will not relieve any member of the Police Department from the responsibility to be available and respond to a call for active duty on the Denver Police Department at any hour.
- g. Officers performing Secondary Employment Police Work in any establishment selling liquor or any alcoholic beverage will be in full uniform unless this requirement is waived, in writing, by the officer's Division Chief and the Division Chief of Patrol.
- h. Officers working in a construction area are required to wear the Department authorized helmet.
- i. Officers working traffic direction or control are required to wear the basic cap and reflective vest apparel. See OMS 111.02(1)b.3. and 111.02(12).
- j. Denver Police Officers are prohibited from working any Secondary Employment (off-duty) job with a Denver Sheriff's Deputy. Denver Police Officers may continue to work Secondary Employment jobs at events where sheriffs operate the Scout Car. The Chief of Police must approve exceptions to the policy.

(5) Civil Liability While Performing Secondary Employment Police Work

- a. The City will not accept liability when officers are acting outside the limits of their police authority or duty, such as enforcing rules made in the interest of management and/or their secondary employer.

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- b. Officers are not allowed to perform Secondary Employment Police Work outside the City and County of Denver without written permission from the Chief of Police.

(6) Scheduling of Officers

- a. The Chief of Police or his designee reserve the right to specify the number of off-duty officers required at any event or place of business at any time.
- b. The Chief of Police shall review all security arrangements for major events which utilize the police services of off-duty officers.
- c. For major events, the District Commander, Secondary Employment Administrator and the scheduling officer may have input in determining the number of off-duty officers required.
- d. When scheduling officers for any event or place of business, the safety of officers and citizens attending the event are of primary concern. Issues to be considered include, but are not limited to:
 - 1. The location and time of day
 - 2. The anticipated crowd size
 - 3. The availability of alcohol at the event.
- e. The Chief of Police or District Commander may assign an on-duty command officer to any event where off-duty police officers are employed, to supervise and direct security at such event.
- f. At those events where the Chief of Police has NOT designated an on-duty command officer, officers performing Secondary Employment Police Work will, regardless of their rank, be subject to supervision by supervisors and commanders in the district in which the work occurs. If the Secondary Employment Police Work is traffic control, the officer will also be subject to the supervision of Special Operations Division supervisors and commanders.
- g. The minimum ratio of off-duty officers to off-duty supervisors participating in Secondary Employment Police Work at a specific location during the same period of time is:
 - 1. One (1) to six (6) Officers - No Sergeants required.
 - 2. Seven (7) to thirteen (13) Officers – one (1) Supervisor
 - 3. Fourteen (14) to twenty (20) Officers - two (2) Supervisors. Senior is in charge.
 - 4. Twenty-one (21) to twenty-seven (27) Officers – three (3) Supervisors. Senior is in charge.
 - 5. Twenty-eight (28) to thirty-four (34) Officers – four (4) Supervisors. Senior is in charge.
 - 6. Thirty-five (35) to forty-one (41) Officers – five (5) Supervisors. One (1) Command Officer.
 - 7. Forty-two (42) to forty-eight (48) Officers – six (6) Supervisors. One (1) Command Officer.
 - 8. Forty-nine (49) to fifty-five (55) Officers – seven (7) Supervisors. Two (2) Command Officers.
- h. Scheduling officers
 - 1. Officers supervising and/or scheduling off-duty officers for Secondary Employment Police Work may be paid a higher hourly wage by the secondary employer or may be paid a flat rate for scheduling other officers. Any compensation for scheduling must be paid by the employer and not deducted from the earnings of other officers working the job.
 - 2. Scheduling officers must identify their activities as outlined in OMS 114.03(2)b.1.
 - 3. Officers who are responsible for scheduling other off-duty officers for Secondary Employment Police Work shall not discriminate in the hiring of officers on the basis of race, color, creed, national origin, gender, age or sexual orientation and shall comply with OMS 114.01(6)c. and d.
 - 4. Denver police officers shall not schedule Denver Sheriff's Deputies for off-duty work.

5. Scheduling officers, supervisors and commanders will ensure that all off-duty officers under their direction are in compliance with OMS 114.01.
- (7) Officers incurring any injury which is not the result of an official police action while engaged Secondary Employment will be responsible for reporting the injury directly to the State Division of Labor or the insurer of the employer. This report will not be forwarded through the Police Department. All such injuries will be considered by the Department as an injury not in the line of duty and the officers' absence will be deducted from their sick leave banks. Upon use of all accumulated sick leave, compensatory time and saved time, additional absence from duty will not be compensated by salary.
 - a. If the injury is the result of an official police action, reporting will comply with OMS 505.10.
 - b. Officers may petition the Police Pension and Relief Board for restoration of lost sick leave. See OMS 505.11.
 - (8) Off Duty Employment at Apartment Complexes
 - a. Any officer providing police service in exchange for subsidized rent, at any type of housing complex, shall be considered to be engaging in Secondary Employment Police Work.
 - b. Officers so employed shall comply with all of the requirements set forth in the Denver Police Department OMS 114.01, Secondary Employment.
 - c. Officers who perform security work in exchange for subsidized rent during predetermined and fixed hours, but are not subject to call by the employer, shall complete a Request for Secondary Employment Approval, DPD 149, listing the hours to be worked.
 - d. Officers who, as a part of this employment are subject to call as needed, will note this fact on the DPD 149, and must complete an official DPD log sheet, DPD 120, detailing any police action requested or police action taken, including dates and times.
 1. This log sheet shall be forwarded to the Secondary Employment Office at the conclusion of each month
 2. Secondary Employment shall attach the log sheet to the Officer's Request for Secondary Employment Approval, DPD 149, and will audit the log sheet to ensure that the total time spent responding to requests for police service, in combination with any other secondary employment performed by the officer, does not exceed the maximum hours permitted for secondary employment.

114.02 Secondary Employment Non-Police Work: Procedure

- (1) Any officer desiring Secondary Employment Non-Police work, including self-employment, will submit DPD 149A, Application for Non-Police Secondary Employment, through the chain of command.
- (2) The supervisor or commander reviewing the letter will ensure that the officer is in compliance with OMS 114.01(3)e.
- (3) Approved or disapproved requests will be forwarded to the Secondary Employment Administrator for distribution and filing.
 - a. The original letter will be retained by the Secondary Employment Administrator.
 - b. A copy of the letter will be returned to the officer.
- (4) In the case of recurring Secondary Employment Non-Police Work, this request must be renewed annually during the first fifteen (15) days of January, unless the conditions of employment change, in which case a new request must be submitted.

114.03 Secondary Employment Police Work: Procedures

- (1) All original copies of DPD 149, Request for Secondary Employment, and DPD 149E, Employment Contract, will be forwarded to the Secondary Employment Administrator.
- (2) DPD 149, Request for Secondary Employment Approval.

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- a. Any officer desiring to perform Secondary Employment Police Work will submit a completed DPD 149, Request for Secondary Employment Approval, through his chain of command. A copy of the form, showing supervisory approval, must be carried by the officer at all times while so employed.
 - b. The following designations will be used to identify the type of employment in which an officer is engaged:
 - 1. Scheduling Officer: Officers of any rank engaged in the function of scheduling the hours and assignments of off-duty officers as provided in OMS 114.01(6).
 - 2. Police: Engaged in the function of a police officer at any venue requiring a police presence.
 - 3. Traffic Control: Engaged in the control of traffic as a primary responsibility. Traffic control duty at banks is included in this category. Also includes acting as escort for special events such as parades, funerals, house moving or mass movement.
 - 4. Bodyguard: See OMS 114.01(3)e.2.
 - 5. Volunteer: No compensation. When this box is checked, one of the other job-description boxes must also be checked.
 - c. Master Signature on File: DPD 149E, Employment Contract, MUST be on file in Secondary Employment. It is the responsibility of the individual officer to confirm that this form is on file or to have it completed by the employer. If not on file, DPD 149 will not be processed by Secondary Employment, and will be returned to the officer.
 - d. Officers working off-duty or department-sponsored overtime must submit a DPD 149 for each month worked.
 - e. Specific dates and times of employment must be entered. **Terms such as, “As needed” and “Times Vary” are not acceptable.**
 - f. The requesting officer’s supervisor will review the request for Secondary Employment Approval and, if it meets the requirements as set forth in OMS 114.01, the request shall be approved and forwarded to the officer’s commander for review and approval or disapproval prior to the performance of any Secondary Employment Police Work, except as provided in OMS 114.03(2)h. The number two copy will be given to the officer after being signed by the supervisor.
 - g. The original copy of the approved DPD 149 will be forwarded to the Secondary Employment Office for processing within twenty-four (24) hours of being signed by the appropriate supervisor and commanding officer.
 - h. **Emergency Requests:** When circumstances exist which prevent an officer from processing the Request for Secondary Employment Approval through his regular chain of command, approval by either a command or supervisory officer is acceptable. Acting sergeants are not authorized to perform this function. Any supervisor or command officer who signs an emergency request shall note on the form the date and time signed and the nature of the emergency. The supervisor or commander shall forward the original, number one copy, to the officer’s commander for later approval, then forwarded to Secondary Employment. The number two copy will be given to the officer after being signed by the supervisor.
 - i. Whenever an officer submits a DPD 149, Request for Secondary Employment Police Work, and does not work the scheduled job, the officer shall notify the Secondary Employment Office. Notification will be made within twenty-four (24) hours of the officer’s knowledge that he/she will not work the scheduled job, using DPD 16, Cancellation of Secondary Employment.
- (3) DPD 149E, Office of Secondary Employment - Employment Contract
- a. Any employer of off-duty Denver Police officers must complete DPD 149E, Office of Secondary Employment’s Employment Contract.
 - b. Such employer signatures must be renewed by January 15 of each year and each time the original signer changes.
 - c. The original of the form is sent to Secondary Employment. The copy is retained by the employer.

- d. The scheduling officer must also sign the form.

114.04 Department Administered Overtime Assignments

- (1) All department scheduled paid overtime must be reported as off-duty employment. A work permit must be submitted for approval through the Chain of Command.
 - a. The business name will be DPD PAID OVERTIME
 - b. The nature of business will be H.U.D. FOOT PATROL, FOCUS ENFORCEMENT, WEED & SEED, etc.
 - c. OVERTIME ASSIGNMENT: Check Yes
- (2) All overtime assignment requests on DPD 149 will be forwarded to the Secondary Employment Administrator for computer entry to monitor hours worked. The Secondary Employment Administrator will notify each respective Division Chief of any violations.
- (3) Officers must follow the guidelines found in OMS 114.01(3)f. limiting the number of hours an officer may work in a day or week.
- (4) All Department paid overtime assignments shall be administered under the direction of the Division Chief whose division has primary responsibility for the assignment.
- (5) Prioritization of eligible officers shall be made according to assignment, expertise or training required, as determined by the affected Division Chiefs or their designees. Appropriate measures shall be taken to ensure consistency of work rules if more than one District, Bureau or division is involved in carrying out the assignment.
- (6) Incidents of unsuitable performance by officers working paid overtime assignments (absence, tardiness, improper equipment, etc.) will be documented and may result in an officer being excluded from future overtime assignments administered by the department.
- (7) An Officers Overtime Authorization, DPD 154, shall be submitted upon completion of the assignment.
- (8) Officers may use accumulated compensatory time to be excused early from their normal work shifts to work department administered overtime assignments.
- (9) The use of compensatory time must be approved by a supervisor, and no detail shall go below minimum staffing levels to accommodate an officer working a department administered overtime assignment.
- (10) If an officer is authorized to be excused from his normal shift by the use of compensatory time, under no circumstances will premium pay be authorized to backfill the hours the original officer was excused.
- (11) Compensatory time used for this purpose cannot be accumulated in the same day as used. The compensatory time must be from the individual officer's compensatory bank.
- (12) No splitting of shifts will be allowed to accommodate a department administered overtime assignment.

