



HISTORIC
FRANKLIN
TENNESSEE

ITEM #39
BOMA
06/22/2010

MEMORANDUM

May 28, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Jackie Moore, Chief of Police

SUBJECT: Agreement for Special Detail Police Officer Services

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider a base agreement for the provision of special detail police officers to local businesses and organizations.

Background

The purpose of this policy is to provide guidelines to law enforcement employees to inform them of the types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency, and the community.

Currently, no money is collected by the City of Franklin for use of City owned equipment during these extra duty jobs. This policy provides for the applicant to submit a \$5.00 per hour payment to the City within five (5) business days of the event.

Financial Impact

The City will accept payment in the form of a certified check, money order or credit card. Cumulatively, on average, officers work 50 hours of Extra Duty a week. It is anticipated that this policy will result in \$13,000 for the City.

Recommendation

Approval of the base agreement and policy regarding to provision of special detail police services is recommended.



General Order

Franklin Police Department

Subject	Date of Issue	CALEA Reference	Amends	Rescind	Dist.	Number
Extra-Duty	January 1, 2010		ALL	ALL	ALL	GO-
Off-Duty	Effective Date January 1, 2010		By order of...			
			Jackie R. Moore, Chief of Police			

I. PURPOSE

The purpose of this General Order is to establish guidelines to govern secondary employment by members of the Franklin Police Department

II. POLICY

The policy of this agency is to provide guidelines to law enforcement employees to inform them of the types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency, and the community.

III. DEFINITIONS

Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

There are two types of off-duty employment in which an employee may engage:

A. Regular Off-Duty Employment

Employees may engage in regular off-duty employment that meets the following criteria:

1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
2. Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer. Some examples of employment representing a conflict of interest include, but are not limited to, the following:
 - a. Officers who work as a process server, repossession or, bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.
 - b. Work involving personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records, or services as a condition of employment.
 - c. Employment using the police uniform in the performance of tasks other than those of a police nature.
 - d. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil action or proceeding.
 - e. Officers who work for a business or labor group that is on strike.

- f. Officers who work in occupations that are regulated by, or that must be licensed through, the police agency or its civilian board.
3. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment that constitute such a threat and should be denied include, but are not limited to:
 - a. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
 - b. Any gambling establishment.

B. Extra-Duty Employment

Police officers may engage in extra-duty employment as follows:

1. Where a government, profit-making, or not-for-profit entity has a contract agreement with the police agency for police officers in uniform who are able to exercise their police duties.
2. Types of extra-duty services that may be considered for contracting are as follows:
 - a. Traffic control and pedestrian safety
 - b. Crowd control
 - c. Security and protection of life and property
 - d. Routine law enforcement for public authorities
 - e. Plainclothes assignments

IV. PROCEDURES

Limitations on regular off-duty employment and extra-duty employment are as follows:

1. In order to be eligible for off-duty employment, a police employee must be in good standing with the agency. Continued agency approval of a police employee's off-duty employment is contingent on such good standing.
2. Those officers who have not completed their probationary period or who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.
3. Prior to obtaining off-duty employment, a police employee shall comply with agency procedures for granting approval of such employment or registration for extra-duty employment.
4. A police officer may work a maximum of 24 hours of off-duty-regular or extra-duty employment, or a total of 64 hours in combination with regular duty in each calendar week.
5. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
6. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.
7. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to agency procedure that such outside employment is not in the best interests of the agency.
8. Vendors will sign an application for extra employment to be submitted to the police department.
9. Vendors will pay the City of Franklin at the rate of \$5 dollars per hour with a 2 hour minimum. Officers will be compensated at a rate of \$30 dollars per hour paid to them by the vendor.

POLICE DEPARTMENT

Jackie Moore
Chief of Police



John C. Schroer
Mayor of Franklin

Eric S. Stuckey
City Administrator

Extra Duty Police Services Contract Conditions.

PROCEDURES FOR CONTRACT APPLICATION

1. Apply in person at the above address or by fax, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.
2. Applications received seven (7) business days or less before the event are processed with the understanding that the assignment may not be filled.

PAYMENT METHODS

1. The **applicant** must make full payment to the officer at the end of each shift for the amount of hours worked, and must submit a \$5.00 per hour payment to the City within five (5) business days of the event to the address above. The City will accept payment in the form of a certified check, money order or credit card. When **payments** are more than 30 days in arrears, the City reserves the option of suspending the contract. Further extra-duty employment will be withheld until payment of arrears is received in full.

UNSCHEDULED HOURS

1. If an officer works additional hours at the request of the applicant, the officer shall receive compensation at the end of the shift and the applicant shall pay an additional \$5.00 per hour for each hour or partial hour worked to the City of Franklin.

RATE SCHEDULE

A **routine rate** is charged for most Extra Duty job request. The current routine rate for Extra Duty Officers is \$30.00/hour.

The rate for use of City vehicle, uniform, equipment, etc. is an additional \$5.00/hour.

NOTE - The Contract Application will reflect the minimum hours charged. The above rate schedule is subject to change. The applicant will be notified of such changes as soon as possible before the increase.

USE OF MARKED SQUAD

Marked police vehicles may be used if they are requested by the applicant and are reasonably required to adequately complete the job the officer(s) are hired to perform. The use of marked police vehicles will be authorized by the Chief of Police or his designee on a case by case basis.

The City of Franklin reserves the right to deny use of marked squad.

STAFFING REQUIREMENTS

Every fourth officer assigned to the same job may require a supervisor be assigned to the job site.

Generally, the guideline is two officers per 400 patrons at establishments serving alcohol, or at the discretion of the Chief of Police or his designee, unless unique circumstances exist.

If the Chief of Police or his designee determines that the size of the event warrants, the applicant will work with the Operations Office to determine the number of officers needed for the assignment. The Chief of Police or his designee may determine if more or less supervision is needed for the event.

In cases where the applicant underestimated the attendance, the on-duty Patrol Supervisors may at their discretion notify the applicant that additional officers are needed. Whether or not the applicant is notified, the City reserves the right to assign additional officers and the applicant shall be responsible for the cost of the additional officers.

CANCELLATION PROCEDURES

Cancellations by Applicant:

- Cancellation by the Applicant shall be made at least 48 hours before the assignment begins, unless the cancellation is caused by weather related conditions or natural disaster.
- If the Franklin Police Department's Operations Office receives a cancellation less than 24 hours notice from the Applicant, the Applicant shall be charged a minimum of two hours per assigned police officer.
- During business hours contact the Franklin Police Department's Operations Office by calling 615-794-2513 for cancellations (Monday through Friday 8 am - 5 pm)
- If there are cancellations of an impending assignment during non-business hours the applicant should contact the Patrol Supervisor at 615-794-2513.

NOTE - It is the responsibility of the Applicant to notify the Franklin Police Department's Operations Office if the business or organization will be closed for a holiday or for any other purpose when extra duty officers are normally scheduled. If the applicant fails to notify the Franklin Police Department's Operations Office, and the officers are not needed that day, the normal minimum charges for the assignment will apply.

Cancellations by the Franklin Police Department:

1. Cancellations by the on duty Lieutenant or their designee:
 - Under extraordinary circumstances, if an assigned officer is unable to fulfill the assignment due to illness or injury and a substitute cannot be found, the applicant assignment may be cancelled.
 - The applicant will not be billed for the scheduled hours.
2. Cancellations by the Chief of Police
 - In the case of a Departmental need or community emergency, the Chief or his designee may cancel extra-duty assignments.
 - The applicant will not be billed for any hours not worked.

OFFICER NOT REPORTING FOR EXTRA DUTY JOB

If an officer was scheduled to work and did not report, the applicant should notify the Franklin Police Department's Operations Office at 615-794-2513 or during non-business hours the Patrol Supervisors at 615-794-2513 immediately. The City makes no guarantee nor does it agree that it will endeavor to find a replacement.

DISCONTINUE SERVICE

If the Chief of Police or his designee determines that it is in the best interest of the department to discontinue extra duty services, the applicant will be notified as soon as possible.

SCHEDULED HOURS CHANGED

The Franklin Police Department's Operations Office will try to accommodate schedule change requests if made 48 hours prior to the starting time of the event, the City does not guarantee that such request can be accommodated.

MINIMUM HOURS FOR ASSIGNMENT

The minimum number of paid hours for each officer is two.

NOTICE TO APPLICANTS

The officers are at all times subject to the policies of the City of Franklin, the laws and Constitution of the United States and the state of Tennessee, and the rules and regulations governing employees of the Franklin Police Department (FPD). **An Applicant has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer.** Those assignments never supersede FPD policy or procedures and the Applicant is hereby so advised. Extra duty officers remain under the exclusive control of the City and are accountable for strict adherence to its rules and regulations. Any conflicting rules of the Applicant will be disregarded. The officer shall

refuse to perform any duties deemed to be in conflict with the guidelines established by FPD. As determined by the Department, officers may be recalled from extra duty to on duty status.

This application is for law enforcement work only and does not exempt Applicants from obtaining other necessary permits for events.

The City of Franklin Police Department is NOT obligated to provide extra duty services. The City reserves its right to deny an application for extra-duty officers.

I have read and understand the "Extra Duty Agreement" (Conditions of Contract)

Applicant

Date

Federal ID # / Social Security #