

SPECIAL OFF-DUTY EMPLOYMENT	Document Number	GO 413
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1. PURPOSE

The purpose of this policy is to establish the guidelines governing special off-duty employment.

2. PERSONS AFFECTED

All sworn personnel and certain non-sworn members of the Finance Division.

3. POLICY

It shall be the policy of the Hawai'i Police Department that its sworn members have available to them the opportunity to participate in special off-duty employment as it is administered through the Department.

4. DEFINITIONS

4.1. **Employer** – Any person, firm, business, agency or corporation other than the Hawai'i Police Department who desires to employ off-duty officers.

4.2. **Officer** – Any sworn police personnel of the Hawai'i Police Department to include Police Officers, Sergeants and above, and Reserve Police Officers.

4.3. **Special Duty Clerk** – The account clerk(s) assigned to the Fiscal Services Division, whose responsibilities are to process all special duty requests for services.

4.4. **Special Off-Duty Employment** – Any off-duty work which is an extension to police service, performed for compensation by an officer for an employer other than the Hawai'i Police Department, excepting such outside employment as set forth in General Order 405. Employment may include but not limited to providing security, traffic control, and traffic escorts.

5. PROCEDURES

5.1. Administration

5.1.1. The scheduling of special off-duty assignments and maintenance of records shall be the responsibility of the Special Duty Clerk(s) of the Fiscal Services Section. The Accountant IV of the Fiscal

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Services Section shall oversee the Special Duty Clerk(s) and ensure the proper maintenance of files and adherence to department policy.

- 5.1.2. All requests from vendors for special off-duty employment shall be referred to the Special Duty Clerk(s) of the Finance Section for assignment. Officers are prohibited from accepting or arranging special off-duty assignments directly with the vendors.
- a. The exception to this rule is in the event that a request for immediate special off-duty employment is made after-hours (i.e., downed power line as a result of a traffic accident); the vendor shall be referred to the on-duty supervisor of the district in which the job is to take place or in the absence thereof, the on-duty superior at the Kona or South Hilo Patrol Receiving Desks for assignments.
 - b. Officers who are eligible and wish to be assigned Special Duty shall complete the *Officer's Updated Information Record for Special Off-Duty Employment form SD-005* and return to the Special Duty Clerk(s). The completed forms shall be filed by the Special Duty Clerk(s). This form shall be utilized by the Special Duty Clerk(s) to appropriately schedule officers for special duty within the districts the officers indicated they would work. Officers shall be required to submit an updated form whenever there is a change in their status to include transfers to another district.
 - c. Officers must also complete a W-9 (Request for Taxpayer Identification Number and Certification) Form.
 - d. Officers shall be prohibited from limiting their acceptance of the type of special duty assignment they will accept (i.e. only escorts).
- 5.1.3. The Special Duty Clerk(s) shall maintain a list of all eligible officers desiring special off-duty employment for each district/division. Rotating assignments shall be made among the officers on the district/division list in which the job/event occurs in such a manner that preference shall be avoided.

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- a. Special duty assignments shall be assigned on a rotational-type basis, starting with police officers, followed by police sergeants, then police lieutenants and above;
- b. Officers shall first be considered for assignments within their respective assigned district, then within additional districts in which the officer previously indicated he would accept special duty assignments. Police Officers and Sergeants and above shall have priority over any Reserve Officer, to include Reserve Officers from the district in which the special duty assignment occurs;
- c. Reserve Police Officers shall only be considered for special duty assignments in the event that no Police Officers and Sergeants and above are available from any district;
- d. When a special duty assignment is cancelled the officer shall maintain the officer's place in the assignment rotation, to include assignment cancellations resulting in the two (2) hour minimum;
- e. If officers are contacted by the Special Duty Clerk(s) and given an assignment with less than twenty-four (24) hours notice, officers shall have the option of declining the assignment without losing their place on the rotation. These assignments may be assigned to the first officer available;
- f. Officers being assigned special duty shall be informed of the assignment by the Special Duty Clerk(s). Special Duty assignments shall be posted in all district stations by the District Commander or designee, and officers shall also be informed of assignments via one or more of the following means:
 - Telephone;
 - Email;
 - Fax;
 - Or any other means designated by the Accountant IV.

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g. Upon receiving a Special Duty assignment, but no later than 24 hours of being assigned, officers shall notify the Special Duty Clerk(s) of the receipt of the assignment.

5.1.4. The Special Duty Clerk(s) shall maintain a computerized file of requests and assignments of special off-duty employment for a minimum of two years. Documentation shall include the type of special duty provided to the employer, and the date, time, and place of employment, as well as the name(s) of officer(s) assigned.

5.2. Assignment of Supervising Officers

5.2.1. Officers of the rank of captain and above may be detailed to special off-duty assignments with the approval of their respective Assistant Chief.

5.2.2. Command officers may be assigned when no subordinate is available or to head a detail of police officers.

5.2.3. On any special off-duty assignment involving supervising officers, they shall be compensated at the prescribed rate schedule for their rank. A supervisor officer will be required when four or more officers are required/requested at a specific event or gathering (excluding traffic direction post). Although the amount of officers a supervisor is capable of supervising may vary, the general rule will be as follows:

a. A supervisory officer shall be required at the ratio of one (1) supervisor for every four (4) to seven (7) officers being employed at the same time for a specific function.

5.3. Conditions and Restrictions

5.3.1. Police Officers and Reserve Officers who have completed their initial probation qualify for special duty. Exceptions may be granted by the Police Chief.

5.3.2. Officers shall not accept or engage in special off-duty employment while on sick leave, injured leave, military leave, family leave (FL or FMLA), light or limited duty status or while on suspension from duty.

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- 5.3.3. Any member accepting and performing a special off-duty assignment for any personal gain without proper authorization shall be subject to disciplinary action.
- 5.3.4. Any officer who neglects their regular duties or whose efficiency is impaired by any special off-duty assignment will not be granted further special off-duty assignments.
- 5.3.5. If an officer on the Special Duty rotation is unable to fulfill an assignment he shall be responsible for finding a replacement. The replacement officer shall be an officer on the special duty list. The officer then shall inform the Special Duty Clerk(s) of the officer's replacement. If the officer is unable to fulfill a special duty assignment or find the officer's own replacement, the officer shall immediately contact the Special Duty Clerk. Upon return to work the officer shall submit a memorandum to the Major of the Administrative Bureau detailing the reason(s) why the officer was unable to report for the assignment.
- 5.3.6. Requests for a particular officer may be honored only when the officer's previous assignments do not exceed the general average of those on the eligible list.
- 5.3.7. Officers engaged in special off-duty employment shall be subject to departmental rules and regulations to the same extent as on-duty officers and, in addition, shall be expected to abide with safety and other requirements imposed by the off-duty employer.
- 5.3.8. Off-duty employment shall not relieve an officer from the responsibility of responding to an emergency call for police services.
- a. If immediate action is not required, an officer on a special off-duty assignment may refer such calls to on-duty officers. If the call requires the attention of an on-duty officer, the special off-duty officer shall report the call to Central Police Dispatch. In any event, the officer shall take command of the situation until being properly relieved by the on-duty officer.
 - b. In addition, the officer on special off-duty shall submit all necessary reports pertaining to such incidents.

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- 5.3.9. Officers shall report in writing to their commanding officer any incident arising from or connected with their off-duty employment which may conflict with departmental policies or adversely affect the department.
- 5.3.10. Should an officer become incapacitated due to injury or illness or unable to fulfill the officer's assigned special off-duty employment due to personal emergency or such other bona fide reason, he/she shall be responsible for immediately notifying the Special Duty Clerk(s) and/or the employer. Notification shall be made at least two hours before the assigned special off-duty employment starting time. In addition, the officer shall make every attempt to find a replacement. If the officer is physically unable to find a substitute, then the Special Duty Clerk will be notified and will schedule another officer for such duty as soon as practicable.
- 5.3.11. An officer who fails to report for a special off-duty employment assignment without just cause and proper notification shall not be granted further assignments until a written report detailing the officer's failure to report for the assignment is submitted and reviewed by the Major of the Administrative Bureau. The Major of the Administrative Bureau will determine any further sanctions.
- 5.3.12 Any officer who fails to work two consecutive special duty assignments may be temporarily suspended from further assignments until a memorandum is submitted to the Major of the Administrative Bureau explaining the reason for failing to fulfill these special duty assignments.
- 5.3.13. Officers engaged in special off-duty employment, at all times and places, shall conduct themselves in a manner so as not to embarrass or reflect discredit upon the department.
- 5.3.14. Upon completion of special off-duty assignments, officers shall notify the Special Duty Clerk(s) of their hours worked, to facilitate the vendor being billed appropriately.
- 5.3.15 Officers shall not leave a special duty assignment without the consent of the vendor and shall not be entitled to take additional meal time that is not designated by the vendor.

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5.4. Prohibitions – Officers shall obtain permission before engaging in special duty employment. Permission for an officer to perform special duty work will be granted by the Accountant IV. Upon receiving a request from an employer for police special duty services, the Special Duty Clerk(s) shall review request and ensure such request do not conflict with the prohibitions of this General Order. When a request conflicts with department policy, the Special Duty Clerk(s) will notify the employer that service will not be provided. When in question as to a possible conflict of a requested special duty assignment, the Special Duty Clerk(s) will consult with the Accountant IV of the Finance Section. If further clarification is needed, the Accountant IV will consult with the Major of the Administrative Bureau. Unless approved by the Police Chief, officers are prohibited from engaging in any special off-duty employment:

- 5.4.1. Which will in any way reduce their effectiveness as members of the Hawai'i Police Department or where the employer restricts them from performing their duties as officers.
- 5.4.2. Which tends to influence their conduct in a manner inconsistent with the proper discharge of their duties as officers or with their loyalty to the department and the public interest.
- 5.4.3. Which requires them to perform tasks that are not commensurate with their responsibilities and authority as officers.
- 5.4.4. Where the selling of liquor is the primary business or at functions involving the consumption of alcoholic beverages.
- 5.4.5. Involving an investigation or other work in which officers may avail themselves of access to police information, records, files, or correspondence.
- 5.4.6. Which may infringe upon or interfere with the department's role of neutrality in any dispute.
- 5.4.7. Where police authority is required and/or used for private purposes of a civil nature.
- 5.4.8. Where the authority of their commissions is invalid.

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- 5.4.9. Involving the advertisement or endorsement of commercial products.
- 5.4.10. Where partisan politics may be inferred.
- 5.4.11. Where the reputation or prestige of the department may suffer, or where the presence of an officer is not in the best interest of the department or the county government.
- 5.4.12. To work or assist as an usher, doorkeeper, ticket-taker or ticket-seller in any theater, dance place, or like establishments are prohibited.
- 5.4.13. To provide any type of “body guard” services.

5.5. Uniform and Equipment

- 5.5.1. Officers engaged in special off-duty employment shall wear the official police uniform at all times, unless otherwise authorized by the Police Chief or designee.
- 5.5.2. All officers with approved subsidized vehicles shall have their vehicle during special off-duty employment, to include issued blue roof-top emergency light, and equipment as required under General Order 807, *Emergency Vehicle Operation*. The blue roof-top emergency light shall also be mounted on the patrol vehicle, and the identification lamp shall be illuminated during the hours of darkness. It is the option of each officer to monitor police radio frequencies.
 - a. Officers without subsidized vehicles and department installed police radios are exempt. Further exceptions may be allowed only with the approval of the Police Chief or designee.
- 5.5.3. Officers engaged in special off-duty employment involving any form of traffic control shall wear their issued uniform cap or safety helmet and traffic vest with white gloves. Officers are prohibited from wearing any other type of headgear such as baseball caps, etc.
- 5.5.4. All officers shall wear their issued safety helmets when assigned to provide services to any jobs involving the construction, repair or

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maintenance of roads, buildings or utilities. For the purposes of this section, the following definitions shall apply:

- a. "Roads" includes any road, shoulder, sidewalk, and traffic safety equipment (traffic signs, lights, etc.) work as well as any maintenance of growth such as in tree trimming services.
- b. "Buildings" includes any work on private or public buildings.
- c. "Utilities" includes any electrical, telephone, television cable, gas, sewer and water pipeline work.

5.5.5. Safety helmets shall be worn when required by contractors of services.

5.5.6. Any dispute or uncertainties involving the use of safety helmets shall be referred to on-duty patrol district supervisors or commanders.

5.5.7. Department-issued hearing protection devices shall be worn when required by contractors of services or when circumstances exist that warrant its use. Officers shall apply discretion in the use of hearing protection devices in situations where their ability to effectively perform their contracted duties is compromised by such devices.

5.6. Special Duty Rate Schedule

5.6.1. The schedule of rates shall be as follows:

- a. Police Officer – ~~\$44~~ per hour (2-hour minimum), \$22 for each additional one-half hour or fraction thereof.
- b. Sergeant and Detective – ~~\$46~~ per hour (2-hour minimum), \$23 for each additional one-half hour or fraction thereof.
- c. Lieutenant – ~~\$48~~ per hour (2-hour minimum), \$24 for each additional one-half hour or fraction thereof.
- d. Captain – ~~\$50~~ per hour (2-hour minimum), \$25 for each additional one-half hour or fraction thereof.

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- 5.6.2. A rate increase occurs effective Jan 1, 2021:
- a. Police Officer – \$48 per hour (2-hour minimum), \$24 for each additional one-half hour or fraction thereof.
 - b. Sergeant and Detective – \$50 per hour (2-hour minimum), \$25 for each additional one-half hour or fraction thereof.
 - c. Lieutenant – \$52 per hour (2-hour minimum), \$26 for each additional one-half hour or fraction thereof.
 - d. Captain – \$54 per hour (2-hour minimum), \$27 for each additional one-half hour or fraction thereof.
- 5.6.3. Officers shall receive payment at the rate of time and one-half for work performed in excess of eight hours per day or forty hours per week for one employer.
- 5.6.4. Officers required by the private employer to use their vehicle for escort or other duties shall be reimbursed at the rate of 60¢ per mile or \$14 per hour, whichever is greater. Mileage shall be calculated according to current practices. Only approved police subsidized vehicles shall be used for police escorts. Exceptions may be granted by the Police Chief.
- 5.6.5. If the assignment is not an escort, however officers are required to use their vehicles while on site, then mileage is tabulated from jobsite to jobsite.
- 5.6.6. If a County-owned vehicle is utilized, then the fee shall be payable to the County of Hawai'i Director of Finance.
- 5.6.7. Officers shall be paid the 2-hour minimum when cancellation notification to the Special Duty Clerk(s) by the employer is made with less than two (2) hours notice prior to the start of the job.
- 5.6.8. The employer shall be assessed an administrative fee of \$4.50 per hour for each job or event scheduled. This fee will be calculated per jobsite location regardless of how many officers are hired. This will construe a period of continuous hire not to exceed 24 hours.

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5.7. Exceptions

- 5.7.1. In the event of a Special Duty function requiring twenty-five (25) or more officers, the Area Commander (or designee) in the district in which the function occurs, may organize and coordinate the assignments, under the discretion of the Police Chief. Under these circumstances the assignments may not be made in accordance with normal special duty scheduling, and officers who are not on the normal special duty list may be allowed to participate in special duty.

- 5.7.2. If an officer wishes to work a specific special duty assignment and donate their time, they may request to do so via proper channels. Memorandums shall be addressed to the Assistant Chief of the Administrative Bureau. Under these circumstances officers will not be required to be on the normal special duty list. The Special Duty Clerk(s) shall bill the organization in accordance with current practices.