



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: DECEMBER 30, 2020	CHAPTER: 1 - Administrative	PAGE: 1 of 7	NUMBER: 1.02.13
SUBJECT: SECONDARY EMPLOYMENT			
CHIEF: <i>Calvin D. William, Chief</i>			

PURPOSE: To regulate secondary employment for members of the Cleveland Division of Police and to specifically prohibit certain types of secondary employment.

POLICY: *It is the policy of the Cleveland Division of Police* that upon permission from the Chief of Police and the Director of Public Safety, members may engage in secondary employment if the work does not interfere with Division employment and there is no conflict of interest between the secondary employment and the CDP. The Chief or the Safety Director may at any time revoke authorization to work secondary employment based upon the operational needs of the Division.

The rules and regulations of the CDP govern its members when engaged in secondary employment. Violation of the provisions of this order may result in immediate termination of permission to work secondary employment and subject the member to disciplinary action.

DEFINITIONS:

Secondary Employment - any occupation, vocation, profession, trade or business (other than CDP employment) for which wages or anything of value is received. This includes any work, business, or activity for profit including self-employment that is not performed for the CDP. Secondary employment also includes voluntary, uncompensated law enforcement or security related work performed while wearing the CDP uniform, any other police or security uniform, or any insignia representative of the CDP or other police agency or security employer.

PROCEDURES:

- I. General Guidelines
 - A. All requests for secondary employment shall be submitted as new requests and may be submitted anytime throughout the year.
 - B. Authorization to engage in secondary employment expires annually on December 31.
 - C. Superior officers checking a member’s secondary employment status shall contact either:
 - 1. The timekeeper from respective commander’s office.
 - 2. The Personnel Unit.
 - D. Immediately after receiving a denial from any superior officer reviewing the request, or

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upon revocation of permission, the member shall discontinue working secondary employment.

- E. Secondary employment denials, at any step in the process, require an explanation as to why the request was denied.

II. Secondary Employment Requirements

- A. Members shall obtain permission consistent with procedures within this order before engaging in secondary employment.
- B. Members shall not be on-duty for the City while also working or being remunerated for secondary employment.
- C. With the exception of engaging in secondary employment during weeks of furlough actually taken, secondary employment shall be limited to a total of 16 hours combined regular duty hours and secondary employment hours in any rolling 24 hour period. Deviation from these limits shall be granted only by written permission from the Chief.
- D. The CDP uniform is authorized for approved secondary employment of a law enforcement nature within the City.
 - 1. Members wearing a CDP uniform while working secondary employment shall comply with uniform, grooming, and intermediate weapons directives.
 - 2. Members shall not wear the CDP uniform for secondary employment outside of the City.
- E. Members shall not use any CDP owned equipment (i.e., firearms, intermediate weapons, body armor, etc.), including purchased firearms which serve as a member's primary firearm, while wearing any uniform other than the CDP uniform. This prohibition includes secondary employment within or outside the legal boundaries of the City.
- F. Except when required to wear another agency's uniform during secondary employment, members working in an armed capacity in a school or at a school-related event, whether on or off school grounds, shall do so only in a fully uniformed capacity.
- G. Members may engage in secondary employment at establishments possessing liquor permits (e.g., hotels, restaurants, convention or sports facilities, etc.) where dispensing alcoholic beverages is not the establishment's primary business and the member is performing such duties as crowd control or general security.
- H. Members shall adhere to Rule 18 of the City of Cleveland Rules of the Civil Service Commission regarding Political Activity of City Employees.

III. Prohibitions to Secondary Employment

- A. Members shall not be approved for the following:

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1. Employment whose nature or hours is such that job performance with the CDP is adversely affected including employment which reduces efficiency of members while on-duty; results in visits, telephone calls, or other preoccupation while on-duty; or results in duty time lost.
 2. Employment where the function, business, or activities are of such a nature that they may bring disrespect or disrepute to the CDP including establishments or venues which cater to “adult entertainment” (i.e., strip clubs, adult bookstores, adult video stores, etc.), any venue or activity that promotes values or views that are counter to good order and a civil society, or as determined by the Chief.
 3. Employment by an individual or business known to be under indictment for, or previously convicted of, a felony or any other crime which would bring discredit to the CDP (i.e., fraud, perjury, theft, etc.).
 4. Employment in which members are involved in the direct or indirect purchase, manufacture, sale, dispensing, or delivery of alcohol.
 5. Employment in an establishment where the primary business is the sale of alcohol.
 6. Employment by credit agencies for the purpose of investigating or collecting accounts, including repossession of automobiles, and collection of bad debts.
 7. Any type of employment related to bail bonds or bounty hunting.
 8. Authorization for secondary employment is suspended during a strike and may be reinstated after the strike concludes and a normal working environment resumes. Unless provided in an official on-duty capacity, advisory service to either labor or management during a strike is a violation of this section.
- B. Members shall not engage in secondary employment during sick leave including FMLA, restricted duty, probation, leave of absence, or suspension from duty.
1. Permission to engage in secondary employment is revoked if a member is at step two or above in sick leave abuse and shall not be approved until this classification no longer applies.
 2. If a member is on restricted duty status, transitional duty, or administrative leave, permission to engage in police or security related secondary employment is revoked until returned to regular duty status.
 3. Members, who have been previously approved to work non-police related secondary employment, may be approved to continue working while a member is on restricted duty to the extent of their restricted duty limitations. In such instances, the member shall submit a request through their chain of command to the Deputy Chief for approval.

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4. Permission to engage in administrative duties for non-uniformed, non-active police/security related secondary employment, will not be denied to CPPA civilian members based solely on suspension from duty.

IV. Requesting Permission to Engage in Secondary Employment

A. Members shall:

1. Send an email request for a sick use review to the Medical Unit at CPDMedicalUnit@clevelandohio.gov. The request shall include the member's full name and badge number.
2. Complete a secondary employment request in the Division tracking software, following the instructions in the user manual.
 - a. Secondary employment which becomes available with insufficient time to secure a sick use review may be submitted for temporary approval.
 - b. If the member used more than 120 hours of sick time during the last 12 month period, not including hazardous duty injuries (HDI) or verified Family Medical Leave Act (FMLA), explain the sick use in the entry summary.
3. Attach the Medical Unit response email to the request in the software. Medical Unit documentation may be used in secondary employment requests for three months after the completion date on the response.
4. Attach a current workers' compensation letter to the request in the software which:
 - a. Shows proof that workers' compensation is being provided by the perspective employer.
 - b. Indicates the member is self-insured and includes the workers' compensation risk number and the expiration date.
 - c. If the worker's compensation letter is expired, secondary employment will be denied.
5. Forward the secondary employment request to their superior officer.

B. A Medical Unit designee shall respond to all secondary employment sick use review requests via email and include:

1. The 12 month period the review encompasses.
2. Total sick hours used.
3. Qualifying FMLA hours used.

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4. Qualifying HDI hours used.

V. Secondary Employment Review and Approval

A. The initial reviewing superior officer shall:

1. Review all secondary employment entries forwarded to them through the Division tracking software.
 - a. Ensure all mandatory fields listed in the user manual are complete.
 - b. If correction or clarification is required, return the request via the software to the requesting member.
2. Ensure all required attachments are included and current (e.g., workers' compensation letter valid and sick review completed within three months).
3. Grant temporary approval within the software entry, forward the request through the chain of command, and copy the requesting member.
4. If the request is in violation of this directive, deny it and return it to the member with an explanation for the denial.
5. Short notice secondary employment requests which require immediate approval:
 - a. May be granted temporary permission without an attached sick use review.
 - b. The request shall be returned to the member with instructions to complete the entry and resubmit it through the chain of command for continued approval.
 - c. Temporary requests are for 14 days or less and are deleted from the Division tracking software if not updated within the 14 days.

B. Chain of command responsibilities:

1. Each reviewing supervisor through the chain of command shall:
 - a. Forward requests with a recommendation for approval.
 - b. Return denials to the member with an explanation.
2. The Chief or designee shall review secondary employment requests and:
 - a. Recommend approval and forward the request via the Division tracking software to the Safety Director or designee.

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- b. Deny the request, forward it via the Division tracking software to the Personnel Unit designee, and copy the requesting member.
- 3. When final approval is granted by the Safety Director, the request shall be forwarded via the Division tracking software to the Personnel Unit.
- 4. The Personnel Unit shall forward the approval to the requesting member.
- C. Secondary employment requests shall not be temporarily granted without an attached valid workers' compensation letter.
- D. Members shall not work secondary employment until they receive verification of temporary approval from the reviewing superior officer via the Division tracking software.

VI. Traffic Controllers and Dispatchers

- A. Traffic controllers and dispatchers shall not wear their City uniforms while working secondary employment as security officers.
- B. Traffic controllers shall wear their uniform while working approved secondary employment as traffic control officers within the City.

VII. Liability for Injuries

- A. The workers' compensation letter shall specify who is providing coverage for members engaged in secondary employment.
- B. Members injured while responding to criminal activity unrelated to secondary employment are eligible for hazardous duty pay and benefits.

VIII. Civil Liability

- A. Members shall include the following statement in their secondary employment request:
 - 1. "In submitting this request for secondary employment I, the requesting officer, acknowledge that I am aware that in my secondary employment, the City of Cleveland has no responsibility for my actions or any liability resulting thereof, and I must personally assume that responsibility or other liability insurance."
 - 2. By submitting the secondary employment request, the member acknowledges the above statement.
- B. The City will not defend members in lawsuits brought against them as a result of actions taken during secondary employment; it is recommended that members performing private police or security work have an understanding with the secondary employer that they are covered by general comprehensive liability insurance.

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- C. The City shall continue to defend members working secondary employment who become involved in lawsuits resulting from the member taking a law enforcement action unrelated to the secondary employment; issues of legal representation are at the discretion of the City Law Director.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.