


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT ADMINISTRATION OF HIREBACK PROGRAMS	POLICY NUMBER 5.09
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5.09.01 PURPOSE

To standardize procedures and record keeping requirements concerning the administration of hireback programs.

5.09.02 POLICY

It is the policy of the Florida Highway Patrol to enact measures which will ensure compliance with any contractual arrangements to which the agency becomes a party as a consequence of receiving grants in aid or other types of supplementary funding.

5.09.03 DEFINITIONS

Definitions presented in FHP Policy 5.08 apply to this directive as well and are incorporated by reference.

- A. **GRANTOR** - The agency or component of federal, state or local government that contracts with the Florida Highway Patrol for the delivery of supplementary law enforcement services.
- B. **HIREBACK PROJECT/PROGRAM** - A project or program created by mutual agreement between the Florida Highway Patrol and another government entity that compensates members for performing specified law enforcement duties outside their regular duty hours.

5.09.04 OBJECTIVES

The objective of this policy is to provide a mechanism through which the Florida Highway Patrol can use available supplementary resources to enhance its ability to provide law enforcement services to protect the people of Florida and its visitors.

5.09.05 RESPONSIBILITIES

- A. The Deputy Director of Patrol Operations shall exercise administrative oversight of all grant funded supplementary hireback programs.

- B. Troop Commanders or their designee, also known as Hireback Coordinators, shall:
 - 1. Exercise responsibility for preparation and administration of a plan for the delivery of law enforcement services in accordance with the provisions of contracts issued.
 - 2. Arrange for the scheduling of personnel, the delivery of services and the supervision of the work force.
 - 3. Arrange for the accurate preparation and timely submission of reports outlining individual performance and earnings and overall program achievements.
 - 4. Track the expenditures/remaining funds for projects they have oversight responsibility to assure funds do not run out prior to the project being completed.
- C. The Office of Strategic Services shall:
 - 1. Arrange for timely preparation of payrolls for compliance with auditing procedures.
 - 2. Retain hireback reports.

5.09.06 PROCEDURES

- A. PLANNING AND SCHEDULING
 - 1. The Florida Highway Patrol will provide law enforcement services as requested by the grantor, subject to the approval and staffing needs of the Division. Assignment of Florida Highway Patrol officers will be made in accordance with established program guidelines and contractual arrangements. Members will be scheduled to perform duties outlined in the hireback agreement at mutually agreed upon times and locations, and to assist the grantor and other involved agencies. Members assigned to hireback patrols will be responsible for coordinating all necessary emergency services and patrol activities under the direct control of the assigned Troop Commander.
 - 2. Contractors, or their representatives, working on Florida Department of Transportation (FDOT) projects are not authorized to schedule law enforcement personnel for the purpose of working hireback construction projects. (Only personnel from the Patrol are authorized to schedule hours as outlined by FDOT. Deviation from this can result in non-payment of hours worked.)
 - 3. Notice of pending request for construction zone enforcement services shall be provided to the appropriate Troop Commander by the grantor's representative prior to setting up the hireback project. Once the

appropriate Troop Commander has verified that the Patrol can meet staffing requirements, the grantor will complete a Letter of Authorization (LOA) that outlines the project location, description of work zone detail, project start and end date and allocated money. The LOA applies only to FDOT construction hireback projects. Work shall not begin on any hireback project until the contract is reviewed and approved by the Department.

4. Members shall be notified of anticipated hireback projects. Each member desiring to participate in a hireback project will notify the Troop Commander or their designee in writing. A member may request to participate or decline to continue to participate at any time during the hireback project. Such request to participate or decline to continue will be made in writing.
5. A listing of duties and responsibilities will be provided to each member participating in the project. A copy of the duties and responsibilities will be maintained in the troop's hireback administration files.
6. Troop Commanders, or their designees, shall publish hireback work schedules at periodic intervals in accordance with their own best judgment and plan provisions. Such schedules shall include the project number and title and the purchase order number assigned to ensure payment for labor charges. For highway construction projects, it is suggested that a minimum of two officers/vehicles will be assigned to supplementary enforcement projects during hours when work is in progress.
7. Members shall be held accountable for compliance with Divisional/Departmental disciplinary standards and rules of conduct while participating in hireback program activities. Members will be expected to be present to work hireback details at the times and dates specified on the schedule unless exigent circumstances prevail or prior notice has been provided to command personnel.

B. STAFFING/PAYMENT

All hireback projects will be staffed and compensated utilizing Florida Highway Patrol Hireback Program provisions delineated in this policy.

1. Members engaged in hireback projects will be compensated at a rate that is determined by the hireback contract. Payment will be distributed according to the Hireback Payroll Schedule for the particular year in which projects are being worked.
 - a. Included members will be compensated at the rate of at least time and one half of their regular hourly rate of pay.
 - b. Excluded members are paid at a flat rate determined by contract.

2. Members will be compensated for those hours in which hireback duties are actually performed. Travel time to and from the work site will not be credited, unless specifically authorized in the hireback agreement.
3. Hireback assignments shall be rotated among bargaining unit members in the troop in which activities are scheduled to take place. Such assignments shall first be offered to the most senior Law Enforcement Officer (LEO) who elects to participate in the program. Succeeding hireback patrols shall then be made available to participating members of corresponding rank in descending seniority order until all members that hold the rank of LEO have had an opportunity to participate. Thereafter, hireback patrols shall be offered to members holding the rank of corporal and subsequently to sergeants in accordance with procedures outlined above. NOTE: THIS PROVISION SHALL BE INTERPRETED TO REQUIRE EQUAL ACCESS TO HIREBACK EARNING OPPORTUNITIES BY ALL BARGAINING UNIT MEMBERS. Members may refuse to voluntarily work hireback when assignments are offered provided prior notification is given. After working or refusing a hireback assignment, members shall be rotated to the bottom of the seniority roster.
4. If recurring difficulties are experienced fulfilling the scheduling requirements of a hireback project, the Director may authorize the inclusion of lieutenants and captains for participation in the hireback project.
5. If assignments cannot be filled utilizing the procedure specified in "3" and "4" above, command personnel may offer such assignments to members in adjoining troops or at their discretion, compel members of their own command to work hireback patrols. Compulsory hireback shall be assigned in ascending seniority order, beginning with the most junior LEO of those members participating in the specific project.
6. In the event that inclement weather or other unforeseen circumstances force work to be canceled, operating hireback details will terminate unless their continuation is deemed to be warranted by command personnel. Members shall immediately notify the appropriate Troop Commander or their designee of any decision to discontinue hireback details and compensation provided under such circumstances shall be in accordance with contract provisions for the specific hireback program. Members whose hireback duties are canceled with prior notice will be afforded an opportunity to work at a later date and to have their names added to the next hireback work schedule issued by the Troop Commander or their designee.
7. Any member who sustains disability or death as a result of personal injury arising from the performance of duties associated with the hireback program shall be treated, for purposes of DHSMV's employee compensation program, as an employee who sustained injury or death in the performance of duty.

C. ACCOUNTABILITY/SUPERVISION

Florida Highway Patrol personnel assigned to hireback projects shall be accountable only to the applicable Florida Highway Patrol Troop Commander or their designee.

1. Members shall at all times remain employees of DHSMV and shall be considered on detail from their regular work assignments.
2. Supervisory personnel designated by the Troop Commander will ensure that members are on assigned details at appropriate times and that enforcement activities are properly documented and directed toward attainment of program goals. These duties must be undertaken in conjunction with other regular duty, management responsibilities.
3. Hireback projects will not be used as a substitute for regular troop operations. However, Florida Highway Patrol emergency staffing needs will take precedence over hireback projects. Consequently, members may be called upon to handle unrelated incidents requiring police intervention, particularly if the prevailing circumstances dictate the need for an immediate response.
4. Since officers assigned to hireback projects may be working in unfamiliar areas, command personnel must ensure that participants are provided with local enforcement information, including court dates and times, locations of confinement facilities and maps.
5. Members who demonstrate consistently substandard productivity may be declared temporarily ineligible for hireback assignments and have their names deleted from rosters for one rotation cycle. Command personnel will also monitor individual officer performance on hireback details.

D. REPORTING/ADMINISTRATIVE PROCEDURES

1. Incidents handled by Florida Highway Patrol personnel during the course of hireback details will be investigated and documented in accordance with standard Florida Highway Patrol operational and reporting procedures.
2. Members shall notify the appropriate Regional Communications Center by radio when they commence/end the hireback project. The proper 10-208/10-207 code will be utilized in conjunction with these assignments.
3. Members shall document their activities during hireback projects, utilizing the Hireback Individual Report of Activity Form (HSMV 61034) for the particular project. NOTE: ACTIVITY PERTAINING TO DIFFERENT PROJECT/LETTERS OF AUTHORIZATION (LOA's) MUST BE REPORTED/SUMMARIZED ON SEPARATE ACTIVITY REPORTS. Completed forms shall be forwarded to the Troop Commander in accordance with a schedule published by the Office of Strategic Services. The member should also retain a copy. Where applicable, activity summarized on the Hireback Individual Report of Activity Form (HIRA) shall also be recorded daily on the Report of Daily Activity (RDA) form available on their Mobile Data Computer (MDC). Program reporting

requirements may require some modification of forms. Responsibility for such modification and for overseeing the content of reports shall be vested in the Office of Strategic Services.

- a. The Hireback Individual Report of Activity Form must be audited for errors and illegibility and corrected prior to submitting to the Troop Commander, or their designee for signature.
 - b. Statistical information will be extrapolated from the Hireback Individual Report of Activity Form and summarized on the Hireback Expenditure Report for the two week pay period according to the Reporting Periods column found on the Hireback Schedule for the particular year in which projects are being worked.
 - c. Work hours must be summarized on either the Excluded Payroll Form (HSMV 61047) or the Included Payroll Form (HSMV 61048) at the conclusion of each two-week reporting period.
 - d. Reports are to be forwarded to the Office of Strategic Services. The following documents shall be supplied:
 - (1) Hireback Expenditure Report (statistical summary).
 - (2) Excluded and/or Included Payroll Forms
 - (3) All Hireback Individual Report of Activity Forms (from which data was obtained and utilized in the preparation of documents referenced in Items 1 and 2 above.)
4. Copies of all reports shall be retained at troop headquarters for a minimum of three years after the completion of a project.
5. Responsibility for compilation of payrolls and the preparation and dissemination of reports documenting program achievements shall be vested in the Office of Strategic Services, which shall:
- a. Arrange for the timely preparation and submission of payrolls.
 - b. Produce quarterly reports for the Division Command Staff and the grantor.
 - c. Maintain a file for each hireback project and monthly reports submitted.
 - d. Facilitate compliance with auditing requirements specified by law or contractual agreements.
6. In each troop a separate set of files will be maintained for each hireback project. These files shall contain, at a minimum, copies of:
- a. The fully executed contract and, if applicable, Letter of Authorization.

- b. All correspondence to members regarding the hireback project(s).
- c. All work schedules.
- d. The list of duties and responsibilities.
- e. All forms and reports required by this policy completed by members and contract managers.
- f. All correspondence between the Division and the grantor.

5.09.07 REGULATIONS

No off-duty police employment may be undertaken pursuant to this directive except in accordance with the provisions of a fully executed contract between the Department/Division and a granting component of government. Requests for services arising from any segment of the private sector must be handled according to the terms specified in FHP Policy 5.08.