


# FLORIDA HIGHWAY PATROL POLICY MANUAL

	<b>SUBJECT</b>	<b>POLICY NUMBER</b>
	OFF-DUTY EMPLOYMENT	5.08
		<b>ISSUE DATE</b>
		02/01/96
		<b>REVISION DATE</b>
		08/01/12
		<b>TOTAL PAGES</b>
		18

## 5.08.01 PURPOSE

To promulgate regulations and procedures governing secondary or off-duty employment by Division personnel.

## 5.08.02 POLICY

It is the policy of the Florida Highway Patrol to allow its personnel to engage in secondary employment that does not conflict with primary job assignments or obligations to the Division; and that does not discredit or embarrass the agency or diminish public confidence in law enforcement or in the Division's commitment to integrity.

The Division shall evaluate secondary employment requests in accordance with the provisions of this directive in order to ensure that all such employment does not constitute a conflict of interest.

## 5.08.03 DEFINITIONS

- A. **DIVISION REIMBURSEMENT** – If a member uses a Florida Highway Patrol vehicle for off-duty employment, the member will reimburse the Division for gas, maintenance and repairs by paying the currently accepted mileage rate.
- B. **HIREBACK PROGRAMS** – A form of off-duty police employment administered exclusively by the Division, pursuant to contractual agreements or grants in aid awarded to the Department by other governmental components.
- C. **OFF-DUTY EMPLOYMENT** – Any secondary employment undertaken while in an off-duty status which does not entail the use or implied use of police authority. Work of this type provides no real or potential law enforcement service, and vested police powers are not a condition of employment.
- D. **OFF-DUTY POLICE EMPLOYMENT** – Secondary employment undertaken while in other than duty status which entails actual or potential use of police authority and requires vested police powers as a condition of employment. The definition encompasses those who schedule off-duty police employment.
- E. **POLICE AUTHORITY** – The exercise of duties and responsibilities delegated to the Florida Highway Patrol, pursuant to the provisions of Section 321.05, Florida Statutes.

F. **PRIVATE SECTOR OFF-DUTY POLICE EMPLOYMENT** – Off-duty police employment that is undertaken on behalf of any private sector entity. Under the definition services are delivered to and payment remitted by private groups, firms, corporations or individuals.

G. **SECONDARY EMPLOYMENT** – This is a general definition encompassing employment with other than the Florida Highway Patrol.

**5.08.04 OBJECTIVES**

A. To formulate and disseminate procedures relating to submission and processing of requests to engage in secondary employment.

B. To delineate reporting requirements pertaining to persons who participate in such activities.

C. To specify procedures concerning payment for the use of any State owned equipment or other resources.

D. To promulgate regulations governing secondary employment.

**5.08.05 RESPONSIBILITIES**

A. **DUTIES OF DISTRICT COMMANDERS, TROOP COMMANDERS AND DEPUTY DIRECTORS**

1. To receive, review, and approve/deny/rescind requests to engage in secondary employment submitted by subordinates.

2. To arrange for compilation, review, processing, filing, retrieval, and dissemination of secondary employment requests/reports and Division reimbursement payments submitted by subordinates.

3. To make reasonable inquiries of the member to ensure that the continued outside employment does not constitute a conflict of interest or interfere with the member's primary duties in the Florida Highway Patrol.

4. District Commanders shall be responsible for establishing and maintaining a current database of insurance information for all members who have been approved to work off duty police employment under their command. The database will be updated continuously or at a minimum of every six months.

5. The Troop Commander shall establish and maintain a list of approved off-duty police employment jobs for the troop. The list will also include the names of the schedulers approved to schedule each approved job.

B. **DUTIES OF CASHIER/REFUND SECTION, BUREAU OF ACCOUNTING, DIVISION OF ADMINISTRATIVE SERVICES - DHSMV**

1. To receive and process Division reimbursement payments.

2. To provide a repository for monthly off-duty police employment reports (ODPE Form #1) submitted pursuant to the provisions of this directive.

## **5.08.06 PROCEDURES**

### **A. REQUESTS TO ENGAGE IN SECONDARY EMPLOYMENT**

1. In conformance with DHSMV Policy #5.03, Dual Employment and Compensation, any member or non-sworn employee who desires to seek private sector off-duty employment must provide prior written notification to his/her Troop Commander (field personnel) or Deputy Director (headquarters staff).
2. Any member who desires to schedule/seek private sector police employment during off-duty hours or leave periods must obtain prior, written approval from their Troop Commander (field personnel) or Deputy Director (headquarters staff). Such documentation shall not be required for participation in hireback programs. Requests to work private sector police employment shall be made using the Request to Work Secondary Police Employment form (HSMV 61205).
  - a. It is the member's responsibility to provide a copy of the completed and approved Request to Work Secondary Police Employment form to the Troop Commander over any troop in which the member desires to work private sector police employment.
  - b. The Troop Commander in which the private sector police employment is to be worked will provide an acknowledgement of receipt of the Request to Work Secondary Police Employment form. Such receipt shall also indicate whether or not the member is approved to work within the troop's boundaries.
  - c. Approval must be obtained prior to the member beginning any such work in the troop.
  - d. Use of Division vehicles to work private sector police employment within a troop of assignment or other troop is subject to the restrictions contained in this policy. It is the member's responsibility to ensure that use of the Division vehicle does not violate those restrictions.
3. For the purpose of implementing Section 287.311, Florida Statutes, each troop/Troop Q component will establish and maintain a list of members that have been granted authority to use the patrol vehicle during Private Sector Off-Duty Police Employment during the fiscal year.

### **B. REQUEST FROM PRIVATE EMPLOYER FOR OFF-DUTY TROOPERS**

Private individuals or corporations desiring to employ FHP members for off-duty police employment shall submit a Request for Off-Duty Police Services to the Troop Commander of the troop in which the actual delivery of services will take place. Such request shall, at a minimum include:

1. The legal name of the individual or corporation. If a corporation, the request will also include the legal name of the person representing the

corporation who has the authority to hire FHP members.

2. The address of the employer and the address where the off-duty work will be conducted if different from the employer's address.
3. Contact telephone numbers for appropriate representatives of the employer.
4. Specific and detailed information regarding the type of business the employer is engaged in and/or activities that will be occurring during the time FHP members are present.
5. Specific and detailed information regarding the duties and responsibilities that will be expected from FHP members.
6. The starting date and ending date of the detail they wish to employ FHP members or a notation that the employment is on-going with no foreseeable end.
7. A statement of whether the employer will be providing workers' compensation coverage to FHP members. If such coverage is being provided, proof of current coverage must be submitted with the request.
8. An acknowledgement that upon request all records, written or electronic related to the employment of FHP members shall be made available, without unreasonable delay, to any FHP supervisor when such request is made for official purposes. The acknowledgement will include any video/audio recording that may exist that documents FHP member activities while working for the employer.
9. Approval of any Request for Off-Duty Police Services may be granted for a continuous period or until the job is terminated or approval is withdrawn.
10. Normally, completed request forms for off duty police employment services must be submitted to respective Troop Commanders/Deputy Directors at least ten working days prior to the date on which secondary employment is scheduled to commence. However, if exigent circumstances prevail the Troop Commander may waive this requirement. Anytime this provision is waived and the Troop Commander gives verbal approval, the date of such waiver/approval shall be noted on Request for Off-Duty Police Services form.

C. CONDITIONS FOR APPROVAL OF SECONDARY EMPLOYMENT REQUESTS

1. Decisions regarding approval/disapproval of off-duty police employment requests or the disapproval of requests to work other secondary employment, shall be rendered by the Troop Commander/Deputy Director, who shall determine whether such secondary employment:
  - a. Constitutes a conflict of interest, as provided by law.
  - b. Interferes with a member/employee's primary duties as a law enforcement officer/state employee.

- c. Involves delivery of labor or other services in direct or indirect support of agencies engaged in debt collection or repossession of property, wrecker companies, bail bonding companies, private investigation services, paralegal services, nude/topless dancing establishments, or any event that would involve any activity that would be considered adult entertainment.
  - d. Any type of employment that would require a member to testify in a court of law in opposition to another law enforcement agency, such as case preparation for the defense or plaintiff in any criminal or civil action or proceeding
  - e. Any type of employment at establishments or businesses which sell alcoholic beverages for on-site consumption as a regular and primary part of the business enterprise is likewise prohibited. Authorization to work off-duty police employment may be granted on an individual basis when the sale and consumption of alcoholic beverages is incidental to the primary function or purpose of the enterprise such as sports facilities and civic centers.
2. Members shall not be allowed to engage in off-duty police employment:
- a. While on probation, except that members who have completed Phase V of the field-training program and have been released to solo patrol may work traffic related off-duty police employment. A probationary member will notify the on-duty supervisor when working off-duty police employment.
    - (1) Acceptable off-duty police employment for probationary members includes jobs that:
      - (a) Have duties similar to the DOT hireback program.
      - (b) Involve traffic control or direction as the primary duties.
      - (c) Provide traffic security to utility workers.
      - (d) Are located at any of the service plazas along Florida's Turnpike.
    - (2) Examples of off-duty police employment that are NOT acceptable for probationary members include:
      - (a) Jobs at retail stores, restaurants, malls, or outlets.
      - (b) Homeowners associations or other neighborhood patrol duties.
      - (c) Courtroom security or other jobs involving security of a structure or area.
  - b. If the member's most current annual or end of probation performance evaluation overall rating is below 3.0 and the

member has been placed on a Coaching Plan or it is determined that off-duty is adversely affecting the member's job performance. The member shall not engage in Off-Duty Police Employment for the duration of the Coaching Plan or until the member's job performance has returned to at least an overall rating of 3.0.

- c. While on personal or family sick leave, disability leave, a leave of absence without pay, Family Medical Leave or parental leave.
  - d. Throughout the period of any disciplinary suspension.
  - e. While assigned to administrative or alternate duties.
3. Off-duty police employment for the rank of captain and above may be authorized pursuant to the requirements stated above. Off-duty police employment shall be the type of employment that is consistent with the status and dignity of the rank. Examples of off-duty police employment that would be acceptable are dignitary protection, employment in a management capacity, and off-duty employment out of public view. Traffic control and other routine patrol functions not routinely performed by supervisors serving in an on-duty status will not be authorized.
  4. Approval of any request to work secondary employment may be granted on a continuous basis until a job is terminated or approval is withdrawn.
  5. Approval for secondary employment may be withdrawn upon the discovery of any conflict of interest or any violation of the conditions for approval stated in this section, when such employment interferes with the member's primary duties or if Divisional/Departmental disciplinary standards are violated. Withdrawal of authorization for secondary employment does not constitute a disciplinary transaction, and any decision regarding retraction of such privileges shall rest with the approving authority, who shall provide written notification of such revocation to the member/employee and to schedulers identified on the request form. Members/employees may seek to have secondary employment privileges reinstated by resorting to procedures delineated in Section "A" above. However, approval of such requests shall be withheld:
    - a. Until the requesting member/employee demonstrates that the violation(s) or condition(s), which prompted withdrawal of secondary employment privileges, has been rectified, or reporting/compensation requirements have been satisfied.
    - b. If criminal violations have been alleged, until an investigation has been concluded and the member/employee cleared of any wrongdoing.
    - c. Throughout the duration of any suspension imposed for violation of the disciplinary code, if reinstatement of off-duty police employment privileges is being sought.
    - d. For other and/or subsequent violations of the provisions of this

directive in accordance with the following schedule:

- (1) First violation in any 12-month period - 10 days.
- (2) Second violation in any 12-month period - 30 days.
- (3) Third violation in any 12-month period - 6 months.
- (4) Fourth violation in any 12-month period - one year.

No portion of this directive shall be construed to limit the Division's ability to sanction members/employees for breaches of discipline or violations of law.

6. When a member has been approved to work secondary employment outside of his/her troop of assignment the member's Troop Commander will provide a copy of the approval to other affected Troop Commanders for informational purposes.

#### D. SCHEDULING/ADMINISTRATION OF OFF-DUTY POLICE EMPLOYMENT

1. Hireback programs.

Responsibility for scheduling and administering all public sector off-duty police employment shall rest with the Division.

- a. Programs will be administered in accordance with contractual provisions stipulated in the grant or with the provisions of Section 5.09 of this Manual.
- b. Troop Commanders may, when required, assign members/employees consigned to their command to perform administrative duties in support of public sector hireback programs. Such appointments may be made on either a full-time or a part-time basis and should be of limited duration in order to avoid disrupting operational commitments.

2. Private sector off-duty police employment.

- a. The Division recognizes the role that such employment plays in helping to secure the persons and property in the State of Florida. However, the Division will not involve itself in arranging or delivering protective services in any capacity other than as may be prescribed by law.
- b. When, and to the extent, that such private sector off-duty police employment is permitted, scheduling and administrative duties associated therewith must be accomplished by a member/employee working in an off-duty status.
- c. Schedulers shall:
  - (1) Refrain from arranging any private sector off-duty police employment for any Florida Highway Patrol supervisory

personnel:

- (a) Who maintains an organizational rank greater than that held by the scheduler, **and**
  - (b) Who serves in the same organizational component with the scheduling member/employee.
- (2) Except for cause avoid any practices that would tend to limit equal access to such employment opportunities by interested and qualified members.
- (3) Refrain from allowing any member to work private sector off-duty police employment:
- (a) Who has not received the prior approval of his/her Troop Commander.
  - (b) If such approval has lapsed or been terminated or withdrawn.
- (4) On or before the fifth calendar day after the end of any month, submit an Off-Duty Police Employment Scheduler's Monthly Report (HSMV 61145) to the commander of each district whose subordinates have performed any private sector off-duty police employment at the request of the scheduler during the preceding calendar month. Such report shall include a complete listing of:
- (a) Names/ID numbers of members who worked.
  - (b) Dates and numbers of hours worked.
  - (c) Work location.
  - (d) The name of the scheduler including the name of any corporation formed by the member for the purposes of working or scheduling off-duty employment.
  - (e) The signature of the scheduler attesting that the report is complete and accurate.
  - (f) A separate Off-Duty Police Employment Scheduler's Monthly Report form will be completed for each member working off-duty police employment at the request of the scheduler. The form will be forwarded to the commander of the district to which the member working the off-duty police employment is assigned.
- d. An Off-Duty Police Employment Scheduler's Monthly Report will be completed in a chronological order, starting at the first of the month and proceeding through the end of the month.



- e. Members scheduling private sector off-duty employment are authorized to schedule only FHP members and other state law enforcement personnel.

Troop Commanders may authorize the scheduling of local or county law enforcement officers who have jurisdiction in the area in which the off-duty police employment is located. Scheduling of local, municipal, and county law enforcement officers outside of their area of jurisdiction is prohibited. Special care must also be taken in regard to state law enforcement officers with limited jurisdiction.

- f. Schedulers shall report any violations of Departmental or Divisional disciplinary standards that occur among members engaged in private sector employment that are brought to his/her attention.

E. LIABILITY INSURANCE AND WORKERS' COMPENSATION - OFF-DUTY POLICE EMPLOYMENT

- 1. Members who are engaged in providing law enforcement services under hireback programs or other Division administered off-duty police employment initiatives shall be afforded the same workers' compensation and liability insurance benefits as are provided for officers who are serving in an on-duty status.

**WARNING**

- 2. State benefits and protections including liability insurance coverage and workers' compensation benefits for work-related injuries or disability **will not** apply when members are performing off-duty police employment in the private sector. It shall be the member's responsibility to obtain such coverage either from the off-duty employer or through private insurance coverage, if such coverage is desired. However, coverage will be restored if during the course of such private sector employment, it becomes necessary for the member to employ police authority or perform law enforcement services that he/she would normally be called upon to provide while serving in an on-duty capacity.

F. OFF-DUTY POLICE EMPLOYMENT - OBLIGATIONS AND RESTRICTIONS

- 1. When off-duty police employment is approved, the member shall, except as noted below, wear the Florida Highway Patrol uniform, and may use his/her Florida Highway Patrol assigned personal equipment and patrol car.
  - a. When an employer requests that members not wear the uniform, preferring civilian attire, upon approval of the Troop Commander, members will be authorized to wear suitable business attire or other appropriate clothing as necessary to accomplish law enforcement purposes as the "uniform of the day."

---

## CAUTION

The hazards associated with conducting plainclothes law enforcement operations are numerous. Members who elect to deliver security or other services while so attired are reminded of the importance of avoiding inadvertent exposure of a concealed firearm and of the difficulties which responding/assisting officers may have in differentiating between security officers and perpetrators, especially if both are displaying a weapon.

---

- b. If the member wishes to use a Division vehicle, prior authorization by the Troop Commander must be obtained in writing. For private sector off-duty police employment use of a Division vehicle is limited to jobs that are within 30 miles of the member's county of assignment. Private sector off-duty police employment involving escorts conducted in accordance with FHP Policy 5.12 must begin within 30 miles of the member's county of assignment but may extend beyond the 30-mile limit.

Authorization shall be obtained and the member's official vehicle utilized for all off-duty police employment in which the member is in uniform and such employment involves the delivery of any patrol or escort type services.

2. Proof of liability insurance shall be submitted with the request to work private sector off-duty police employment if the patrol car is to be used. Members will be required to provide at least \$200,000/\$300,000 vehicle liability insurance and property damage coverage of \$50,000. NOTE: COMMERCIAL INSURERS CANNOT PROVIDE COLLISION COVERAGE. MEMBERS MAY BE HELD LIABLE FOR DAMAGE TO STATE OWNED VEHICLES OR EQUIPMENT RESULTING FROM SINGLE VEHICLE ACCIDENTS OR COLLISIONS IN WHICH THE MEMBER IS AT FAULT. A copy of the insurance policy and/or the endorsement page must be attached to the member's request for approval of off-duty police employment. Failure to maintain the required coverage during periods of private sector off-duty police employment is a violation of the Florida Financial Responsibility Statute. The member shall immediately notify the Troop Commander by memorandum of insurance coverage termination or cancellation and shall cease using any FHP vehicle during private sector off-duty police employment until the necessary insurance coverage has been reestablished.
3. Each fiscal year, members must reimburse the Department for property damage coverage as required in Section 284.311, Florida Statutes and applicable Florida Administrative Code Rule in a manner designated by the Department. The reimbursement will provide coverage for the remainder of the fiscal year and will not be prorated. **Note: the property damage coverage is applicable only as provided by statute or rule.**
4. Members may be approved to work hireback type off-duty police employment as an agent for another law enforcement agency and may

wear civilian business attire under the following conditions:

- a. The employing agency shall submit a proposal for such employment opportunity citing terms and conditions of employment.
  - b. The employment shall be directly and specifically with a regularly constituted police agency.
  - c. Duties must be within the statutory authority of the employing law enforcement agency.
  - d. The request must be carefully evaluated for any requirement of certification under the Criminal Justice Standards and Training Commission.
  - e. The employing agency shall assume performance liability for all actions while the member is in its direct employment.
  - f. Approval must be carefully evaluated for any appearance of a conflict of interest.
  - g. Duties shall not be of an investigatory nature. For example, undercover operations or general investigative duties.
  - h. Employment shall not involve dual state employment, except as otherwise provided by DHSMV policy.
  - i. Employment shall be in accordance with all other provisions of this directive.
  - j. If a member elects to use the Florida Highway Patrol vehicle for transportation to the place of employment, the member shall be in Florida Highway Patrol uniform during such use, and shall reimburse the Department pursuant to Florida Highway Patrol policy.
  - k. Business attire shall consist of civilian clothing as defined in Chapter 6.01, Florida Highway Patrol Policy Manual.
  - l. All provisions of the off-duty concealed firearm policy will be adhered to.
5. Members may be approved to work private sector off-duty police employment in the capacity of bodyguard/personal protection service (dignitary protection). During such employment, the member may wear civilian business attire or other appropriate dress.
- a. The member shall submit a proposal to the Troop Commander for such employment opportunity citing terms and conditions of employment. Such proposal shall be submitted with the request form and other required documentation.
  - b. The employing agency shall assume performance liability for all

actions while the member is in its direct employment.

- c. A member who contracts directly with a client for the sole private job function of dignitary protection shall provide proof of minimum liability insurance coverage of one million dollars for performance liability.
- d. The sole private job function of dignitary protection is to provide for the physical safety of a client and his/her family.
- e. Members shall not engage in any type of investigative activity.
- f. Members shall not engage in the gathering/dissemination of information of the kind/type available from confidential law enforcement sources, such as FCIC, NCIC, local area law enforcement computer networks, etc.
- g. Members shall not engage in any planning activities, such as determining where the dignitary should be housed or determining his/her route to and from events or meetings. Members are authorized to make appropriate deviations from a pre-planned route when mandated by extraordinary events such as traffic congestion.
- h. All additional or necessary training will be provided by or at the expense of the private employer.
- i. A member working off-duty police employment performing dignitary protection is mandated by the general criminal laws of the State and may be compelled to disclose information that would facilitate effective law enforcement even if such information is obtained while in an off-duty status. No confidentiality privileges extend to statements made within the hearing range of a law enforcement officer.

6. Rental Agreements

- a. Members who have an agreement with a property owner or manager to pay a reduced amount of rent or no rent for merely residing and parking their patrol vehicle at an apartment complex, house or mobile home park, school or public park, are not considered to be engaged in off-duty police employment.
- b. If any types of services such as security checks or walk-throughs are part of the agreement, members are considered to be engaged in off-duty police employment. Each member with such an agreement, either written or oral, shall conform to the provisions stated in Section "2" above.

G. OFF-DUTY POLICE EMPLOYMENT - REPORTING REQUIREMENTS AND PAYMENT OF COMPENSATION

1. Notification of Regional Communications Center

- a. Use of Official Patrol Vehicle - Members shall inform their Regional Communications Center of their destination, a telephone/pager number for emergency notification, FHP number and mileage on the vehicle when they leave their shift, residence, or other location in order to begin off-duty police employment. At the end of the off-duty police employment and when the member returns to his/her assigned zone, residence, or other point where he/she is leaving the vehicle, the member shall inform the communications center of the ending mileage of the vehicle.
- b. Use of Personal or Other Vehicle - Members shall apprise the nearest operational Florida Highway Patrol station communications center when they begin and end periods of off-duty police employment. The location at which such services are provided and a telephone/pager number for emergency notification will also be supplied.

In the event the member is performing off-duty police employment outside their assigned troop, the member shall notify their assigned duty station and the nearest operational Florida Highway Patrol station communications center within the troop in which the off-duty police employment will be performed.

## 2. Preparation and Submission of Reports

- a. Hireback Programs - Members shall prepare and submit reports in accordance with specific record keeping requirements demanded by the grantor.
- b. Private Sector Off-Duty Police Employment - Members shall prepare and submit Monthly Off-Duty Police Employment Report (HSMV 61207) listing all periods of private sector employment worked during any calendar month. Such reports shall be submitted to the member's district commander on/before the first working day after the end of any month. Such forms shall contain the following entries:
  - (1) Date worked.
  - (2) Employer and location.
  - (3) Time private sector employment started and ended and the total hours worked.
  - (4) If an official patrol vehicle was used, the beginning and ending mileage must be listed and the total miles driven calculated by subtraction. If a private vehicle was used, the letters "POV" shall be entered in the "Total Miles" block opposite the entry.
  - (5) The sum of mileage driven for each period of employment listed must be calculated and the total recorded in the "Total Miles Driven" block near the right hand corner of the

form.

- (6) "Total Miles Driven" shall then be multiplied by the "Reimbursement Factor" specified on the form and the total entered in the "Amount Remitted" block.
  - (7) A check or other negotiable instrument, equaling the figure appearing in the "Amount Remitted" block, shall be prepared and attached to the Monthly Off-Duty Police Employment Report. The check number shall be entered in the block provided.
  - (8) The member shall list his or her name on the report in addition to any corporate name that the member has established for the purpose of working or scheduling off-duty employment.
  - (9) The member shall then affix his/her signature and the date to the form and forward the report and attached check to the district commander.
- c. Members shall be off duty while traveling to and from off-duty private sector police employment. Reimbursement to the State for use of the vehicle shall begin from the location of the member at the end of the member's shift or the residence of the member. If the vehicle is picked up from another location, reimbursement shall begin from that location. Reimbursement shall continue for all miles driven until the member returns to his/her assigned zone or to his/her residence.
- (1) Reimbursement will be made for all miles driven to, from and during secondary employment when such employment is during the member's regular day off or during annual or compensatory leave. Reimbursement is also required when the secondary employment is not in conjunction with the member's shift.
  - (2) In the event the secondary employment is in conjunction with the member's shift, and is located in the member's work zone or in an area between the work zone and the member's residence, the member will not be responsible for reimbursing mileage for travel to and from the secondary employment job site. Mileage will be reimbursed for miles traveled during secondary employment.
  - (3) Mileage reimbursement for off-duty police employment worked in conjunction with the member's shift, but outside the member's work zone or not in an area between the work zone and the member's residence, shall be required as follows:

- (a) Mileage reimbursement for off-duty police employment worked prior to and in conjunction with a member's regular assigned shift shall be paid from the member's residence to the off-duty job site and from the job site to the work zone boundary.
- (b) Mileage reimbursement for off-duty police employment worked following and in conjunction with a member's regular assigned shift shall be paid from the work zone boundary line to the job site and from the job site to the member's residence.
  - i. In the event the work zone is located between the member's residence and the off-duty job site, mileage will be paid for the distance between the job site and the zone boundary line. Mileage is due for travel both to and from the job site. This section applies to both (a) and (b) above.
  - ii. The instructions listed above will be used to determine mileage due when a member works off-duty police employment in conjunction with court or other special duty assignments on his or her regular day off.

(4) **The intent of the policy is to require reimbursement for any extra mileage accrued as a result of off-duty police employment.**

(5) In the event the member's assigned vehicle is picked up from a location other than the member's residence, mileage reimbursements will be determined based on sections (1) (2) and (3) above. The location the vehicle was acquired from will be considered in the same manner as the member's residence for the purpose of mileage reimbursement.

(6) Members will report patrol vehicle usage in conjunction with their regular shift as described in subsection (1) above by indicating "In Conjunction with Shift within Regular Work Zone" across the mileage row on Monthly Off-duty Police Employment Report.

3. District Commanders will:
- a. Review and sign all Monthly Off-Duty Police Employment Reports or return them to subordinates for correction.
  - b. Compare entries with informational reports submitted by schedulers (see Section "D" above).

- c. Arrange for retention of a copy of referenced reports and appended checks.
  - d. Forward original "Monthly Off-Duty Police Employment Reports" and attached checks to the Cashier/Refund Section, Bureau of Accounting, DHSMV, on/before the twentieth day of the month.
  - e. Forward the completed Off-Duty Police Employment Troop Monthly Report (HSMV 61143) for the district to troop headquarters for troop compilation. The Troop Commander will forward the completed troop summary to the Florida Highway Patrol Research and Evaluation Section on or before the twentieth day of the following month.
4. Responsibility to remit compensation:
- a. Members shall compensate the Department when Division vehicles are utilized in conjunction with private sector off-duty police employment.
  - b. Such compensation shall be paid according to the reimbursement rate schedule published in Section 112.061, Florida Statutes.

**5.08.07 REGULATIONS**

- A. A member may work a combined total of no more than 32 hours of scheduled overtime, hireback, or off-duty police employment in each workweek, Friday through Thursday. Court time occurring outside a member's regularly scheduled duty hours, unscheduled incident-related extra/overtime hours, and travel time to and from off-duty employment or hireback shall not count as time worked for purposes of determining the 32-hour limitation contained in this section. Unscheduled extra/overtime hours may include arrests or crash/incident hours made at the end of the shift or callback to duty.
- 1. In the event a member takes either annual leave or compensatory leave during the workweek, he or she is authorized to work additional hours of scheduled overtime, hireback, or off-duty police employment not to exceed the number of hours of annual or compensatory leave taken.
  - 2. Members using either personal sick leave or family sick leave may not work scheduled overtime, hireback, or off-duty police employment for the 24-hour period commencing with the beginning of the shift for which the member was unable to report for duty.
  - 3. The use of personal sick leave or family sick leave shall not be used to enable the member to work additional hours of scheduled overtime, hireback, or off-duty employment. Personal sick or family sick leave will be considered the same as time worked for the purposes of determining the total hours of off-duty police employment authorized by this section.
  - 4. Members participating in the Educational Leave with Pay program may work a combined total of no more than 32 hours of scheduled overtime, hireback, or off-duty police employment each workweek.



- B. Member's work hours for all off-duty employment or off-duty police employment shall be scheduled and worked in a manner that does not conflict or interfere with the member's performance of duty. Members may not work a combination of on-duty (regular and scheduled overtime), hireback, and off-duty hours of more than 16 hours in any 24-hour period. Members assigned to 10-hour shifts are bound by the above listed guidelines. Court time occurring outside a member's regularly scheduled duty hours, and unscheduled incident related extra/overtime hours shall not count as time worked for purposes of determining the 16-hour limitation contained in this section. Unscheduled extra/overtime hours may include arrests or crash/incident hours made at the end of the shift or callback to duty.
- C. Members desiring to work off-duty employment shall arrange such employment with the understanding that all matters related to the off-duty job shall be conducted at a time when the member is not on duty. Except as noted in Section "G.1." above, members shall not use the Florida Highway Patrol radio frequencies for the purpose of discussing off-duty employment related matters. Regional Duty Officers, clerks, secretaries, or other Division personnel shall not be used, while on duty, to supplement any off-duty employment related function except those administrative duties required by this policy. Prohibited duties include scheduling, arranging employment, replacements, delivering paychecks, or any other off-duty related matters.
- D. Members are prohibited from leaving their assigned work zone early for the purpose of off-duty employment.
- E. Members are prohibited from visiting off-duty work sites while on regularly assigned patrol shifts.
- F. Supervisors are prohibited from adjusting work schedules solely for the purpose of accommodating private sector off-duty police employment.
- G. Off-duty employment or off-duty police employment is prohibited with a private employer when the employer is involved in a labor strike. In cases where a private employer becomes involved in a labor strike subsequent to approval for off-duty employment or off-duty police employment, the Troop Commander shall immediately withdraw the approval.
- H. Members may utilize state equipment while performing private sector off-duty police employment in accordance with the requirements of Chapter 5.08 and the member shall be responsible for all insurance arising from such outside employment.
- I. Members shall compensate the State of Florida for utilization of any Division vehicle during the course of any private sector off-duty police employment, in accordance with Chapter 5.08.06(G)
- J. A member in uniform who is engaged in off-duty police employment is indistinguishable from an officer serving in an on-duty status. Consequently, members are required to respond when serious infractions of the traffic/criminal code occur in their presence, when life-threatening situations develop, or when other pressing public needs are discovered. A member responding under these

conditions is considered to be acting within official capacity and shall be afforded all Division protections consistent with the position of a Florida Highway Patrol officer.

- K. All members are subject to being called to duty at any time. Members shall not undertake any off-duty employment that shall in any way interfere with their ability to adhere to this requirement.
- L. All requests to be employed or compensated by more than one state agency or to hold dual employment during the normal working hours for which the member is being compensated by the Department shall be submitted to the Division Director in accordance with Department procedures and Florida Administrative Code.
- M. Off-duty police employment is not an inherent right, but a privilege recognized in relevant collective bargaining agreements. Disputes arising between managers/supervisory personnel and members concerning interpretation of this directive may be resolved in accordance with existing procedures. Violation of any of the tenets stated in this directive may result in termination of authorization to engage in off-duty police employment in lieu of or in addition to any other disciplinary action.
- N. Members who engage in off-duty police employment shall maintain the same high standards of discipline that are demanded of on-duty officers and they shall be held accountable for violations of the Division's code of conduct or for transgressions against Departmental disciplinary standards and subject to the control of supervisory personnel who witness such violations or to whom they are reported.
- O. Members are reminded that sick leave may be used only as provided in DHSMV Policy #5.01, Attendance and Leave. The use of sick leave to circumvent Regulations "A" and "B" above or a pattern of sick leave use in conjunction with working off-duty police employment may be grounds for the withdrawal of approval to work off-duty police employment and/or disciplinary action.