



Florida Highway Patrol Policy Manual

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5.08.01 PURPOSE

To promulgate regulations and procedures governing secondary 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.

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.

5.08.03 DEFINITIONS

- A. **DIVISION REIMBURSEMENT** – If a member uses a Florida Highway Patrol vehicle for off-duty police employment, the member will reimburse the Division for gas, maintenance, and repairs by paying the currently accepted reimbursement rate.
- B. **OFF-DUTY POLICE EMPLOYMENT (ODPE)** – 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.

- C. **POLICE AUTHORITY** – The exercise of duties and responsibilities delegated to the Florida Highway Patrol, pursuant to the provisions of Section 321.05, Florida Statutes.
- D. **SECONDARY EMPLOYMENT** – Rendering of services by an employee to any employer (including self-employment) other than the state of Florida and for which the employee receives compensation. This term includes employment which does not entail the use or implied use of police authority.

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, BUREAU COMMANDERS, CHIEFS, 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 employee to ensure that the continued outside employment does not constitute a conflict of interest or interfere with the employee'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 (ODPE) under their command. The Bureau Commander of BCII or designee shall be responsible for establishing and maintaining a current database of insurance information for all Troop Q members who have been approved to work ODPE. Chiefs shall be responsible for establishing and maintaining a current database of insurance information for all captains and above who have been approved to work ODPE. 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 ODPE jobs for the troop. The list will also include the names of the schedulers approved to schedule each approved job. The Troop Commander shall review the list of approved ODPE jobs at the beginning of each fiscal year.

5.08.06 PROCEDURES

A. REQUESTS TO ENGAGE IN SECONDARY EMPLOYMENT

1. Members and non-sworn personnel who wish to work secondary employment must request approval prior to the start date of employment through SharePoint.
 - a. Members or non-sworn personnel who desire to seek approval to work secondary employment which is not ODPE will make the request through the HSMV SharePoint form. This request will be made yearly and in accordance with HSMV Policy 5.03, Dual and Secondary Employment.
 - b. Members who desire to seek approval to work ODPE will make a request through the FHP SharePoint. Once the request is approved, the member will only need to resubmit the request if there is a change in status of vehicle use or to reinstate their ODPE request after approval has been suspended or withdrawn.
 - (1) Captains and below will make their request for approval through their Troop Commander (field personnel) or the Bureau Commander of BCII (Troop Q personnel) via SharePoint. Majors and above will make their request for approval through their deputy director via SharePoint.

- (2) In addition to the initial SharePoint request, captains and above must receive approval prior to working each specific ODPE job. The request will be made to the respective chief. The respective chief will provide their recommendation to the appropriate deputy director who will make the final approval decision.
2. Use of Division vehicles to work ODPE 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 284.311, Florida Statutes, a list of members that have been granted authority to use the patrol vehicle during ODPE will be maintained on SharePoint.

B. REQUEST FROM PRIVATE EMPLOYER FOR OFF-DUTY TROOPERS

1. Private individuals or corporations desiring to employ FHP members for ODPE shall submit a Request for Off-Duty Police Services (HSMV 61077) to the Troop Commander of the troop in which the actual delivery of services will take place. Such request shall, at a minimum, include:
 - a. 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.
 - b. The address of the employer and the address where the off-duty work will be conducted if different from the employer's address.
 - c. Contact telephone numbers for appropriate representatives of the employer.
 - d. 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.
 - e. Specific and detailed information regarding the duties and responsibilities that will be expected from FHP members.
 - f. 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.

- g. 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.
 - h. 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.
- 2. Normally, completed Request for Off-Duty Police Services forms must be submitted to respective Troop Commanders at least ten working days prior to the date on which ODPE 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 the Request for Off-Duty Police Services form.

C. CONDITIONS FOR APPROVAL OF SECONDARY EMPLOYMENT REQUESTS

- 1. During the review process by the chain of command, it will be determined whether the 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 ODPE 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 ODPE:

- a. While on initial first-time 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 ODPE. A probationary trooper will notify the on-duty supervisor when working ODPE.
 - (1) Acceptable ODPE for probationary troopers includes jobs that:
 - (a) Involve traffic control or direction as the primary duties.
 - (b) Provide traffic security to utility workers.
 - (c) Are located at any of the service plazas along Florida's turnpike.
 - (2) Examples of ODPE that are NOT acceptable for probationary troopers include:
 - (a) Jobs at retail stores, restaurants, malls, or outlets.
 - (b) Homeowners associations or other neighborhood patrol duties. (Members are reminded that they do not have authority under state law to make traffic stops for civil traffic infractions that occur on non-public roadways within private, residential communities.)

- (c) Courtroom security or other jobs involving security of a structure or area.
- (3) These restrictions do not apply to members who were hired with two or more years of previous law enforcement experience and who have completed Phase V of the field-training program and have been released to solo patrol.
- b. If the member's most current annual or end of probation performance evaluation, or at any time during the member's evaluation period, overall rating is below 3.0 and the member has been placed on a corrective action plan, performance improvement plan, or it is determined that off-duty or secondary employment is adversely affecting the member's job performance, the member shall not engage in off duty and secondary employment for the duration of the corrective action 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.
- 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 Department 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 For Off-Duty Police Services form. Members/employees may 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 ODPE 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.

D. SCHEDULING/ADMINISTRATION OF ODPE

1. When, and to the extent, that such ODPE is permitted, scheduling and administrative duties associated therewith must be accomplished by a member/employee working in an off-duty status.
2. Schedulers shall:
 - a. Refrain from arranging any ODPE for any Florida Highway Patrol supervisory personnel:
 - (1) Who maintains an organizational rank greater than that held by the scheduler, **and**
 - (2) Who serves in the same organizational component

with the scheduling member/employee.

- b. Except for cause, avoid any practices that would tend to limit equal access to such employment opportunities by interested and qualified members.
- c. Refrain from allowing any member to work ODPE:
 - (1) Who has not received the prior approval of their Troop/Bureau Commander or Deputy Director.
 - (2) If such approval has been suspended or withdrawn.

- 3. Members scheduling ODPE are authorized to schedule only FHP members and other state law enforcement personnel.

Troop Commanders or Deputy Directors may authorize the scheduling of local or county law enforcement officers who have jurisdiction in the area in which the ODPE 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 regarding state law enforcement officers with limited jurisdiction.

- 4. Schedulers shall report any violations of Departmental or Divisional disciplinary standards that occur among members engaged in ODPE employment that are brought to their attention, failure to do so could result in the scheduler's approval to work secondary employment being revoked.

E. LIABILITY INSURANCE AND WORKERS' COMPENSATION - ODPE

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 ODPE 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 such private sector employment, it becomes necessary for the member to employ police authority or perform law enforcement services that they would normally be called upon to provide while serving in an on-duty capacity.

F. ODPE - OBLIGATIONS AND RESTRICTIONS

- 1. When ODPE is approved, the member shall, except as noted below, wear the Florida Highway Patrol uniform, and may use their 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/Bureau Commander or Deputy Director, 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."

- (1) Members wearing civilian attire while working ODPE will inform their respective Regional Communication Center at the start of the ODPE shift that they are working in civilian attire.

- (2) **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.

- c. If the member wishes to use a Division vehicle, prior authorization by the Troop/Bureau Commander or Deputy Director must be obtained. For ODPE, use of a Division vehicle is limited to jobs that are within 40 miles of the member's county of assignment. ODPE involving escorts conducted in accordance with FHP Policy 5.10 must begin within 40 miles of the member's county of assignment but may extend beyond the 40-mile limit.

Authorization shall be obtained, and the member's official vehicle utilized, for all ODPE 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 to the district captain or respective chief or Deputy Director prior to working ODPE which requires the use of a patrol car. The proof of insurance will include a

copy of the insurance policy and/or the endorsement page. 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. Failure to maintain the required coverage during periods of ODPE is a violation of the Florida Financial Responsibility Statute. The member shall immediately notify the Troop Commander or Deputy Director by memorandum of insurance coverage termination or cancellation and shall cease using any FHP vehicle during ODPE 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 ODPE 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.
4. Members may be approved to work ODPE 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/Bureau 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 their 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 their 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 ODPE 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, mobile home park, school, or public park are not considered to be engaged in ODPE.
- b. If any types of services such as security checks or walk-throughs are part of the agreement, members are engaged in ODPE. Each member with such an agreement, either written or oral, shall conform to the provisions stated in FHP Policy 5.08.06(A)(2) above.
- c. Members may wear proper civilian attire while conducting security checks or walk-throughs. Members choosing to wear civilian attire shall carry their department issued firearm, badge, and identification card.

G. ODPE 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 number for emergency notification, FHP number, and mileage on the vehicle when they leave their shift, residence, or other location in order to begin ODPE. At the end of the ODPE and when the member returns to their assigned zone, residence, or other point where they are 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 regional communications center when they begin and end periods of ODPE. The location at which such services are provided and a telephone number for emergency notification will also be supplied.

In the event the member is performing ODPE outside their assigned troop, the member shall notify the nearest regional communications center within the troop in which the ODPE will be performed.

2. Preparation and Submission of Reports

- a. Members working ODPE must report their hours worked and mileage daily via the mobile forms Daily Activity Report.
- b. Members shall prepare and submit the Monthly ODPE Report (HSMV 61207) listing all periods of ODPE worked and time billed during any calendar month. Such reports shall be submitted through the appropriate chain of command to the member's District Commander or Deputy Director on/before the fifth calendar day after the end of any month. Such forms shall contain the following entries:
 - (1) Date worked.
 - (2) Employer and location.
 - (3) Time 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 ODPE Report. The check number shall be entered in the block provided.
 - (8) The member shall list their name on the report in addition to any corporate name that the member has established for the purpose of working or scheduling ODPE.
 - (9) The member shall then affix their signature and the date to the form and forward the report and attached check to their District Commander. Captains and above shall submit their form for review to their supervisor and provide the signed copy of the form along with their check to the District Commander.
- c. Members shall be off duty while traveling to and from ODPE. 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 their assigned zone or to their residence.

- (1) Reimbursement will be made for all miles driven to, from, and during ODPE when such employment is during the member's regular day off or during annual or compensatory leave. Reimbursement is also required when the ODPE is not in conjunction with the member's shift.
- (2) In the event the ODPE 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 ODPE job site. Mileage will be reimbursed for miles traveled during ODPE.
- (3) Mileage reimbursement for ODPE 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 ODPE 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 ODPE 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 ODPE in conjunction with court or other special duty assignments on their regular day off.

- (4) **The intent of the policy is to require reimbursement for any extra mileage accrued as a result of ODPE.** Members are prohibited from circumventing the payment of mileage.
- (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 ODPE Report.

3. District Commanders will:

- a. Review and sign all Monthly ODPE Reports or return them to subordinates for correction.
- b. Arrange for retention of a copy of referenced reports and appended checks.
- c. Ensure ODPE payments have been deposited by the local district/troops similar to crash record payments. A scanned copy of the deposit confirmation receipts as well as the FHP Deposit Form (HSMV 61198) should be uploaded to the appropriate folder on the "FHP ODPE" section of the T-Drive.
- d. Forward the completed ODPE 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 (20th) day of the following month.

4. Responsibility to remit compensation:
 - a. Members shall compensate the Department for all extra mileage accrued as a result of any ODPE when Division vehicles are utilized.
 - b. Such compensation shall be paid according to the reimbursement rate schedule published in Section 112.061, Florida Statutes.

5.08.07 REGULATIONS

- A. Members shall not work a total of more than 72 hours of combined regular scheduled duty hours, scheduled overtime, secondary employment, or ODPE in a workweek, Friday through Thursday. Court time occurring outside a member's regularly scheduled duty hours, unscheduled incident-related extra/overtime hours, and travel time for ODPE shall not count as time worked for purposes of determining the 72-hour limitation contained in this section. The travel time returning from an escort will count towards the 16-hour workday, as indicated in Section B. 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, they are authorized to work additional hours of scheduled overtime or ODPE 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 or ODPE for the 24-hour period commencing with the beginning of the shift for which the member was unable to report for duty.
 3. Personal sick leave or family sick leave shall not be used to enable the member to work additional hours of scheduled overtime or ODPE. Personal sick or family sick leave will be considered the same as time worked for the purposes of determining the total hours of ODPE authorized by this section.
- B. Member's work hours for all secondary employment or ODPE 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 regularly scheduled on-duty hours, scheduled overtime, secondary employment, ODPE, or the time it takes to return from an escort of more than 16 hours in **any** 24-hour period. Members assigned to ten-hour or twelve-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.

- C. Members desiring to work ODPE shall arrange such employment with the understanding that all matters related to ODPE 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 ODPE related matters. Communications personnel, clerks, secretaries, or other Division personnel shall not be used, while on duty, to supplement any ODPE related function except those administrative duties required by this policy. Prohibited duties include scheduling, arranging employment, replacements, delivering paychecks, or any other ODPE related matters.
- D. Members are prohibited from leaving their assigned work zone early for the purpose of secondary employment or ODPE.
- E. Members are prohibited from visiting secondary employment or ODPE work sites while on regularly assigned patrol shifts.
- F. Supervisors are prohibited from adjusting work schedules solely for the purpose of accommodating ODPE.
- G. Secondary employment or ODPE 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 secondary employment or ODPE, the Troop Commander or Bureau Commander shall immediately withdraw the approval. Members are prohibited from working secondary employment or ODPE at any polling location while voting is in progress to include early voting.
- H. Members may utilize state equipment while performing ODPE in accordance with the requirements of FHP Policy 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 any ODPE, in accordance with FHP Policy 5.08.06(G)

- J. A member in uniform who is engaged in ODPE 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 secondary 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. ODPE 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 ODPE in lieu of or in addition to any other disciplinary action.
- N. Members who engage in ODPE 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 ODPE may be grounds for the withdrawal of approval to work ODPE and/or disciplinary action.