


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 that 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

- A. **ELECTRONIC SCHEDULING SYSTEM** – A software program that provides on-line scheduling and bidding opportunities for hireback projects. This program tracks hireback project employment for the Patrol.

- B. **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.

- C. **HIREBACK ADMINISTRATOR** – Florida Highway Patrol employee within the Office of Strategic Services having overall oversight of the entire hireback process.

- D. **HIREBACK COORDINATOR** – Florida Highway Patrol member designated by a Troop Commander to have oversight of specific contracted projects assigned by the Florida Department of Transportation.

- E. **HIREBACK PROGRAM** – 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.

- F. **HIREBACK PROJECT** – A work project 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.

- G. **JOB SET** – One of the tools the electronic scheduling system uses to keep job distribution fair among personnel. By creating job sets, administrators can specify the ranking order of who can sign up or bid for jobs within a specific timeframe.
- H. **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.
- I. **POLICE AUTHORITY** – The exercise of duties and responsibilities delegated to the Florida Highway Patrol, pursuant to the provisions of Section 321.05, Florida Statutes.

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 residents and visitors of Florida.

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. Utilizing the Division’s electronic scheduling system, create job sets for members to bid on jobs, coordinate delivery of services and provide supervisory oversight of the workforce.
 - 3. Arrange for the accurate preparation and timely submission of reports outlining individual performance and earnings, and overall program achievements.
 - 4. Track expenditures/remaining funds for each project assigned.
 - 5. Manage each project and assure payments do not exceed the allocated funding.
 - 6. Ensure Reserve members or any other member authorized to work hireback projects do not violate section 122.16, Florida Statutes as it relates to retirees returning to work after a separation from a participating Florida Retirement System employer.
- C. The Office of Strategic Services shall:
 - 1. Add new hireback projects to and remove completed or cancelled projects from the electronic scheduling system.

2. Establish site agreements members shall accept upon login when bidding for hireback projects.
3. Arrange for timely preparation of payrolls for compliance with auditing procedures.
4. Retain hireback program payroll reports for five fiscal years.

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 members 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 or designee.
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 construction hireback 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). The LOA applies only to FDOT construction hireback projects.
4. The LOA shall outline the project location, description of work zone detail, project start/end date, shift days/hours, and allocated funding. The LOA may allow for the project's shift days and/or hours to change as necessary to meet the demands of the project, traffic, safety, etc. Work shall not begin on any hireback project until the Troop Commander or designee reviews and verifies the LOA, and the Deputy Director of Patrol Operations or designee approves the LOA.
5. Members shall be notified of anticipated hireback projects. Each member desiring to participate in a hireback project will notify the Troop Commander or designee in writing. A member may request to participate or decline to continue to participate at any time during the hireback project. All such requests must be made in writing.
6. Upon receipt of a Reserve member's request to work a hireback project, the Troop Commander or designee shall verify that the member will not

violate section 122.16, Florida Statutes and forward his/her findings through the chain of command to the Director. Prior to working any hireback project, Reserve members must obtain written approval from the Director.

7. The Troop Commander, or designee, will provide each participating member with a list of duties and responsibilities for each project in which the member participates. A copy of the duties and responsibilities will be maintained in the troop's hireback administration files.
8. On a monthly basis, the Troop Commander, or designee, shall publish hireback project work schedules using the electronic scheduling system. Such schedules shall include the project number and title, and the LOA number assigned to ensure payment for labor charges.
9. Members may only sign up for:
 - a. One job, per job type, per round of bidding, up to four rounds.
 - b. After four rounds of scheduling based on seniority, if available shifts still exist and will not be reasonably filled using the bidding process, the Hireback coordinator can open up for bidding to all those eligible to bid.
10. Members may only bid on hireback projects they will work themselves. Bidding with the intent of coordinating the job with or transferring/releasing the hireback project to another member is prohibited.
11. Members who need to remove themselves from working an awarded hireback project must provide written notification to their Hireback Coordinator at least two calendar days prior to the assignment. If no backup is assigned within the system, such members will be responsible for finding a replacement for the assignment they are unable to work.
12. Removal from working an awarded hireback project within two calendar days of the assigned shift will be permitted only for unforeseeable and unexpected situations, such as an illness (personal or family sick leave), a family emergency, an unexpected subpoena for court, an arrest after shift, or another job-related emergency. In such cases, members must contact their Hireback Coordinator and request removal from the particular hireback project assignment. The Hireback Coordinator may require the member to provide documentation of the reason for the cancellation in accordance with HSMV Policy 5.01, Attendance and Leave.
13. Except for the unforeseeable and unexpected situations as provided for in section 12 above, members who remove themselves from two or more awarded hireback projects during a scheduling cycle shall be suspended from bidding on any jobs during the next scheduling cycle.

14. Members who engage in hireback employment shall maintain the same standards demanded of on-duty members and shall be held accountable for compliance with Division/Department policy and procedures while participating in such employment. Members are expected to be present at the specified date/time to work awarded hireback projects, except as provided in sections 11 and 12 above.
15. Within two calendar days following scheduled hireback projects, members shall electronically confirm that they worked their assigned hireback projects. A member may not bid on another hireback project until such confirmation is provided. Failure to confirm worked assignments within the required timeframe may result in a member being prohibited from bidding on any hireback projects during the next scheduling cycle.
16. Members who violate any established written hireback policy shall be notified by the Hireback Coordinator of such violation and may, if warranted, be suspended from bidding on or working any hireback projects during the next scheduling cycle or longer, as determined by the Troop Commander. Violations of any established written hireback policy shall be handled in a standardized manner throughout the state.

B. STAFFING AND 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 one and one-half times that of their regular hourly rate of pay.
 - b. Excluded members, when permitted, in writing by the Director to work a hireback project, will be compensated at a flat rate of pay as determined by contract.
 - c. Reserve members, when permitted, in writing by the Director to work a hireback project, will be compensated at a flat rate of pay as determined by the Director.
2. Members will be compensated for those hours in which hireback project duties are actually performed. Time spent scheduling or travel time to and from the work site will not be credited, unless specifically authorized in the hireback project agreement.
3. Hireback project 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 Trooper 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 who hold the rank of Trooper have had an opportunity to participate. Thereafter, hireback projects 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.**

4. Members may refuse to voluntarily work a hireback project when assignments are offered provided prior notification is given. After working or refusing a hireback project assignment, members shall be rotated to the bottom of the seniority roster.
5. If recurring difficulties are experienced fulfilling the scheduling requirements of a particular hireback project, the Director may authorize in writing, the inclusion of Lieutenants, Captains and/or Reserve members for participation in the hireback project. Reserve members may only work those Hireback projects within the FHP troop where they reside. Lieutenants and Captains may only work those hireback projects within their troop of assignment.
6. If assignments cannot be filled utilizing the procedure specified in sections 3 and 5 above, Command personnel may offer such assignments to members in adjoining troops or at their discretion, compel members of their own command to work the hireback assignments. Compulsory hireback shall be assigned in ascending seniority order, beginning with the most junior Trooper of those members participating in the specific project.
7. In the event that inclement weather or other unforeseen circumstances force the cancellation of work, hireback project details will terminate unless their continuation is deemed to be warranted by Command personnel. Members shall immediately notify the appropriate Hireback Coordinator or designee of any decision to discontinue hireback details. Compensation provided under such circumstances shall be in accordance with contract provisions for the specific hireback program.
8. Members whose hireback project duties are canceled with prior notice or those whose duties, upon arrival are cancelled will be afforded an opportunity to work at a later date and to have their names added to the next hireback project work schedule issued by the Troop Commander or designee.
9. 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 AND SUPERVISION

Florida Highway Patrol personnel assigned to hireback projects shall be accountable to the applicable Florida Highway Patrol Troop Commander or 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 outside of the member's regularly scheduled duties and 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. 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 Performance Coaching Plan, the member shall not engage in any hireback projects 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.
6. The electronic scheduling system database shall be subject to inspection by the Hireback Administrator, or designee.

D. REPORTING AND ADMINISTRATIVE PROCEDURES

1. Incidents handled by Florida Highway Patrol personnel during the course of hireback project details will be investigated and documented in accordance with standard Florida Highway Patrol operational and reporting procedures.
2. Utilizing the proper codes, members shall notify the appropriate Regional Communications Center by radio or enter their status in the Mobile Data Computer (MDC) when they commence/end the hireback project.
3. Members shall document their activities during hireback projects, utilizing the electronic Hireback Individual Report of Activity (HIRA) Form in the SharePoint database for the particular project. Hireback Coordinators will approve or delete the member's reports through the "Personnel" link on the PowerDETAILS' homepage. **NOTE:** ACTIVITY PERTAINING TO DIFFERENT PROJECTS / LETTERS OF AUTHORIZATION MUST BE

REPORTED/SUMMARIZED ON SEPARATE ACTIVITY/PAYROLL REPORTS.

4. Where applicable, activity summarized on the HIRA Form shall also be recorded daily in the Computerized Aided Dispatch (CAD). Program reporting requirements may require some modification of forms. The Office of Strategic Services is responsible for modification and oversight of the contents of hireback reports.
 - a. Members shall review the HIRA Form and make any necessary corrections prior to electronic submission for supervisor approval. Supervisors shall then review the report for accuracy prior to electronic approval and submission to the Troop Commander, or designee.
 - b. Statistical information will be extrapolated from the HIRA 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. The Hireback Schedule is located on the SharePoint database.
 - c. Work hours must be summarized on the electronic Included or Excluded Payroll Form at the conclusion of each two-week reporting period.
 - d. Troop Commanders shall forward the following reports (located within SharePoint) to the Office of Strategic Services:
 - (1) Hireback Expenditure Report (statistical summary), and
 - (2) Included and/or Excluded Payroll Forms
5. The Office of Strategic Services is responsible for:
 - a. Arranging for the timely preparation and submission of payrolls.
 - b. Producing quarterly reports for the Deputy Director of Patrol Operations and the grantor.
 - c. Maintaining a file for each hireback project and monthly payroll reports submitted.
 - d. Facilitating 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; and
- g. Copies of all payroll reports, which shall be retained for a minimum of five fiscal years after the completion of a project.

5.09.07 REGULATIONS

- A. No hireback project 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.
- B. Any Reserve member authorized to work a hireback project is required to work a minimum of eight hours of roadway patrol duties for every eight hours of a hireback project worked.
- C. Members may not work a combination of on-duty (regular and scheduled overtime), Statewide Overtime Action Response (SOAR) and hireback hours of more than 16 hours in any 24-hour period. Members assigned to 10-hour or 12-hour shifts are bound by the same guidelines listed above.
- D. Members may work a combined total of no more than 32 hours of scheduled overtime, SOAR, hireback project, or off-duty police employment in each workweek, Friday through Thursday.
 - 1. In the event a member takes annual or compensatory leave during the workweek, he/she is authorized to work additional hours of scheduled overtime and hireback employment not to exceed the number of annual/compensatory leave hours taken.
 - 2. Members using personal or family sick leave may not work scheduled overtime or hireback 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 or family sick leave shall not be used to enable the member to work additional hours of scheduled overtime or hireback employment. Personal or family sick leave will be considered the same as time worked for the purposes of determining the total hours of hireback authorized by this section.
 - 4. Members are reminded that sick leave may be used only as provided in HSMV Policy 5.01. The use of sick leave to circumvent sections C and D above, or a pattern of sick leave use in conjunction with working hireback employment, may be grounds for the withdrawal of approval to work a hireback project and/or disciplinary action.

5. Members participating in the Educational Leave with Pay program may work hireback projects.
- E. Court time occurring outside a member's regularly scheduled duty hours, unscheduled incident-related extra/overtime hours, and travel to/from hireback project locations shall not count as time worked for the purpose of determining the 16-hour and 32-hour limitations contained in sections C and D above. Unscheduled extra/overtime hours may include arrests or crash/incident hours made at the end of the member's shift or callback to duty.