

General Order

Houston Police Department



ISSUE DATE:

August 19, 2020

NO.

300-14

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-14, dated September 6, 2005

SUBJECT: EXTRA EMPLOYMENT

POLICY

The Houston Police Department allows employees to hold extra employment when off duty and with specific conditions and restrictions. Extra employment shall not interfere with an employee's performance of official duties as an employee of the City of Houston or cause conflicts of interest between the City and the extra employment entity.

Extra employment is a privilege afforded to employees and it may be restricted at the discretion of the Chief of Police.

This General Order applies to all employees.

DEFINITIONS

After-hours Club. An alcoholic beverage establishment that has extended hours beyond 2 a.m. The department's Risk Management Division Extra Employment Unit or the assistant chief over Risk Management Division shall make the final determination as to what constitutes an after-hours club.

Alcoholic Beverage Establishment (ABE). Any place at which the primary purpose is the sale of alcoholic beverages or 51 percent or more of its income is from the sale of alcoholic beverages for on-premises consumption. This also includes rental or temporary facilities where alcoholic beverages are sold, served, or consumed. For the purpose of this General Order, an ABE may also be a business open after 10 p.m. and holding a Texas Alcoholic Beverage Commission (TABC) permit for on-premises consumption of alcoholic beverages and that is also a place of entertainment which may include live music, dancing, or floorshows.

Business. Refers to the owner, manager, or person in control of the establishment where an extra employment is conducted, the buildings and structures of the establishment, and all surrounding property related to the establishment (this includes the parking lot and any traffic control location that leads directly into the business). Businesses that share the same parking lot and are clearly operating independently are to be treated as separate extra employment.

Employer. For the purpose of this General Order, an individual or entity, e.g., organization, institution, government entity, agency, company, professional services firm, nonprofit association, business, or store that employs or provides work for an HPD employee in an extra employment capacity. In this General Order, an *employer* may or may not be the entity that pays the employee for the extra employment services and the term *employer* also includes the terms *business* and *third-party employer* as defined herein.

Escorts of Convenience. Escorts conducted by a police officer either by motorcycle or other vehicle with emergency equipment in use when no emergency exists (e.g., escorting sports

teams, wedding parties, or corporate executives). Escorting funerals or oversized loads are not considered escorts of convenience.

Extra Employment Hours. Time spent on any extra employment as outlined below.

- a. **Nonpolice-Related Extra Employment.** Any type of off-duty employment not involving law enforcement duties or use of authority as a peace officer.
- b. **Police-Related Extra Employment.** Any type of off-duty activity using authority or capacity as a peace officer to display law enforcement visibility, enforce federal, state, or local laws, or perform any duty that is usually fulfilled by a law enforcement officer within the scope of his or her duties, whether or not the officer receives remuneration, reduced or free rent, or any other benefit.

Forfeiture Abatement Support Team (F.A.S.T.) Properties. Apartment communities with nuisance activity on the property as determined by Chapter 125, Texas Civil Practices and Remedies.

House Rules. Rules of the extra employment employer or business that are not specifically authorized by state or federal law or City ordinance.

Pain Management Clinic. A publicly or privately owned facility for which a majority of patients are issued, on a monthly basis, prescriptions as listed in the Texas Occupations Code, Section 168.001.

Permanent Extra Employment. An extra employment spanning more than 30 *calendar days*.

Pharmacy. A facility at which a prescription drug or medication order is received, processed, or dispensed under Chapter 481 or 483, Texas Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.). The term does not include a narcotic drug treatment program that is regulated under Chapter 466, Texas Health and Safety Code.

Private Solo Coordinator. A person who acts as a guard company for the purposes of Section 1702.108 of the Texas Occupations Code and who employs an individual described by Section 1702.323(d) or engages in the business of or undertakes to provide a private watchman, guard, or street patrol service on a contractual basis for another person to control, regulate, or direct the movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to ensure the protection of property.

Rave. A large, organized dance club type event promoted for young people. The typical age of participants is from 16 to 21 years of age and the crowd can easily exceed one thousand participants. Raves often continue after the typical 2 a.m. closing time. HPD's Extra Employment Unit (EEU) makes the final determination as to what constitutes a rave. If an employee is uncertain whether an event is a rave, the employee shall contact EEU prior to working the event. If EEU is closed or unavailable for guidance, the employee shall not work the event.

Remedial Action Property. An apartment community that according to City Ordinance Chapter 28, Article IX has excess levels of criminal activity as designated by the Federal Bureau of Investigation.

Temporary Extra Employment. An extra employment spanning 30 calendar days or less.

Third-Party Employer. An entity other than the *business* or *employer*, and which coordinates and pays an employee for extra employment.

1 REQUIREMENTS

Time Entry

Classified employees shall utilize the department's approved extra employment time entry procedure to check in and out of extra employment assignments.

Duty to Respond and Incident Reports

When an officer is working extra employment and becomes aware of a reportable incident at that location, that officer is responsible for generating the incident report and any necessary supplements. Both incident reports and supplements shall be completed according to General Order 800-07, **Criteria for Submitting Incident Reports**. Unless otherwise approved by an HPD supervisor, incident reports and supplements shall be completed and reported to the department by the end of the extra employment hours. An officer may be required to provide an account of the circumstances that prevented the officer from meeting this requirement. Extra employment incident reports and supplements shall not be completed while on duty for HPD.

An officer who is working extra employment and needing to complete an incident report that does not involve an arrest shall do so by contacting the Emergency Communications Division, Teleserve Unit and providing the report to Teleserve personnel by dictation or by completing the incident report as stated above.

Officers are reminded that in the event an arrest is made and a **transporting officer** is utilized, the **transporting officer** shall be responsible for completing the:

- a. Original incident report.
- b. Jail initialization in the Records Management System (RMS).
- c. Charges in the District Attorney Intake Management System (DIMS).
- d. Tagging of property and/or evidence.

The extra employment officer shall complete the remainder of the report as a supplement.

If an incident involves response to resistance, the officer who made the response to resistance shall be responsible for entering a supplement report, contacting the appropriate supervisor, and completing all necessary response to resistance documentation as stipulated per departmental policy.

If an officer working extra employment is informed of an incident occurring at a location other than that of the extra employment, the officer shall inform the dispatcher and request an on-duty officer to be assigned to investigate. Officers working extra employment shall make a

supplemental report if they collect physical evidence, receive information about or from a suspect, or interview a complainant or witness.

Officers working extra employment for businesses where loud noise is an issue shall be proactive in preventing violations and enforcing the law. Officers working extra employment shall cooperate with officers responding to calls for service concerning potential violations of the noise ordinance and they shall take steps to ensure compliance with the ordinance. Officers working extra employment and found to be repeatedly allowing violations of the noise ordinance at the location may have their extra employment permit for that location revoked.

Racial Profiling

Officers working extra employment are governed by the same rules and guidelines concerning racial profiling as if they were on duty (see General Order 600-42, **Racial Profiling Prohibited**). Adequate field notes shall be maintained and racial profiling data shall be entered at the same time as the incident report.

When racial profiling data is collected during extra employment, but no incident report is required (e.g., issuing a ticket), the racial profiling data shall be entered into RMS before the officer's next regular duty shift. Extra employment racial profiling data shall not be completed while on duty for HPD. Officers shall not be compensated by the department for the time required to enter racial profiling data generated in an extra employment setting.

2 EXTRA EMPLOYMENT UNIT (EEU)

The Risk Management Division Extra Employment Unit (EEU) has primary administrative authority over extra employment including, but not limited to, permits and investigations. All provisions for extra employment, including permit application, denial, or revocation, as well as conditions that both restrict and prohibit extra employment, shall be determined and enforced by EEU.

The Risk Management Division and division and unit commanders shall perform for-cause and random extra employment inquiries for compliance with department policy.

3 PROBATIONARY AND LATERAL ENTRY POLICE OFFICERS

Probationary police officers shall not work extra employment. The restriction is waived if the probationary police officer meets *all* the below listed requirements. The probationary police officer:

- a. Is classified as a lateral entry or reinstatement officer.
- b. Was previously employed by a law enforcement agency as a peace officer and worked patrol duty for at least 12 months for that agency.
- c. Has completed the Houston Police Department's Field Training Program required for his current employment.

A probationary police officer is not permitted to work at an *alcoholic beverage establishment* unless the officer meets all the above listed requirements and the requirements outlined in section 15 of this General Order.

No probationary police officer shall be allowed to work live-on property apartment or multifamily housing security.

4 CIVILIAN EMPLOYEES

Civilian employees shall not work any police-related extra employment. Civilian employees shall not display, wear, or utilize any portion of department issued uniforms, jackets, hats, caps, or equipment at an extra employment site. Civilian employees shall not work any extra employment as a security guard, private investigator, police officer, or jailer. Civilian employees may work as dispatchers for other police agencies.

Civilian employees shall not hold a license issued by the Texas Department of Public Safety Private Security Bureau while employed with the Houston Police Department unless the employee is a Security Services Contractor holding a Class B Security Services license covering operations of a Security Services Contractor or a Private Security Consulting Company and who is employed as any of the following:

- a. An alarm instructor
- b. An alarm systems installer
- c. An electronic access control device installer
- d. A locksmith
- e. A dog trainer
- f. A manager or branch office manager
- g. A private security consultant
- h. A security salesperson

Civilian employees working extra employment shall notify the police dispatcher of any reported or observed criminal activity.

Any exception to this section requires written approval from the Chief of Police or the Chief's designee.

5 EXTRA EMPLOYMENT PERMIT NUMBERS

An extra employment permit number represents an employee's temporary authority to work extra employment. Permit numbers shall be obtained prior to working any extra employment (*temporary or permanent*).

To obtain a permit number, the requesting employee shall log into the *HPD Extra Employment System* via the department's Intranet Portal, submit the mandatory information on the *Extra Employment Permit Application* form, and obtain a permit number. If the extra employment utilizes a *third-party employer*, that employer's name shall be entered in the appropriate field of the application form. When not at work, the requesting employee shall contact his or her division and give all pertinent information to an on-duty employee. The on-duty employee shall enter that information into the *HPD Extra Employment System* so that a permit number can be obtained. If the requesting employee's division is closed, the employee may contact any other division to obtain a permit number.

If the requesting employee is unable to obtain a permit number prior to working the extra employment because the department's Intranet Portal is down, the employee shall contact a supervisor who shall document the information regarding the extra employment. When the requesting employee is able to complete the *Extra Employment Permit Application* form, the employee shall document the supervisor notification in the *Comments* field of the form.

If the requesting employee does not adhere to all of HPD's extra employment requirements and restrictions or is unable to supply all the mandatory information, a permit number shall not be issued.

6 EXTRA EMPLOYMENT PERMIT APPLICATION GUIDELINES

Prior to completing an *Extra Employment Permit Application*, employees must be in compliance with all training and qualification requirements of HPD and the Texas Commission on Law Enforcement (TCOLE). The employee must also complete all training as outlined in this General Order or as required for a specific extra employment. Specific training includes, but is not limited to, traffic control training, alcoholic beverage establishment training, police motorcycle operator course, bicycle course, and mounted patrol riding evaluation.

Prior to completing an *Extra Employment Permit Application*, employees shall review the Unauthorized Lists in the *HPD Extra Employment System*. The Unauthorized Lists include businesses and employers that are prohibited from employing police personnel. Permits shall not be submitted if the business or extra employment employer, also referred to herein as employer, appears on either unauthorized list. It is the employee's responsibility to verify that neither the business nor the employer is included on the Unauthorized Lists.

EEU shall investigate all extra employment permit applications. EEU shall not approve an *Extra Employment Permit Application* that does not meet the requirements of this or any other General Order. If the permit application is approved, the disposition status shall state *Approved* in the appropriate field. If the permit application is disapproved, the division commander of the Risk Management Division shall notify the applicant's division commander. An employee whose extra employment permit application is disapproved may appeal the action in writing to the division commander of the Risk Management Division.

Employees working extra employment at multiple locations shall request a permit number for each location at which the employee works even if the locations are owned by the same employer.

Permanent extra employment permits must be renewed by the date of expiration. All *permanent extra employment* permits shall be valid until the last day of the employee's birthday month of the *following calendar year*. An expiration date shall automatically be calculated once a permit application has been entered.

If any information in an employee's extra employment permit changes (e.g., location, name of business, person employed by, coordinator) during the life of a valid permit, the employee shall contact the Risk Management Division and have the Extra Employment Unit cancel the permit. The employee shall then complete and submit a new *Extra Employment Permit Application*.

Supervisors' Responsibilities

All supervisors shall be held accountable for monitoring the extra employment worked by employees under their direct supervision by reviewing each employee's *Extra Employment Permit Application* for compliance with department policy. Supervisors shall utilize the *HPD Extra Employment System* supervisory review process to approve or disapprove all permit applications submitted by their subordinates within ten *calendar days* following notification of the application.

If a supervisor disapproves a permit application, the supervisor shall enter the reason for the disapproval into the *HPD Extra Employment System* and notify the affected employee that the application was disapproved. The supervisor shall advise the employee of the reason for the disapproval and that the employee shall not work the extra employment until all noted problems are addressed and a new permit application is submitted.

7 REVOCATION AND SUSPENSION OF EXTRA EMPLOYMENT PERMITS AND/OR PRIVILEGES

Extra Employment Permit Applications shall be reviewed and approved or disapproved via the supervisory review process. EEU shall also review all permit applications for compliance with department policies and may disapprove or cancel applications that have already been approved by a division supervisor.

Division commanders shall temporarily suspend any previously approved extra employment permit in which an element of the extra employment violates department policy. The division commander shall document the reasons for suspending the extra employment in correspondence sent to the division commander of the Risk Management Division with a copy sent to the employee.

On-duty patrol supervisors shall monitor extra employment at *alcoholic beverage establishments* and other extra employment in their respective areas by performing periodic inspections. Supervisors have the authority to immediately suspend (temporarily) the extra employment permit of an officer who may be in violation of department policy, City ordinance, or law pending review by EEU. If a supervisory conflict occurs, a supervisor holding a higher rank shall be called to the scene.

All temporarily suspended permits shall be immediately reported to EEU. If such action is taken, the supervisor shall document the justification for permit suspension in writing to the division commander of the Risk Management Division through the supervisor's chain of command. EEU

shall then send written notice of suspension to all affected employees and their respective division commanders.

Any employee, regardless of rank, who becomes aware of infractions of this General Order or other inappropriate circumstances involving extra employment, shall immediately notify EEU. Employees shall also adhere to the requirements of reporting employee misconduct set out in General Order 200-03, **Investigation of Employee Misconduct**.

A supervisor may recommend the revocation of an employee's extra employment permit(s) if the extra employment is negatively affecting the employee's on-duty performance. The supervisor shall document the justification for permit revocation in writing to the division commander of the Risk Management Division through the supervisor's chain of command. The revocation of an employee's extra employment permit for poor productivity or due to job impact may be for any length of time deemed appropriate by the employee's division commander. The employee's extra employment permit may be reinstated only upon written request by the employee's division commander to the division commander of the Risk Management Division. Upon approval, the employee shall submit a new *Extra Employment Permit Application* for the job in question.

Anytime EEU is notified of infractions at an extra employment site or receives a recommendation for revocation of an extra employment permit, EEU shall investigate the extra employment. If it is determined the permit should be revoked, EEU shall revoke the permit and notify the affected employee via the employee's division commander.

The Chief of Police may revoke an employee's extra employment permit or extra employment privileges without any right of appeal. When the Chief of Police revokes a permit or privileges, EEU shall send written notice to the affected employee and the employee's division commander.

Any officer cited with a violation of department policy involving extra employment at an *alcoholic beverage establishment* shall not (except in the rarest of circumstances) be eligible for positive discipline. This policy is regardless of the department violation and regardless of whether the Chief of Police or a division commander issues the final discipline. Division commanders receiving requests for positive discipline under these circumstances shall seek permission from the Chief of Police before approving such requests.

Reinstatement of Privileges

When an employee's extra employment privileges have been revoked by the Chief of Police for more than 90 *calendar days*, the employee's division commander may make a written request to the Chief of Police on behalf of the employee for reinstatement of extra employment privileges after the 90th *calendar day* of the revocation period.

Division commanders should make such requests only when an employee's performance is at or near the top of the employee's division or unit productivity standards. All recommendations from division commanders require written concurrence or opposition from the employee's assistant chief and executive assistant chief prior to submission to the Chief of Police.

In the event the Chief of Police elects to reinstate an employee's extra employment privileges, the employee's division commander, assistant chief, and executive assistant chief shall review the employee's productivity every 90 *calendar days* until the original revocation period has

expired. Each 90-*calendar-day* review shall be forwarded to the Chief of Police through the chain of command.

8 LIMITATIONS

It is possible for employees to agree to work an extra employment without first receiving all the facts of the job, or situations may occur after an agreement to work has been made and approved (e.g., extra employment at an *alcoholic beverage establishment* turns into a *rave* event). If any of the following situations exist, occur, or become known to the employee, the employee shall immediately resign from the extra employment and contact EEU with the details.

Extra Employment Permit Applications shall not be approved and existing permits shall be cancelled if:

- a. A department work hour limit will be exceeded. All employees shall operate under the same department policy regarding maximum work hours as described in General Order 200-26, **Workday and Workweek**.
- b. The employee fails to meet the training or qualification requirements of TCOLE or the department, or as required for a specific type of extra employment.
- c. Any portion of the extra employment is during the employee's assigned shift or on-duty hours and no authorized leave is taken.

Classified employees may use approved leave time to work extra employment. However, officers may not take time off due to a personal illness or injury and subsequently work extra employment. See General Orders 300-09, **Absence from Duty – Classified** and 300-05, **Workers' Compensation**, for additional limitations.

Civilian employees may use any accumulated leave hours except wellness leave or sick leave hours to work extra employment. See General Order 900-01, **Absence from Duty – Civilian** for additional limitations.

In addition, employees shall not work extra employment during normal duty hours while on paid funeral leave.

- d. There is insufficient or inappropriate travel time between the beginning or end of the employee's scheduled shift and the beginning or end of the scheduled extra employment. The minimum travel time gap shall be no less than 15 minutes.
- e. As a normal practice to working *permanent extra employment*, the employee makes shift adjustments, takes authorized leave, or creates a pattern of taking leave.
- f. The job is police-related and the officer is suspended, relieved of duty, on transitional duty, taking injury leave, or has been otherwise prohibited by the department from working police-related extra employment.
- g. The business allows wet T-shirt or bikini contests, lingerie shows, or topless, bottomless, or nude performers (male or female) to appear on the premises.

- h. Requirements imposed on the business by licenses or permits or other regulations are not complied with by the business during the extra employment hours, or the business has been found to be consistently or frequently in violation of state or federal law or City ordinance.
- i. The business or employer is of questionable reputation as determined by EEU or General Order 200-08, **Conduct and Authority**.
- j. The location or nature of the extra employment is considered by EEU to be controversial (e.g., labor dispute, civil dispute, or the serving of civil process).
- k. The job is police-related and the work location is considered foreign territory (e.g., an embassy or consulate).
- l. The employee's extra employment permit has been temporarily suspended or revoked.
- m. The business or employer expects the officer to enforce any *house rules*.

NOTE: Officers, whether on duty or while working extra employment, addressing situations on government owned or leased property and involving persons licensed to carry a handgun, shall not exclude a person licensed to carry a handgun from the property or portion of the property unless a specific criminal violation has been committed. Officers are advised that a vendor or entity using a government owned or leased property may place signs or take actions to prohibit license holders from carrying a handgun on the property, but the license holder doing so would not constitute a criminal violation.

- n. The business or employer restricts the employee from areas that have public access.
- o. The business is an *alcoholic beverage establishment* as defined by this General Order and any of the following are true:
 - 1. Less than two uniformed classified officers are working at the location at the same time.
 - 2. The business is located outside of the city limits of Houston.
 - 3. The employee is assigned to any of the following: Vice, Narcotics, Gang, or Criminal Intelligence divisions.
 - 4. The employee does not possess a valid extra employment *Alcoholic Beverage Establishment Permit*. (See section 15 of this General Order.)
 - 5. The employee has not received training in the operation of the department's body worn cameras. (See section 15 of this General Order.)
 - 6. The establishment is considered an after-hours club.
- p. The business is involved in playing bingo, unless the business is licensed in accordance with the Bingo Enabling Act.

When submitting an *Extra Employment Permit Application* at these establishments, the employee shall include the establishment's bingo license number in the appropriate field of the application.

- q. The business is involved in gambling, unless sanctioned by state law. This includes poker rooms, card houses, or any business or place that has on its premises an eight liner or other gambling device as determined by EEU.
- r. The business or employer is being investigated by the City Attorney's Office for violation of the nuisance abatement ordinance and the city attorney handling the case recommends that employees not be allowed to work at the location.
- s. Any employee of the business or employer refuses to cooperate with any active investigation.
- t. The business or employer requires the employee to sign any type of hold harmless indemnity agreement as a condition of employment. An agreement of this type could hold the employee responsible for the employer's attorney's fees and litigation expenses should the employer be sued.

NOTE: Employees shall submit *any and all* extra employment contracts or agreements to EEU for approval prior to signing such documents.

- u. The business or employer utilizes or employs reserve or full-time unpaid peace officers in a law enforcement capacity.
- v. The extra employment has the employee serve as an expert witness in any matter investigated by the City or any department or agency of the City, or any government agency, or for the defense in any criminal case. Government agency includes any law enforcement agency, any municipal or county department, any school district or state-funded university, etc. This restriction is waived if the employee's testimony is given on behalf of the City of Houston or at the request of the prosecuting attorney. See General Order 300-25, **Court Attendance and Compensation**.
- w. The business is a rave or rave type event.
- x. The business or employer *requires* the employee to utilize location services via an application ("app") or other tracking program via the employee's *personal* device (e.g., cellular telephone). Employees may use an app while at the extra employment location provided that any tracking feature in the app, such as location access, is set to either "never" or "allow only while using the app." Such apps shall be closed when not in use.

9 RESTRICTIONS

On-duty officers shall not go to any location where they work extra employment unless either of the below exceptions applies:

- a. The officer is dispatched to a call for service at a location where the officer also works extra employment off duty.

- b. The officer is directed by a supervisor to go to a location in the performance of the officer's official duties where the officer also works extra employment off duty.

If an officer is directed by a supervisor to go to a location where he works in an extra employment capacity and it is not related to a call for service (e.g., directed patrol, alert slip), the officer shall immediately inform the supervisor that he works at the location in an extra employment capacity.

Additionally, employees shall not:

- c. Work as a traffic control officer for any entity that does not have and is required by City ordinance to have a Traffic Control Personnel Permit.
- d. Work extra employment that EEU has determined is not in the best interest of the department.
- e. Own any interest in an *alcoholic beverage establishment*, poker room, card house, or any business with an eight liner or other gambling device.
- f. Obtain or possess a "Class A Investigation Company" license or a "Class C Combination of Investigation & Security Contractor" license issued by the Texas Department of Public Safety Private Security Bureau.
- g. Be employed by any business or individual that holds a license issued by the Texas Department of Public Safety Private Security Bureau unless any of the following applies:
1. The officer is providing security for only a business and not protecting an individual private investigator on an assignment.
 2. The employee does not participate, or give the appearance of participating, in the investigative component of an investigation of any business, entity, or individual. For example, the employee shall not in any way assist, aid, or accompany a private security investigator or a private security employee in the furtherance of an investigation.
 3. The employee is a Security Services Contractor holding a Class B Security Services license covering operations of a Security Services Contractor or a Private Security Consulting Company and is employed as any of the following:
 - a) An alarm instructor
 - b) An alarm systems installer
 - c) An electronic access control device installer
 - d) A locksmith
 - e) A dog trainer
 - f) A manager or branch office manager
 - g) A private security consultant

- h) A security salesperson
- 4. The business is a medical care facility operating an electronic emergency response system designed to detect and summon aid for medical emergencies. However, employees shall not have any duties connected with the operation of the emergency response system.
- 5. The employee is performing only nonpolice-related tasks.
- h. Solicit or advertise for police-related extra employment. Officers shall not submit security proposals or extra employment contracts without approval by EEU. Officers shall not form businesses under assumed names, Doing Business As (DBA) names, companies, or corporations for purposes of police-related extra employment.
- i. Use department vehicles during the normal performance of extra employment. Employees may drive their take-home vehicles to and from extra employment and may, for example, use their take-home vehicles for protection from the weather; but employees shall not use a department vehicle for patrolling or driving around an extra employment site.
- j. Use another law enforcement department's marked vehicle while working extra employment (e.g., Harris County Sheriff's Office, Fort Bend County Sheriff's Office, Bellaire Police Department).
- k. Work *alcoholic beverage establishments* while under investigation regarding activities related to the drinking establishment pending review by the commander of Internal Affairs Division.
- l. Work extra employment for an automobile storage lot or automobile auction.
- m. As a patrol commander or Downtown Division commander, coordinate or work any extra employment within their area of responsibility.
- n. Work extra employment that includes labor disputes, protests, or demonstrations. In addition, employees shall not work extra employment that promotes or advocates unlawful activities.

10 SALARY AND BENEFIT RESTRICTIONS

Employees shall not work any extra employment for compensation or as a courtesy while on duty for HPD. Furthermore, an employee is prohibited from working on duty at any time in which he is scheduled to work extra employment that is compensated on a minimum show-up time basis and the employee does not work the entire minimum show-up time period. In other words, an employee cannot be compensated by the department for any time period that the employee is compensated by an extra employment employer including, but not limited to, a minimum show-up time period.

Benefits, workers' compensation, public liability, or legal representation provided by the City of Houston may not be available to employees while working extra employment. Workers' compensation may not be available to employees who work extra employment and fail to obtain a permit number prior to working. Employees are advised to determine what coverage is available from their extra employment employers.

11 CITY-OWNED PROPERTY

Use of City vehicles by employees while engaged in extra employment is prohibited. See section 9, *Restrictions*, item (i) of this General Order for clarification.

Except as otherwise noted in this or other General Orders, City property shall not be used in the performance of extra employment unless approved in writing by the officer's commander.

Exceptions to this rule are:

- a. Officers working police-related extra employment shall wear their department issued *official classified uniform*, body armor, and radio and required gear, and shall comply with department regulations concerning personal appearance. See General Order 300-15, **Appearance and Grooming Standards**.

Officers working police-related extra employment may wear *special assignment uniforms* only as outlined in General Order 300-15, **Appearance and Grooming Standards**. Officers who wish to work police-related extra employment in attire other than the *official classified uniform* shall first receive authorization from their division commander, who should consult with the Extra Employment Unit. This supervisory approval shall be included in the *Comments* section of the *Extra Employment Permit Application*.

- b. Officers working police-related extra employment in uniform shall use a body worn camera if one has been issued to them. Classified employees are required to wear a department issued body worn camera while working at an *alcoholic beverage establishment*. See also section 15 of this General Order and General Order 400-28, **Body Worn Cameras**.
- c. Officers working uniformed police-related extra employment may use any optional gear that is department approved for use with the *official classified uniform* (e.g., necktie, outerwear). See General Order 300-15.

Employees shall not use the City email system for personal business endeavors. This includes, but is not limited to, coordinating extra employment, seeking to work extra employment, or seeking any person to work extra employment. Employees are also reminded that there is no expectation of privacy in the use of the City's email system and the department reserves the right to inspect all emails at any time.

12 EXTRA EMPLOYMENT COORDINATORS AND STAFFING

Coordinators

An *extra employment coordinator* shall be a person who serves as an administrative liaison between the extra employment employer and the officers who provide a police service. That coordinator's name shall be entered in the *Coordinate Officer* field on the *Extra Employment Permit Application*. Coordinators shall not accept payment for work performed by other officers or pay officers working for the employer. This prohibition shall not apply to officers working for a properly licensed guard company.

Each officer shall be paid directly and individually by the employer as an employee or individual contractor, unless the officer has been hired by a properly licensed guard company. Extra employment coordinators shall not exercise hiring and firing authority over officers working for the employer. Only the employer may hire and fire officers.

Coordinators shall not arrange for the services of any higher-ranking supervisor in their chain of command to supervise or work extra employment. Coordinators may arrange for the services of supervisors who are not in their chain of command or who hold an equal rank or lower to work extra employment.

Coordinators may supervise extra employment provided they hold the rank of sergeant or higher. No coordinator who is an extra employment supervisor shall exercise authority over an officer holding a higher rank. While coordinating extra employment, coordinators shall adhere to the department's policy regarding maximum work hours as described in General Order 200-26, **Workday and Workweek**.

Officers who coordinate extra employment shall list themselves as the coordinator on their *Extra Employment Permit Applications*.

Staffing Requirements

When an HPD classified employee engages in extra employment and six or more law enforcement officers, regardless of agency of primary employment, are simultaneously engaged in extra employment at the same location, one of the six must be an HPD supervisor who holds the rank of sergeant or higher and that supervisor must be present at the extra employment site at all times.

When an HPD classified employee engages in extra employment and 12 or more law enforcement officers, regardless of agency of primary employment, are simultaneously engaged in extra employment at the same location, one of the 12 must be an HPD supervisor who holds the rank of lieutenant or higher and one must be an HPD supervisor who holds the rank of sergeant or higher. Both supervisors must be present at the extra employment site at all times.

An assistant chief may grant exceptions to the above staffing requirements.

If EEU determines the number of officers or supervisors needed to work a location or an event is insufficient to ensure both officer and public safety, EEU shall stipulate how many officers and supervisors shall be present. The permit application shall be denied if the number of officers or supervisors is not adjusted to meet EEU's stipulation.

13 MILITARY LEAVE

Employees who have active extra employment permits and who are called to active military duty shall immediately notify EEU of the date they are to report for active duty. EEU shall cancel all of the employee's extra employment permits effective that date. Employees who have reported for active military duty shall not work any extra employment.

14 POLICE-RELATED EXTRA EMPLOYMENT OUTSIDE HARRIS COUNTY

Officers may work police-related extra employment only within the boundaries of Harris County and the following adjacent counties: Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, and Waller. For possible exceptions regarding motorcycle escorts see section 19 of this General Order and contact the Solo Motorcycle Detail.

Prior to working police-related extra employment in areas outside of Harris County, officers shall notify the highest-ranking law enforcement official in that jurisdiction. When entering these *Extra Employment Permit Applications* via the Intranet, the official's name, title, and telephone number, and date of notification shall be placed in the appropriate field before submitting the application for approval.

Officers are reminded that police-related extra employment at an *alcoholic beverage establishment* outside the city limits of Houston is strictly prohibited.

If an officer becomes aware of a crime while working outside the city limits of Houston, the officer shall report the crime to the law enforcement agency having jurisdiction and assist that agency in completing their on-scene investigation as required.

15 POLICE-RELATED EXTRA EMPLOYMENT AT ALCOHOLIC BEVERAGE ESTABLISHMENTS

Any classified employee seeking to work police-related extra employment at an *alcoholic beverage establishment* (ABE) shall first successfully complete the department's extra employment alcoholic beverage establishment class and be trained in the operation of the department's body worn cameras. Classified employees are required to wear a department issued body worn camera while working at an *alcoholic beverage establishment*.

The body worn camera training shall be completed while on duty. The department's extra employment ABE class can be accessed through the City of Houston Talent Management System (TMS) and shall be completed off duty. Officers who successfully complete the training shall contact EEU to be issued an extra employment *Alcoholic Beverage Establishment Permit*.

Officers are required to be in possession of an extra employment ABE permit receipt or card while working police-related extra employment at an approved *alcoholic beverage establishment*. The address of the location must be within the city limits of Houston. See sections 8 and 9 of this General Order for additional limitations and restrictions.

Officers working extra employment at an *alcoholic beverage establishment* shall ensure that the establishment has the required permits to run its operations. Officers working extra employment shall cooperate with all investigators assigned to check those permits and conduct inspections as necessary. Officers working extra employment at an *alcoholic beverage establishment* and having knowledge of missing permits or permit issues shall notify the Extra Employment Unit.

16 EXTRA EMPLOYMENT AT MEDICAL CLINICS AND PHARMACIES

Employees may work extra employment at medical clinics only when a licensed medical doctor is on site during the hours that the employee is present. Employees shall include the doctor's name and contact information on their *Extra Employment Permit Application*.

Employees shall not work extra employment at a medical clinic or *pharmacy*:

- a. That operates on a cash only basis or that does not accept payment from health insurance carriers.
- b. At which the employee receives payment for, handles, or distributes any prescription drugs unless the employee is a licensed pharmacist or pharmacist technician.

The above restrictions do not apply to hospitals, nor do they apply to medical clinics that are operated by health maintenance organizations unless any part of the clinic operates as a *pain management clinic*.

Officers approved to work police-related extra employment at medical clinics or pharmacies shall do so only in a uniformed capacity. Such officers should become familiar with the Texas State Board of Medical Examiners definition of what constitutes a pain management clinic and the necessary rules and regulations that apply to a pain management clinic. If officers are unsure or become aware of a medical clinic, *pharmacy*, or other location that is in the business of only issuing prescriptions for or dispensing controlled substances such as hydrocodone (sold under the trade name of Norco) or oxycodone (sold under the trade names of Oxycontin and Roxicodone) with no other modalities of treatment provided on site, they shall notify a member of the HPD Narcotics Division Pharmaceutical Investigation Squad.

17 EXTRA EMPLOYMENT INVOLVING TRAFFIC CONTROL

Police officers who work or coordinate traffic-related extra employment within the city limits of Houston shall complete required training prior to performing or coordinating traffic control duties. Officers shall complete this training while off duty. Upon completion of the training, the officer shall contact EEU to be issued a traffic control training receipt or card, which shall be carried on the officer's person while engaged in traffic-related extra employment.

18 EXTRA EMPLOYMENT AT APARTMENT OR MULTIFAMILY HOUSING PROPERTIES

Providing security for an apartment or multifamily housing property is police-related extra employment as defined in the *Definitions* section of this General Order. This definition applies whether or not there is a written contract or agreement between the officer and the business or employer. If the police officer is not receiving a benefit or is not working in a police-related capacity, the officer is still responsible for adhering to the guidelines in this General Order.

Officers conducting foot patrols of apartment or multifamily housing properties shall do so wearing their department issued *official classified uniform*. This requirement does not apply to live-on property officers walking to and from their vehicles.

Copies of all proposals, contracts, or written agreements, if any, pertaining to the officer's extra employment, excluding standard lease agreements, shall be sent to the Extra Employment Unit for review.

Officers working security for an apartment or multifamily housing property shall not do any of the following for the business or employer:

- a. Conduct plainclothes or undercover investigations or operations
- b. Collect rent or exercise baggage liens
- c. Serve eviction notices
- d. Enforce swimming pool closing rules
- e. Authorize private property towing of vehicles
- f. Perform maintenance duties

Prior to submitting an *Extra Employment Permit Application* to work apartment security, classified employees shall check the *HPD Extra Employment System* to determine if the property is on the Forfeiture Abatement Support Team (F.A.S.T) Property or Remedial Action Property list. If a property is on either list there shall be two officers wearing the *official classified uniform* on site and working together at all times.

19 EXTRA EMPLOYMENT PERFORMING MOTORCYCLE ESCORTS

The Solo Motorcycle Detail of the Traffic Enforcement Division has the responsibility for training officers who request to work extra employment performing motorcycle escorts. Additionally, the Solo Motorcycle Detail is responsible for inspecting those officers' motorcycles and related uniform and equipment items to ensure compliance with department requirements.

The department shall not furnish motorcycle or motorcycle related equipment or uniform items to "non-assigned" officers (officers who are not assigned to the Solo Motorcycle Detail). "Non-assigned" officers who request to work extra employment motorcycle escorts shall present their motorcycle and related uniform and equipment items for inspection annually to the Solo Motorcycle Detail. Once the inspection is completed and passed, a copy of the inspection form signed by a Solo Motorcycle Detail supervisor shall be provided to the officer. The "non-assigned" officer must provide this inspection form to EEU prior to any extra employment motorcycle escort being approved.

The Solo Motorcycle Detail shall provide EEU, on an annual basis, a copy of the driver license, insurance, and proof of the motorcycle's state inspection for each officer who works extra employment motorcycle escorts, including "non-assigned" officers.

The Solo Motorcycle Detail shall maintain written policies and procedures, approved by their assistant chief, for extra employment motorcycle escorts. The Solo Motorcycle Detail shall make these policies and procedures available to all officers applying for extra employment permits to

perform motorcycle escorts. These policies and procedures shall include, but shall not be limited to:

- a. Motorcycle, equipment, and uniform requirements.
- b. Driver license and insurance requirements.
- c. Training requirements.
- d. Procedures for completing the *Extra Employment Permit Application*.
- e. EEU documentation requirements.
- f. Limitations regarding locations where off-duty motorcycle escorts may be conducted, including any specific authorizations required.
- g. City of Houston ordinance governing escorts.
- h. Restrictions regarding *escorts of convenience*, including any specific authorizations required.
- i. Requirements and restrictions regarding the use of *private solo coordinators*.

Prior to applying for or conducting an extra employment motorcycle escort, an officer shall ensure copies of his current driver license and insurance are on file with EEU. Officers shall submit new copies to EEU upon renewal of these documents.

Officers shall consider the surrounding traffic and road conditions and shall use sound judgment when performing motorcycle escorts.

Officers working extra employment motorcycle escorts shall be familiar with and comply with all laws and ordinances regarding motorcycle escorts. Additionally, officers shall be familiar with and comply with all applicable Solo Motorcycle Detail written policies and procedures regarding extra employment motorcycle escorts.

20 EXTRA EMPLOYMENT AS BICYCLE PATROL

Police uniform, bicycle, and equipment requirements for extra employment as a bicycle patrol officer are the same as those for officers assigned to Downtown Division's Bicycle Administration and Training Unit (BATU). EEU and BATU shall make uniform requirements and bicycle specifications available to officers applying for extra employment permits as bicycle patrol officers.

Officers shall successfully complete BATU's 8-hour Bike Orientation and the 32-hour basic Bike Certification course to be eligible to work extra employment as a bicycle officer. A BATU supervisor or trainer shall inspect the officer's personal bicycle to be used during the extra employment to ensure compliance with this General Order. A copy of the inspection form signed by a BATU supervisor or trainer shall be given to the officer to provide to EEU. The use of City of Houston owned bicycles while working extra employment is strictly prohibited.

Officers operating approved bicycles while working extra employment shall wear a helmet at all times.

EEU shall ensure each officer requesting a permit for off-duty bicycle patrol work has provided EEU with verification of successful completion of the 8-hour Bike Orientation and the 32-hour Bike Certification course and a copy of the signed *Bicycle Inspection* form (available at BATU).

21 EXTRA EMPLOYMENT AS MOUNTED PATROL

All horse, equipment, and uniform requirements for extra employment as mounted patrol officers are the same as those for officers assigned to Special Operations Division's Mounted Patrol except for the following:

- a. Only officers assigned to Mounted Patrol shall be allowed to wear Mounted Patrol assignment pins.
- b. Saddle and tack shall be conservative in appearance, black or brown in color, and in good repair. Saddles may be Western, modified Western, or English style.

Mounted Patrol shall make horse, equipment, and uniform requirements available to officers applying for extra employment permits as mounted patrol officers. The department shall not furnish a horse or mounted-related specialized equipment or uniform items to employees who are not assigned to Mounted Patrol.

Officers wanting to work mounted patrol extra employment shall present their horse, equipment, and uniform for initial inspection and testing at Mounted Patrol. Once the inspection and riding test are successfully completed, a Mounted Patrol supervisor or instructor shall provide the officer a copy of the signed evaluation form. This evaluation form shall be provided by the officer to EEU for filing prior to any mounted patrol extra employment being approved. Separate evaluation forms are required for each horse to be used in mounted patrol extra employment.

EEU shall ensure each officer requesting a permit for off-duty mounted patrol extra employment has provided EEU with an up-to-date copy of the completed evaluation form from Mounted Patrol.

22 EXTRA EMPLOYMENT AS POLYGRAPH EXAMINER

Employees holding a license as a polygraph examiner may work extra employment as a polygraph examiner only for law enforcement agencies or judicial prosecutors. A completed *Acknowledgement of Receipt of Policy Regarding HPD Employees Who Are Licensed Polygraph Examiners* form (available at EEU) shall be on file with EEU prior to working the extra employment. Specific information as to the employee's duties shall be placed in the appropriate field of the *Extra Employment Permit Application*.

23 EXTRA EMPLOYMENT AS ATTORNEY

Before engaging in private law practice, regardless of remuneration, all employees as attorneys shall submit a one-time, original completed *Acknowledgement of Receipt of Policy Regarding*

HPD Employees Who are Licensed Attorneys form (available at EEU) to the Risk Management Division. Also, all such employees shall submit and have an approved extra employment permit on file with EEU.

Employees as attorneys shall not represent, directly or indirectly, any person, group, or interest in any action, proceeding, or litigation:

- a. Arising out of any complaint of employee misconduct investigated by any division or employee of the department.
- b. Against the City of Houston or any department or agency of the City, or in any dealings in which the City is a party.
- c. In any criminal proceeding.

24 PHASE DOWN PROGRAM (PDP)

Officers in Phase Down Program (PDP) option A or B are permitted to obtain extra employment of a police-related or nonpolice-related nature. Extra employment shall require approval by the department and shall be in accordance with the General Orders. Officers entering PDP option A or B shall have EEU cancel all existing extra employment permits, and the officers must submit new permit applications for any and all extra employment.

Officers in PDP option A or B shall see General Order 300-35, **Phase Down Program**, and the current Meet and Confer Agreement for additional information and limitations regarding extra employment.

All PDP officers working extra employment shall adhere to the requirements and restrictions outlined in this and all other General Orders as well as all other department policies.



Art Acevedo
Chief of Police