

**THE BILL BLACKWOOD  
LAW ENFORCEMENT MANAGEMENT INSTITUTE**

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**EXTRA EMPLOYMENT POLICIES IN TEXAS  
LAW ENFORCEMENT**

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A Policy Research Project  
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## **ABSTRACT**

It is well documented and generally accepted that police officers' salaries are low compared to other industries. The low salaries almost mandate that most police officers have to work extra jobs to make ends meet and provide for their families. Police departments have the responsibility to manage their people in such a way as to allow the officers the ability to work extra jobs but still maintain the proper discipline and ensure the dignity and reputation of the department is maintained. Extra job policies which address the concerns of the officers, the community, and the department must be in place. The research study was conducted with local police officers and a random sample of officers from across the state of Texas who work in municipal, county, and state law enforcement agencies. A review of the data indicates most agencies have some type of extra job policy; however, there was no set standard among those surveyed. Some allowed officers to work outside their respective jurisdictions which can be a liability when there is an error or unlawful situation. Most agencies allow the use of departmental issued equipment such as uniforms, radios, and vehicles, but others do not. This study will provide the key issues to be considered when implementing a written policy concerning extra jobs or when contemplating making revisions to existing policies.

## TABLE OF CONTENTS

	Page
Abstract	
Introduction . . . . .	1
Review of Literature . . . . .	3
Methodology . . . . .	9
Findings . . . . .	11
Discussion/Conclusions . . . . .	11
References . . . . .	14
Appendix . . . . .	16

## **Introduction**

Extra employment is a fact of life for many police officers. There are numerous motivating factors for officers to work extra jobs and for the community to hire the officers. In order to meet these needs and minimize liability to police departments, extra job policies are put in place. There is no state mandated extra job policy in Texas. The implementation of a written policy is the responsibility of local law enforcement agencies; thus, there is a lack of consistency throughout the state. The purpose of this paper is to present critical issues that should be addressed in order for every agency to have a uniform set of standard issues to consider when formulating its policy.

In order to identify critical issues related to extra-employment, the needs of the officers, community, and department must be identified. Once these concerns are identified, the research question becomes, what are the key issues that must be addressed by a department when formulating its extra job policy.

Most of the reasons officers work extra jobs are obvious, including what seems to be the primary reason, money. There is no lack of consensus that police officer salaries are low. Even Former New York City Mayor, Rudolph Guiliani once commented that officers work weeks leave times for extra jobs and admitted that at all salary levels, working two jobs was not uncommon (Fay, 1996). Hackney (2002) noted several reasons officers work extra jobs including being able to afford luxuries like boats, motorcycles, motor homes, and even college tuition for their kids.

A survey of members of LEMIT Module II, Class 57, indicated officers worked extra jobs for the following reasons: “to survive,” “we are as poor as church mice,” “low salaries,” “for disposable income,” and “make ends meet - improve quality of life” (Table 1).

There are also negative aspects to working extra jobs. The members of LEMIT Module II, Class 57, listed numerous problems associated with working extra jobs including long hours, dependency on extra money, placing a higher priority on the extra job than their primary job, fatigue, too much time spent away from family, burn-out, family problems, and being tired on the regular job (Appendix 1 - Table 2).

Some officers may face the added stress of wrestling with the issue of whether to uphold the laws that prohibit minors from drinking and impose strict occupancy limits on business which could be in conflict with his off-duty employer. Officers may face the temptation (and stress) of looking the other way (Stuchinsky, 2001).

Officer R. Thomas Jr. is an Atlanta officer and says he works extra jobs for the money. Some of the extra jobs he works are theaters and city housing projects, but he works any extra job he can get. Officer Thomas believes he could survive financially without the extra jobs, but working them gives him the money to afford extras, and eliminates living hand -to-mouth (Visser, 2004).

Some psychologists believe that, “security related jobs increase stress levels dramatically. Some of the physical and psychological problems that have been associated with stress, shift work, lack of exercise, and poor dietary habits are heart disease, elevated colon cancer, increased risk of Hodgkin’s disease and leukemia, and elevated risk of suicide” (Violanti, n.d.).

Visser (2004) reported that some officers wanted to work fewer extra jobs to spend more time with their families, while others said jobs nearly doubled their income and they would keep working them regardless of their police salaries.

Addressing the community needs, officers are often hired by apartment complexes for security. Additionally, high traffic venues like malls and school functions provide opportunities

for extra jobs. Having a uniformed officer visible to potential violators hopefully suppress any criminal activity and prevent crimes from occurring. Even if the crime is not prevented, apprehending violators may be easier since the officer will be close at hand (Alabama League of Municipalities, 2001). Traffic control at churches and construction sites, providing escorts for funerals, and crowd control at large events provide opportunities for extra jobs (Burden, 1989).

Some businesses, particularly nightclubs, prefer “off duty” officers rather than security guards. At least one San Jose nightclub owner is willing to spend extra money to hire off duty police officers because he believes people react differently to officers (Stuchinsky, 2001).

### **Review of Literature**

Most police departments have a commitment to their officers and endeavor to be progressive. While recognizing the needs of the officers and the community create the issue of extra employment, it follows that certain liabilities are created for to the department when officers work extra jobs.

“Because officers are expected to be on-duty 24 hours a day, they may be called upon to act in their official capacity at any time....When an off-duty officer is called upon to act in an official capacity, they become a municipal representative, and ... the municipality becomes liable for any negligent action the officer may take” (Alabama League of Municipalities, 2001, pp. 1-2). This is an issue that must be considered when formulating a policy regarding extra jobs or even a policy allowing extra jobs.

In addition to other liabilities, the American Civil Liberties Union (ACLU) maintains cities must bear responsibilities for off-duty misconduct because they have trained and equipped these officers to do violence as part of their job, and therefore must be held accountable if that violence spills outside the bounds of the public interest (Henson, 2001). The ACLU cites the

example of an Austin Police Officer who got drunk on his day off and visited his estranged wife in violation of a protective order. He ultimately fired his city-issued service revolver. No one was injured. However, the ACLU maintains that if someone had been injured or killed, the city would have been liable for equipping him with a gun and not training him well enough to ensure it wouldn't be used in a destructive way (Henson, 2001). This logic extends to officers working extra duty jobs and creates additional liability for the city.

Numerous sources of research have been used in preparing this paper including journals, internet articles, surveys, and various police department policies. These sources provided support and direction in developing recommendations to Texas law enforcement agencies, and have illuminated issues that are sometimes overlooked when formulating policies.

One recurring issue is whether or not the officer is covered by insurance when working an extra job. There are many thoughts about this issue, and Weinblatt (1999) quotes Ron Delord, president of the Combined Law Enforcement Association of Texas (CLEAT), as saying, "We went to the (Texas) state legislature and clarified that an out of jurisdiction injury comes under worker's comp, whereas an in jurisdiction carries full benefits." A review of the Mesa Arizona Police Department's off duty hiring process also specifically addresses this issue. Persons or businesses wishing to hire off duty officers are referred to as a contractor. The policy states the contractors are required to carry workers compensation coverage and they must provide proof of the policy to the department (Mesa, 2001).

There was no scarcity of research on the issue of discipline for incidents arising during off duty assignments. There should be no doubt officers who violate department policies and procedures when working extra jobs can and should be disciplined. A review of an article by Michael Marmo (1986, p. 102) quotes Harry Shulman concerning the appropriateness of

management to impose disciplinary actions on employees for off-duty behavior. Shulman states, “The point is that the jurisdictional line which limits the company’s power of discipline is a functional, not a physical line. It has power to discipline for misconduct directly related to the employment.” Although this issue was raised over 40 years ago it is still valid. The police officers working extra jobs are bound by the same rules as “on-duty” employees and can be disciplined as such. Marmo (1986, p. 107) also states, “When a police officer is seen by residents, in uniform, the image of the city is reflected by his appearance.” The same principles apply whether the Police Officer is on active duty or earning extra money in an off duty job. So long as he occupies a position in which his status as a police officer is the governing factor, he must be judged in that fashion.

A review of the Atlanta Police Department’s Public Affairs Unit Media Advisory dated February 14, 2004, further emphasizes this issue. According to Atlanta’s Chief Pennington, a seven month administrative investigation into the activities of fifty five employees lead to disciplinary actions for violations of failure to obtain extra job permits, failure to conform to the limit of permissible hours to work extra jobs, failure to supervise, failure to take appropriate action, truthfulness, and unsatisfactory performance (APD, 2004).

Misconduct associated with extra jobs, but not on extra jobs can also be a problem. One department in Tennessee was forced to discipline an officer for “brokering off-duty employment for police officers, using police department computers and e-mail to solicit officers to work off-duty jobs, unauthorized use of the police department’s internal mail system to send out and receive information related to off-duty employment, failing to devote his entire work time to duty by making and receiving telephone calls related to off-duty employment, and for working an off-duty police related job without permission” (NPD, 2000, p. 1).



Another issue addressed in the literature is the type of extra employment which should be allowed. According to Burton (1997), officers should not be allowed to accept jobs that would threaten the status of dignity of law enforcement such as dispensing alcoholic beverages, employment at businesses engaged in pornography, working for owners convicted of a felony or where obvious illegal activity exists. Additionally, Burton (1997) suggests that jobs should not be permitted that could pose a conflict of interest such as process server, debt collector, taxi cab driver, private investigator, wrecker driver, or any job that would require the use of department or confidential information.

The very nature of some extra jobs such as working bars or clubs has the propensity to escalate into physical confrontations. By prohibiting employment at this type of business the liability issued is lessened somewhat (WPD, 2003).

The debate of uniform or no uniform is a topic of debate among law enforcement professionals (Stuchinsky, 2001). According to the Mesa Arizona Police Department policy and the Webster Police Department policy, off duty jobs will be worked in uniform unless otherwise approved by the Chief of Police. Burton (1997) states that officers engaged in extra-jobs should be required to wear the department's uniform. Some departments allow officers to wear their uniform if the department is the clearing house for the extra employment. However, if the private entity contracts directly with the officer, the officer may not wear his police uniform (Weinblatt, 1999).

The research indicated that some agencies allow officers to work only within their jurisdictional boundaries while other agencies do not set jurisdictional limitations on extra jobs. For instance, the Clearwater, Florida policy states, "All extra-duty police services provided by Clearwater Police must be within the Clearwater city limits" (CPD, 2002, p. 1).

Finally, the number of hours an officer is permitted to work was discussed in much of the literature and it is clear that police officers should be rested and alert when working and must be able to react quickly (Diamond, 2001). In order for the department to be sure that officers are fresh and ready to do their jobs, the number of hours needs to be restricted. Officers desiring to work hours above what is allowed may abuse their sick time. It was noted that in some instances, officers called in sick then worked their extra jobs. They collected money for being sick and money for working an extra job. Additionally, when the officer called in sick, another officer may be called in to replace him (at an overtime rate) or the shift might be understaffed (Diamond, 2001). One way the department might regulate this abuse is to prohibit working extra jobs until an officer returns to regular duty.

The purpose of this research is to assist Texas law enforcement agencies in identifying issues to address when formulating extra job policies. It is hypothesized while most agencies policies are modern and progressive, there are many areas left undressed. Research has indicated that some of the key issues that should be addressed are: 1) what types of jobs are permitted, 2) jurisdiction, 3) insurance, 4) discipline, 5) notice, 6) eligibility, 7) permissible hours, and 8) use of uniforms, vehicles, and equipment.

The surveys of officers provided ideas that were not addressed in many articles. A survey questionnaire was provided to twenty officers in the Webster Police Department. Twelve officers (60%) responded. Specifically, officers of the Webster PD voiced an opposition to the policy as it stands. They recommended changes that officers should be allowed to work outside their jurisdiction, and to change the unwritten procedure of bidding for the extra-jobs. The consensus among the officers was that a rotation system would be more equitable. One officer commented that the officers on the low end of the wage scale are the officers on the low end of

the bidding war.

Table 1 - Survey of Officers of the Webster Police Department

<b>Primary Reasons for Working Extra Jobs</b>	<b>Problems with Working Extra Jobs</b>	<b>Agree/Disagree with Current Policy</b>	<b>Recommendations for Changing Current Policy</b>
earn extra cash for vacation & save for an emergency	unable to be at home with family	agree with some parts and disagree with others	some extra jobs should be placed on a permanent basis: i.e. no weekly signup. Department seniority should be used for signups as opposed to rank
extra spending money and to keep debts low since the police income is low	long hours and lack of being actually "off" on the normal days off	disagree with current policy	allow extra jobs outside of the City and allow officers to work at nightclubs in the City
supplement the police income	no problems	disagree with current policy which deals with missing a scheduled extra job equates to possible department discipline	allow extra jobs outside the City & for the department to be less involved in extra jobs
supplement police income	employers wanting officers to enforce "house rules" that do not violate any law	agree for the most part	allow officers to work extra jobs outside the City
extra income	cannot use City vehicle to go to and from extra job	disagree with how extra job signup is handled	none
extra money for major expenses and vacation and hobbies	not being able to count on an extra job each week	disagree with the bidding process of allotment-i.e. cannot count on a steady extra job schedule	work outside the City; allow officers to find and work extra jobs outside the bidding process; allow escort (motorcycle); and eliminate outside officers (from other agencies) to work in the City

<b>Primary Reasons for Working Extra Jobs</b>	<b>Problems with Working Extra Jobs</b>	<b>Agree/Disagree with Current Policy</b>	<b>Recommendations for Changing Current Policy</b>
extra money to allow spouse to stay home with kids	time away from family and exhaustion	Disagree	change bidding process to allow another day to sign up for extra jobs; allow officers to work extra jobs outside of the City
extra income to have personal extras	time away from family	disagree with current policy- seems to favor senior officers	change bidding process by moving the senior officer to rotate to the bottom of the list to allow officers with less seniority to move up; and allow motorcycle escorts outside the City
does not work extra jobs	does not work extra jobs	Na	na
extra income for personal needs	time away from family	Disagree	allow officers to work extra jobs outside the City
extra money for family needs	no actual days off sometimes	Disagree	allow extra jobs to be worked outside of City

A survey was conducted among my 23 classmates at LEMIT Module II, Class 57.

Twenty-two surveys were returned (Appendix 1). This goal of this survey was different than that of the Webster survey. Since each class member is from a different agency, this survey provided an overview of different agencies policies across Texas, including municipalities, counties, and state law enforcement agencies.

### **Methodology**

In order to be fair, thoughts, ideas, and opinions of the officers should be considered when formulating an extra job policy. A survey was conducted among officers of the Webster, Texas Police Department seeking their input regarding the policy. A survey was conducted among members of LEMIT Module II, Class 57, to gather an overview of the extra job policies

at their local agencies. The policies of several Gulf Coast area departments were reviewed to determine if there was consistency within a certain locale.

The goal of this research is to provide a uniform set of issues that law enforcement agencies can use to create extra job policies that are fair and equitable to the officers, serve the needs of the community, and address the major liability and management issues of the agencies.

It is expected that most agencies do not address every critical issue. It is expected that departments do not fully understand the needs and concerns of officers relating to extra jobs. It is also expected that unless a problem has arisen within a department, there is no written policy formulated for that issue. It is anticipated that most officers agree on the reason for working extra jobs, but differ in the problems they see associated with working extra jobs.

It is expected that some of the chief concerns for the department will become obvious from a review of the officer surveys and from comparing other agency policies.

Darcy U. Burton (1997, p. 13) states “law enforcement agencies have a vested interest in establishing and periodically reviewing outside employment practices. Such an effort, regardless of its complexity, should be pursued with the assistance and guidance of a legal advisor.” Burton (1997, p.13) also states “failure to address outside employment as a priority policy issue can prove disastrous.” There must be written procedures which govern extra employment which is reflective of the department and fair to the officers. Burton (1997, p. 17) further states: “A well managed policy can lead to fewer officer demands for salary and benefit increases, while it enhances community support through increased police visibility.” However, no one surveyed mentioned this particular point.

When proper guidelines are in place, the extra job can be a benefit to the officer and his family, the community, and the department. This research will provide law enforcement with a

better understanding of the issues related to extra employment so that agencies in Texas may formulate or change their extra employment policies and guarantee that all issues related to extra employment have been addressed. It is anticipated that well thought out policies will keep all agencies in line with other progressive departments in terms of professionalism and services to the community, create harmony among officers, provide better job satisfaction, and contribute to less physical and mental stress on the officers.

### **Findings**

The results of the survey of LEMIT classmates revealed the following: As expected, 100% of the officers gave money as their reason for working extra jobs. Regarding problems associated with extra employment, 45% said “too many hours,” 23% said dependence on extra money,” and 32% gave various other reasons.

Various types of agencies were represented. Two members were from School District police agencies, three state agencies, 3 county agencies, and 14 city agencies. Every agency represented has a written policy regarding extra employment. Twenty-one agencies (95%) define secondary employment.

Regarding the approval process, 32% require approval by the Chief of Police, 41% by command staff, and 27% require approval by the supervisor.

Regarding equipment and vehicles, 86% of the departments allow the use of uniforms and equipments, while only 59% allow the use of a vehicle.

### **Discussions/Conclusions**

After considering the literature and results of the surveys, and department policies, it is suggested that, at a minimum, a department will want to define 1) what is off duty employment, 2) the nature of acceptable outside employment, 3) the use of department uniform and equipment

4) approval needed for extra jobs, 5) insurance, 6) officer eligibility, 7) number of hours allowed, 8) jurisdiction, and 9) discipline.

Defining types of extra jobs and determining what types of off duty employment will be allowed is the first priority.

There are many thoughts about the issue of insurance, and in Texas, peace officers are covered by workers compensation if they are performing a bona fide law enforcement function such as making an arrest for a violation of criminal law (Weinblatt, 1999).

The goal in determining number of hours allowed is to keep the officers from becoming overly tired and to guarantee that extra jobs do not become primary for the officers, leaving the department with vacancies to fill because officers call in sick or take off personal days.

Some agencies allow officers to work only within their jurisdictional boundaries while other agencies do not set jurisdictional limitations on extra jobs. For instance, many sheriffs' departments allow their deputies to work extra jobs anywhere in their respective county. However, many municipal agencies restrict their officers to jurisdictional boundaries. The prevailing thought guiding these decisions is the agency has better control of the officers and therefore, fewer liability issues.

One would hope that with proper guidelines in place, there would be no need for discipline, but indications from the literature is that unfortunately, that is not always the case. By prohibiting certain types of extra employment need for discipline might be lessened.

There is no state mandated extra job policy in Texas. The implementation of a written policy is the responsibility of local law enforcement agencies, thus there is a lack of consistency in policies throughout the state. The purpose of this paper is to present critical issues that should be addressed so that every agency has a uniform set of standard issues to consider when

formulating its policy.

It is hypothesized that while most agencies policies are modern and progressive, there are many areas left undressed. Certainly this research has brought to light issues that are important to officers, the communities, and departments. The implications of this research to law enforcement will be a better understanding of the issues related to extra employment by the officers who work the extra jobs and by the departments who allow this work. Law enforcement managers in Texas will have a standard set of issues to address when formulating or changing their extra employment policies. My desire is to provide information to these agencies which is relevant and ever changing. Officers will continue to work extra jobs because police salaries are low and do not adequately provide the ability for officers to care for their families as well as they want to. The current fiscal state of affairs with most Texas law enforcement agencies is to provide more service with less funding based on the problems with the sales and property tax issues. This does not leave much hope of police salaries being increased enough to provide a better quality of life-at least not in the near future. Therefore officers will continue to work the extra jobs and agencies will have to address the issues which arise.



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## APPENDIX 1

Type of Department	Written Policy?	Secondary Employment Defined? Defined?	Use of Department Equipment?	How are Jobs Assigned?	Approval Process	Why Worked by Officers?	Problems?	Benefits?	Jurisdiction
City	yes	no, but all jobs must be approved	uniforms & radio; use of dept vehicle is extra	officers set up some and others are by department	Assistant Chief then Police Chief	need the money to survive	none	don't have to get some non-police job	outside OK
County	yes	yes	uniforms, radio, and vehicles	coordinated by department	Sergeant then Lieutenant	extra cash- especially in summer	too many hours worked sometimes	better police coverage in tourist areas- especially bars and dance halls	no-only in the same county
City	yes	yes	uniforms, radios, vehicles, all equipment	coordinated by department	Chief of Police	additional money	too many hours in a day- becoming dependent on the extra money	additional funds	not in departmental uniform
City	yes	yes	uniforms, radios, all equipment	officers arrange some, dept coordinates some thru Patrol Div.	Command Staff	extra money	sometimes becomes primary-not secondary	eases financial burdens- makes life easier	no
City	yes	yes	uniforms, radios, all equipment	officers arrange some- dept coordinates others	Chief of Police	"we are as poor as church mice"	sometimes runs the officers down-physically	boosts manpower if within the city	yes
City	yes	yes	uniforms and other equipment if in jurisdiction- outside requires generic uniform	officers arrange some and dept coordinates some	Chief of Police	money due to low salary	officers become tired, injuries, scheduling problems	additional income, experience, networking with other officers	yes- on approval from Chief of Police
State	yes	yes	no	solicited by officers	Chief of Police	for disposable income-money	some officers have used excessive force on extra jobs	provides opportunity to provide for their families better	yes

City	yes	yes	uniforms, radio, equipment	solicited by officers	chain of command	improve quality of life	could affect "real job"	improve quality of life	no
City	yes	yes	uniforms, radio, vehicle if available	Lt assigns jobs as well as School Liason Officer	chain of command up to Chief of Police and City Manager	extra money	possibility of officer making a poor decision without a supervisor available	second income since salaries are low	yes-only sporting events just outside city
City	yes	yes	uniforms, radios, vehicles	solicited by officer but coordinated by police association	command staff	extra money	fatigue, equitable distribution of jobs, complaints	better morale of officers	yes-but not related to law enforcement
State	yes	yes	uniforms, radios but no vehicles	solicited by officer	chain of command	money	too much time working extra, sometimes priorities are confused	money	anywhere in the state
State	yes	yes	none	solicited by officer or coordinated by department	chain of command	extra money	excessive # of hours and interference with primary job	none	no
County	yes	yes	uniforms, radios, no vehicle	solicited by officer	extra employment office and supervisor	regular pay is low	become too dependent on extra jobs	provide extra for family	yes-with prior authorization
County	yes	yes	uniforms, radios, no vehicle	solicited by officer or coordinated by department	supervisor then chain of command	extra money	fatigue on duty	ability to supplement income	yes
City	yes	yes	uniforms, radios, sometimes vehicles	solicited by officer or coordinated by department	1 <sup>st</sup> line supervisor and up	more money	injuries and misconduct from enforcing house rules	extra money and sometimes reduces calls service	no
School ISD	yes	yes	everything but vehicles & bicycles	solicited by officer	Lieutenant & personnel	money	burnout, overworked fatigue, family problems	more officers in community-presence	yes
City	yes	yes	radios, uniforms, but no marked vehicles	solicited by officer-some are handled by city	chain of command	extra money to make ends meet	some work too much	allows officers to have extras in life	yes

City	yes	yes	radios, uniforms, vehicles in within city-otherwise no	coordinated by officer outside city- dept coordinates in city	Lieutenant then Assistant Chief	extra income	officers not showing up for city coordinated jobs	money for officers but none for department	yes
City	yes	yes	all dept owned equipment	coordinated by department	Captain	supplement income	too many hours-not enough rest	better relations with community	yes-with approval of Captain and Chief
City	yes	no	uniforms only	solicited by officers or coordinated by department	Chief of Police	make ends meet	overworked and liability issues	none	no
City	yes	yes	uniforms, radios, vehicles allowed to and from only	solicited by officer or coordinated by department	command staff	money	burnout	better police presence	yes-but with limitations
School ISD	yes	yes	no	solicited by officer	Chief of Police	extra income	reliance on income from extra jobs	open communication with other depts	yes

Additional Comments from Survey Participants:

1. Officers tend to rely and depend on extra jobs income thus making it their main source of income.
2. Number of hours worked in a 24 hour period should be limited
3. Each job should have written approval from primary department.
4. Only security jobs are handled by police association; other jobs not related to law enforcement are handled in individual officers.
5. Officers should be allowed to work outside of city within defined parameters.
6. Extra jobs are good as long as there is excellent supervision in the program. They can make or break your department. They must not abuse the privilege to work these jobs.
7. As long as good policy is in effect and the officer has a clear understanding of the duties of the job. The policy and liability of the dept extra jobs are not a major problem for a small agency.
8. Off duty jobs are great but the wrong person working them can really damage the public perception of your agency.