



MYRTLE BEACH POLICE DEPARTMENT

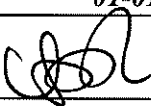
ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: *Overtime, Off Duty, Secondary & Self-Employment* Number: *112-I*

Effective Date: *January 1, 2001*

Revised Date: *06-20-2024*

Rescinds: <i>112 - Off Duty Law Enforcement Employment & Self-Employment</i>	Dated: <i>01-01-01</i>
<i>112-A - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>08-17-01</i>
<i>112-B - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>04-16-08</i>
<i>112-C - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>08-03-10</i>
<i>112-D - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>06-19-15</i>
<i>112-E - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>08-28-15</i>
<i>112-F - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>09-14-15</i>
<i>112-G - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>05-23-16</i>
<i>112-H - Off Duty Law Enforcement Employment & Self-Employment</i>	<i>06-25-22</i>
<i>803 - Overtime</i>	<i>01-01-01</i>

Approved By: 

I. PREFACE

Myrtle Beach Police Department employees may not engage in any kind of off-duty employment, secondary employment or self-employment except as permitted by these procedures and except as specifically authorized in writing by the Chief of Police.

II. PURPOSE

To set standards for overtime, off-duty employment, secondary employment and self-employment that are consistent with each employee's obligation to render efficient service to the City and to do so without creating actual or perceived conflicts of interest and without bringing the reputation of the City, the Department or the employee into disrepute.

III. DEFINITIONS

A. **Extra –Duty Employment** - Shall include but not be limited to assignments specifically designed for special events, parades or other related activities occurring on private or public property, facilities, parks, or public streets when the applicant for the activity is responsible for cost associated with the event; and all other assignment request, that are not strictly defined as off duty employment, of flexible, short, sporadic, or infrequent occurrence in duration. Applicants will be required to use police officers and/or support staff from the Myrtle Beach Police Department unless other security measures have been authorized and approved by the Special Events Coordinator for the Myrtle Beach Police Department or his/her Chain of Command. Employees must volunteer for the program and the hours do not go towards the employee's work cycle threshold. The rate of pay is \$50.00 per hour for all staff, but normal deductions will be subtracted from the hourly rate. Aside from normal deductions, \$5.00 will also be deducted for workers compensation insurance from the hourly rate.

If four or more officers are requested for an assignment, the fifth officer must be a supervisor. The rate of pay is \$55.00 per hour for the supervisor, but normal deductions will be subtracted from the hourly rate. Aside from normal deductions, \$5.00 will also be deducted for workers compensation insurance from the hourly rate.

- B. **Off-Duty Employment** – Shall include assignments that are specifically designed for police related services to be completed for a private employer on public or private property, when the schedule reflects regularity in frequency and duration. The employer is responsible for providing proof of worker's compensation insurance, and the employer sets the rate of pay.
- C. **Overtime** – For the purposes of this procedure, overtime includes all time worked for the Police Department in excess of an employee's regular duty hours.
- D. **Self or Secondary Employment** – This is employment that is unrelated to police work.

- E. SignUpGenius – A web based program that the Administrative Division Lieutenant or his/her designee will utilize to post the available assignments.

IV. PROCEDURE

A. RESTRICTIONS ON HOURS WORKED

1. Employees are restricted to working a maximum of 16 hours in any 24-hour period. Hours worked include regular duty, overtime, off-duty, and extra-duty. Exceptions to this restriction must be approved by a lieutenant or above.
2. A rest period is required every workweek (Friday-Thursday) during which an employee may perform no work including regular duty, overtime, off-duty, and extra-duty. The rest period must span 24 consecutive hours. Exceptions to this requirement must be approved by a lieutenant or above, and a written approval shall be submitted with the employee's timesheet.

B. OVERTIME FOR NON-EXEMPT EMPLOYEES

1. Authorization for overtime must come from the appropriate supervisor.
2. All timesheets must accurately reflect work hours, overtime hours, use of compensatory time and use of leave time. Inaccurate recording of hours or alteration of time sheets will constitute falsification of records and will result in disciplinary action under the appropriate City policy.
3. Non-exempt employees are NOT permitted to report to work early or stay late without the approval of their supervisor or an appropriate supervisory employee. Non-exempt employees should not sign in more than seven minutes before the start of their shift and should sign out no later than seven minutes after the end of their shift unless approved or requested by a supervisor.
4. Non-exempt employees are NOT permitted to conduct any activity related to their employment when not on approved duty status. Non-exempt employees are NOT permitted to work "off-the-clock". If an employee participates in a work-related activity when not on approved duty status, the time worked must be recorded on their timesheet and their supervisor must be notified as soon as practical.

5. HOWEVER, we recognize that legitimate overtime activities that are emergency in nature will occur and may require immediate intervention. This is understood and is an acceptable exception to the procedure. Non-exempt personnel encountering unexpected and/or emergency situations while off duty where it is impractical to seek permission for overtime should take whatever action they deem appropriate in accordance with department guidelines. If possible, the employee should notify the police dispatcher of their location and duty status. The employee must leave the scene and make the proper supervisory notifications when their presence is no longer required.
6. The employee must record all such emergency time as work hours and document the corresponding incident number on the timesheet. All such hours are subject to review as deemed appropriate.

C. PROHIBITED EMPLOYMENT. The following secondary employment and self-employment is absolutely prohibited:

1. Employment by persons or businesses on a list maintained by the Administrative Division Commander as being inappropriate for secondary employment of police officers and/or support staff.
2. Employment in any business involving bail bonds or investigations, including investigations for insurance companies, private security companies, credit or collection agencies, or attorneys.
3. Employment in any establishment characterized by the City of Myrtle Beach as an adult entertainment business.
4. Employment inside or outside of any establishment holding an "on premises" ABC license if alcohol sales are the primary source of revenue of such establishment.
5. Employment inside of an establishment holding an "on premises" ABC license, provided that if sales of alcoholic products provide less than half of the gross revenue of such establishment, an officer may perform duties of traffic and crowd control to maintain order and security in parking lots at or around such establishment.

D. POLICE-RELATED EMPLOYMENT

1. Relevant South Carolina Code Provisions.

- a. Code Section 23-24-10. Use of Official Uniforms and/or Weapons by Officers on Private Job.

Uniformed Law Enforcement Officers and Reserve Police Officers, as defined by State Law, may wear their uniforms and use their weapons and like equipment while performing private jobs in their off duty hours with the permission of the law enforcement agency and governing body by which they are employed.

- b. Code Section 23-24-20. Duties of Employing Agencies.

Each agency head shall determine before such off-duty work is approved that the proposed employment is not of such nature as is likely to bring disrepute on the agency, the officer or the law enforcement profession, and that the performance of such duties and the use of agency equipment is in the public interest.

- c. Code Section 23-24-30. Liability of Public Employer of Off-Duty Acts.

Off-duty work performed by law enforcement officers shall not be considered as work done within the scope of his/her employment, and no public service district, municipality, county, state or any of its political subdivisions shall be liable for acts performed by off-duty law enforcement officers as permitted by this chapter.

- d. Code Section 23-24-40. Procedure When an Officer Causes Death on a Private Job.

Any law enforcement officer who causes the death of any person while off duty and performing private jobs under the provisions of this chapter shall, in addition to any other actions, be placed on inactive duty without pay for not more than thirty days. Such law enforcement officer shall not be reinstated until an investigation of the death has been held and he/she has been exonerated. Exoneration shall not occur until the matter has been considered by the Solicitor of the judicial circuit where the death occurred and the Solicitor has given an affidavit that after investigation he is convinced that the death was not caused by an unlawful act of the officer or until the matter has been considered by a coroner's jury or a grand jury and the officer has been judged not guilty. If the officer is exonerated, he shall be paid any back pay due him.

- e. Code Section 23-24-50. Notice to Agency Concerning Off-Duty Employment.

Uniformed police officers performing private jobs during their off duty hours shall be required to notify the appropriate law enforcement agency of the place of employment, the hours to be worked and the type of employment.

2. Additional Restrictions. The following are additional restrictions on off-duty employment:

- a. Officers shall not work off duty in a police-related capacity for a business not open to the general public.
- b. Officers who have not yet been certified or who have not yet completed their initial probationary status may not engage in police-related off-duty employment.
- c. Employees shall not use tobacco products of any kind while on off-duty or extra duty assignments beginning January 1, 2011.

3. Department Jobs Program

- a. Police-related off-duty and extra-duty employment must be arranged and conducted through the Department's Jobs Program.

4. Jobs Program Guidelines

- a. Police-related off-duty and extra-duty employment must be arranged and conducted through the Department's Jobs Program.
- b. The Administrative Division Commander or his/her designee shall maintain a log of all part-time, off-duty and extra-duty assignments worked by Department personnel.
- c. A log will be maintained of off-duty assignments available for employees to work.
- d. Employees desiring to participate in the program will notify the Administrative Division Commander or his/her designee.
- e. As jobs become available, the Administrative Division Lieutenant or his/her designee will post the available assignments on SignUpGenius. Employees interested in the assignment will complete the required steps and accept the positions. Assignments will generally be filled on a first come first serve basis.

- f. When practical, at least 24 hours notice of off duty and extra-duty jobs will be given. The employees will also give advance notice of assignment changes.
- g. Employers may request specific officers for assignments, and those requests will be granted if possible. There is no guarantee that requested officers will always be assigned.
- h. The Administrative Division Commander or his/her designee will coordinate telephone or letter inquiries/requests regarding off-duty and extra-duty police service. In all cases, criteria for off-duty and extra-duty employment will be carefully explained with a written agreement completed and signed by the employer or his/her authorized representative before the detail is commenced.
- i. Occasional emergency needs will arise when an officer is requested for a private detail (protection of premises after 5 p.m., etc.). Because it is not always possible to notify in advance, these requests will be assigned directly by the Administrative Division Commander or his/her designee.

5. Written Agreement Protection

- a. There is a minimum of two (2) hours for all off-duty and extra-duty employment assignments.
- b. Officers normally are to work in uniform with all department issued equipment, with sanction and responsibility to perform all police duties during performance of special details. At the request of the employer and with the approval of the Administrative Division Commander or his/her designee, the officer may work in plain clothes.

6. Signed Employer Agreement

- a. The Off Duty Employer shall, as a condition precedent to employing any City of Myrtle Beach police officer for an off-duty assignment, maintain policies of general liability and workers' compensation insurance covering the officer(s) while working for the Off Duty Employer. The general liability policy shall be endorsed to name the City of Myrtle Beach as an "additional insured" and both the general liability and workers' compensation policies shall be endorsed to provide the City of Myrtle Beach thirty (30) days prior written notice of cancellation. The Off Duty Employer shall provide a certificate of insurance to the City as

evidence of compliance with the foregoing. The Myrtle Beach Police Department and the Jobs Program coordinator(s) share no responsibility for private employer Workers' Compensation issues; however, City Worker's Compensation coverage will, in all likelihood, cover an officer's action in an off-duty employment capacity (police related) for a private employer.

- b. Off-duty employment payments are the sole responsibility of the off-duty employer. The Myrtle Beach Police Department, Jobs Program coordinator and the City of Myrtle Beach share no responsibility for the payroll issue. Off-duty employers who fail to meet their payroll obligation in a reasonable manner will be removed from further consideration.
- c. The Myrtle Beach Police Department reserves the right to inspect payroll records of police employees employed by private employers. The purpose of any such inspection will be to ascertain the hours police employee is working in an effort to protect the best interest of the City and the employee based on an evaluation of the total number of hours worked by the employee.
- d. All part-time employment forms for the City of Myrtle Beach must be completed on all jobs in accordance with the City of Myrtle Beach Policy Manual.
- e. At the discretion of the Chief of Police, any stipulations may be waived when it is believed to be advantageous to the Department.
- f. Extra-duty employment payments will be submitted to the City of Myrtle Beach in accordance with the contract. Police employees will be compensated through their normal payroll check, but the hours worked in the "Extra-Duty" assignment do not count towards their pay period threshold used to calculate overtime totals for the work period.

7. Departmental Operational Procedures Binding

- a. All policies and procedures of the Department and the laws of the State of South Carolina applicable to off-duty employment shall bind officers/support staff working off-duty employment.

8. Professional Liability Insurance

- a. Officers may elect to purchase Professional Liability Insurance to cover themselves while working an off duty assignment. Although

it is not a requirement that officers obtain this insurance, it is recommended.

9. Employee Responsibilities

- a. When an employee is engaged in off-duty and/or extra-duty police related employment such as traffic control, crime prevention or security-type duty he/she will:
 - i. Notify the Communications Section of his/her location and hours of the assignment.
 - ii. Be employed within the legal boundaries of the City of Myrtle Beach.
 - iii. Perform no tasks other than those of a law enforcement nature.
 - iv. Not enforce or threaten to enforce any rule or order of an employer governing customer behavior on the employer's premises where the customer's conduct does not constitute a violation of law. (Instead, an officer should request a citizen's voluntary compliance with the rule as part of the officer's discretionary powers).
 - v. Respond as primary officer with regard to any call for service at that location brought to his/her attention, while he/she is present in an off-duty employment capacity. The officer shall notify dispatch and turn the call for service over to an on-duty officer.
 - vi. Submit appropriate paperwork, within the same time constraints, concerning any incident that would ordinarily require reports to be submitted, i.e. witness statements, or other documentation that are needed for the case prosecution or follow up.
- b. It will be incumbent upon individuals who wish to work off duty at such businesses to ascertain that the establishment has been approved by the Department to employ off-duty police officers/ support staff. Coordination of all off-duty employment shall be the responsibility of the Administrative Division Commander or his/her designee.
- c. Officers are prohibited from soliciting business for off-duty police employment opportunities. Command officers are permitted to

advise persons of the off duty requirements and offer departmental service if necessary.

- d. Employees are reminded of their individual responsibility to properly comply with IRS and South Carolina Tax regulations in filing all necessary information for taxing purposes. It will be the duty of the individual to fully comply with Federal and State laws concerning the reporting of the off-duty, private detail employment income.
- e. All sworn officers will be available at all times to respond to emergencies. The Police Department is the primary employer, and requirements of this Department will take precedence over any secondary or private employment. In an emergency, officers at the direction of the duty supervisor will leave secondary employment and respond wherever needed.
- f. All personnel are advised that dual compensation received for arrests generated as a result of off-duty employment is prohibited. Arrest situations that are the result of off-duty employment and involve later court appearances must be charged to the off-duty employer. Under no circumstances will approval of overtime be granted.
- g. Employees are responsible to the City of Myrtle Beach Police Department in terms of expected mode of behavior and action, but responsible to the person making request for service in terms of type of work to be performed.
- h. An employee who is scheduled for an off-duty or extra-duty assignment who fails to report to their assignment shall have his/her privileges to work off-duty and extra-duty employment rescinded for a period of two (2) weeks for a first offense and four (4) weeks for a second and subsequent offense. Employees who have more than three (3) no-shows will have their off-duty or extra-duty employment privileges permanently revoked. After two years of such revocation, the employee may apply in writing to the Administrative Division Commander at which time a hearing will be conducted to determine if reinstatement will be granted.
- i. Employees assigned to an off-duty or extra-duty assignment who must cancel their participation must notify the Administrative Division Commander or his/her designee within a reasonable time to allow time to find a replacement.
- j. While on off-duty or extra-duty police-related employment, all City and Department policies, procedures, rules and regulations apply.

10. Supervisory Responsibilities

- a. Supervisors are responsible and accountable for checking overtime and making certain it in no way is associated with an arrest made while employed in an off-duty capacity.
- b. Duty supervisors will visit the employees engaged in off-duty police employment. Supervisors finding any breach of Department policies and procedures on the part of police department employees engaged in off-duty employment will take immediate corrective action within their scope of authority. A complete, written report of the incident will be forwarded through the chain of command to the appropriate Division Commander with a copy sent to the Administrative Division Commander within 24 hours.

C. OBTAINING AUTHORIZATION FOR OFF-DUTY EMPLOYMENT, EXTRA-DUTY EMPLOYMENT OR SELF-EMPLOYMENT.

1. Employees who desire to engage in off-duty employment or extra-duty employment should make a written request for authorization to do so on the form designed for that purpose and should do so through the Administrative Division Lieutenant or his/her designated representative. Employees seeking self-employment or secondary employment shall make their request through their chain of command on the appropriate form. It shall be signed off by the Chief of Police.
2. A new or separate authorization is required for each new, separate or different employer or type of self-employment/secondary employment.
3. Approval will be denied when it appears that the outside employment might:
 - a. Render the employee unavailable during emergency.
 - b. Physically or mentally exhaust the employee to the point that his/her performance as a may be affected.
 - c. Requires that any special consideration be given to scheduling of the employee's regular duty hours.
 - d. Bring the Department into disrepute or impair the operation or efficiency of the Department or the employee.

- e. Interfere with the employee's employment with the Police Department.
- f. Otherwise create an unfavorable situation as deemed by the Chief of Police.

D. WITHDRAWAL OF AUTHORIZATION FOR OFF-DUTY EMPLOYMENT, EXTRA-DUTY OR SELF-EMPLOYMENT.

1. Employees who are on sick leave, leave of absence, light duty or otherwise unable to perform the functions of their primary employment with the Police Department may not continue any form of off-duty employment, extra-duty employment or self-employment without a new and separate authorization from the Chief of Police.
2. Employees on any form of suspension from the Police Department for any reason are prohibited from engaging in any form of off-duty or extra-duty police-related employment.