


**FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT  
GENERAL ORDERS**

**COLONEL JULIE JONES**



<b>TITLE</b>	<b>EFFECTIVE DATE</b>
<b>OFF-DUTY AND EXTRA-DUTY EMPLOYMENT</b>	<b>March 18, 2009</b>
<b>CHAPTER</b>	<b>RESCINDS/AMENDS</b>
<b>GENERAL ORDER 06</b>	<b>July 21, 2008</b> <b>IPM 08-06</b>
<b>APPROVED</b>	<b>PAGES</b>
	<b>8</b>

**1  
POLICY**

- A** It is the policy of the FWC Division of Law Enforcement to allow its personnel to engage in off-duty and extra-duty employment that does not conflict with primary job assignments or obligations to the Division; and that does not discredit or embarrass the Commission or diminish public confidence in law enforcement or in the Division's commitment to professionalism and integrity.
- (1)** No member may be employed by another state agency, fill more than a total of one full-time equivalent established position, receive compensation simultaneously from any appropriation other than appropriations for salaries, or be employed by any employer other than the state of Florida unless prior approval is obtained.
  - (2)** Members shall not simultaneously perform on-duty and off-duty or extra-duty employment.
  - (3)** Members are prohibited from adjusting work schedules to accommodate off-duty and extra-duty employment opportunities without supervisory approval.
  - (4)** Members shall not, while on-duty, engage in any activity to supplement any off-duty and extra-duty employment related detail. This includes scheduling, arranging employment, arranging for replacements, delivering paychecks or any other off-duty and extra-duty employment related matters.
  - (5)** Off-duty and extra-duty employment shall not be approved when the employment:
    - (a)** Constitutes a conflict of interest under Section 112.313 (7), Florida Statutes.
    - (b)** Interferes with a member's primary duties as a law enforcement officer/state employee.
    - (c)** Involves delivery of labor or other services in direct or indirect support of agencies engaged in debt collection or repossession of property, wrecker/vessel towing companies, bail bonding companies, private investigation services, paralegal services, and nude/topless dancing establishments. Any type of employment that would require a



068).

- (9) While performing extra-duty employment, the sworn member is subject to the conditions and requirements of the Commission's Internal Management Policies and Procedures, and the Division of Law Enforcement's General Orders.
- (10) Approval of extra-duty employment will not be unreasonably withheld as long as it does not constitute a conflict of interest; does not interfere with the sworn member's duties as a state law enforcement officer; and is limited to the sworn member's jurisdiction.
- (11) Off-duty and extra-duty employment does not have to be conservation law enforcement or resource protection related. Members may engage in any off-duty or extra-duty employment as long as supervisory approval is secured and the off-duty or extra-duty employment is in accordance with this General Order and the Commission's Internal Management Policies and Procedures.
- (12) Approval of off-duty and extra -duty employment may be withdrawn or suspended upon the discovery of any conflict of interest or any violation of the conditions for approval stated in this section, when such employment interferes with the member's primary duties or if Division/Commission disciplinary standards are violated. Withdrawal of authorization for off-duty and extra -duty employment does not constitute a disciplinary action, and any decision regarding retraction of such privileges shall rest with the appropriate Deputy Director, who shall provide written notification of such revocation to the member.
  - (a) Members may seek to have off-duty and extra-duty employment privileges reinstated by submitting a written request through the chain of command.
- (13) Violations of the provisions of this general order resulting in suspensions from off-duty and extra-duty employment will be in accordance with the following schedule:
  - (a) First violation in any 12 month period - 1 month to one year.
  - (b) Second violation in any 12 month period - 6 months to one year.
  - (c) Third violation in any 12 month period - one year.

## **B Off-Duty Employment**

- (1) Off-duty employment is defined as any non-law enforcement employment, including self-employment, engaged in by sworn and non-sworn members of the Division. Teaching or assisting with law enforcement-related courses is considered off-duty employment.
- (2) Members engaged in off-duty employment are subject to the conditions and requirements of the Commission's Internal Management Policies and Procedures and the Division of Law Enforcement's General Orders.

## **C Extra-Duty Employment**

- (1) Extra-duty employment is defined as any employment of sworn members, which requires the use of the members' law enforcement authority.
- (2) Sworn members will be required to wear their uniforms and issued personal equipment as described in General Order 23, *Uniforms, Personal Appearance and Dress Code*, while working approved extra-duty employment. The Class C uniform is only authorized to be worn for resource and water patrol-related extra-duty details such as port security and Water Management District patrols. No specialty uniforms shall be worn unless approved by the appropriate Deputy Director.
- (3) Sworn members engaged in extra-duty employment shall take such law enforcement action regarding any offense or condition as would be authorized in their regular scope of employment. The member assumes in-service status when taking such law enforcement action and needs to document when in and out of extra-duty and in-service on the Bi-Weekly Report of Off-Duty and Extra-Duty Employment Activities (FWC/DLE-068) form. The extra-duty employment employer may make a general assignment of duties, but has no command

authority over law enforcement personnel.

- (4) Extra-duty sworn members shall only engage in the gathering/dissemination of information of the kind/type available from confidential law enforcement sources, such as FCIC, NCIC, NLETS, local area law enforcement computer networks, etc., in furtherance of a verifiable law enforcement purpose.
- (5) Extra-duty employment for the rank of Major and above involving security of work sites, traffic control and other routine patrol functions not routinely performed in an on-duty status will not be authorized. Extra-duty employment shall be the type of employment that is consistent with the status and dignity of the rank. Examples of extra-duty police employment that would be acceptable are dignitary protection and other employment in a management capacity.
- (6) Approval of extra-duty employment will not be unreasonably withheld as long as it does not constitute a conflict of interest; does not interfere with the sworn member's duties as a state law enforcement officer; and is limited to the sworn member's jurisdiction.
- (7) While performing extra-duty employment, the sworn member is subject to the conditions and requirements of the Commission's Internal Management Policies and Procedures, the Division of Law Enforcement's General Orders and other applicable standards of work ethics and conduct.
- (8) State benefits and protection, such as insurance liability, workers' compensation benefits, and any other benefits for work-related injury or disability may not apply when the injury or disability is sustained while engaged in extra-duty employment.
- (9) OPS Hire Back Programs will be administered in accordance with contractual provisions stipulated in the grant or contract.
- (10) Approval to work FWC OPS Hire Back employment shall only be granted after successful completion of Phase III of the Division's Field Training Program (release for solo patrol).

#### **D Use of State Equipment by Sworn Members Working Extra-Duty Employment**

- (1) Use of Commission equipment for extra-duty employment is contingent upon the availability of equipment and approval by a supervisor.
- (2) Equipment will not be pulled out of service for extra-duty employment use.
- (3) Approval to use a vehicle or vessel must be indicated on the Request for Approval of Dual Law Enforcement Employment (FWC/DLE-150) form.
- (4) The sworn member must pay all parking, bridge or toll road fees. The State must not incur any such expense when a vehicle/vessel is used in extra-duty employment. Mileage will be reimbursed at the current rate per Section 112.061, Florida Statutes. Stationary patrol type activities with the Commission vehicle idling will be reimbursed at the rate in accordance with FEMA hourly rate for engine idle hours.
- (5) The use of state vehicles is restricted to a maximum of 50 radius miles from a member's residence/headquarters or point of origin (zone) to the location of the extra-duty employment work site. A state vehicle may be used for an extra-duty employment detail over 50 radius miles from the member's residence/headquarters or point of origin (zone) with prior approval from the appropriate Deputy Director.

#### **E Insurance Requirements**

- (1) The state-provided insurance for sworn members covers property damage to state vehicles/vessels only.
- (2) If the member is not within the course and scope of his or her duties, the State does not provide any liability coverage. Members are required to purchase individual liability policies covering the use of State vehicles/vessels outside the course and scope of their employment (i.e., extra-duty employment)

- (3) An Off-Duty Use of State Vehicle/Vessel Affidavit (FWC/DLE-148) shall be submitted with any request to work extra-duty police employment if the state vehicle/vessel is to be used. Sworn members are required to provide proof of liability insurance with a minimum of \$100,000/\$200,000 vehicle/vessel liability insurance and property damage coverage of \$50,000. All personnel shall have in their immediate possession, at all times while operating a Commission vehicle, proper proof of maintenance of the security as required by Section 316.646, Florida Statutes. Failure to maintain the required personal injury coverage during periods of extra-duty employment is a violation of Section 627.733, Florida Statutes.
- (4) A copy of the member's liability insurance policy and/or the endorsement page must be attached to the sworn member's request for approval of extra-duty employment and subsequently updated if policy changes occur.

#### **F Extra-Duty Employment with Other State Agencies**

- (1) Approval from the Department of Management Services must be obtained in advance of any work to be performed by a member compensated by more than one state agency simultaneously, filling more than one full-time equivalent position, or simultaneously compensated from any appropriation other than salaries.
- (2) In addition to the Division's Request for Approval of Dual Law Enforcement Employment form (FWC/DLE-150), a Dual Employment & Compensation Request (DPA-15) form, must be submitted to the Commission's Personnel Office via the chain-of-command for approval.

## **2 RESPONSIBILITIES**

#### **A Division**

- (1) Ensure that primary state employment takes precedence over any off-duty and extra-duty employment.
- (2) During the course of the employment, if necessary may make inquiries of the member to ensure that the continued off-duty and extra-duty employment does not constitute a conflict of interest, violate policy or interfere with the member's primary duties in the Division.

#### **B Members**

- (1) Members, while performing extra-duty and off-duty employment, shall conform to Florida Statutes, the conditions and requirements of the Commission's Internal Management Policies and Procedures and the Division of Law Enforcement's General Orders.
- (2) Members will submit the appropriate request form to engage in off-duty or extra-duty employment, via the chain of command, to the appropriate Deputy Director or designee.
- (3) If extra-duty employment requires the use of a state vehicle or vessel, members shall include in their written request a statement detailing why the use of said vehicle/vessel is required, agree to reimburse the state for such use at state-approved rates, and to pay for any damages or destruction of the state vehicle or vessel
- (4) If using a state vehicle, members are required to reimburse the state for the fund providing property damage (collision) coverage for state owned vehicles and provide proof of liability insurance as required.

#### **C Regional Commanders and Section Leaders**

- (1) Regional Commanders and Section Leaders shall oversee adherence to the established policies concerning off-duty or extra-duty employment for participating members in their region or section.
- (2) Regional Commanders and Section Leaders shall review each request submitted by a subordinate, provide a recommendation for approval or denial based on the nature of the

employment, sign in the appropriate place, and forward to the appropriate Deputy Director for final approval or denial.

#### **D Division Director/ Deputy Directors**

- (1) The Division Director or Deputy Directors shall approve or deny all off-duty and extra-duty employment requests.
- (2) Any OPS Hire Back Programs will be coordinated through the Division Director or designee to ensure that budget requirements are met and a properly executed grant agreement or contract is obtained.

### **3 PROCEDURES**

#### **A Request for Off-Duty and Extra-Duty Employment**

- (1) All members desiring to engage in off-duty or extra-duty employment shall submit the appropriate request form, Request for Approval of Dual Law Enforcement Employment (FWC/DLE-150) or a Dual Employment Request for Approval of Non-Law Enforcement Work (FWC/DLE-149) via the chain of command, to the appropriate Deputy Director or designee for approval.
- (2) A Deputy Director may give verbal approval for certain off-duty or extra-duty employment requests that need immediate attention. In these instances, the above forms shall be faxed via the Regional Commander to the approving Deputy Director.
- (3) All off-duty and extra-duty employment approvals expire on June 30 and must be renewed annually at least 30 days prior to July 1 of each fiscal year.
- (4) Members who participate in extra-duty employment shall complete the Bi-Weekly Report of Off-Duty and Extra-Duty Employment Activities (FWC/DLE-068).

#### **B Radio Communication during Extra-Duty Employment**

- (1) Upon departing the sworn member's residence/headquarters or point of origin (zone) while in state equipment, the sworn member shall contact the dispatcher by radio and advise them they are in-service for extra-duty employment, and advise their starting mileage or engine hours (engine hour meter must be operational). Example: 304 Miami, 208, DOT Highway Construction Detail, mileage 4,120.
  - (a) For officer safety issues the duty officer needs an exact location, such as "Turnpike, mile marker 52, Lake Worth"
- (2) At the completion of the vehicle/vessel usage for the extra-duty employment detail, the sworn member shall advise the dispatcher by radio of their ending mileage or engine hours. Example: 304 Miami, 207, mileage 4,160.
- (3) When using personal or other vehicles while engaged in extra-duty employment, sworn members shall apprise the nearest operational communications center when they begin and end periods of extra-duty employment. The exact location and if applicable, a telephone/pager number will also be provided for emergency notification.

#### **C Reimbursement for the Use of Vehicles and Vessels**

- (1) When a vehicle or vessel is used for extra-duty employment, the sworn member will, at the end of each bi-weekly period, fill out the Bi-Weekly Report of Off-Duty and Extra-Duty Employment Activities (FWC/DLE-068). The rate of reimbursement for total miles driven is in accordance with Section 112.061, Florida Statutes.
- (2) The rate of reimbursement for single and twin Horse Powered engine vessels, including airboats, ATVs, and Buggies for extra-duty employment only shall be calculated using current Federal Emergency Management Agency (FEMA) rates. The Division reserves the right to

review and revise the extra-duty reimbursement rates annually to account for increasing cost of ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires and other costs incident to operation.

- (3) Engine hours for an extra-duty employment detail shall be calculated from the engine hour meter and shall be reimbursable for each hour or any part thereof. A check payable to the FWC/DLE for the total amount to be reimbursed will be attached to a completed Division "Bi-Weekly Report of off-duty and extra-duty employment Activities" form (FWC/DLE-068), and turned in with your Law Enforcement activity report FWC/DLE034.
- (4) Extra-Duty Employment Immediately Following a FWC Shift
  - (a) If within the allowed 50 miles from a member's residence/headquarters or point of origin (zone), the member is not required to reimburse the Division for mileage or vessel hours transiting to and returning from the approved extra-duty work site.
  - (b) The member shall go **10-7 10-208** immediately upon exiting the member's normal assigned patrol area.
- (5) Extra-Duty Employment Immediately Preceding a FWC Shift
  - (a) If within the allowed 50 miles from a member's residence/headquarters or point of origin (zone), the member is not required to reimburse the Division for mileage or vessel hours transiting to and returning from the approved extra-duty work site.
  - (b) The member shall not go **10-207 10-8** until reaching the member's normal assigned patrol area.
- (6) Extra-Duty Employment on Days-Off or Not Immediately Following or Preceding a FWC Shift
  - (a) All mileage or vessel hours transiting to, during and returning from the work site shall be reimbursed.
- (7) FWC OPS Hire Back Employment
  - (a) The member shall not be required to reimburse for mileage when working core mission-related OPS details on state owned lands or waterways, or other lands controlled by a state entity.

#### **D Scheduling and Administration of OPS Hire Back Programs**

- (1) The Division Director or designee may, when required, assign members within their command to perform administrative duties in support of OPS Hire Back Programs.

#### **E Rental Agreements**

- (1) Sworn members who have an agreement with a property owner or manager to pay a reduced amount of rent or no rent for merely residing and parking their patrol vehicle at an apartment complex shall adhere to the following:
  - (a) Complete Request for Approval of Dual Law Enforcement Employment (FWC/DLE-150) to request and receive written approval from the appropriate Regional Commander or Section Leader prior to entering into the agreement.
  - (b) The member is not required to complete the Bi-Weekly Report of Off-Duty and Extra-Duty Employment Activities (FWC/DLE-068).
  - (c) The hours when the sworn member is merely present on the property are not counted as off-duty or extra-duty hours.
  - (d) Sworn members may participate while on probationary status.
  - (e) The approval must be renewed annually in accordance with this General Order.
- (2) A sworn member providing any type of service as part of the agreement is considered to be engaged in off-duty or extra-duty employment. Each sworn member with such an agreement,

either written or verbal, shall adhere to the provisions stated in this General Order.

## **4 FORMS**

DPA-15	Dual Employment & Compensation Request
FWC/DLE-068	Bi-Weekly Report of Off-Duty and Extra-Duty Employment Activities
FWC/DLE-148	Off-Duty Use of State Vehicle/Vessel Affidavit
FWC/DLE-149	Dual Employment Request for Approval of Non-Law Enforcement Work
FWC/DLE-150	Request for Approval of Dual Law Enforcement Employment
FWC/DLE-150A	Supplement to Request for Approval of Dual Law Enforcement Employment