



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

OFF-DUTY, EXTRA-DUTY, AND HIRE-BACK EMPLOYMENT

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
06	June 09, 2020	January 25, 2019	All Members

References

S. 112.313 (7), 112.061, 316.646, and 627.733 Florida Statutes; 69H-2.010, F.A.C.; FWC IMPP 6.6; CFA 2.10, 2.11M, 25.09M

1 POLICY

- A** It is the policy of the Division to ensure compliance with any contractual arrangements entered by the Division to provide supplementary law enforcement services to or on behalf of another governmental or non-governmental entity.
- B** It is the policy of the Division to allow its personnel to engage in off-duty, extra-duty, or hire-back 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, extra-duty, or hire-back employment.
 - (3) Members are prohibited from adjusting work schedules to accommodate off-duty, extra-duty, or hire-back employment opportunities without supervisory approval.
 - (4) Members shall not, while on-duty, engage in any activity to supplement any off-duty, extra-duty, or hire-back employment related detail. This includes scheduling, arranging employment, arranging for replacements, delivering paychecks or any other off-duty, extra-duty, or hire-back employment related matters.
 - (5) Off-duty, extra-duty, and hire-back 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 member to testify in a court of law in opposition to another law enforcement agency, or assist in case preparation for the defense or plaintiff in any criminal or civil action or proceeding against a governmental entity is prohibited.

- (d) Involves employment at establishments or businesses which sell alcoholic beverages for on-site consumption as a regular and primary part of the business enterprise.
 - 1. Authorization to work extra-duty police employment may be granted on an individual basis when the sale and consumption of alcoholic beverages is incidental to the primary function or purpose of the enterprise such as sports facilities and civic centers.
 - (e) Involves work as a fishing or hunting outfitter, guide-for-hire, or receiving compensation for providing these types of services for a company or entity that engages in hunting, fishing, wildlife viewing or guide services in the State of Florida.
 - 1. Members, who as of June 30, 2012, have a current and approved Dual Employment Affidavit for Approval of Non-Law Enforcement Work (FWC/DLE-149) on file with the Division to work off-duty as a guide-for-hire are exempt and may continue per the conditions of their current approval. These members will be grandfathered in and, at the Division Director's discretion, will be given consideration for approval each year.
 - 2. The Regional Commander/Section Leader or designee shall forward the names of members approved to work off-duty as a guide-for-hire to the Division's Deputy Director for Operations annually.
 - (f) Members may not engage in outside employment in the field of taxidermy.
- (6) Sworn members shall not be allowed to engage in extra-duty or hire-back employment when any of the following apply:
- (a) While on probation after graduation from a Basic Recruit Training Program, except as provided by Section 3 (Procedures), Subsection F Rental Agreements of this General Order.
 - 1. The date of the sworn member's graduation from a Basic Recruit Training Program shall determine the beginning date for the first year of eligibility. Sworn members that have a minimum of 1 year of previous law enforcement experience are exempt and may work extra-duty employment at the successful completion of Phase III of the Division's Field Training Program (release for solo patrol).
 - 2. Members on probation after graduation from a Basic Recruit Training Program may engage in extra-duty employment if approved by the Division Director or designee on a case-by-case basis, if the extra-duty employment does not negatively affect the member's ability to complete the Division's Field Training Program.
 - 3. Members on probation after graduation from a Basic Recruit Training Program may engage in hire-back employment after successful completion of Phase III of the Division's Field Training Program (release for solo patrol).
 - (b) If the member's most current annual or end of probation performance evaluation overall rating is below 3.0 , or the member has been placed on a coaching/directed patrol plan , and when it is determined that off-duty, extra-duty or hire-back is adversely affecting the member's job performance, the member shall not engage in off-duty, extra-duty or hire-back employment for the duration of the coaching/directed patrol plan or until the member's job performance has returned to at least an overall rating of 3.0.
 - (c) Sick leave while under worker's compensation.
 - (d) While on administrative leave.
 - (e) While on personal sick leave.

1. Supervisory approval may be obtained to work an extra-duty or hire-back shift on the same day personal sick leave was taken if the sick leave was taken for the purpose of attending a medical or dental appointment and the total number of personal sick leave hours is 4 hours or less.
- (f) When taking family sick leave.
1. Supervisory approval may be obtained to work an extra-duty or hire-back shift on the same day family sick hours were taken if the total number of family sick leave hours used is 4 hours or less.
- (g) While on FMLA status.
- (7) Members shall not be allowed to engage in extra-duty and hire-back employment:
- (a) When assigned “administrative,” “alternate” or “light” duties because of physical or mental restrictions rendering them incapable of performing their regularly assigned duties.
 - (b) While assigned to alternative duties or leave imposed pursuant to any administrative investigation.
 - (c) While on suspension or on administrative leave pending disciplinary investigation.
 - (d) Throughout the period of any disciplinary suspension.
- (8) The maximum allowable combination of extra-duty, hire-back, and on-duty hours worked shall not exceed 72 compensated hours in a work week. For the purposes of, hire-back and extra-duty employment and this General Order, “work week” shall be defined as 0001 hours on Friday through 2400 hours on Thursday.
- (a) Members using sick leave or family sick leave may not work, hire-back, or extra-duty employment that day, unless the requirements in sub-section 6(e) or (f) above are met. The member shall document the name of the approving supervisor when completing the report of hire-back and extra-duty employment activities. A day is defined as 0001 hours to 2400 hours.
 - (b) Member work hours for all hire-back and extra-duty employment shall be scheduled and worked in a manner that does not conflict or interfere with the members’ performance of duty. Members may not work a combination of on-duty, hire-back and/or extra-duty hours of more than 16 compensated hours in any 24-hour period except as provided in (c).
 - (c) For on-duty hours only, Regional Commanders/Section Leaders may approve hours more than the maximum hour limitations found herein, i.e. above the 16 hours in any 24- hour period and/or the 72 hours in a single “work week”. Approval of on-duty hours that would cause a member’s total daily and/or total work week hours to be more than those limitations found above will be based on agency need related to special events or unusual occurrences or as per General Order 48, *Mutual Aid and Response to Unusual Occurrences and Special Events*. Such additional on-duty hours shall also be recorded in the remarks section of Activity Net, and if applicable, the report of hire-back and extra-duty employment activities.
 - (d) Members are not required to document unscheduled excess on-duty hours in the report of hire-back and extra-duty employment activities if these hours were incurred due to unforeseen circumstances that extend a regular shift beyond the hourly limits stated above and the member does not work any other reportable extra-duty or hire-back hours during the reporting period. However, the member shall document the unscheduled excess on-duty hours in the appropriate report documenting the incident associated with these unforeseen circumstances (i.e. Activity Report, People First, Incident Summary Report) and advise the Area Supervisor in writing of the incurred unscheduled excess on-duty hours.

- (9) Approval of extra-duty employment will not be unreasonably withheld.
- (10) Off-duty, extra-duty, and hire-back employment does not have to be conservation law enforcement related. Members may engage in any off-duty, extra-duty, or hire-back employment as long as supervisory approval is granted and the off-duty, extra-duty, or hire-back employment is in accordance with this General Order and the Commission's Internal Management Policies and Procedures.
- (11) Approval of off-duty, extra-duty, and hire-back employment may be withdrawn or suspended upon the discovery of:
 - (a) Any conflict of or any violation of the conditions for approval stated in this section.
 - (b) Such employment interfering with the member's primary duties or the discovery of the member violating the Division/Commission disciplinary standards.
- (12) Withdrawal of authorization for off-duty, extra-duty, and hire-back employment does not constitute a disciplinary action, and any decision regarding revocation of such privileges shall rest with the appropriate Regional Commander or Section Leader, who shall provide written notification of such revocation to the member.
 - (a) Members may request off-duty, extra-duty, and hire-back employment privileges reinstated by submitting a written request through the chain of command to the Regional Commander.
- (13) Violations of the provisions of this general order resulting in suspensions from off-duty, hire-back and extra-duty employment will be in accordance with the following schedule:
 - (a) First violation in any 12- month period—10 calendar days
 - (b) Second violation in any 12- month period—30 calendar days
 - (c) Third violation in any 12 -month period—31 calendar days to 6 months
 - (d) Fourth violation in any 12- month period—6 months to one year
 - 1. No portion of this directive shall be construed to limit the Division's ability to sanction members for violation of Agency Internal Management Policies and Procedures or Division General Orders.

C Off-Duty Employment

- (1) 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.

D Extra-Duty and Hire-Back Employment

- (1) 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 or hire-back employment.
- (2) Sworn members engaged in extra-duty or hire-back employment shall take law enforcement action regarding any offense or condition as would be authorized in their regular scope of employment.
- (3) The member assumes in-service status when taking law enforcement action and shall document when in and out of extra-duty and in-service on the report of extra-duty employment activities. The extra-duty employment employer may make a general assignment of duties, but has no command authority over law enforcement personnel.
- (4) While working extra-duty or hire-back 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) 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.
- (7) 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.
- (8) It is the policy and intent of the Division that all sworn members shall reimburse the Division for all miles/hours transiting to and from an extra-duty work site once a member deviates from normal patrol activities. All miles/hours accrued while at the extra-duty work site shall also be reimbursed.

E 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 shall not be pulled out of service for extra-duty employment use.
- (3) Approval to use a vehicle or vessel must be indicated on the Affidavit for Approval of Dual Law Enforcement Employment (FWC/DLE-150) form.
- (4) The State shall not incur any parking, bridge or toll road fees when a vehicle/vessel is used in extra-duty employment. Mileage shall be reimbursed at the current rate per Section 112.061, Florida Statutes.
- (5) The use of state vehicles is restricted to a maximum of 50 linear miles from the county line of a member's county of residence to the location of the extra-duty employment work site. A state vehicle may be used for an extra-duty employment detail over 50 linear miles from the county line of a member's county of residence with prior approval from the appropriate Regional Commander or Section Leader.
 - (a) Mileage requirements/limitations for extra-duty commercial vehicle escorts can be found in IPM 19-01 – *Extra-Duty Commercial Vehicle Escorts*.

F Insurance Requirements

- (1) The state-provided insurance for sworn members covers property damage to state vehicles/vessels only during on-duty and hire-back assignments, including direct travel between residence and hire-back location.
- (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.
- (3) An Extra-Duty Use of State Vehicle/Vessel Affidavit (FWC/DLE-148) and a copy of the sworn member's insurance declaration page 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 possess liability insurance with a minimum of \$200,000 per person/\$300,000 per incident or occurrence of vehicle/vessel liability insurance and property damage coverage of \$50,000. All members 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 this General Order.

- (a) Members shall update the Extra-Duty Use of State Vehicle/Vessel Affidavit (FWC/DLE-148) and insurance declaration page annually in conjunction with the fiscal year.
 - (b) Members shall provide an updated copy of insurance policies in conjunction with the member's insurance renewal term. Members shall also provide updated copies of their insurance policy when any changes are made to the policy relative to the required coverage.
- (4) Members are required to purchase and maintain at least \$50,000 property damage insurance that covers potential damage and/or loss to Commission owned vehicles, vessels, and associated equipment.
 - (a) Members shall participate in the State Risk Management Trust Fund, in accordance with 69H-2.010, F.A.C., which will pay for property damage to a motor vehicle owned by the agency when the damage occurs while the vehicle is being used by a sworn member for extra-duty work. The fund will not pay for property damage to the agency vehicle if:
 - 1. The member was not in the course and scope of approved extra-duty activities when the property damage occurred;
 - 2. The member is found to have acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property;
 - 3. The property damage is due to wear and tear or mechanical breakdown;
 - 4. The property damaged is equipment owned by the state and unattached to the motor vehicle; or
 - 5. The property damaged is the personal property of the member.
 - (b) The State Risk Management Trust fund requires the member to:
 - 1. Pay an annual premium to the Division of Risk Management (DRM).
 - a. The premium amount is set by DRM and varies slightly from year to year. DRM usually announces the revised premium amount for the upcoming year in a manner that allows members to make additional coverage arrangements if so desired.
 - b. Premiums are submitted and collected as directed by the Regional Commander or Section Leader.
 - 2. Reimburse the agency for all applicable mileage incurred while transiting to, during and returning from the extra-duty employment work site.
 - (c) Nothing shall preclude members from obtaining additional commercially available property damage insurance coverage that specifically covers damage and loss to the agency-owned vehicle/vessel and associated equipment.

G 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 Affidavit 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.

H Definitions

- (1) **Compensated hours** are hours that sworn members actually work and are compensated for by an employer. This does not include hours or fees that sworn members are compensated due to cancellation, in whole or part, of off-duty or extra duty employment.

- (2) **Extra-duty employment** is defined as any employment of sworn members with an employer other than the FWC, which requires the use of the members' law enforcement authority or which involves scheduling of extra-duty work assignments.
- (3) **Hire-back employment** is a form of extra-duty employment in which the Division acts as the employer on behalf of another governmental or non-governmental entity, known as the grantor. The grantor can be a non-governmental entity or an agency or component of federal, state or local government that contracts with the Division for the delivery of supplementary law enforcement services.
 - (a) Unless explicitly stated otherwise in either this General Order, or in a contract governing a specific hire-back program, the policies and procedures governing extra-duty employment apply to hire-back employment as well. If in doubt, policies and procedures governing extra-duty employment shall also apply to hire-back employment.
- (4) **Hire-back program** is a project or program created by mutual agreement between the FWC Division of Law Enforcement and another entity that compensates members for performing specified law enforcement duties outside their regular duty hours.
- (5) **Master List** is the Master List of Approved Extra-Duty Employers form (FWCDLE-062AR) and contains a list of extra-duty employers approved by the Regional Commander or Section Leader.
- (6) **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 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, the Division 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 shall conform to Florida Statutes, the conditions and requirements of the Commission's Internal Management Policies and Procedures and the Division's General Orders while performing extra-duty and off-duty employment, including hire-back employment.
- (2) Members shall submit the appropriate request form to engage in off-duty, extra-duty, or hire-back employment, via the chain of command, to the appropriate Regional Commander or Section Leader.
- (3) 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 possess 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) The Regional Commanders or Section Leaders shall review each request submitted by a subordinate, and shall approve or deny all off-duty and extra-duty employment requests in writing (e-mail is acceptable).
- (3) If it is necessary for a previous approval of an off-duty, extra-duty, or hire-back employer to be rescinded, the Regional Commander/Section Leader shall revoke the approval.

- (a) Any member affected by the revocation shall be notified in writing (e-mail is sufficient) stating the employer is no longer approved.
- (4) The Regional Commanders or Section Leaders are responsible for maintaining extra-duty and off-duty employment records at the Regional Offices or Section Offices for at least four anniversary years in accordance with the State of Florida *General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners*.
- (5) The Regional Commander or Section Leader, or designee, shall perform a bi-annual review of off-duty, extra-duty, and hire-back activities.
 - (a) The reviews shall be completed as follows:
 1. Review 1: January 1 – June 30; completed no later than July 31.
 2. Review 2: July 1 – December 31; completed no later than January 31.
 - (b) The intent of the review is to ensure sworn members are complying with procedures set forth in this General Order and any other applicable General Order and/or Commission Internal Management Policies and Procedures (IMPP).
 1. The review shall be comprised of a minimum of three sworn members chosen at random.
 2. Documents and records compiled for the review shall go back a minimum of six months prior to the date of the review and shall include (minimally):
 - a. The Request for Approval of Dual Law Enforcement Employment (FWC/DLE-150), when applicable.
 - b. The Dual Employment Request for Approval of Non-Law Enforcement Work (FWC/DLE-149), when applicable.
 - c. The Off-Duty use of State Vehicle/Vessel Affidavit (FWCDLE 148) and a copy or copies of the required insurance coverage, when applicable.
 - d. Report(s) of Hireback and Extra Duty Activities.
 - e. Computer Aided Dispatch (CAD) reports.
 - f. People First records.
 - g. Any other available data relevant to the review.
 - (c) Any inconsistencies found shall be handled on an individual basis and in accordance with Division policy and Commission IMPP's.

D Responsibilities Related to Hire-Back Programs and Employment

- (1) Any hire-back program 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.
- (2) The Division Director or designee may, when required, assign members within their command to perform administrative duties in support of hire-back programs.
- (3) Regional Commanders or their designee acting as hire-back coordinators shall:
 - (a) Exercise responsibility for preparation and administration of a plan for the delivery of law enforcement services in accordance with the provisions of contracts issued.
 - (b) Arrange for the scheduling of personnel, the delivery of services and the supervision of the work force.
 - (c) Administer hire-back programs in accordance with contractual provisions stipulated in the grant or contract.

3 PROCEDURES

A Request for Off-Duty, Extra-Duty, and Hire-Back Employment

- (1) All members desiring to engage in off-duty, hire-back, or extra-duty employment shall submit the appropriate request form, Affidavit 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 Regional Commander or Section Leader for approval.
 - (a) Hire-back employment may require additional forms to be completed by the member as specified in the provisions of the contract.
 - (b) Electronic submissions and approvals of off-duty, hire-back or extra-duty shall have the same force and effect as hand written signatures.
- (2) Regional Commanders or Section Leaders shall, as appropriate, establish a master list (FWCDLE-062AR) within their region or section. These lists shall be kept at the regional level. All additions to the master list shall be approved by the Regional Commander or Section Leader. The master list shall be updated each fiscal year by the Regional Commander or Section Leader or their designee. The annual update shall be conducted to verify each employer's contact information on the master list.
 - (a) If a member chooses to perform extra-duty or hire-back employment for multiple employers on the master list, the member shall have an approved Affidavit for Approval of Dual Law Enforcement Employment form (FWC/DLE-150) on file that requests that the member be approved to work for all employers listed on the master list each fiscal year.
- (3) A Regional Commander or Section Leader 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 submitted to the Regional Commander or Section Leader as soon as possible.
- (4) All off-duty, hire-back, and extra-duty employment approvals expire at midnight on June 30 and must be renewed annually. Members shall make every effort to submit renewal requests at least 30 days prior to beginning employment.
- (5) Completed request forms for off-duty, extra-duty or hire-back employment services shall be submitted to the respective Regional Commander or Section Leader at least five working days prior to the date on which secondary employment is scheduled to commence. However, if exigent circumstances prevail, the Regional Commander or Section Leader may waive this requirement. Anytime this provision is waived, and the Regional Commander or Section Leader gives verbal approval, the date of such waiver/approval shall be noted on the Affidavit for Approval of Dual Law Enforcement Employment form (FWC/DLE-150) and the report of hire-back and extra-duty employment activities.
- (6) In the absence of exigent circumstances, disapproval of outside employment shall be communicated within 14 calendar days of the submission of the notice by the member. In the event extenuating circumstances prevent a determination within 14 calendar days the reason(s) for the delay shall be provided in writing to the member.
- (7) Members who participate in extra-duty and/or hire-back employment during the relevant two week time period shall complete the report of extra-duty and hire-back employment activities. This report and any reimbursement, if applicable, shall be submitted in conjunction with all other bi-weekly reporting forms.
- (8) Members who participate in extra-duty and hire-back employment shall cooperate with a reasonable request from a sworn supervisor to provide timesheets or other forms of verification of hours worked from extra-duty and hire-back employers.

B Radio Communication during Extra-Duty Employment

- (1) When beginning an extra-duty employment detail the sworn member shall contact the dispatcher by radio and advise they are in-service for extra-duty employment, and shall advise their starting mileage or engine hours (engine hour meter must be operational). Example: 304 Miami, 10 208E, 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 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 shall, at the end of each bi-weekly period, complete and submit the report of extra-duty and hire-back employment activities and submit any applicable reimbursement. The rate of reimbursement for total miles driven shall be 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 or money order payable to the FWC/DLE for the total amount to be reimbursed shall be submitted in conjunction with the completed report of off-duty, hire-back and extra-duty employment activities.
- (4) Extra-Duty Employment Immediately Following a FWC Shift
 - (a) The member shall go 10-7 208E immediately upon completing the member's normal assigned patrol activity at the end of the member's shift.
 - (b) The member shall reimburse for all vehicle miles and/or vessel hours transiting to the extra-duty work site from the area in which the member normally conducts patrol activities, all miles/hours accrued at the extra-duty work site, and all miles/hours returning to his or her residence.
- (5) Extra-Duty Employment Immediately Preceding a FWC Shift
 - (a) All members shall reimburse the Division for all vehicle miles and/or vessel hours transiting from his or her residence to the extra-duty work site, all miles/hours accrued at the extra-duty work site, and all miles/hours transiting from the extra-duty work site to the area where the member normally conducts patrol activities.
 - (b) After the member has completed his or her extra-duty shift, he or she shall not go 207 10-8 until reaching the area in which the member normally conducts patrol activities.
- (6) Extra-Duty Employment on Days-Off or Not Immediately Following or Preceding an FWC Shift.
 - (a) All vehicle miles and/or vessel hours accrued 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 hire-back details.

D Hire-Back Program Procedures, Scheduling and Administration of OPS Hire-Back Programs

(1) Planning and Scheduling

- (a)** The Division will provide an opportunity to sworn members to provide law enforcement services as requested by the grantor subject to the approval and staffing needs of the Division. Member assignments shall be made in accordance with established policies and procedures and contractual arrangements. Members shall be scheduled to perform duties outlined in the hire-back agreement at mutually agreed upon times and locations, and to assist the grantor and other involved agencies.
- (b)** Sworn members shall be notified of anticipated hire-back programs. Each sworn member desiring to participate in a hire-back program shall submit the Affidavit for Approval of Dual Law Enforcement Employment (FWC/DLE-150) form via the chain of command to the appropriate Regional Commander or designee. At any time during the hire-back program a member may decline to continue to participate. Such requests shall be made via e-mail.
- (c)** Members may participate in hire-back programs after successful completion of Phase III of the Division's Field Training Program (release for solo patrol) and before completion of their probationary period.

(2) Compensation and Reimbursements

- (a)** Members engaged in hire-back programs will be compensated at the rate provided by the hire-back contract. The contractual rate must be equivalent to at least time and a half of the member's standard rate of pay for members in included classes. Members in excluded classes may be paid a flat rate if included in the hire-back contract. Since there is a potential to violate the Fair Labor Standards Act inadvertently, any hire-back contract must be reviewed and approved by the Division's legal counsel and the Division's personnel manager prior to acceptance.
- (b)** Members will be compensated for those hours in which hire-back duties are performed. Travel time to and from the work site will not be compensated unless specifically authorized in the hire-back agreement.
- (c)** Members are not required to reimburse the Division for mileage and equipment usage when working hire-back employment.

(3) Reporting and Administrative Procedures

- (a)** Incidents handled by Division members during hire-back assignments will be investigated and documented in accordance with the Division's established operational and reporting procedures.
- (b)** Members shall notify the appropriate Regional Communications Center by radio when they commence/end the hire-back detail. The proper 208 code shall be utilized in conjunction with these assignments.
- (c)** Members who participate in hire-back employment during the relevant two-week time period shall complete and submit through their chain of command, the report of hire-back and extra-duty employment activities.

(4) Accountability and Supervision

- (a)** Members shall always remain employees of the Florida Fish and Wildlife Conservation Commission and shall be considered on detail from their regular duty assignments.
- (b)** Supervisory personnel designated by the Regional Commander will ensure that members are on assigned details at appropriate times and that all enforcement activities are properly

documented. These duties must be undertaken in conjunction with other regular duty management responsibilities.

(5) Radio Communication During Hire-Back Employment

- (a)** Upon departing the member's normal patrol activity in state equipment, the sworn member shall contact the Communications Center by radio and advise them they are in-service for hire-back employment, and advise their destination and beginning mileage. Example: 327 Panama, 208 10-51 Econfina Creek, begin hire-back detail, beginning mileage 134,120.
- (b)** Upon arrival at the hire-back employment location the member shall advise 208-97 and provide an estimated time of completion. The member shall also indicate the type of patrol at the time of arrival at the location, i.e. road patrol, ATV patrol, off-road patrol, water patrol, as appropriate.
- (c)** Upon completion of the hire-back assignment the member shall advise 208-98 10-51 to next destination.
- (d)** Upon arrival at the destination following hire-back employment the member shall advise 10-7 207 and indicate ending hire-back detail and ending mileage.

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, house or mobile home park, school or public park, are not considered to be engaged in extra-duty employment.
- (2)** If any types of services such as security checks or walk-throughs are part of the agreement, members are considered to be engaged in extra-duty employment. Sworn members with such an agreement, either written or verbal, shall adhere to the following:
 - (a)** Complete Affidavit 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 report of hire-back and extra-duty employment activities.
 - (c)** The hours when the sworn member is merely present on the property are not counted as 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.
- (3)** 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. This includes any patrol requirements in lieu of rent for housing on state lands.

F Off-Duty and Extra-Duty Employment While on Military Leave Status

- (1)** Members may engage in off-duty and extra-duty employment while on military leave for training in accordance with this General Order, if approved by a supervisor.
- (2)** Members on military leave due to active duty deployment shall abide by the off-duty, extra-duty, and hire-back employment procedures of their respective branch of service. If a member engages in off-duty, extra-duty, or hire-back employment while on military leave due to active duty deployment, Section 1 (Policy), subsection B, (5)(a) – (f) of this General Order remains in effect.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-062 AR	Master List Approved Off Duty Employers
DPA-15	Dual Employment & Compensation Request
	Report of hire-back and extra-duty employment activities
FWC/DLE-148	Extra-Duty Use of State Vehicle/Vessel Affidavit
FWC/DLE-149	Dual Employment Request for Approval of Non-Law Enforcement Work
FWC/DLE-150	Affidavit for Approval of Dual Law Enforcement Employment
FWC/DLE-150A	Supplement to Affidavit for Approval of Dual Law Enforcement Employment