


<p style="text-align: center;">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p style="text-align: center;">GENERAL ORDER</p>	SUBJECT: NON-REGULAR EMPLOYMENT		NUMBER: 340
	EFFECTIVE DATE: June 17, 2024	REVIEW: June 2028	
RESPONSIBLE ENTITY: ADMINISTRATIVE SUPPORT BUREAU			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 06-17-24
ACCREDITATION STANDARDS	CALEA: VLEPSC: PER. 04.01, 04.02		

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for all officers who participate in non-regular employment activities.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that employees be permitted to engage in non-regular employment activities to the extent that such activities further the mission of the Department, enhance public safety, are consistent with the training and legal authority of the employee, and do not in any way adversely affect the on-duty efficiency of the employee. Employees who participate in approved non-regular assignments funded in part or whole by other employers shall have the same employee rights as all FCPD employees and not have their rights, promotional opportunities, fringe benefits, and training opportunities threatened in any manner. All employees who engage in non-regular employment shall be in compliance with all County Personnel Regulations, FCPD General Orders and Standard Operating Procedures (SOP), and any applicable Code of Virginia statutes and County ordinances. Off-duty employment may not violate the [Virginia State and Local Government Conflict of Interests Act](#), nor otherwise conflict with the duties and obligations of an employee of the FCPD.

III. DEFINITIONS

- A. **24-Hour Time Frame:** Period that begins whenever an employee starts any form of regular or non-regular employment.
- B. **Call-Back Pay:** Designed to compensate employees when their non-work hours are significantly interrupted without advance notice or to recognize an agency's critical operational requirements and provide a mechanism to facilitate meeting those requirements without undue hardship upon the individual employee. Call-back provisions are solely a Fairfax County requirement and not a requirement of

the Fair Labor Standards Act or other federal regulation, thus implementation guidelines are at the sole discretion of the Fairfax County Government.

- C. **Departmental Overtime:** Incurred by the employee as the direct result of the employee's duty to complete a critical work assignment. Examples include, but are not limited to, mandatory shift extensions, court attendance, on-call/ constant standby call back, and other emergency-related events.
- D. **Employee Permit:** Permit granted by the FCPD upon application of an employee to work non-regular employment.
- E. **Employer Permit:** Permit of specific duration (not to exceed 24 months) granted to an employer by the Department to allow authorized FCPD employees to work in a non-regular capacity. Upon permit issuance, the premises of the applicant shall be designated an authorized work location.
- F. **Flex Time:** Period of work time where employees adjust their attendance so long as the number of hours worked falls within the required amount of core [Fair Labor Standards Act](#) (FLSA) threshold hours. (80.5 hours/pay period for sworn employees and 40 hours/week for non-sworn). As an example, an 8-hour employee could leave 2 hours early on Monday, work 1 hour later on Tuesday and 1 hour later on Wednesday to compensate. Requires supervisor approval.
- G. **General Off-Duty Employment:** Any employment that occurs during off-duty hours and is not dependent upon the uniform and/or authority granted to the employee by the Commonwealth of Virginia or Fairfax County. Such employment does not require the use, or potential use of law enforcement powers by the employee.
- H. **Non-Regular Employment:** Approved temporary employment assignments, to include General Off-Duty Employment, Secondary Law-Enforcement Employment, and Supplemental Overtime whereby employees perform law enforcement-based services outside of their primary assignment either on behalf of Fairfax County or another approved entity.
- I. **Police Service Area:** Area located within the geographical boundaries of Fairfax County, to exclude the cities of Fairfax and Falls Church and the towns of Herndon and Vienna.
- J. **Regular Work Period:** For sworn personnel, consists of fourteen (14) consecutive calendar days with varied hours, depending upon shift schedule. For all other employees, consists of forty (40) hours worked or on paid leave

within a seven (7) consecutive calendar day period. The schedule of hours for a regular work period shall be determined by the Chief of Police or their designee.

- K. **Rest Period:** Period of time not less than eight (8) consecutive hours, where an employee shall be free of any form of employment, to include regular work periods, general off-duty employment, secondary law enforcement employment, departmental overtime, and/or supplemental overtime.
- L. **Secondary Law-Enforcement Employment:** Non-regular employment compensated by a vendor other than Fairfax County (including hours worked for bartered housing) which may require the employee to exercise the law-enforcement authority granted to them by the Commonwealth of Virginia and Fairfax County.
- M. **Supplemental Overtime:** Assignments for which employees receive monetary compensation from Fairfax County in order to provide police services to other County agencies or the FCPD. This overtime is considered voluntary (ex: voluntary call back, backfill staffing, School Board events). Requires supervisor notification and commander pre-approval through the chain of command whenever projected to exceed the existing 126.5 hour pay period requirement and/or 16-hours per day rule. Additionally, officers who wish to work more than twelve (12) consecutive days shall be required to notify their supervisor and obtain the approval of the Chief of Police or their designee in advance.
- N. **Training Period:** Period of time during which an employee attends the Fairfax County Criminal Justice Academy for basic law enforcement training or works under the direct supervision of a field training instructor.

IV. REGULATIONS

- A. **Conflicts of Interest Prohibited:** Employment shall not be permitted where it constitutes a conflict of interest as defined by either [Fairfax County Personnel Regulation 4.15](#), or the [State and Local Governments Conflict of Interests Act](#).
- B. **Training Period and Restricted Duty:** Police officers, police recruits, and all other employees are prohibited from working general off-duty, supplemental, or secondary employment during their initial training period or any other period in which their law enforcement powers are suspended. Officers on restricted or modified restricted duty may receive permission to work certain forms of non-regular employment at the discretion of the Administrative Support Bureau (ASB) Commander or Internal Affairs Bureau (IAB) Commander on a case-by-case basis.

- C. **Supervisor Supplemental Overtime:** Sworn first-line supervisors are permitted to work supplemental overtime assignments to backfill patrol staffing in place of patrol officers. First-line supervisors who work backfill patrol staffing shall first complete the [Authorization to Work Supplemental Overtime Memorandum](#) and obtain their commander's authorization. The following conditions shall also apply to first-line supervisors who seek to work supplemental overtime assignments:
1. A reasonable opportunity to volunteer for the backfill overtime staffing assignments shall first be made to officers under the rank of Sergeant prior to being filled by first-line supervisors.
 2. Overtime supervisors shall be subordinate to all first-line supervisors working the patrol district during normal patrol duties regardless of their rank or time in grade during their assignment.
 3. Overtime supervisors shall handle calls for service in a Police Service Area (PSA) and are prohibited from being assigned as a field unit without command approval.
 4. Overtime supervisors shall have all issued patrol gear and be prepared to perform all the operational and administrative duties expected of a patrol officer.
 5. Reports and administrative paperwork completed during a patrol backfill overtime staffing assignment shall be submitted to the supervisor overseeing the patrol district, regardless of rank.
 6. Any police action taken requiring documentation in the current IAB records management system shall be assigned in accordance with Department policy.
 7. At the direction of the staff Duty Officer or Station Commander, a first-line supervisor working patrol backfill may be directed to conduct supervisory responsibilities. DPSC shall be promptly notified where this change occurs.
 8. Overtime supervisors shall document their specific designator in Telestaff whenever completing entries for all patrol backfill overtime assignments.
- D. **Total Hours:** An employee's total number of regular duty hours, supplemental overtime, and secondary employment combined shall not exceed **126.5** hours in any pay period without commander authorization. Officers shall immediately notify their supervisor if scheduling/use of overtime is anticipated to or will exceed 126.5 hours or require them to work in excess of 12 consecutive days.

- E. **Restrictions:** Employees shall not work more than sixteen (16) hours within any 24 hour time period. The 16 hour restriction does not reset until the employee has completed 8 consecutive hours of a rest period from all employment activities. The 16 hours shall include any combination of regular hours, secondary employment, supplemental overtime, and scheduled court attendance (on overtime) assigned by a supervisor.
1. Approvals to exceed these limitations may only be granted by a commander or on-duty Duty Officer. Such approvals shall be documented and forwarded to the affected employee's commander. Commanders shall not grant blanket exceptions and individual approval must be sought for each instance.
 2. **Court Appearances:** To allow employees the opportunity to schedule both supplemental and secondary employment assignments during periods of scheduled court dates and still remain within the prescribed 16 and 126.5 hour limits, scheduled court dates shall only count as two (2) hours, regardless of the actual time spent at court. Unscheduled court appearances, to include preliminary hearings, Circuit Court, and appearances pursuant to subpoena do not count against either the 16 hour or 126.5 hour restrictions. When unscheduled court appearances are between regularly scheduled work shifts which would preclude an eight (8) hour rest period, the Department will provide administrative leave consistent with Article 65 of the [Collective Bargaining Act](#).
- F. **Patrol Overtime Squad:** In order to supplement unexpected patrol officer shortages, and to decrease unplanned occurrences that may negatively impact patrol officers and their family schedules, the Patrol Bureau may utilize an Overtime Squad (OT Squad) to backfill patrol shortages where they occur at any district station. The OT Squad will work two shifts (0500 to 1700 and 1700 to 0500) and may be used to provide support at each district station. Officers who wish to participate in the OT Squad may sign up for their preferred shift through the Off-Duty Management (ODM) platform.
1. Officers assigned to the OT Squad shall report to their assigned district station to obtain their full duty gear and a police cruiser. Where an officer is not assigned to a district station (ex: Major Crimes Bureau, Operations Support Bureau), they may report to any station to obtain a patrol cruiser.
 2. OT Squad officers shall log on to CAD using the designator assigned to them in the ODM sign-up procedure and ensure they are assigned to the appropriate dispatch group at their assigned district station. OT Squad officers shall inform working first-line supervisors in their assigned district that

they are available and assist with all routine patrol duties as needed until their shift concludes.

- G. **24-Hour Time Period Restrictions:** Where an employee is reaching the 16 hour time limit within a 24 hour frame, a first-line supervisor shall be notified, unless the employee is in court, in which case the supervisor shall be notified once court concludes. Notification is only required where the employee must report to any form of employment without completing the required 8 rest hours. The notified supervisor shall assess the circumstances surrounding the hours worked and notify either their commander or the active Duty Officer.
1. The authority to exceed 16 hours worked shall only be granted by a commander. Notified commanders shall ensure officers who have exceeded 16 hours in a 24-hour time frame receive adequate rest prior to returning to work any form of employment, which must be accomplished by the use of administrative time consistent with Article 65 of the [Collective Bargaining Act](#).
- H. **Rest Periods:** Employees shall have uninterrupted, 8-hour rest periods within a 24-hour time frame. Exceptions shall only be made with commander approval.
- I. Employees shall not work more than 12 consecutive days. Exceptions shall only be made by the Chief of Police or their designee.
- J. Secondary off-duty law enforcement employment shall be restricted to the police service area of Fairfax County. Employees above the rank of Second Lieutenant shall not engage in secondary law enforcement employment without the specific approval of the Chief of Police or their designee. Requests for exceptions shall be documented in a memorandum to the attention of the Chief of Police and forwarded through the employee's chain of command.
- K. Employer requests for five (5) or more officers for secondary or supplemental employment assignments during the same time period and at the same job site shall require the hiring of a minimum of one first-line supervisor in addition to the 5 or more officers. Additional supervisors shall be required for each multiple of 5 officers assigned to the job site.
- L. **Minimum Rates:** The minimum salary required for officers who work secondary employment assignments shall be determined by the ASB Commander or their designee. Supervisor/command personnel shall receive the same rate of compensation as officers at the same work location. Supplemental overtime assignments and any other overtime where compensation is through the Fairfax County payroll system shall be based upon the employee's regular overtime rate,

or a designated pay rate for the individual assignment (ex: school functions, special events, direct billing).

- M. **Prohibitions:** The following prohibitions shall apply for all employees who work non-regular employment assignments:
1. Employees shall not serve as employment agents, nor receive compensation for the procurement of non-regular law enforcement employment.
 2. Employment that conflicts with the responsibilities or duties of a Department employee shall not be authorized.
 3. Employees shall not wear their Department uniform or insignia for any general off-duty employment assignment.
 4. Officers who utilize sick leave are prohibited from working supplemental or secondary assignments for the 24-hour period in which the sick leave was utilized (ex: officer who works 1930-0700 shift uses sick leave, that officer cannot work supplemental or secondary employment until after 1930 hours the following day).
 - a. Employees who miss a supplemental or secondary assignment due to illness shall promptly notify the on-duty supervisor in the district where the assignment is located, as well as the secondary employer and inform them as to whether the assignment will be covered. Employees shall also notify the station commander of the district where the assignment is located in writing that the assignment was missed due to illness.
- N. **Recall:** Employees who are recalled from secondary employment assignments shall be compensated with call back pay in accordance with the [Department's Payroll Manual](#). Whenever the employee is receiving compensation from Fairfax County, all compensation from a secondary employer shall immediately cease. The employee shall notify the secondary employer of the adjusted hours worked to ensure proper compensation is received.
- O. Employees are prohibited from using personal leave to work overtime assignments when the funding source is Fairfax County (ex: Mt. Vernon patrol officer takes annual leave to work Mason patrol). Officers are not prohibited from using approved leave to work an assignment where the funding source is not Fairfax County, to include Fairfax County Public Schools and the Virginia Department of Transportation.

- P. **Call-Back:** Call-back time refers to situations wherein an employee is off-duty and is called to return to work after departing the workplace. It does not apply to those incidents where an employee is at work or has not departed from the work site and the work period is extended. Call-back pay shall be distinguished as either (1) On-Call/Constant Standby Call-Back (Departmental Overtime) or (2) Voluntary Call-Back (Supplemental Overtime).

Employees who are called back from off-duty status to work an approved operation or Department assignment with 96 hours or less notice from approval and performs duties on behalf of the Department during their normal off-duty hours shall be compensated at the applicable overtime rate of pay and paid for a minimum of four (4) hours regardless of the duration of time worked.

V. **NON-REGULAR EMPLOYMENT MANAGEMENT**

- A. **Commander Oversight:** Commanders shall ensure a non-regular employment coordinator is designated at their respective command and that equitable sign-up procedures are established.

1. **Division/Station Commanders:** Division and Station Commanders shall only utilize authorized Department forms for management of employer permits (PD164). Where a prior application has been denied, the division or station commander shall consider the basis for prior denial and any other information before granting a permit application.

- a. Commanders shall ensure accurate and complete storage of approved secondary employment information of both employers and employees and update whenever changes occur. Copies of approved employee permits shall be placed in the employee's division personnel file, and commanders shall conduct quarterly audits of all employer permits to ensure current division sign-up procedures are in compliance with this General Order.
- b. Commanders shall perform, or delegate performance to a first-line supervisor, visual site surveys of each potential location of secondary employment.

- B. **Sign-Up Procedures:** Secondary employment and supplemental overtime sign-up shall occur at each division on the 15th of each calendar month using the Off-Duty Management (ODM) application. Departmental sign-up policy permits employees under the rank of Lieutenant to sign-up at their assignment on the 15th of each month.

1. Using ODM and/or the OfficerTrak app, officers place bids on assignments they wish to work, and ODM automatically gives assignments, based upon seniority, on each officer's first two (2) choices. Subsequent choices are allocated out one at a time utilizing the same algorithm until all bids are processed.
2. On the 20th of each calendar month, vacant secondary/supplemental assignments shall be made available to all qualified employees via the ODM OfficerTrak App regardless of their duty assignment.
3. Non-regular employment assignments are considered duty assignments and thus, subject to [FCPD Regulation 201.8, Reporting to Duty](#).
 - a. **Employee Cancellations:** Employees may cancel non-regular employment assignments no less than seven (7) calendar days before the event. Officers who wish to cancel their assignment less than 7 days before the event are required to contact ODM directly and obtain supervisor approval.
 - b. Where the employee wishes to cancel a secondary employment or overtime assignment within 7 days of the event, it shall be the responsibility of the cancelling employee to find a replacement employee for the assignment notification and directly notify ODM of the replacement.
 - c. Employees who excessively delete their names from sign-up forms, or demonstrate a significant pattern of failure to report to scheduled overtime assignments are subject to suspension or revocation of their work permit.
 - d. All employees who work secondary law enforcement employment shall complete and submit a Secondary Employment Overtime Report Form (PD196) at the conclusion of each pay period. The completed form shall be retained at the employee's work location (station or division) for a minimum of two (2) years for auditing purposes. The employee's immediate supervisor shall review and sign the PD196 after confirming the employee's additional hours are in accordance with the requirements of this General Order. Employees shall be responsible for ensuring that all hours are reported accurately and that the form is submitted to their first-line supervisor in a timely manner.
 - e. Employees who work supplemental overtime shall reflect the actual hours worked during the assignment and completed the "Notes" section in TeleStaff accordingly.

- C. **Permit Administration:** Administration of non-regular employment shall be through a system of employer and employee permits.
1. Employees who engage in secondary law enforcement employment shall complete an [Employee Permit Application](#) (PD164A). Commanders shall have the authority to revoke any employee's non-regular employment privileges to work any form of employment whenever the employee's non-regular employment either conflicts with on-duty performance standards or when violations of Department policies and procedures have taken place. Where the employee has their non-regular employment privileges suspended or revoked, they shall resubmit a new PD164A prior to engaging in future non-regular employment.
 2. Prospective employers for secondary law enforcement employment, to include bartered housing arrangements, are required to submit a permit application to the district station commander responsible for the area in which the work site is located. ODM provides workers' compensation insurance to cover all officers working at their job locations, to include employers who offer reduced or free housing. A copy of the employer's workers' compensation insurance policy or documentation proving the employer is a nonprofit shall be attached to all employer applications.
 - a. Employer permits must be received at least fourteen (14) days prior to the initial employment date. Commanders may elect to waive this requirement at their discretion. Employer permits are valid for a period of 24 months from the date of issuance, and there are no fees for issuance of employer permits.
 - b. Non-regular employment requests guaranteeing police personnel resources shall not be granted without the approval of the Chief of Police or their designee.
 - c. Permit application requirements may be provisionally waived to provide security for sensitive sites in the event of an emergency in short duration, and strictly limited to the time period of the emergency.
 - d. Commanders may designate certain employer locations requesting traffic control duties as requiring sworn employee staffing only, taking into account the safety of all employees as well as the employer's expectation of the services to be rendered. Where a location permits employment of crossing guards or traffic enforcement officers, those employees may be considered eligible to work the assignment.

- e. Where a non-regular assignment is cancelled with less than 24 hours' notice by the employer, all employees scheduled to work the assignment shall receive two (2) hours of compensation. Where the assignment is cancelled and the employee has arrived on scene of the job location, the employee shall receive four (4) hours of compensation. In both instances, the employee shall be compensated by the non-regular employer and not eligible for compensation that would have been greater than if the assignment had actually been worked. At no time may the employee be allowed to receive double compensation from both the non-regular employer and Fairfax County.
 - Example: Officer takes leave during a work shift to work non-regular overtime which gets cancelled as the officer arrives on scene. The officer receives four hours compensation from the off-duty employer due to the late cancellation, but cannot cancel their approved leave and return to duty until after the four hours for which they were compensated have expired.
 - f. Commanders may cancel employer permits at any time where the assignment is no longer in compliance with this General Order or the employer fails to comply with all applicable mandates.
3. The following are examples of appropriate forms of secondary law enforcement employment that may be considered for approval:
 - a. Crowd control.
 - b. Traffic control assignments on state and county highways.
 - c. Housing/Apartment complex security assignments.
 - d. Shopping center or car dealership security assignments.
 4. The following are examples of typically prohibited forms of secondary law enforcement employment that require approval from the Chief of Police or their designee:
 - a. Assignments that may reflect negatively upon the officer or the FCPD.
 - b. Personal protection/bodyguards or working for private security companies.
 - c. Process servers, bill collectors, or repossession agents.

- d. Private parties.
- e. Private investigations/Investigative work either for self-employment purposes or for attorneys, insurance companies, or security firms located in Fairfax County.
- f. Locations with permanently standing alcoholic beverage licenses.

Note: Bureau commanders may approve employment of off-duty police officers at fairs or community events where alcohol may be sold or consumed.

- g. Private business security not directly benefitting the community or FCPD.

Note: Commanders may approve short-term duration employment at these locations in response to specific problems affecting the community or public safety.

- 5. **Off-Duty Employment Memorandum:** FCPD employees who engage in general off-duty employment, to include personal business ventures, shall submit a memorandum to the attention of the Chief of Police via their chain of command requesting approval to engage in such employment or self-employment. The memorandum shall describe in full detail the nature of the employment, to include job duties, location, hours of work required or expected, and an affirmative statement that the employee has read and understands the content of all FCPD policies and procedures that may apply to such employment.
 - a. Once forwarded through the chain of command, and either approved or denied by the Chief of Police or their designee, the original memorandum shall be submitted to the Personnel Resources Division (PRD) to be included in the employee's permanent personnel file and a copy sent to the employee's commander. The commander shall ensure that the requesting employee is provided a copy.
 - b. If at any time the nature of employment deviates from the original memorandum, the employee shall submit a new memorandum for approval. Commanders may terminate the employee's ability to work general off-duty employment at any time where it is determined that the employment conflicts with the mission of the FCPD. Employees are also required to promptly submit a memorandum whenever they discontinue such employment or self-employment.

- D. **Worksite Equipment:** Employees shall not wear plainclothes during any secondary law enforcement assignment without the express approval of either the Chief of Police or their bureau commander. Employees scheduled to work secondary law enforcement or overtime assignments shall wear their duty uniform and be equipped with all necessary equipment in the same manner they would routinely be for a regular patrol assignment or if they were recalled to full duty. The Chief of Police or bureau commander may grant approval for the wearing of business attire at certain locations that do not present a likelihood of enforcement potential. Requests for approval shall be submitted in writing and forwarded through the appropriate station and bureau commanders.
- E. **Bartered Housing:** Non-regular employment shall include bartered or free housing made available to an officer in exchange for the officer's presence or other services ("courtesy officer") related to their employment as a FCPD officer. Reduced housing costs shall meet the minimum threshold of the hourly rate of payment (i.e. the monetary amount by which rent is reduced, divided by the number of hours worked in return, cannot equal less than the minimum hourly rate as determined by the ASB Commander or their designee). All officers who reside in reduced housing based upon their FCPD employment shall live at that address and reflect the location in their FOCUS/RMS contact information. Officers are strictly prohibited from sub-leasing any portion of a bartered housing location, and may only serve as courtesy officers at one housing location.

VI. LEGAL REFERENCES

- A. [Va. Code Ann. § 2.2-3100 through 3127](#), State and Local Governments Conflict of Interests Act.
- B. [Fairfax County Personnel Regulations, Chapter 4](#).
- C. [Fairfax County Police Department Payroll Manual](#).

General Order 340 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive