

Project Progress Audit Report



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Revision of the Police Secondary Employment Program

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Summary

This is the first in a series of audit reports on the City of Tallahassee Police Department's (TPD) project to evaluate and revise their secondary employment program. TPD's project to evaluate and revise the secondary employment program has been delayed by at least one year, due to uncertainty of funding. TPD management estimates that revisions to the secondary employment program will be implemented in January 2011.

City management requested that the Office of the City Auditor conduct a project progress audit to:

- Periodically communicate project status and accomplishments to TPD and City management;
- Provide advisory services during the evaluation and revision of TPD's secondary employment program;
- Evaluate the internal controls related to advertising and monitoring officers' secondary employment activities and payments made to both officers and TPD; and if applicable, scheduling, assigning, and managing officers' time related to secondary employment.
- Assist TPD in identifying the revenues, costs, benefits, and risks of the secondary employment program.

Law enforcement agencies commonly allow their officers to participate in secondary employment activities (also referred to as extra-duty or off-duty employment) to earn additional income. While performing these secondary employment duties, officers wear official uniforms and drive vehicles provided by their primary employer.

These secondary employment programs provide a service to the community by providing traffic control and pedestrian safety, and crowd control and security assistance for businesses and individuals in addition to normal policing activities.

Some agencies manage and control all secondary employment activities, including taking requests from businesses, scheduling and managing officers' time, collecting payments from businesses, and paying officers for hours worked. Other agencies are not involved in officers' secondary employment activities. In those cases, officers schedule and make all arrangements for their secondary employment activities. Appendix A provides a comparison of selected secondary employment program components among 11 Florida law enforcement agencies, including TPD.

Currently, TPD partially manages the secondary employment activities by receiving and posting businesses' secondary employment work requests, charging a surcharge to businesses to assist in covering related administrative and vehicle costs, and regulating secondary employment activities through policies and procedures. TPD does not schedule officers' time or pay officers for secondary employment events. Officers schedule their own secondary employment and receive payment for services directly from businesses. In this project, TPD is evaluating whether to increase TPD's role in managing secondary employment activities.

During this project progress audit, we met with the project team and provided advice related to project management and program related controls and identifying associated revenues, costs, benefits, and risks. We also reviewed and

evaluated the management controls associated with the current secondary employment program, identified potential issues, and provided recommendations to assist TPD during their evaluation and revision of their program. Based on our review to date, we recommend TPD address the following areas as they move forward with their secondary employment program:

- TPD should determine how the secondary employment program processes are to be revised and implemented prior to acquiring an automated solution.
- The project team should fully assess the liabilities and risks associated with the secondary employment program to include actions planned to reduce or mitigate those risks.
- The project team should solicit input from officers and investigators working secondary employment, communications operators, and businesses regarding how TPD should revise its secondary employment program.
- TPD management needs to address whether they will provide and manage equipment needed by officers and investigators working secondary employment. An example of such equipment would be a laptop computer to facilitate electronic reporting.
- The revised secondary employment policies should provide guidelines and standards for determining how many officers are required to work at a specific off-duty location.
- The revised secondary employment policies should include pre-defined pay ranges that officers charge businesses based on the level of services, and such pre-defined pay ranges will need to be negotiated with the applicable unions prior to implementation.
- Steps should be taken to ensure that officers and communications operators consistently input correct secondary employment related data into the Computer Aided Dispatch (CAD) system.
- Steps should be taken to ensure that coordinating officers submit appropriate service agreements and other required plans and permits for secondary employment events in a timely manner.

- Management should implement processes to accurately identify, track, and account for all costs associated with the secondary employment program.

Descriptions of these issues and recommendations, along with management's plans and actions are provided in Table 4 of this report.

We would like to thank the TPD secondary employment program project team and other key TPD and Information Systems Services' staff for their cooperation and assistance during the development of this progress report.

Scope, Objectives, and Methodology

This is the first in a series of audit reports on the City of Tallahassee Police Department's (TPD) project to evaluate and revise their secondary employment program. The objectives of the audit were to:

- 1) Communicate project status and accomplishments as of December 31, 2009.
- 2) Provide advisory services to TPD staff during the evaluation and revision of TPD's secondary employment program and the evaluation and selection of an information systems application software to manage and track secondary employment work and costs.
- 3) Evaluate the internal controls related to:
 - Advertising and monitoring officers' secondary employment activities, and if applicable, scheduling, assigning, and managing officers' time related to secondary employment.
 - Payments to TPD and officers related to secondary employment activities.
- 4) Assist TPD in identifying the revenues, costs, and benefits of the police secondary employment program on the City's policing operations.

To achieve our objectives, we attended TPD secondary employment project team meetings in an advisory capacity; interviewed staff; analyzed department financial data; reviewed policies and procedures, laws, law enforcement standards, and grant documentation; documented processes; and

telephone surveyed 11 Florida law enforcement agencies regarding their secondary employment policies and procedures. Additionally, we provided suggested internal controls related to secondary employment for the project team to consider during their project work.

We conducted this audit in accordance with the International Standards for the Professional Practice of Internal Auditing and Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Tallahassee Police Department

The Tallahassee Police Department is comprised of 364 sworn officers responsible for policing the City of Tallahassee that is comprised of a geographic area over 100 square miles. TPD has voluntarily applied for and received accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) consistently since 1986. The purpose of CALEA's Accreditation Program is to improve the delivery of public safety services primarily by maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence among law enforcement agencies. According to CALEA's online listing (as of February 1, 2010), there were 48 accredited law enforcement agencies in Florida, 27 were municipal agencies, 16 were sheriff departments or offices, two were state departments, two were special transportation departments, and one was a university department.

Secondary Employment Programs in Florida

There are various Florida Statute sections that address different aspects of secondary employment components, such as payment to officers, program costs, and worker's compensation liabilities, and the Attorney General has provided opinions to provide clarifications to the statutes. Additionally, the Code of Federal Regulations Fair Labor Standards Act addresses how off-duty hours apply to overtime

pay. These laws and opinions support that law enforcement agencies can provide a secondary employment program that primarily serves a public purpose. Additionally, officers may use department uniforms, equipment, and vehicles and may be called back to service when needed. However, the costs to operate such a program cannot be borne with public funds. The related Florida Statutes (F.S.), Code of Federal Regulation (CFR), and Florida Attorney General Opinions (AGO) are provided below:

- F.S. Section 112.316 allows for public officers and employees to accept other employment which does not interfere with the full and faithful discharge of his/her duties to the city.
- F.S. Section 212.05(1)(i)1.a. exempts sales tax for secondary employment of law enforcement officers performing approved law enforcement duties in the geographic location where the officer has arrest jurisdiction.
- 29 CFR Part 553, Section 553.227, Fair Labor Standards Act provides that the hours of work performed by law enforcement officers for a separate and independent employer during their off-duty hours, at their own option, are not combined with the hours worked for the primary public agency for purposes of overtime compensation.
- AGO 90-61 clarified that state agencies or sheriff offices may administer and operate an off-duty employment program.
- AGO 79-17 and AGO 97-01 clarified that public monies should not pay for the costs associated with secondary employment programs since secondary employment is a "private purpose."
- AGO 97-01 clarified that agencies may receive and disburse private sector wages to its employees who participate in the program. Additionally, the expense of maintaining the payroll system should be included in the fees or charges paid by the private employers and should not be subsidized by public funds.
- AGO 82-31, AGO 90-61, and AGO 2005-10 clarified that workers' compensation should be paid to officers working secondary employment when they incur injuries associated with performing official policing duties, but not when solely associated with the secondary employment unless the public employer had an

agreement to provide workers' compensation coverage for that private employment.

TPD's Secondary Employment Program

TPD supports the privilege of department officers who volunteer to engage in outside and secondary employment, but maintains the right to regulate and, where appropriate, prohibit certain types of employment. Some examples of secondary employment in the Tallahassee area include:

- traffic control and pedestrian safety for churches, universities, and special events, and
- crowd control and security assistance for special events; restaurants, bars, and clubs; banks and credit unions; and grocery and department stores.

TPD provides guidance to its officers regarding secondary employment through General Orders 14, "Secondary / Outside Employment" (effective October 2004) and 48, "Outside and Secondary Employment" (effective October 2004). These department policies specifically address secondary employment at TPD. Additionally, the agreements between the City and the Big Bend Chapter of the Florida Police Benevolent Association, Inc., (for sergeants and lieutenants, and for police officers and investigators) provide comparable conditions and guidelines related to secondary employment.

Some of the conditions and guidelines included in the agreements are as follows:

- Secondary employment is limited to 25 hours per calendar week. The Police Chief must approve any exception.
- Secondary employment shall not present a conflict of interest, as defined by City policy and state law, and between employee's police officer duties and duties performed at the secondary employer.
- Employees engaged in secondary employment are subject to be called back to TPD in cases of emergency when their services may be needed.
- Employees engaged in secondary employment are to be compensated directly by the secondary employer. The City is not liable for any taxes owed on compensation received by officers for secondary employment.

Additional guidelines provided in the TPD general orders include:

- Annually, to be eligible to engage in secondary employment, employees must complete and submit an Outside Employment Form and receive approval to work for specific secondary employers.
- Secondary employment is limited to non-police activities in which the use of vested law enforcement is not a condition of employment.
- Officers shall wear standard department patrol uniform while working any secondary employment unless authorized otherwise.
- Under most conditions, employees unable to report for regular duty may not engage in secondary employment, for example, employees in light duty status, those relieved of duty, suspended from duty, or out sick.
- Employees who serve as Coordinating Officers must meet additional requirements.
- Employees seeking secondary employment at locations serving alcohol must meet additional requirements.
- Employees working secondary employment are required to be covered by Workers' Compensation insurance provided by the secondary employer. By TPD policy, the City provides workers' compensation insurance coverage to employees working in a law enforcement function and when traveling to and from the site of the secondary employment location.

The secondary employment program at TPD is predominantly managed through the Office of Professional Standards (OPS). This Office receives and retains annual requests and approvals for secondary employment, receives secondary employment requests from outside businesses and individuals, notifies TPD employees of secondary employment opportunities, and retains secondary employment related information documentation (such as annual secondary employment requests and approvals and event operational plans).

Other TPD offices and employees that have responsibilities related to secondary employment include Financial Services, Patrol Division Watch Commanders (official supervisor over each patrol shift), and supervisors throughout the department. Financial Services collects the Secondary Employment Surcharge Forms and the accompanying payments from businesses and

individuals for one-time events and coordinates efforts to send invoices for recurring events. Watch commanders need to be aware of all secondary employment activities occurring during their shifts to know where off-duty officers are working in case they are needed in an emergency, as well as any indirect impact an event may have on regular police activities. All supervisors of TPD employees working secondary employment are involved in monitoring those employees and ensuring compliance with the hour limitations, working conditions, etc., as well as periodically reviewing and approving event operational plans.

Appendix B provides a more detailed description and Appendix C provides an illustration of the current TPD secondary employment processes.

Project Status and Accomplishments to Date

In December 2008, TPD initiated an internal project to review and revise its secondary employment program. A project team led by the Executive Assistant to the Police Chief was created consisting of staff from TPD’s Office of Professional Standards, Financial Services, Employee Resources, and Information Systems Services Technology Planning and Advisory Division. A staff member from the Office of the City Auditor participated in project team meetings in an advisory capacity. The team identified other key City staff from payroll, legal, human resources, and revenue collections that they would need to involve in the project design and policy review.

The goal of the team is to revise TPD’s secondary employment policy and processes to be more effective and efficient with basic controls in place. The project team will also be addressing whether to recommend increasing TPD management’s role in managing the secondary employment program. For example, if TPD fully managed the secondary employment program, TPD would collect fees from businesses, schedule and manage officers working the events, record time worked, and pay the officers accordingly.

Based on team efforts and experience gained, the project team is also looking to procure a software application to assist in managing and monitoring secondary employment activities. Some of the desired features needed in the software application include the ability to:

- Allow businesses to apply for and pay for services on-line;
- Track receipt of required documentation;
- Advertise secondary employment events for officers to sign up in an equitable manner;
- Schedule all secondary employment events and officers working those events;
- Invoice, track, and record payments received for services provided; and
- Report secondary employment services provided, including officers’ hours worked, number of events worked, and associated costs (i.e., equipment and vehicle use, insurance).

Table 1 shows the project’s goals, original targeted dates, and revised dates as of December 31, 2009.

**Table 1
Secondary Employment Project
Goals and Target Dates**

Project Goals	Initial Target Dates	Revised Target Dates as of 12/31/09
Request for Information (RFI) completion and release	February 2009	February 2010
RFI due back	February 2009	February 2010
Request for Proposal (RFP) completion and release	April 2009	April 2010
RFP due back	May 2009	May 2010
Vendor selected	June 2009	June 2010
Contract negotiations completed	July 2009	July 2010
Begin system implementation	July 2009	July 2010
Go live with new system and processes	January 2010	January 2011

Source: Project Team Meetings

The secondary employment project team met approximately five times between the period of December 2008 and December 31, 2009.

As shown in Table 1, TPD’s project to evaluate and revise the secondary employment program has been delayed by at least one year, due in part to uncertainty of funding. While the project team will not know the actual amount of funding needed for the completion of this project until Requests for Information and Requests for Proposals are received and evaluated, grant funding provided through a Federal Justice Assistance Grant awarded to the City in June 2009 has been identified to fund this project.

Audit Advisory Services Provided to TPD

The second objective of our project progress audit is to provide advisory services to TPD management during their review and revision of their secondary employment program and solicitation, selection, and evaluation of a software application to assist in managing and tracking secondary employment work and costs.

During the TPD secondary employment program project, we have attended project team meetings in an advisory capacity; reviewed policies and procedures, laws, law enforcement standards, and grant documentation; documented processes; and surveyed 11 Florida law enforcement agencies regarding their secondary employment policies and procedures. Law enforcement agencies surveyed included Clearwater, Gainesville, Hollywood, Cape Coral, Fort Lauderdale, Hialeah, Orlando, Jacksonville Sheriff, Florida Highway Patrol, Leon County Sheriff, and Tallahassee.

Some highlights from the survey included:

- Nine of the 11 agencies schedule officers to work secondary employment events (TPD and Florida Highway Patrol does not).
- Eight of the 11 agencies charge either an administrative or vehicle use fee to businesses for secondary employment events (TPD does charge an administrative fee).
- Three of the 11 agencies collect officers' payments from businesses and pay officers directly. Two of those three agencies include secondary employment income in pension calculations (TPD officers' are paid directly by the businesses for which services are provided).
- Eight of the 11 agencies have pre-set hourly rates or ranges for officers working secondary employment (TPD has a suggested, but not a required, minimum hourly rate).
- Three of the 11 agencies use a software application to assist in managing their secondary employment program (TPD does not use a software application).

We provided the detailed results of our survey to the TPD project team and management for their information. Appendix A provides a comparison of selected secondary employment program

management components of 11 law enforcement agencies in Florida.

Our office will continue to monitor the progress of this project to its completion and provide advisory services as needed.

Secondary Employment Program Management Controls

The third objective of our project progress audit is to evaluate the internal controls related to 1) the scheduling, assigning, and managing of officers' time related to secondary employment activities; and 2) the payments to TPD and officers related to secondary employment activities.

Scheduling, Assigning, and Managing Secondary Employment Activities

Officers are notified of secondary employment opportunities through a mass email sent from the Office of Professional Services, and the first come – first serve approach is taken when assigning coordinating officers. The notices are sent out daily at 4 p.m. unless it is a last minute opportunity that needs to be filled quickly.

TPD does not currently “manage” the coordinating officers related to secondary employment activities. The coordinating officer works directly with the businesses to plan for and work the event. The coordinating officers also schedule additional needed officers to work the secondary employment event. TPD supervisors do review required documentation for secondary employment events, such as the service agreement and operational plan (as needed), to ensure that proper permits are obtained and to be aware of events that may impact regular policing activities in the City.

Payments to Officers

Currently, businesses pay the coordinating officer directly for all secondary employment services provided to their event, and the coordinating officer in turn pays other officers working the event. As stated in General Order 48 and the agreements between the City and the Big Bend Chapter of the Florida Police Benevolent Association, Inc., (for sergeants and lieutenants, and for police officers and investigators), the City is not liable for any taxes owed on compensation received for secondary employment.

Appendix B provides a detailed description and Appendix C provides an illustration of the current TPD secondary employment processes.

During the review of the secondary employment program, TPD will be addressing whether to continue this practice or to collect fees and payments from the businesses and pay the officers. We provided recommended internal controls related to the secondary employment for the project team to consider during their project work of revising policies and procedures and soliciting proposals for a software application. The internal controls recommended were related to ensuring:

- 1) TPD revises policies and procedures to reflect the changes to the secondary employment program.
- 2) The program complies with laws, policies, and procedures.
- 3) Officers are equitably assigned secondary employment work.
- 4) Officers get paid accurately for secondary employment work performed.
- 5) Proper approvals are obtained and documented.
- 6) Management has reliable information to manage and monitor program activities, including officers' hours worked, number of events worked, amounts billed, and payment received.
- 7) All associated program costs are tracked and monitored.
- 8) Businesses are charged equitable fees for secondary employment services.
- 9) Program fees adequately cover program costs.
- 10) Associated program risks are assessed and communicated to TPD and City management as appropriate.

We recommend that the project team and TPD management examine the advantages, disadvantages, benefits, costs, and risks associated with how they revise their secondary employment program, and then identify the necessary internal controls to properly manage the program.

Secondary Employment Revenues, Costs and Benefits

The fourth objective of our project progress audit is to assist Police in identifying the revenues, costs, benefits, and risks of the police secondary employment program on the City's policing operations.

Revenues

In December 2008, TPD began imposing a \$10 per event per officer surcharge fee on businesses and individuals requesting secondary employment services to offset the costs of providing those services. *[Note: the process is the same for businesses and individuals and for this report individuals are considered a business]* Payments from businesses are required prior to one-time secondary employment events. Businesses are to complete the Secondary Employment Surcharge form and pay \$10 (either cash or check) per officer per day to TPD Financial Services.

Table 2 shows the number of secondary employment surcharge events that were billed, paid in advance, and exempt from fees. The majority of surcharge events (96%) were recurring events where businesses were invoiced on a monthly basis, 3% were single events where businesses paid in advance, and 1% was exempt from paying the surcharge fee. The estimated revenues not collected from providing secondary employment to exempt organizations in FY 2009 were \$920 (92 events x \$10). Records in TPD Financial Services show that over 99% of the amount that should have been collected for secondary surcharge events were properly collected.

Table 2
Number of Secondary Employment Activities Recorded and Fees that Should Have Been Collected Compared to Actual Recorded Revenues for FY 2009

Secondary Employment Surcharge Events	Number or Amount	Percent
Recurring Events (Billed to Businesses)	6,937	96%
Single Events (Paid in Advance)	238	3%
Exempt - not billed (qualifying not-for-profit organizations that received City permits or TPD permits)	92	1%
Total events	7,267	100%
Number of Secondary Events Billed	7,175	
x \$10 per officer	\$10	
Total Amount Billed and Prepaid	\$71,750	
Actual Collections Recorded in FY 2009	\$71,490	
Difference between actual collections and amount billed and prepaid	(\$260)	(0.4%)

Source: TPD Financial Services and City financial reports

These revenues are recorded in the General Fund as Police Protection revenues. Table 3 below provides the revenues budgeted and recorded in this account for FY 2009 and 2010 (as of December 31, 2009).

Table 3
Secondary Employment Surcharge Revenues Budgeted and Collected for FY 2009 and FY 2010 (as of December 31, 2009)

	FY2009 Budget	FY2009 Actual	FY2010 Budget	FY2010 1st Qtr Actual
Police Protection	\$100,000	\$71,490	\$ 85,000	\$ 20,130

Source: City financial reports

Costs

At this point, TPD’s involvement in managing the secondary employment program has included notifying employees of opportunities, allowing the use of vehicles (wear and tear, fuel, insurance) and uniforms (wear and tear and cleaning), time spent by supervisors monitoring secondary employment and by administrative staff responding to secondary employment requests, and collecting, invoicing, and recording surcharge fees. TPD management has not put mechanisms in place to track each of these expenses.

If, during TPD’s review of their secondary employment program, management decides to increase their involvement by scheduling, collecting all payments from businesses, and paying officers for their secondary employment work, TPD should identify all related costs and set fees accordingly. Examples of related costs could include all the current costs (mentioned in the above paragraph), plus:

- Treasurer-Clerk’s Revenue costs to collect and record payments from businesses;
- TPD staff and supervisors costs to schedule and manage officers working secondary employment events;
- TPD timekeepers and accounting and payroll costs to record time worked and pay officers; and
- Insurance costs to cover additional risks associated with officers working secondary employment.

TPD should start tracking all secondary employment related expenses to determine whether the surcharge fee adequately covers all associated secondary employment costs. [We provided a recommendation to management to address this in Table 4.]

Benefits

TPD’s secondary employment program provides a service to the community by providing traffic control and pedestrian safety, and crowd control and security assistance for businesses and individuals in addition to normal policing activities. The increased policing presence provides general benefits to the community through crime deterrence and security. Additionally, more officers are available throughout the community in an “on-call” capacity. By properly checking in with dispatch when beginning secondary employment, Patrol Supervisors know where these officers are located should they be needed in an emergency situation.

Risks

Management should periodically assess the risks associated with providing a secondary employment program for officers. Such risks could include the liabilities associated with injuries that officers incur or an officer’s actions that causes injury to others while working secondary employment. Our review of the Florida Attorney General Opinions indicated

that it is sometimes difficult to determine whether the officer was performing services associated with the secondary employer or the law enforcement agency when incurring an injury. The Attorney General stated that the determination of responsibility in any given instance would be determined upon the particular facts. There is an increased risk that the City could be held liable for incidents that occur while officers are working secondary employment events.

Our comment related to risk is not intended to suggest TPD should not support a secondary employment program. Our comment about risk is to recognize that secondary employment could result in additional costs to the City to defend its policies and responsibilities. Accordingly, we are recommending that TPD fully and clearly communicate to officers and private employers risks and recommended steps that should be taken to reduce or mitigate such risks. [We provided a recommendation to management to address this in Table 4.]

Secondary Employment Program Issues, Recommendations, and Management Plans/Actions

The TPD project to review secondary employment policies and processes is still in its early phase. As part of our audit, we reviewed the current policies and processes related to the secondary employment program activities currently in place at TPD and noted areas that should be addressed and/or improved while the project team is revising the TPD program. We categorized these issues into: 1) Project Management Related Risks, and 2) Program Control Risks.

The identified potential issues, associated recommendations, and TPD management’s plans/actions to address these issues, as of December 31, 2009, are provided in Table 4.

**Table 4
Secondary Employment Program Issues, Recommendations, and Management Plans/Actions as of December 31, 2009**

Secondary Employment Program Issues Identified and Recommendations	TPD Management’s Plans/Actions
Project Management Related Risks	
<p>TPD should determine how the secondary employment program processes are to be revised and implemented prior to acquiring an automated solution. The project team is discussing making significant changes to the current processes and the project progress should be to define the desired project requirements prior to soliciting application software vendors. Without a predefined scope and desired program deliverables, there is an increased risk that the project results will not have the desired program results.</p>	<p>TPD Response: Primary processes and procedures, as well as the overall goals of the project, have been developed. Because the proposed system is not simple “off the shelf” software the specific project requirements will be based on responses from an RFI and additional discussion with stakeholders. This will lead to creation of a Request For Proposal (RFP) to solicit project bids.</p>
<p>The project team should fully assess the liabilities and risks associated with the secondary employment program to include actions planned to reduce or mitigate those risks. Such an assessment would include all associated program costs, insurance risks, officer moral, compliance issues, training needs, and other potential issues, and would assist the project team in defining the project steps to address and mitigate any identified risks and concerns.</p>	<p>TPD Response: Management recognizes the need to review any potential for increased liability as a result of changes to the current secondary employment procedures. The primary objective remains to bring additional management controls and equitable transparency to the entire secondary employment process.</p>
<p>The project team should solicit input from officers and investigators working secondary employment, communications operators, and businesses regarding how TPD should revise its secondary employment program. Such involvement has not been identified to be</p>	<p>TPD Response: Key stakeholders have been involved in the detailed process review and development of an RFI seeking information from vendors. Representatives from all areas of TPD, COT ISS, Finance, Treasurer-Clerk’s Office, and Auditor’s Office have been, and will continue</p>

<p>part of their secondary employment project plan. Without involvement from these various involved parties, TPD management may face increased opposition from officers and businesses when the program is implemented.</p>	<p>to be, involved as the project moves forward. A focus group of businesses that routinely use TPD officers on a secondary employment basis will also be included prior to finalizing the project.</p>
<p>TPD management needs to address whether they will provide and manage equipment needed to officers and investigators working secondary employment. At this time, not all officers have the capability to submit electronic reports when working out of TPD headquarters thereby negatively impacting timely reporting by officers working at secondary employment locations. For example, investigators are not assigned laptops and therefore cannot submit electronic reports while working secondary employment events. TPD management needs to determine whether they will manage the secondary employment equipment that will provide electronic reporting as an expected condition of employment. Should the City manage the off-duty employment, there could be an expectation that the same equipment will be provided to all officers.</p>	<p>TPD Response: Providing all officers with laptop computers for secondary employment purposes is cost prohibitive. Because the officer is not expected by the business to complete offense/arrest reports as part of their assignment the change in program administration is not anticipated to change the current expectation of outside employers. Should a secondary employment officer take law enforcement action they revert to being on City time and all normal TPD resources would be made available to that officer just as if they were on-duty.</p>
<p>Program Control Risks</p>	
<p>The revised secondary employment policies should provide guidelines and standards for determining how many officers are required to work at a specific off-duty location. Examples of variables to consider include anticipated attendance, location, type of venue, and whether alcohol is involved. Standardization provides consistency so officers treat all businesses the same. Without these guidelines, there is an increased risk that businesses will be treated differently or that there may not be a safe number of officers at a particular event should a business try to hire fewer officers to keep costs down.</p>	<p>TPD Response: Security standards will be established through policy to the extent possible. The policies related to determining how many officers should work at specific locations will be written to allow discretion and professional judgment in determining security requirements for any specific event.</p>
<p>The revised secondary employment policies should include pre-defined pay ranges that officers charge businesses based on the level of services, and such pre-defined pay ranges will need to be negotiated with the applicable unions prior to implementation. The current email sent out to officers advertising secondary employment opportunities provides a suggested pay rate of \$41/hour (minimum of three hours) for the officers to use when negotiating with the businesses. This internal suggestion is not provided on any of the written forms or documents provided to businesses. TPD staff indicated that they inform the businesses of the suggested amounts when asked. Without pre-defined pay ranges, there is an increased risk that officers could charge an exorbitant rate to select businesses for similar types of secondary employment.</p>	<p>TPD Response: Management will include the Big Bend Chapter of the Florida Police Benevolent Association, Inc., in discussions establishing pre-defined pay ranges.</p>
<p>Steps should be taken to ensure that officers and communications operators consistently input correct secondary employment related data into the Computer Aided Dispatch (CAD) system. Officers and communications operators have not been inputting correct information into the CAD system. Examples of such data include accurate start and end times (i.e., calling in when</p>	<p>TPD Response: Training related to the proposed secondary employment computer application will include an emphasis on ensuring all data that is entered into the system and the CAD is accurate.</p>

<p>arriving and leaving a secondary employment location), secondary employer’s business name and address, and location of the secondary employment. Without accurate information, the CAD system data is not reliable for:</p> <ul style="list-style-type: none"> a) Invoicing businesses accurately for the number of officers working at specific events. This increases the amount of work necessary to follow up to obtain complete data and also increases the risk that businesses receiving secondary employment services are not accurately billed. b) Determining compliance with the TPD policies limiting the number of hours officers are allowed to work off-duty weekly (current limit is 25 hours/weekly). This increases the risk that officers may be working over the number of hours allowed per policy and thereby increasing the risks that officers may be physically or mentally tired during on-duty employment. 	
<p>Steps should be taken to ensure that coordinating officers submit appropriate service agreements and other required plans and permits for secondary employment events in a timely manner. TPD management acknowledged that coordinating officers do not consistently comply with the submission deadlines outlined in General Order 48 and that there are no current consequences to encourage compliance. Additional, coordinating officers claim that they have been directed by TPD management to accept and process late and incomplete documentation for secondary employment events.</p> <p>When there is noncompliance with event documentation submissions, there is an increased risk that paperwork will continue to be submitted late, negatively impacting TPD management’s ability to properly plan and to ensure that they are made aware of all secondary employment activities occurring in the department.</p>	<p>TPD Response: One of the desired outcomes for this project is to transfer payment to officers from the business to a pass-through process with the City responsible for payment. Procedures will be implemented prohibiting payment for a secondary employment detail until all appropriate paperwork is completed, submitted, and approved.</p>
<p>Management should implement processes to accurately identify, track, and account for all costs associated with the secondary employment program. TPD management determined that the current \$10 per officer per event surcharge adequately covers the vehicle costs associated with secondary employment. Other program costs were not considered when determining this fee. TPD management should also consider program costs related to work time spent performing duties related to advertising secondary employment opportunities, reviewing required event documentation (operational plans, permits), invoicing and collecting surcharge fees, and monitoring officers’ secondary employment activities. When program costs are not tracked and accounted for, management is unable to ensure that the program fees adequately cover the cost of the program.</p>	<p>TPD Response: The purpose of the current surcharge was to primarily recover vehicle costs associated with officers working a secondary employment detail. Prior to implementation of new comprehensive procedures a thorough review of all program costs will be conducted to determine appropriate cost-recovery fees.</p>

Conclusion

This is the first in a series of audit reports on TPD's project to evaluate and revise their secondary employment program. During this project progress audit, we:

- Communicated the project status and accomplishments as of December 31, 2009, to TPD and City management.
- Provided advisory services during the evaluation and revision of TPD's secondary employment program.
- Evaluated the internal controls related to advertising and monitoring officers' secondary employment activities and payments made to both officers and TPD; and as applicable, scheduling, assigning, and managing officers' time related to secondary employment.
- Assisted TPD in identifying the revenues, costs, benefits, and risks of the secondary employment program.

Table 4 provides the identified potential issues and recommendations provided to assist TPD during their evaluation and revision of their secondary employment program, and management's plans and actions to address these concerns. Our office will continue to participate in an advisory capacity on this project and will periodically report on the project status and accomplishments and management's plans to address the issues and recommendations provided in this report.

We would like to thank the TPD Secondary Employment Project Team and other key TPD and Information Systems Services staff for their cooperation and assistance during the development of this progress report.

Appointed Official's Response

City Manager's Response:

Changing how the Police Department coordinates and controls its secondary employment program is a complex project that requires the involvement of many City departments. Because of this, the active participation of the City Auditor's Office is greatly appreciated. As the project proceeds over the next several months we will seek clarification of the previous Florida Attorney General opinions, referenced in this progress report, regarding the use of government grants to fund the technology associated with this project. I appreciate the teamwork that is being demonstrated by all of the involved staff as this project moves forward to an anticipated successful conclusion.

APPENDIX A

Comparison of Selected Florida Law Enforcement Agencies Secondary Employment Program Components

City	Population	Number of Officers	Schedule Officers to Work?	Charge Administrative Fee to Businesses?	Collect Officers' Payment from Businesses?	Secondary Employment income included in Pension?	Has Pre-Set Hourly Rates or Ranges?	Uses an Automated System for Scheduling and/or Managing?
Clearwater	107,742	200	Yes	Yes	Yes	No	Yes	Yes
Gainesville	108,655	306	Yes	Yes	Yes	Yes	Yes	No (5)
Hollywood	145,794	350	Yes	Yes	No	n/a	Yes	No
Cape Coral	151,389	242	Yes	Yes	Yes	Yes	Yes	Yes
Tallahassee	159,012	364	No (6)	Yes	No	n/a	No (1)	No
Fort Lauderdale	185,804	511	Yes	No	No	n/a	Yes	No
Hialeah	217,141	341	Yes	No	No	n/a	Yes	No
Orlando	220,186	782	Yes	No (3)	No	n/a	Yes	No
Leon County Sheriff	264,063 (7)	235	Yes	No (3)	No	n/a	Yes	No
Jacksonville	794,555	1,600	Yes	Yes	No	n/a	No (2)	Yes
Florida Highway Patrol	18,328,340	1,600	No	No (4)	No	n/a	No	n/a

Notes:

n/a - not applicable

- (1) There is a suggested pay rate, but it is not required and is not documented on information provided to businesses
- (2) There is only a minimum hourly rate set
- (3) No administrative fee charged, however, a vehicle use fee is charged
- (4) No administrative fee charged, however, officers are to reimburse FHP for "any extra mileage accrued as a result of off-duty" use
- (5) Agency is in process of implementing a system
- (6) Coordinating officers schedule officers to work
- (7) Leon County population includes the Tallahassee population. The population of Leon county excluding Tallahassee is 105,051

APPENDIX B
Brief Description of the Police Secondary Employment Process
(Supporting the Illustration in Appendix B)

Step 1 – Requesting Services and Officer Notification

Businesses (or individuals) contact TPD to request secondary employment assistance. The Office of Professional Services (OPS) takes initial information - type of event, size, location, hours, alcohol, and sponsor information. OPS sends out an email notice to all officers at 4pm daily. The secondary employment opportunity is assigned to the first eligible officer¹ that responds indicating his/her interest to OPS and informs OPS that he/she will work (and coordinate police services) at the event. Additionally, during this process, the officer will contact the business to obtain additional information about the event.

Step 2 – Event Planning, Permitting and Surcharge

The coordinating officer works with the business to determine staffing and permitting needs, and completes the required TPD forms, including the Officer Service Agreement (either Single Event or Recurring Event²), and the Secondary Employment Surcharge form. Additionally, the officer and business negotiate the hourly rates for the coordinating officer and other needed officers. The current minimum hourly rate of \$41/hr (minimum of three hours) is suggested to the officers, but not required; a maximum rate is not suggested. Recommended hourly rates are not listed on the documentation provided to businesses.

If the event is large or meets certain criteria, the coordinating officer may need to complete a TPD Operational Plan (O-Plan). Additionally, event details and activities may require permits from Growth Management, Alcohol Beverages & Tobacco. The business is responsible for applying and getting those permits, but the coordinating officer typically provides assistance.

When all forms are completed and permits obtained, these are submitted to TPD supervisors for review and approval. The business will also submit the Secondary Employment Surcharge form and provide payment of \$10 per officer per day to TPD Financial Services.

Step 3 – Working the Secondary Employment Event

The coordinating officer recruits additional officers needed to work the event. Officers are to “call in” to dispatchers when they arrive and again when they leave their secondary employment location, so TPD dispatchers and supervisors are aware of their location and availability if needed. Officers working secondary employment are considered “on call” should TPD supervisors need to call them back to work. Officers are to follow all TPD general orders and protocol just as if they are working for the City.

Step 4 – After the Event

The business pays the coordinating officer for all officers that worked the event.

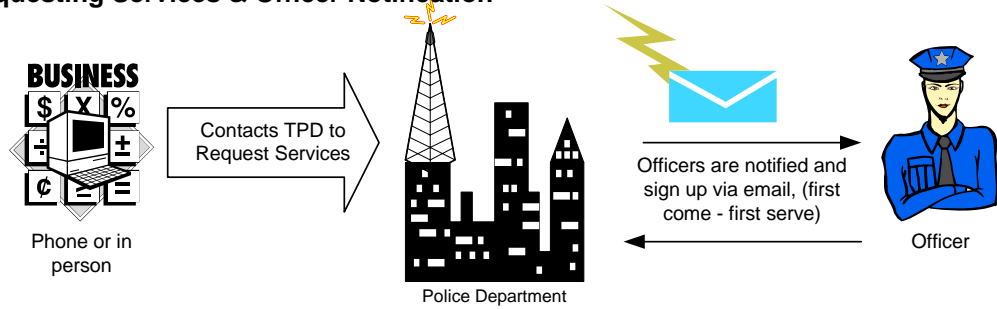
Note 1 – On an annual basis, officers must apply and be approved to be eligible to work secondary employment. OPS manages this process.

Note 2 - Recurring events follow most of the same steps as the single event, with the exceptions of multiple operational plans may not be required and the businesses are billed for the surcharge monthly instead of before a single event.

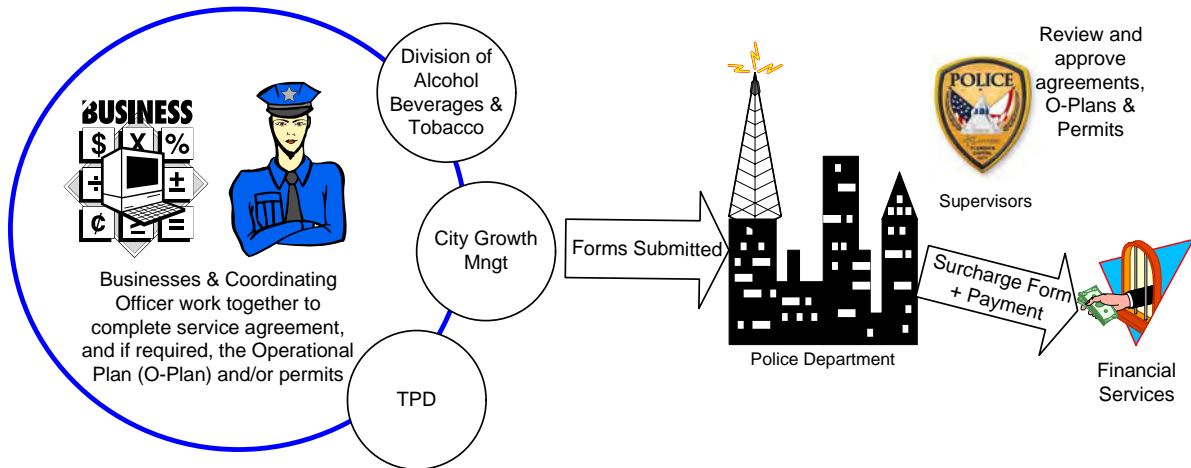
APPENDIX C

Police Secondary Employment Process Illustration

Step 1: Requesting Services & Officer Notification



Step 2: Event Planning, Permitting & Surcharge



Step 3: Working the Secondary Employment



Step 4: After the Secondary Employment



Copies of this audit report #1012 may be obtained from the City Auditor's website (<http://www.talgov.com/auditing/auditreports.cfm>) or via request by telephone (850 / 891-8397), by FAX (850 / 891-0912), by mail or in person (Office of the City Auditor, 300 S. Adams Street, Mail Box A-22, Tallahassee, FL 32301-1731), or by e-mail (auditors@talgov.com).

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