



LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

April 24, 2018

Mr. Murphy J. Paul, Jr., Chief of Police
Baton Rouge Police Department
9000 Airline Highway
Baton Rouge, Louisiana 70815

Dear Chief Paul:

My office reviewed the records provided by the Baton Rouge Police Department (BRPD) regarding officers of the department who may have performed extra duty while on paid or unpaid administrative leave during the period from 2012 through 2017. We also obtained the BRPD policies for administering the extra duty assignments and reviewed them for compliance during that period (See Attachment A on page 5). In addition, we have proposed recommendations for BRPD to consider for improving your policies in this area.

According to BRPD policy, extra duty assignments are requested by various businesses and other groups to provide traffic control, pedestrian safety, crowd control, security, and routine law enforcement for public authorities. Also, we were informed that “extra duty” could also include an administrative function limited to only coordinating which officers get assigned to particular extra duty requests. This extra duty administrative function could be conducted in-house and did not require the officer to be on-site or in contact with the general public.

Based on the information we requested from BRPD, we noted that a total of 10 officers who were on administrative leave were also allowed to work extra duty assignments from 2012 through 2017 (See Attachment B on page 11). The BRPD policy provided to us that was effective prior to August 1, 2017, did not make a clear distinction between these two types of “extra duty” assignments (i.e., administering and conducting), but generally prohibited officers on administrative leave from conducting extra duty – the policy was silent with respect to the administrative function. The employees listed in Attachment B performed this administrative function only. The distinction between the administrative function and performing on-site extra duty was clarified in the BRPD policy, revised as of August 1, 2017 (See Attachment C on page 12), which prohibits officers who are on administrative leave for discipline or for an investigation from participating in any extra duty assignments, administrative or otherwise.

As a result of our further review of the BRPD extra duty policy, additional issues came to our attention that may need to be addressed by the department to fully comply with applicable laws and regulations.

The Code of Governmental Ethics, specifically R.S. 42:1111 (C)(1)(a), generally prohibits a public servant from receiving anything of economic value for any services which are devoted substantially to the responsibilities, programs, or operations of the public servant's agency and in which the public servant participated. In regard to police officers, this would ordinarily prohibit them from being compensated by private businesses for extra duty police details. However, R.S. 42:1123(15) provides an exception to allow officers to be compensated for extra duty details as long as the following occurs: (1) The Department has a formal policy providing for off-duty or private employment; (2) The policy is published in the City's Official Journal (The Advocate) prior to becoming effective; and (3) The policy provides for appropriate charges for the use of public vehicles for private employment. It appears that criteria 1 and 3 have been met. However, we recommend that the BRPD comply with criterion 2 and publish these departmental policies in The Advocate prior to becoming effective.

Although we were informed that BRPD does not allow extra duty outside its jurisdiction, we recommend that the Department's policy specifically address all extra duty restrictions and provide guidance on documenting reciprocal benefit should the department choose to allow extra duty to be performed outside its jurisdiction. The Attorney General has opined in *AG Op. No. 14-0175* that a municipality cannot provide for on-duty details outside of its jurisdiction, as this activity is beyond the municipality and police department's legal authority. The Attorney General has further noted that uncompensated use of uniforms, vehicles, and equipment for extra duty details outside of the Department's jurisdiction may constitute a violation of Article VII, §14, unless BRPD can demonstrate receiving a reciprocal benefit to satisfy the elements as outlined in *AG Op. No. 14-0175*. This reciprocal benefit should be documented for each applicable instance. We also recommend that the policy address the use of vehicles beyond normal transportation of officers to and from the extra duty site as well as who may or may not ride in the vehicles during extra duty assignments.

Finally, the City is required, pursuant to R.S. 23:1034.1, to provide worker's compensation benefits to its officers, who, while on duty or off duty, and outside of their jurisdiction but within the State, are injured performing law enforcement actions. Therefore, the City is statutorily liable under R.S. 23:1034.1 for all or a portion of worker's compensation payments for *off-duty* officers injured while performing law enforcement actions within the State. However, the jurisprudence provides that an extra duty employer may be liable for paying only their proportional share of this obligation.

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Absent contractual language establishing an obligation to report extra duty compensation to its worker's compensation insurer, the City does not appear to be statutorily mandated to do so pursuant to R.S. 23:1034.1. However, we recommend that BRPD review applicable agreements with its insurer to confirm its contractual reporting requirements and, even if not required by contract, inform their insurer of extra duty compensation. Also, we recommend that BRPD inform extra duty employers of their potential liability.

Your response to this letter will be included as Appendix A.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daryl G. Purpera".

Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP:THC:ch

BRPD 2018

cc: The Honorable Sharon Weston Broome, Mayor
East Baton Rouge Metropolitan Council

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Attachments

Attachment A

BATON ROUGE POLICE DEPARTMENT

General Order
No.102

Effective Date
05-01-1997

Revised Date
10-01-2015

Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings

POLICY

The department regulates off-duty employment for all officers. With limited exceptions, officers may only work sixteen hours a day. There is a process for documenting officers' off-duty work contained in this order.

The procedure also defines what type of off-duty employment is acceptable and what is not. Officers will not be allowed to work for some types of businesses. Employment that may lead to a conflict of interest or threatens the integrity of the department will not be approved.

DEFINITIONS

Employment

For the purposes of this policy, employment is considered the provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

Extra-Duty Employment

Extra-duty employment is a job where one of the requirements is being a sworn law enforcement officer.

One Time Detail

A one-time detail is temporary extra-duty employment.

Secondary Employment

Secondary employment is a job where there is no requirement to be a sworn law enforcement officer.

Courtesy Dwelling

An officer agrees to reside in a dwelling at a reduced rate of rent or free rent in exchange for providing security for said dwelling.

PROCEDURES

I. Secondary Employment

- A. Officers may engage in secondary employment, where the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty. Letters of request for secondary employment must be submitted to the Chief of Police through the Extra Duty Office.

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- B. Officers may not be employed in any capacity by a business that presents a conflict of interest between their duties as a police officer and their duties for the secondary employer. Some examples of employment representing a conflict of interest are:
 - 1. As a process server, re-possessor, bill collector, tow truck operator, or in any other employment that police authority might be used to collect money or merchandise for private employers.
 - 2. Any employment that might require access to police information, files, records or services as a condition of employment.
 - 3. In police uniform performing tasks other than those of a police officer.
 - 4. Assisting the case preparation for the defense in any criminal action or proceeding.
 - 5. For a business or labor group that is on strike.
 - 6. Private investigations (i.e. divorce, child custody, insurance)
- C. The Chief of Police may authorize exceptions on a case by case basis for investigation related off-duty employment that does not require the use of police powers. Requests for exceptions must be submitted to the Chief of Police through the Extra Duty Office.
- D. Officers may not be employed in any capacity by a business that constitutes a threat to the status or dignity of the department. Examples of prohibited employment are:
 - 1. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
 - 2. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
 - 3. Any gambling establishment.
 - 4. Parking lots of establishments that sell alcohol as their principal business.

II. Extra Duty Employment (Generally)

- A. Police officers may work extra-duty for a government, business, or a not-for-profit entity that otherwise meet the criteria set forth in this policy. Examples of services that may be considered suitable for extra-duty employment are:
 - 1. Traffic control and pedestrian safety
 - 2. Crowd control
 - 3. Security and protection of life and property
 - 4. Routine law enforcement for public authorities
- B. Employers who wish to employ extra-duty officers must complete an application and submit it to the extra-duty office. Applications will be processed and given to the Chief of Police who will approve or deny the request. Permission to employ extra-duty officers may be revoked at any time.

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- C. If approved, employers must submit monthly statements to the extra-duty office by the 5th of the next month. (Example, January's extra duty monthly statement is due by February the 5th). Each statement will list the name of the officer(s) who worked, the dates and hours each officer worked and the amount paid to each extra-duty officer during the period.
- D. The Chief of Police will establish minimum extra-duty rates. All payments must be by check or money order. No officer may receive cash.
 - 1. Officers may charge an employer a fee for administering an extra-duty detail. This must also be reported to the extra-duty office.
 - 2. The amount per hour billed to the employer must accurately reflect that which is paid to the officers working the detail. No employee may charge another employee a fee for working extra-duty.
 - 3. Any extra-duty or secondary employment performed by an officer is not eligible for membership service in the Employee's Retirement System of the East Baton Rouge City/Parish (MPERS).

III. Limitations on Secondary/Extra-Duty Employment

- A. Officers must be in good standing with the department in order to be eligible for outside employment. Misconduct or poor performance on-duty may result in revocation of approval.
- B. Only commissioned full-time police officers may engage in extra-duty employment. Cadets and communications officers are not permitted to work extra-duty. Officers on administrative leave, serving a suspension or who have not been confirmed may not engage in extra-duty employment, except those officers who are direct hires, have successfully completed the FTO program, and have three years consecutive law enforcement experience before being hired by the Baton Rouge Police Department.
- C. Non-sworn personnel shall not be allowed to accompany a commissioned officer while he/she is working, whether it is regular, secondary, or extra-duty employment.
- D. Any officer who wishes to work extra-duty must submit an approval form to the extra-duty office. The Chief of Police will approve or deny the request. The decision by the Chief of Police is final.
- E. If approved, officers are required to sign the extra-duty work list for the hours they have worked. Officers may sign the extra-duty work list at the location most convenient to them. One is available at the following locations:
 - 1. All patrol districts
 - 2. Traffic Division
 - 3. Criminal Records
 - 4. CIB Annex

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- F. Officers will personally fill out and sign the extra-duty work list once a month.
 - 1. Officers will fill out and sign the extra duty work list by the 15th of the next month. (Example, January's extra duty work list is due by February the 15th). These work lists shall be submitted into the designated Extra Duty log books or the Extra Duty office by this date.
 - 2. Officers who are not working extra-duty during these periods need not fill out the extra-duty work list.
 - 3. Each officer shall log their extra-duty on their own individual page. No more than one officer per page.
 - 4. When an officer ceases working a particular detail, ceases administering a detail, or the detail terminates that officer will notify the Extra-Duty office immediately.
- G. Extra-duty approval forms for one-time details will be submitted for approval by the Chief of Police.
 - 1. A last minute detail may be approved by a Lieutenant or above (not a sergeant acting in that capacity) prior to an officer's working the detail. The approval form will be immediately forwarded to the extra-duty office.
 - 2. Any private parties or social events involving the serving of alcohol must be approved by the Chief of Police.
 - 3. The date and time worked on the detail will then be reported on the current work list.
- H. Officers will not work more than sixteen (16) hours in one day (including days off). This includes any combination of extra-duty employment and/or regular duty.
 - 1. Regular duty is scheduled work hours, program overtime and other previously scheduled overtime, unless specified by the Chief of Police.
 - 2. Unscheduled overtime, such as "call outs" and court time, is not considered regular duty.
- I. Work hours for all outside employment must be scheduled in a manner that does not interfere with or impair the police employee's performance of duty. No secondary or extra-duty employment will be worked while an officer is on-duty.

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- J. Officers may not work extra-duty or secondary employment while they are on sick leave or on light-duty status.
 - 1. Officers may work extra-duty on a day they use sick leave for a doctor's appointment. Any other exemptions will be decided on a case by case basis, subject to the discretion of the Chief of Police.
 - 2. Officers that are on workers compensation shall not work extra duty or secondary employment.
- K. A police officer engaged in any outside employment who is called-out will be expected to leave his secondary or extra-duty job.
- L. Officers, who are asked to work an extra duty job involving a political activity, will submit the request to the extra duty office prior to working the job. It must be approved by the Chief of Police before the officer starts work.
 - 1. A detailed explanation of the type of activity and the specific duties of the job are to be listed on the extra duty approval form.
 - 2. If there are any questions regarding political functions and extra duty, they should be directed to the Extra Duty Office.

IV. Courtesy Dwellings

- A. The Chief of Police must authorize employment as a courtesy officer for local apartments.
 - 1. Employment as a courtesy officer inside the city limits will be considered extra-duty. Officers must submit a completed Courtesy Apartment Employer's Application and an Officer's Extra Duty Approval form through the Extra Duty Office. Approval by the Chief of Police is required before starting the detail. It will not be necessary for courtesy officers to sign the extra duty logbook or complete monthly reports.
 - 2. Employment as a courtesy officer outside the city limits will be considered secondary employment. Therefore, a courtesy apartment employer's application form, approval form, and a letter to the Chief of Police requesting permission for employment must be submitted to the Extra Duty Office. Officers will not use police equipment or act in any capacity other than as an employee of the apartment complex.
 - 3. Employment as a courtesy officer will require the officer to list the courtesy dwelling address with City Parish Human Resources as their primary domicile.

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V. Uniforms and Equipment

- A. Officers working extra-duty assignments will wear issued departmental uniform or appropriate plainclothes attire. If the extra duty approvals form specifies that the officer is to wear a uniform, the officer will wear departmental issued uniform. Officers will not wear individual parts of the uniform, unless approved by the Chief of Police. Officers working plainclothes assignments, as specified on extra duty approval form, the officer will wear their weapons fully concealed, as to the public not knowing you are the police, no "Police" t-shirts.
- B. All officers will notify communications of their location and working hours prior to their extra-duty assignment.
- C. Officers working plainclothes extra-duty assignments will only use the unit for transportation to and from the assignment and for the transportation of prisoners.
- D. Police vehicles will not be used in secondary employment without authorization from the Chief of Police.

VI. Arrests by Extra-Duty Officers

- A. Officers working an extra-duty job, alone, will call for an on-duty unit to transport prisoners. If two or more officers are working together, one will transport the arrestee to the nearest district where on-duty personnel will process him or her.
- B. The arresting officer will complete an affidavit of probable cause and arrestee information form before releasing the prisoner to on-duty personnel. The transporting officer shall then process the arrestee as per normal procedure.
- C. Officers working overtime programs will process their own prisoners.
- D. When an extra-duty officer makes an arrest and the prisoner or officer is injured a supervisor from that district will respond to the scene. He or she will make arrangements for treatment of injured persons and booking the prisoner(s). Prisoners admitted to a hospital will be guarded according to established procedure.

Attachment B

2017

5-31 Donald Steele—Hi Nabor, Arlington Cottages

6-1 Jeremiah Ardoin--Raceway

2016

4-18 Todd Bourgoyne—Country Club HOA, Concord, Delmont Village, Florida Blvd Baptist, LA Dept. Agriculture and Forestry, Wedgewood

7-5 Blane Salamoni—Whitney Bank

7-17 David Burtwell—1st United Methodist, Holiday Inn Express

2015

1-8 Charles Weary—Sullivan's, True Light, Riverbend, B.R.Charter School,

3-3 Doug Chutz—Walk-On's

2014

9-5 Neil Porter—Woman's Club

2013

10-3 Wroten Brumfield—New Hope Baptist

2012

9-5 Ernie Brewer—Wal-Greens, Raising Cane's, Chili's

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For the purposes of this policy, employment is considered the provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

Extra-Duty Employment

Extra-duty employment is a job where one of the requirements is being a sworn law enforcement officer.

Extra Duty Administrative Officers

1. Extra duty Administrative Officers are responsible for scheduling officers to cover the hours needed by the employer and making sure all paperwork that is needed for officers working and paperwork from the employer is provided to the Extra Duty office. The administrative officer may charge a fee to the employer for administering the extra duty. This must also be reported to the Extra Duty office. Administering an extra duty detail is considered working extra duty.

One Time Detail

A one-time detail is temporary extra-duty employment.

Secondary Employment

Secondary employment is a job where there is no requirement to be a sworn law enforcement officer.

Courtesy Dwelling

An officer agrees to reside in a dwelling at a reduced rate of rent or free rent in exchange for providing security for said dwelling.

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- B. Officers may not be employed in any capacity by a business that presents a conflict of interest between their duties as a police officer and their duties for the secondary employer. Some examples of employment representing a conflict of interest are:
 - 1. As a process server, re-possessor, bill collector, tow truck operator, or in any other employment that police authority might be used to collect money or merchandise for private employers.
 - 2. Any employment that might require access to police information, files, records or services as a condition of employment.
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 - 5. For a business or labor group that is on strike.
 - 6. Private investigations (i.e. divorce, child custody, insurance).
- C. The Chief of Police may authorize exceptions on a case by case basis for investigation related off duty employment that does not require the use of police powers. Requests for exceptions must be submitted to the Chief of Police through the Extra Duty Office.
- D. Officers may not be employed in any capacity by a business that constitutes a threat to the status or dignity of the Department. Examples of prohibited employment are:
 - 1. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
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 - 2. Crowd control
 - 3. Security and protection of life and property
 - 4. Routine law enforcement for public authorities.
- B. Employers who wish to employ extra duty officers must complete an application and submit it to the Extra Duty Office. Applications will be processed and given to the Chief of Police who will approve or deny the request. Permission to employ extra-duty officers may be revoked at any time.
- C. If approved, employers must submit monthly statements to the extra-duty office by the 5th of the next month. (Example, January's extra duty monthly statement is due by February the 5th.) Each statement will list the name of the officer(s) who worked, the dates and hours each officer worked and the amount paid to each extra-duty officer during the period.
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- C. Officers on administrative leave, for discipline or for an investigation, may not engage in extra duty. In cases where an officer is placed in administrative leave that does not fall under the above listed reasons, the Chief of Police may determine that the officer will not work extra duty.
- D. Non-sworn personnel shall not be allowed to accompany a commissioned officer while he/she is working, whether it is regular, secondary, or extra-duty employment.
- E. Any officer who wishes to work extra-duty must submit an approval form to the Extra Duty office. The Chief of Police will approve or deny the request. The decision by the Chief of Police is final.
- F. When an officer ceases working a particular detail, ceases administering a detail, or the detail terminates that officer will notify the Extra Duty Office immediately.
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 2. Unscheduled overtime, such as "call outs" and court time, is not considered regular duty.
- I. Work hours for all outside employment must be scheduled in a manner that does not interfere with or impair the police employee's performance of duty. No secondary or extra duty employment will be worked while an officer is on-duty.
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1. Officers may work extra duty on a day they use sick leave for a doctor's appointment. Any other exemptions will be decided on a case by case basis, subject to the discretion of the Chief of Police.

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2. Officers that are on workers compensation shall not work extra duty or secondary employment.
- K. A police officer engaged in any outside employment who is called-out will be expected to leave his secondary or extra duty job.
- L. Officers, who are asked to work an extra duty job involving a political activity, will submit the request to the extra duty office prior to working the job. It must be approved by the Chief of Police before the officer starts work.
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IV. Courtesy Dwellings

The Chief of Police must authorize employment as a courtesy officer for local apartments.

- A. Employment as a courtesy officer inside the city limits will be considered extra-duty. Officers must submit a completed Courtesy Apartment Employer's Application and an Officer's Extra Duty Approval form through the Extra Duty Office. Approval by the Chief of Police is required before starting the detail. It will not be necessary for courtesy officers to sign the extra duty logbook or complete monthly reports.
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- C. Employment as a courtesy officer will require the officer to list the courtesy dwelling address with City Parish Human Resources as their primary domicile.

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- B. All officers will notify Communications of their location and working hours prior to their extra duty assignment.
- C. Officers working plainclothes extra duty assignments will only use the unit for transportation to and from the assignment and for the transportation of prisoners.
- D. Police vehicles will not be used in secondary employment without authorization from the Chief of Police.

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- A. Officers working an extra duty job, alone, will call for an on-duty unit to transport prisoners. If two or more officers are working together, one will transport the arrestee to the nearest district where on-duty personnel will process him or her.
- B. The arresting officer will complete an affidavit of probable cause and arrestee information form before releasing the prisoner to on-duty personnel. The transporting officer shall then process the arrestee as per normal procedure.
- C. Officers working overtime programs will process their own prisoners.
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APPENDIX A

Management's Response



Police Department

City of Baton Rouge

9000 Airline Highway
Post Office Box 2406
Baton Rouge, Louisiana 70815
Phone: (225) 389-3800

Murphy J. Paul, Jr.
Chief of Police

April 24, 2018

Daryl Purpera, CPA, CFE
Louisiana Legislative Auditor
1600 N. 3rd Street
Baton Rouge, LA 70802

Dear Mr. Purpera,

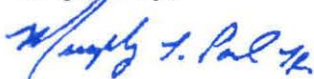
In response to your office's inquiry regarding the extra duty policy of the Baton Rouge Police department, the department would like to provide you with some important information. The Baton Rouge Police Department has a formal extra duty policy. It has had such a policy for many years. Although the policy has evolved over time, the fact remains that the department has had a formal policy for quite some time. The department allows officers to work extra duty details only within the jurisdiction of the department. Officers employed by the Baton Rouge Police department, in fact, have no law enforcement authority outside the City limits of Baton Rouge. The extra duty policy will be published in the Advocate as required by the Code of Governmental Ethics.

I have attached a copy of the present Baton Rouge Police Department extra duty policy. It is important to note that the policy provides a distinction between on-site extra duty functions and administrative extra duty functions. An administrator of an extra duty detail performs administrative paperwork and scheduling tasks, rather than actually working on site and performing what may be considered "security or law enforcement duties". Although the policy prior to August 1, 2017, which is also attached, made a distinction between on-site extra duty and administrative functions, the policy may have been vague about whether officers on administrative leave were exempt from performing administrative extra duty functions. The present policy now clearly prevents any officer on administrative leave from performing either on-site or administrative functions of extra duty employment. Further, it is important to note that administrative leave covers a variety of situations. On many occasions, officers are placed on administrative leave not because they are under investigation for wrongdoing, but because they were involved in a service incident.

The department would also like to advise your office that none of the ten officers listed as working extra-duty during their time on administrative leave were performing on-site extra duty work. Each officer was only performing administrative functions as described above. Furthermore, a majority of the officers listed were not receiving compensation for the administrative functions they were performing.

The City does not provide liability coverage for officers when they are working for an extra duty employer. The Baton Rouge Police Department provides all extra duty employers a contract which each employer is required to sign. A copy of that contract is attached. This contract explains the potential liability to extra duty employers. The City/Parish Auto Use Policy, also attached, addresses the use of vehicles beyond the normal transportation to and from the extra duty site. The policy requires de minimus use of police vehicles. This contract, when read with the Memorandum of Understanding attached to the police union contract and the Auto Use Policy of the City Parish makes it very clear that the City covers officers for liability purposes only when those officers are travelling to and from extra duty. Once an officer arrives at his extra duty assignment, his extra duty employer is responsible for both his compensation and his worker's compensation benefits.

Respectfully,

A handwritten signature in blue ink, appearing to read "Murphy T. Paul Jr.", is written over the typed name.

Murphy Paul, Jr.
Chief of Police
Baton Rouge Police Department

BATON ROUGE POLICE DEPARTMENT

General Order
No.138

Effective Date
11-01-1997

Revised Date
05-20-2017

Subject: Vehicle Use and Maintenance

Reviewed 5/20/17

POLICY

It is the policy of this department to ensure that all vehicles owned or leased by the Baton Rouge Police Department are properly maintained and operated to promote operator safety, prolong the vehicle's useful life and to present a positive image to the citizens of Baton Rouge.

PROCEDURES

I. Vehicle Use

- A. Baton Rouge Police Department vehicles may be used for the following reasons only:
 - 1. Regular on-duty work;
 - 2. Approved extra-duty or overtime programs;
 - 3. Court appearances;
 - 4. Any assignments or exemptions (i.e. on call personnel) previously approved by the Chief of Police.
 - 5. Approved department mandated or voluntary training (pistol range, physical fitness, classroom, or in-service)
- B. Non-sworn personnel are prohibited from driving a Departmental vehicle except in an emergency or in the course of official business where authorized by the Chief of Police, Metropolitan Council, or Mayor-President.
- C. Non-sworn personnel shall not be transported in a police vehicle except in the official performance of duties, when authorized by the City-Parish Auto Committee, or in an emergency.
- D. Seat belts shall always be used in all police vehicles. Doors shall be kept locked while the vehicle is unattended.
- E. When operating a departmental vehicle, officers shall dress appropriately for the assignment to which they are enroute. **Shorts, tank tops, T-shirts, sweat pants or workout clothes shall not be worn at any time while operating a departmental vehicle.**
- F. No one shall operate a police vehicle while drinking or under the influence of alcohol. No one shall operate a police vehicle while transporting alcohol or illegal drugs, unless required in the performance of his duties.

BATON ROUGE POLICE DEPARTMENT

General Order
No.138

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- G. All sworn personnel absent from work more than 70 consecutive scheduled work hours due to leave, including military leave, vacation, illness or injury, shall deliver their assigned unit to the Fleet Management section after 70 consecutive scheduled work hours unless otherwise authorized by the Chief. Personnel placed on suspension, temporary restricted duty or worker's compensation status will surrender their unit immediately.
 - 1. It will be the responsibility of the officer's supervisor to have the officer's unit transported or towed to the Fleet Management section. Supervisors will, at a minimum, secure all valuables in the trunk of the unit at the time it is surrendered unless other arrangements to secure them are made.
 - 2. It will be the responsibility of the individual officer, at such time as he/she is deemed able to return to duty, to contact Fleet Management and arrange to take delivery of his/her unit prior to returning to duty.
- H. Police employees driving police vehicles will be held responsible for the cost of damage and repair for the unauthorized use of the vehicle.
- I. Any City-Parish employee that drives a police vehicle must immediately notify the department or agency head if his/her driver's license is revoked or suspended.
- J. Any person convicted of moving violations or preventable accident violations in this General Order within a twelve (12) month period are subject to additional disciplinary action under the Disciplinary Code and the following: on the first offense shall forfeit take-home privilege seven (7) days; on the second offense shall forfeit take-home privilege for thirty (30) days; and on the third offense the person shall forfeit take-home privilege for one (1) year.
- K. Any personnel in violation of usage guidelines, as specified in I(A) above, shall be subject to disciplinary action and/or loss of unit privileges.

II. Vehicle Maintenance

- A. Fuel and oil shall be checked regularly by the vehicle operator and maintained at proper levels. Fuel and oil shall only be obtained at authorized fueling facilities. Oil shall be changed at 3,000 mile intervals or as prescribed by Fleet Management.
- B. The interior and exterior of vehicles shall be kept clean, and wear or damage shall be reported to the Fleet Management division.

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General Order
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- C. Safety equipment shall be checked prior to each shift by the assigned vehicle operator to insure that items such as the spare tire, lug wrench, jack, safety flares, cones, and fire extinguisher are available and properly maintained. All safety belt assemblies including retractors and attaching hardware shall be inspected after any collision. Any safety belt assembly used during a collision shall be replaced unless the collision was minor and a qualified technician finds the safety device operational. If the belt or hardware shows damage of any kind, the belt and hardware shall be replaced.
- D. The cooling system shall be inspected periodically and kept clean and full.
- E. The battery, if not sealed and maintenance free, shall be inspected when the vehicle is fueled, and the fluid electrolyte shall be maintained at a proper level. Battery terminals shall be inspected and maintained free of corrosion by maintenance personnel, at the request of the vehicle operator.
- F. Tire air pressure shall be checked prior to each tour of duty and kept properly maintained. Tires shall be inspected at least weekly for nails, cuts, excessive wear, or defects. Flat tires shall be changed by the driver of the vehicle.
- G. Vehicle defects or items requiring service shall be promptly reported to the Fleet Management division.
- H. Vehicles which are not operable shall be towed directly to the City Lot facility or to the appropriate repair facility authorized by the Fleet Management supervisor.
- I. The Fleet Management division shall retain authority to "deadline" a vehicle upon determination that continued operation may constitute a safety hazard and/or cause further vehicle damage.
- J. The Fleet Management division shall conduct a thorough inspection of vehicles being turned in to insure that the vehicle is clean and that any damage has been reported by the assigned operator.
 - 1. If unreported damage is discovered, the Fleet Management division shall take appropriate action.
 - 2. No unit will be assigned to an officer until the vehicle being delivered to Fleet Management has been properly cleaned. If the unit being turned in is not properly cleaned, including but not limited to drink spills and smoking odors, and mechanically functional, i.e. needs maintenance work, Fleet will not issue the officer another unit till Fleet determines the unit is clean and ready to be reissued to another officer.

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- K. Scheduling of preventative maintenance shall be the responsibility of assigned vehicle operators. Vehicles shall be driven to the City Lot garage or contracted service provider for preventative maintenance at scheduled service times. The City Lot technicians shall be responsible for conducting maintenance inspections of vehicles during the 3,000 mile oil changes.

III. Authorized Equipment

- A. All personnel will be prohibited from using non-issued equipment in their vehicle without prior written authorization from Fleet Management. Anyone requesting to use equipment such as CB radios, video cameras, monitors, etc., shall write a letter to Fleet Management requesting to do so. A record of equipment in each officer's vehicle will be kept by Fleet Management. Televisions are prohibited in police vehicles while on regular duty.
- B. Any alteration to the exterior of the vehicle is also prohibited unless specifically authorized by Fleet Management or the Chief of Police. This includes unauthorized license plates, bumper stickers, or decals.
- C. Tinting of Windows of Vehicles
1. Prior to having window tint installed, the officer will report to the Fleet Management Office and complete an "Additional Equipment Installation Form", which requires a Fleet Management supervisor's approval.
 2. After completion of tint installation, Officer shall return to Fleet Management Office for inspection of the applied window tint at which time an approval form will be placed in their assigned vehicle file.
 3. Window tinting will be subjected to inspection with a Tint Meter.
 4. Any window tint not meeting the following guidelines will be removed immediately, at the officer's expense:
 - a. Only smoke colored tint will be allowed.
 - b. NO Limo, colored, or mirror tint will be allowed.
 - c. Tint will not be placed on the front windshield.
 - d. Tint is to be applied to the side and rear windows only.
 - e. Only legal tint as prescribed in LRS 32:361.1, for privately-owned vehicles, will be allowed.
 - f. Deteriorated and or improperly installed window tint will not be allowed.
 5. The officer may use a vendor of his choice, as the officer will be responsible for payment of work completed, as well as the up keep of window tint.
 6. In the event a window must be replaced, the officer will be responsible for its replacement.
 7. Window tinting is elective by officers wishing to participate. The Baton Rouge Police Department will not reimburse costs associated with an officer's participation in this program.

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- D. Mechanical or electrical repairs or alterations shall not be made by vehicle operators. Removing equipment from other units to repair another unit shall not be done unless authorized by Fleet Management of the Chief of Police. Such repairs or alterations shall be performed by City Lot, the City-Parish Radio Shop or a facility authorized by Fleet Management.
- E. Assigned vehicle operators are required to remove personal equipment from vehicles delivered to City Lot for repairs or scheduled maintenance. Firearms and other dangerous weapons shall be removed from the vehicle. The Fleet Management division shall not be responsible for the loss or damage of personal equipment left in vehicles by assigned operators.

IV. Vehicle Inspections

- A. The Fleet Management division will conduct periodic inspections for vehicle maintenance and cleanliness. It shall also be the responsibility of field and shift supervisors to ensure that personnel under their command maintain vehicle maintenance and cleanliness.
- B. Inspections shall consist of a check of all department-issued equipment, a periodic check of fluids (i.e. oil, windshield washer, battery, etc.) and the overall cleanliness of the vehicle's interior and exterior.
- C. Anyone found to be in violation of proper maintenance procedures or vehicle cleanliness will be reported to Fleet Management for recommendation to the Chief of Police.

BATON ROUGE POLICE DEPARTMENT

General Order
No.102

Effective Date
05-01-1997

Revised Date
08-01-2017

Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings
Reviewed 8/1/17

POLICY

The Department regulates off-duty employment for all officers. With limited exceptions, officers may only work sixteen hours a day. There is a process for documenting officers' off-duty work contained in this order.

The procedure also defines what type of off-duty employment is acceptable and what is not. Officers will not be allowed to work for some types of businesses. Employment that may lead to a conflict of interest or threatens the integrity of the department will not be approved.

DEFINITIONS

Employment

For the purposes of this policy, employment is considered the provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

Extra-Duty Employment

Extra-duty employment is a job where one of the requirements is being a sworn law enforcement officer.

Extra Duty Administrative Officers

Extra duty Administrative Officers are responsible for scheduling officers to cover the hours needed by the employer and making sure all paperwork that is needed for officers working and paperwork from the employer is provided to the Extra Duty office. The administrative officer may charge a fee to the employer for administering the extra duty. This must also be reported to the Extra Duty office. Administering an extra duty detail is considered working extra duty.

One Time Detail

A one-time detail is temporary extra-duty employment.

Secondary Employment

Secondary employment is a job where there is no requirement to be a sworn law enforcement officer.

Courtesy Dwelling

An officer agrees to reside in a dwelling at a reduced rate of rent or free rent in exchange for providing security for said dwelling.

BATON ROUGE POLICE DEPARTMENT

General Order
No.102

Effective Date
05-01-1997

Revised Date
08-01-2017

Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings
Reviewed 8/1/17

PROCEDURES

I. Secondary Employment

- A. Officers may engage in secondary employment, where the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty. Letters of request for secondary employment must be submitted to the Chief of Police through the Extra Duty Office.
- B. Officers may not be employed in any capacity by a business that presents a conflict of interest between their duties as a police officer and their duties for the secondary employer. Some examples of employment representing a conflict of interest are:
 - 1. As a process server, re-possessor, bill collector, tow truck operator, or in any other employment that police authority might be used to collect money or merchandise for private employers.
 - 2. Any employment that might require access to police information, files, records or services as a condition of employment.
 - 3. In police uniform performing tasks other than those of a police officer.
 - 4. Assisting the case preparation for the defense in any criminal action or proceeding.
 - 5. For a business or labor group that is on strike.
 - 6. Private investigations (i.e. divorce, child custody, insurance).
- C. The Chief of Police may authorize exceptions on a case by case basis for investigation related off duty employment that does not require the use of police powers. Requests for exceptions must be submitted to the Chief of Police through the Extra Duty Office.
- D. Officers may not be employed in any capacity by a business that constitutes a threat to the status or dignity of the Department. Examples of prohibited employment are:
 - 1. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
 - 2. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
 - 3. Any gambling establishment.
 - 4. Parking lots of establishments that sell alcohol as their principal business.

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Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings
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II. Extra Duty Employment (Generally)

- A. Police officers may work extra duty for a government, business, or a not-for-profit entity that otherwise meets the criteria set forth in this policy. Examples of services that may be considered suitable for extra duty employment are:
 - 1. Traffic control and pedestrian safety
 - 2. Crowd control
 - 3. Security and protection of life and property
 - 4. Routine law enforcement for public authorities.
- B. Employers who wish to employ extra duty officers must complete an application and submit it to the Extra Duty Office. Applications will be processed and given to the Chief of Police who will approve or deny the request. Permission to employ extra-duty officers may be revoked at any time.
- C. If approved, employers must submit monthly statements to the extra-duty office by the 5th of the next month. (Example, January's extra duty monthly statement is due by February the 5th.) Each statement will list the name of the officer(s) who worked, the dates and hours each officer worked and the amount paid to each extra-duty officer during the period.
- D. The Chief of Police will establish minimum extra duty rates. All payments must be by check or money order. No officer may receive cash.
 - 1. The amount per hour billed to the employer must accurately reflect that which is paid to the officers working the detail. No employee may charge another employee a fee for working extra duty.
 - 2. Any extra-duty or secondary employment performed by an officer is not eligible for membership service in the Employee's Retirement System of the East Baton Rouge City/Parish (MPERS).

III. Limitations on Secondary/Extra-Duty Employment

- A. Officers must be in good standing with the Department in order to be eligible for outside employment. Misconduct or poor performance on-duty may result in revocation of approval.
- B. Only commissioned full-time police officers may engage in extra duty employment. Cadets and communications officers are not permitted to work extra duty. Officers serving a suspension or who have not been confirmed may not engage in extra duty employment. Except those officers who are direct hires that have successfully completed the FTO program, and have three years consecutive law enforcement experience before being hired by the Baton Rouge Police Department.

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Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings
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- C. Officers on administrative leave, for discipline or for an investigation, may not engage in extra duty. In cases where an officer is placed in administrative leave that does not fall under the above listed reasons, the Chief of Police may determine that the officer will not work extra duty.
- D. Non-sworn personnel shall not be allowed to accompany a commissioned officer while he/she is working, whether it is regular, secondary, or extra-duty employment.
- E. Any officer who wishes to work extra-duty must submit an approval form to the Extra Duty office. The Chief of Police will approve or deny the request. The decision by the Chief of Police is final.
- F. When an officer ceases working a particular detail, ceases administering a detail, or the detail terminates that officer will notify the Extra Duty Office immediately.
- G. Extra-duty approval forms for one-time details will be submitted for approval by the Chief of Police.
 - 1. A last minute detail may be approved by a Lieutenant or above (not a sergeant acting in that capacity) prior to an officer's working the detail. The approval form will be immediately forwarded to the Extra Duty Office.
 - 2. Any private parties or social events involving the serving of alcohol must be approved by the Chief of Police.
 - 3. The date and time worked on the detail will then be reported on the current work list.
- H. Officers will not work more than sixteen (16) hours in one day (including days off). This includes any combination of extra duty employment and/or regular duty.
 - 1. Regular duty is scheduled work hours, program overtime and other previously scheduled overtime, unless specified by the Chief of Police.
 - 2. Unscheduled overtime, such as "call outs" and court time, is not considered regular duty.
- I. Work hours for all outside employment must be scheduled in a manner that does not interfere with or impair the police employee's performance of duty. No secondary or extra duty employment will be worked while an officer is on-duty.
- J. Officers may not work extra duty or secondary employment while they are on sick leave or on light-duty status.
 - 1. Officers may work extra duty on a day they use sick leave for a doctor's appointment. Any other exemptions will be decided on a case by case basis, subject to the discretion of the Chief of Police.
 - 2. Officers that are on workers compensation shall not work extra duty or secondary employment.

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- K. A police officer engaged in any outside employment who is called-out will be expected to leave his secondary or extra duty job.
- L. Officers, who are asked to work an extra duty job involving a political activity, will submit the request to the extra duty office prior to working the job. It must be approved by the Chief of Police before the officer starts work.
 - 1. A detailed explanation of the type of activity and the specific duties of the job are to be listed on the extra duty approval form.
 - 2. If there are any questions regarding political functions and extra duty, they should be directed to the Extra Duty Office.

IV. Courtesy Dwellings

The Chief of Police must authorize employment as a courtesy officer for local apartments.

- A. Employment as a courtesy officer inside the city limits will be considered extra-duty. Officers must submit a completed Courtesy Apartment Employer's Application and an Officer's Extra Duty Approval form through the Extra Duty Office. Approval by the Chief of Police is required before starting the detail. It will not be necessary for courtesy officers to sign the extra duty logbook or complete monthly reports.
- B. Employment as a courtesy officer outside the city limits will be considered secondary employment. Therefore, a courtesy apartment employer's application form, approval form, and a letter to the Chief of Police requesting permission for employment must be submitted to the Extra Duty Office. Officers will not use police equipment or act in any capacity other than as an employee of the apartment complex.
- C. Employment as a courtesy officer will require the officer to list the courtesy dwelling address with City Parish Human Resources as their primary domicile.

V. Uniforms and Equipment

- A. Officers working extra duty assignments will wear issued departmental uniform or appropriate plainclothes attire. If the extra duty approvals form specifies that the officer is to wear a uniform, the officer will wear departmental issued uniform. Officers will not wear individual parts of the uniform, unless approved by the Chief of Police. Officers working plainclothes assignments, as specified on extra duty approval form, the officer will wear their weapons fully concealed, as to the public not knowing you are the police, no "Police" t-shirts.
- B. All officers will notify Communications of their location and working hours prior to their extra duty assignment.

BATON ROUGE POLICE DEPARTMENT

**General Order
No.102**

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- C. Officers working plainclothes extra duty assignments will only use the unit for transportation to and from the assignment and for the transportation of prisoners.
- D. Police vehicles will not be used in secondary employment without authorization from the Chief of Police.

VI. Arrests by Extra-Duty Officers

- A. Officers working an extra duty job, alone, will call for an on-duty unit to transport prisoners. If two or more officers are working together, one will transport the arrestee to the nearest district where on-duty personnel will process him or her.
- B. The arresting officer will complete an affidavit of probable cause and arrestee information form before releasing the prisoner to on-duty personnel. The transporting officer shall then process the arrestee as per normal procedure.
- C. Officers working overtime programs will process their own prisoners.
- D. When an extra duty officer makes an arrest and the prisoner or officer is injured a supervisor from that District will respond to the scene. He or she will make arrangements for treatment of injured persons and booking the prisoner(s). Prisoners admitted to a hospital will be guarded according to established procedure.

BATON ROUGE POLICE DEPARTMENT

General Order
No.102

Effective Date
05-01-1997

Revised Date
03-01-2018

Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings
Reviewed 3/01/18

POLICY

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PROCEDURES

I. Secondary Employment

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 - 4. Routine law enforcement for public authorities.
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- C. If approved, employers must submit monthly statements to the extra-duty office by the 5th of the next month. (Example, January's extra duty monthly statement is due by February the 5th.) Each statement will list the name of the officer(s) who worked, the dates and hours each officer worked and the amount paid to each extra-duty officer during the period.
- D. The Chief of Police will establish minimum extra duty rates. All payments must be by check or money order. No officer may receive cash.
 - 1. The amount per hour billed to the employer must accurately reflect that which is paid to the officers working the detail. No employee may charge another employee a fee for working extra duty.
 - 2. Any extra-duty or secondary employment performed by an officer is not eligible for membership service in the Employee's Retirement System of the East Baton Rouge City/Parish (MPERS).
- E. Officers who are direct hires (previously POST certified) that have successfully completed the POST academy, the FTO program, and have three years consecutive law enforcement experience before being hired by the Baton Rouge Police Department may work extra duty.

III. Limitations on Secondary/Extra-Duty Employment

- A. Officers must be in good standing with the Department in order to be eligible for outside employment. Misconduct or poor performance on-duty may result in revocation of approval.
- B. Only commissioned full-time police officers may engage in extra duty employment. Cadets and communications officers are not permitted to work extra duty. Officers serving a suspension or who have not been confirmed may not engage in extra duty employment. Except those officers who are direct hires that have

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successfully completed the FTO program, and have three years consecutive law enforcement experience before being hired by the Baton Rouge Police Department. (Moved up to Section !!.)

- C. Officers on administrative leave, for discipline or for an investigation, may not engage in extra duty. In cases where an officer is placed in administrative leave that does not fall under the above listed reasons, the Chief of Police may determine that the officer will not work extra duty.
- D. Non-sworn personnel shall not be allowed to accompany a commissioned officer while he/she is working, whether it is regular, secondary, or extra-duty employment.
- E. Any officer who wishes to work extra-duty must submit an approval form to the Extra Duty office. The Chief of Police will approve or deny the request. The decision by the Chief of Police is final.
- F. When an officer ceases working a particular detail, ceases administering a detail, or the detail terminates that officer will notify the Extra Duty Office immediately.
- G. Extra-duty approval forms for one-time details will be submitted for approval by the Chief of Police.
 - 1. A last minute detail may be approved by a Lieutenant or above (not a sergeant acting in that capacity) prior to an officer's working the detail. The approval form will be immediately forwarded to the Extra Duty Office.
 - 2. Any private parties or social events involving the serving of alcohol must be approved by the Chief of Police.
 - 3. The date and time worked on the detail will then be reported on the current work list.
- H. Officers will not work more than sixteen (16) hours in one day (including days off). This includes any combination of extra duty employment and/or regular duty.
 - 1. Regular duty is scheduled work hours, program overtime and other previously scheduled overtime, unless specified by the Chief of Police.
 - 2. Unscheduled overtime, such as "call outs" and court time, is not considered regular duty.
- I. Work hours for all outside employment must be scheduled in a manner that does not interfere with or impair the police employee's performance of duty. No secondary or extra duty employment will be worked while an officer is on-duty.
- J. Officers may not work extra duty or secondary employment while they are on sick leave or on light-duty status.

BATON ROUGE POLICE DEPARTMENT

General Order
No.102

Effective Date
05-01-1997

Revised Date
03-01-2018

Subject: Extra Duty, Secondary Employment, and Courtesy Dwellings
Reviewed 3/01/18

1. Officers may work extra duty on a day they use sick leave for a doctor's appointment. Any other exemptions will be decided on a case by case basis, subject to the discretion of the Chief of Police.
 2. Officers that are on workers compensation shall not work extra duty or secondary employment.
- K. A police officer engaged in any outside employment who is called-out will be expected to leave his secondary or extra duty job.
- L. Officers, who are asked to work an extra duty job involving a political activity, will submit the request to the extra duty office prior to working the job. It must be approved by the Chief of Police before the officer starts work.
1. A detailed explanation of the type of activity and the specific duties of the job are to be listed on the extra duty approval form.
 2. If there are any questions regarding political functions and extra duty, they should be directed to the Extra Duty Office.

IV. Courtesy Dwellings

The Chief of Police must authorize employment as a courtesy officer for local apartments.

- A. Employment as a courtesy officer inside the city limits will be considered extra-duty. Officers must submit a completed Courtesy Apartment Employer's Application and an Officer's Extra Duty Approval form through the Extra Duty Office. Approval by the Chief of Police is required before starting the detail. It will not be necessary for courtesy officers to sign the extra duty logbook or complete monthly reports.
- B. Employment as a courtesy officer outside the city limits will be considered secondary employment. Therefore, a courtesy apartment employer's application form, approval form, and a letter to the Chief of Police requesting permission for employment must be submitted to the Extra Duty Office. Officers will not use police equipment or act in any capacity other than as an employee of the apartment complex.
- C. Employment as a courtesy officer will require the officer to list the courtesy dwelling address with City Parish Human Resources as their primary domicile.

V. Uniforms and Equipment

- A. Officers working extra duty assignments will wear issued departmental uniform or appropriate plainclothes attire. If the extra duty approvals form specifies that the officer is to wear a uniform, the officer will wear departmental issued uniform. Officers will not wear individual parts of the uniform, unless approved by the Chief of Police. Officers working plainclothes assignments, as specified on extra duty

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approval form, the officer will wear their weapons fully concealed, as to the public not knowing you are the police, no "Police" t-shirts.

- B. All officers will notify Communications of their location and working hours prior to their extra duty assignment.
- C. Officers working plainclothes extra duty assignments will only use the unit for transportation to and from the assignment and for the transportation of prisoners.
- D. Police vehicles will not be used in secondary employment without authorization from the Chief of Police.

VI. Arrests by Extra-Duty Officers

- A. Officers working an extra duty job, alone, will call for an on-duty unit to transport prisoners. If two or more officers are working together, one will transport the arrestee to the nearest district where on-duty personnel will process him or her.
- B. The arresting officer will complete an affidavit of probable cause and arrestee information form before releasing the prisoner to on-duty personnel. The transporting officer shall then process the arrestee as per normal procedure.
- C. Officers working overtime programs will process their own prisoners.
- D. When an extra duty officer makes an arrest and the prisoner or officer is injured a supervisor from that District will respond to the scene. He or she will make arrangements for treatment of injured persons and booking the prisoner(s). Prisoners admitted to a hospital will be guarded according to established procedure.

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POLICY

The Department regulates off-duty employment for all officers. With limited exceptions, officers may only work sixteen hours a day. There is a process for documenting officers' off-duty work contained in this order.

The procedure also defines what type of off-duty employment is acceptable and what is not. Officers will not be allowed to work for some types of businesses. Employment that may lead to a conflict of interest or threatens the integrity of the department will not be approved.

DEFINITIONS

Employment

For the purposes of this policy, employment is considered the provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

Extra-Duty Employment

Extra-duty employment is a job where one of the requirements is being a sworn law enforcement officer.

Extra Duty Administrative Officers

Extra duty Administrative Officers are responsible for scheduling officers to cover the hours needed by the employer and making sure all paperwork that is needed for officers working and paperwork from the employer is provided to the Extra Duty office. The administrative officer may charge a fee to the employer for administering the extra duty. This must also be reported to the Extra Duty office. Administering an extra duty detail is considered working extra duty.

One Time Detail

A one-time detail is temporary extra-duty employment.

Secondary Employment

Secondary employment is a job where there is no requirement to be a sworn law enforcement officer.

Courtesy Dwelling

An officer agrees to reside in a dwelling at a reduced rate of rent or free rent in exchange for providing security for said dwelling.

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PROCEDURES

I. Secondary Employment

- A. Officers may engage in secondary employment, where the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty. Letters of request for secondary employment must be submitted to the Chief of Police through the Extra Duty Office.
- B. Officers may not be employed in any capacity by a business that presents a conflict of interest between their duties as a police officer and their duties for the secondary employer. Some examples of employment representing a conflict of interest are:
 - 1. As a process server, re-possessor, bill collector, tow truck operator, or in any other employment that police authority might be used to collect money or merchandise for private employers.
 - 2. Any employment that might require access to police information, files, records or services as a condition of employment.
 - 3. In police uniform performing tasks other than those of a police officer.
 - 4. Assisting the case preparation for the defense in any criminal action or proceeding.
 - 5. For a business or labor group that is on strike.
 - 6. Private investigations (i.e. divorce, child custody, insurance).
- C. The Chief of Police may authorize exceptions on a case by case basis for investigation related off duty employment that does not require the use of police powers. Requests for exceptions must be submitted to the Chief of Police through the Extra Duty Office.
- D. Officers may not be employed in any capacity by a business that constitutes a threat to the status or dignity of the Department. Examples of prohibited employment are:
 - 1. Establishments that sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
 - 2. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
 - 3. Any gambling establishment.
 - 4. Parking lots of establishments that sell alcohol as their principal business.

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II. Extra Duty Employment (Generally)

- A. Police officers may work extra duty for a government, business, or a not-for-profit entity that otherwise meets the criteria set forth in this policy. Examples of services that may be considered suitable for extra duty employment are:
 - 1. Traffic control and pedestrian safety
 - 2. Crowd control
 - 3. Security and protection of life and property
 - 4. Routine law enforcement for public authorities.
- B. Employers who wish to employ extra duty officers must complete an application and submit it to the Extra Duty Office. Applications will be processed and given to the Chief of Police who will approve or deny the request. Permission to employ extra-duty officers may be revoked at any time.
- C. If approved, employers must submit monthly statements to the extra-duty office by the 5th of the next month. (Example, January's extra duty monthly statement is due by February the 5th.) Each statement will list the name of the officer(s) who worked, the dates and hours each officer worked and the amount paid to each extra-duty officer during the period.
- D. The Chief of Police will establish minimum extra duty rates. All payments must be by check or money order. No officer may receive cash.
 - 1. The amount per hour billed to the employer must accurately reflect that which is paid to the officers working the detail. No employee may charge another employee a fee for working extra duty.
 - 2. Any extra-duty or secondary employment performed by an officer is not eligible for membership service in the Employee's Retirement System of the East Baton Rouge City/Parish (MPERS).
- E. Officers who are direct hires (previously POST certified) that have successfully completed the POST academy, the FTO program, and have three years consecutive law enforcement experience before being hired by the Baton Rouge Police Department may work extra duty.

III. Limitations on Secondary/Extra-Duty Employment

- A. Officers must be in good standing with the Department in order to be eligible for outside employment. Misconduct or poor performance on-duty may result in revocation of approval.
- B. Only commissioned full-time police officers may engage in extra duty employment. Cadets and communications officers are not permitted to work extra duty. Officers serving a suspension or who have not been confirmed may not engage in extra duty employment.

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- C. Officers on administrative leave, for discipline or for an investigation, may not engage in extra duty.
- D. Non-sworn personnel shall not be allowed to accompany a commissioned officer while he/she is working, whether it is regular, secondary, or extra-duty employment.
- E. Any officer who wishes to work extra-duty must submit an approval form to the Extra Duty office. The Chief of Police will approve or deny the request. The decision by the Chief of Police is final.
- F. When an officer ceases working a particular detail, ceases administering a detail, or the detail terminates that officer will notify the Extra Duty Office immediately.
- G. Extra-duty approval forms for one-time details will be submitted for approval by the Chief of Police.
 - 1. A last minute detail may be approved by a Lieutenant or above (not a sergeant acting in that capacity) prior to an officer's working the detail. The approval form will be immediately forwarded to the Extra Duty Office.
 - 2. Any private parties or social events involving the serving of alcohol must be approved by the Chief of Police.
 - 3. The date and time worked on the detail will then be reported on the current work list.
- H. Officers will not work more than sixteen (16) hours in one day (including days off). This includes any combination of extra duty employment and/or regular duty.
 - 1. Regular duty is scheduled work hours, program overtime and other previously scheduled overtime, unless specified by the Chief of Police.
 - 2. Unscheduled overtime, such as "call outs" and court time, is not considered regular duty.
- I. Work hours for all outside employment must be scheduled in a manner that does not interfere with or impair the police employee's performance of duty. No secondary or extra duty employment will be worked while an officer is on-duty.
- J. Officers may not work extra duty or secondary employment while they are on sick leave or on light-duty status.
 - 1. Officers may work extra duty on a day they use sick leave for a doctor's appointment. Any other exemptions will be decided on a case by case basis, subject to the discretion of the Chief of Police.
 - 2. Officers that are on workers compensation shall not work extra duty or secondary employment.

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- K. A police officer engaged in any outside employment who is called-out will be expected to leave his secondary or extra duty job.
- L. Officers, who are asked to work an extra duty job involving a political activity, will submit the request to the extra duty office prior to working the job. It must be approved by the Chief of Police before the officer starts work.
 - 1. A detailed explanation of the type of activity and the specific duties of the job are to be listed on the extra duty approval form.
 - 2. If there are any questions regarding political functions and extra duty, they should be directed to the Extra Duty Office.

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The Chief of Police must authorize employment as a courtesy officer for local apartments.

- A. Employment as a courtesy officer inside the city limits will be considered extra-duty. Officers must submit a completed Courtesy Apartment Employer's Application and an Officer's Extra Duty Approval form through the Extra Duty Office. Approval by the Chief of Police is required before starting the detail. It will not be necessary for courtesy officers to sign the extra duty logbook or complete monthly reports.
- B. Employment as a courtesy officer outside the city limits will be considered secondary employment. Therefore, a courtesy apartment employer's application form, approval form, and a letter to the Chief of Police requesting permission for employment must be submitted to the Extra Duty Office. Officers will not use police equipment or act in any capacity other than as an employee of the apartment complex.
- C. Employment as a courtesy officer will require the officer to list the courtesy dwelling address with City Parish Human Resources as their primary domicile.

V. Uniforms and Equipment

- A. Officers working extra duty assignments will wear issued departmental uniform or appropriate plainclothes attire. If the extra duty approvals form specifies that the officer is to wear a uniform, the officer will wear departmental issued uniform. Officers will not wear individual parts of the uniform, unless approved by the Chief of Police. Officers working plainclothes assignments, as specified on extra duty approval form, the officer will wear their weapons fully concealed, as to the public not knowing you are the police, no "Police" t-shirts.
- B. All officers will notify Communications of their location and working hours prior to their extra duty assignment.

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- C. Officers working plainclothes extra duty assignments will only use the unit for transportation to and from the assignment and for the transportation of prisoners.
- D. Police vehicles will not be used in secondary employment without authorization from the Chief of Police.

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- A. Officers working an extra duty job, alone, will call for an on-duty unit to transport prisoners. If two or more officers are working together, one will transport the arrestee to the nearest district where on-duty personnel will process him or her.
- B. The arresting officer will complete an affidavit of probable cause and arrestee information form before releasing the prisoner to on-duty personnel. The transporting officer shall then process the arrestee as per normal procedure.
- C. Officers working overtime programs will process their own prisoners.
- D. When an extra duty officer makes an arrest and the prisoner or officer is injured a supervisor from that District will respond to the scene. He or she will make arrangements for treatment of injured persons and booking the prisoner(s). Prisoners admitted to a hospital will be guarded according to established procedure.



Police Department

**City of Baton Rouge
9000 Airline Hwy.
Baton Rouge, Louisiana
70816**

January 08, 2018

Dear Extra-duty Employers,

Enclosed you will find the Baton Rouge Police Department's Extra duty Employer's Application Form, as well as department policy governing an employer's participation in this program.

Please be advised that adherence to program policy by employers is a necessity. Any deviations from policy, by an employer, will result in their disqualification from future program involvement.

Please direct any questions to the Extra Duty Office at (225) 389-7872 or fax (225)389-7843.

Respectfully,

A handwritten signature in blue ink, which appears to read "Murphy J. Paul, Jr.", is written over a horizontal line.

**Murphy J. Paul, Jr.
Chief of Police
City of Baton Rouge**

MP/ps

Extra Duty Employer's Application Terms & Conditions

Approval of this application is contingent upon your agreement to the below Extra Duty Policy as set forth by the Baton Rouge City Police Department:

Any deviation from this policy eliminates any and all privileges as an employer of Baton Rouge City Police Officers for Extra Duty purposes.

Pertaining to your request for the employment of Baton Rouge City Police Officers, the following criteria must be strictly observed:

1) EMPLOYMENT CRITERIA:

- 1.1) Extra Duty Employers shall submit a list of the following:
 - a. Names of Officers working
 - b. Dates worked
 - c. Hours worked
 - d. Fees paid
- 1.2) The aforementioned list is due the 5th of each month to the extra duty office, without exception.
- 1.3) Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such employment is not in the best interests of the department.
- 1.4) Only full-time commissioned police officers are allowed to work extra duty.
- 1.5) Police officers engaged in extra duty assignments are subject to call-out during emergency situations.
- 1.6) Any required court time shall supersede extra duty responsibilities (i.e. an officer is late for extra duty due to court)
 - a. This includes when an Officer is called to court unexpectedly while working extra duty. These situations are uncontrollable by the Officer as court appearances are directed by law and strictly enforced with Policies and Procedures set forth by the Baton Rouge City Police Department.
- 1.7) Officers shall not work more than sixteen (16) hours in a day, seven (7) days a week. The total hours shall include regular scheduled work hours which shall include court overtime, program overtime and extra duty. This shall not include unscheduled overtime, such as call-outs.
- 1.8) Police officers shall receive a minimum of \$30.00 per hour except those bound by contract previously agreed to by the Chief of Police.

- 1.9) Under no circumstances may an officer receive payment of cash for duties performed (checks or money orders are acceptable). The extra duty employer will follow all appropriate federal and state tax reporting requirements.
- 1.10) No extra duty will be worked while an officer is on-duty.
- 1.11) Officers are prohibited from working at any detail that involves the sale, manufacture or transport of alcoholic beverages as the principal business. This includes parking lots which have alcohol or gaming as their principle business.
- 1.12) In consideration of the employment of extra duty officers the employer understands the officer engaged in the extra duty employment is not covered by workers' compensation programs or liability provisions of the BRPD insurance plan except when engaged in law enforcement related activities. In the event of a non-law enforcement related incident/injury, the officer is subject to the extra duty employer's worker's compensation coverage or liability insurance.
- 1.13) In consideration for employment of extra duty officers, the extra duty employer agrees to hold BRPD, its officers, agents and employees harmless from any and all claims, demands, damages or liabilities resulting from employment of the extra duty officer or, in any manner connected with the services the officer performs and/or to which the agreement pertains. The extra duty employer further agrees to indemnify BRPD for any loss due to any claim, injury or damage arising out of the work or services performed by the extra duty officer for the employer.

Continued on next page

ADMINISTRATIVE GUIDELINES:

- 2.1) Officers are prohibited from receiving extra duty payment from anyone other than the below listed employer, unless the employer designates an officer to act in the capacity of an extra duty coordinator to handle the bookkeeping duties:
- a. Any pay for this duty must be on an hourly basis, or a flat administrative fee as determined by the employer.
 - b. Officers of this department are not to work through an extra duty broker whose wages are paid by the employer based on the number of hours the officers work or whose income is proportionately based on the officer's income from the extra duty employment.
- 2.2) An employer with more than one extra duty officer need only file one copy of this document with the department.
- 2.3) By submitting this application you are aware and are agreeing to any and all stipulations as stated above.

I agree with the above listed terms. I am authorized to submit the application for Extra Duty, on behalf of the employer.

Signature of Manager or Company Representative (Not the officer)

Date

EXTRA DUTY EMPLOYER'S APPLICATION FORM

Name / Type of Business: _____

Owner/Manager Name: _____

Address: _____

Date of Birth: _____ Driver's License Number _____

Mailing Address of Business: _____
Address City/State Zip Code

Location of Assignment: _____

Business Phone Number: _____

Date and Hour officers will be working: _____

Duties to be performed: _____

Officers will be paid \$ _____ per _____.

Administrative fee will be paid \$ _____ per _____.

Extra Duty Officer Name (print) in charge of detail: _____

Numbers where officer can be reached:

Cell _____ Work _____

Attire for Extra Duty Officer on Assignment: Plain Clothes ☐ Uniform ☐
(circle one)

Signature _____
Owner/Manager Print Date

One time only "Emergency" detail needs Lt., or above, Signature and IBM:

Forward this application immediately to the extra duty office, for Chief's approval

☐ Approved

☐ Disapproved

Chief of Police Date

RS 42:1123**§1123. Exceptions**

This Part shall not preclude:

(1) Participation in the affairs of charitable, religious, nonprofit educational, public service, or civic organizations, bona fide organized public volunteer fire departments when no compensation is received, or the activities of political parties not proscribed by law. Provided, however, that the Code of Governmental Ethics shall apply to the purchase of fire trucks by bona fide organized public fire departments.

(2)(a) Awards for meritorious public contributions given by public service organizations.

(b) Awards of anything of economic value received by teachers, principals, or school employees pursuant to the provisions of R.S. 17:432, 432.1, 433, or 433.1 for their outstanding achievement in the performance of their duties or responsibilities as teachers, principals, or school employees given by any person. However, this exception shall not apply to any award from any person or from any officer, director, agent, or employee of such person, if the teacher, principal, or school employee receiving the award knows or reasonably should know that the person has substantial economic interests which may be substantially affected by the performance or nonperformance of the teacher's, principal's, or school employee's official duty.

(3) Sharing in any compensation received from the governmental entity by a person of which such public servant owns or controls less than ten percent, provided such public servant did not participate or assist in the procurement of such compensation, except as otherwise specifically prohibited by R.S. 42:1113.

(4) Sharing in any compensation received from the governmental entity by a person of which such public servant owns or controls any portion thereof, provided such compensation was received by such person as a result of having made the lowest sealed competitive bid on a contract or subcontract and having had such bid accepted by the governmental entity or the general contractor, and provided such public servant did not participate or assist in the procurement of the acceptance of such low bid, except as otherwise specifically prohibited by R.S. 42:1113.

(5) Campaign contributions for use in meeting campaign expenses by any public servant who is or becomes a candidate for election to the same or another public office.

(6) Any activity of any public employee of a public higher education institution in this state who is covered by the tenure policy of the Board of Regents or the tenure policies and the administration of the tenure policies by the three higher education management boards and which activity is required by either regional or professional accreditation standards of organizations recognized by the Council on Postsecondary Accreditation.

(7) The employment with the office of behavioral health of the Louisiana Department of Health of a licensed physician who is a member of the psychiatric faculty of and compensated by Tulane University.

(8) Any individual employed in the maritime industry from serving as an appointed member of the Board of Commissioners of the Port of New Orleans.

(9)(a) The receipt of or sharing in the proceeds of any patent, copyright, licensing right, or royalty by faculty or staff members of a public higher education institution or management board resulting from any activity of the faculty or staff member, which is consistent with and pursuant to the mission of the college or university to advance knowledge or further the economic development of the state and which activity has been approved by the campus head and the management board of the employing college or university.

(b) The performance of services for compensation for any person, by faculty or staff members of a public higher education institution, provided the services consist of consulting related to the academic discipline or expertise of said public employee, or the continued performance of such services by former faculty or staff members of a public higher education institution subsequent to the termination of their public service and notwithstanding contrary provisions of R.S. 42:1121, and provided the services have been approved in writing by the chief administrative officer of the public employee's institution in accordance with rules and procedures established by the management board of the institution, which rules and procedures have been approved by the Board of Regents and the Board of Ethics.

(10)(a) The negotiation or entering into a contract as defined in Subparagraph (b) of this Paragraph, provided that such contract has been approved in accordance with a procedure established by the appropriate higher education management board which procedure has been approved by the Board of Regents and the Board of Ethics. Such an approval procedure shall require a finding and certification by the appropriate management board to the Board of Regents that entering into such contract will contribute to the economic development of the state and that entering into such contract will not interfere or conflict with the employee's obligation to the university. Semiannually, the Board of Regents shall report all such certifications to the House Commerce Committee and the Senate Commerce, Consumer Protection, and International Affairs Committee or any subcommittee designated by either standing committee.

(b) A contract between an institution of higher education and a member of its faculty, research staff, or athletic coaching staff or a legal entity in which such employee has a substantial economic interest, regarding the disposition of any patent, copyright, licensing right, or royalty which is attached to a discovery, technique, or technology resulting from the research done by such employee in the course of his employment with the institution, or regarding an activity related to or resulting from the athletic coaching or research activity of such employee conducted in the course of his employment with the institution.

(c) The negotiation or entering into a contract for employment training services between a public higher education management board and any person who maintains an employment relationship with a member of such public higher education management board provided that the higher education management board member has not participated in any decision to enroll in the designated employment training services; has not participated in the selection of the designated employment training provider or site; and who does not participate, as a board member, in any transaction related to the consummation of an agreement between the person and the public higher education management board; and the employment training services are consistent with and pursuant to the mission of the public higher education management board to advance knowledge or further the economic development of the state.

(11)(a) The employment with the office of public health of the Louisiana Department of Health of retired public health physicians by professional services contracts for part-time clinician services in parish health units. However, a yearly contract shall not exceed twenty percent of the retired employee's former salary. A retired physician shall be employed under this Subparagraph only if there are no public health physicians available to perform the services.

(b) The employment with the Louisiana Department of Health of retired registered nurses by contract to perform health care services. However, such a contract shall be deemed to be null and void in the event that a registered nurse becomes available to perform the services. A retired registered nurse shall be employed under this Subparagraph only if the nurse was retired on April 1, 1990, and there are no registered nurses available to perform the services.

(12) Any tenant of a housing authority, as defined in R.S. 40:384, from serving on the board of commissioners of that housing authority.

(13)(a)(i) The acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is:

(aa) A program honoree.

(bb) Giving a speech at the event.

(cc) A panel member for a discussion occurring at the event.

(dd) Attending the event to assist an elected official who meets the provisions of this Item when the public servant is under the supervision of the elected official and such assistance is within the ordinary employment duties of the public servant.

(ii) The acceptance by a public servant of complimentary admission to a fundraising event for a candidate or political party.

(iii) The acceptance by a public servant of complimentary admission to a fundraising event held by or for the benefit of an educational institution or by or for the benefit of a nonprofit organization which conducts educational programs.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to admission to any professional, semi-professional, or collegiate sporting event.

(14) Persons employed by public school systems to provide special education and related services pursuant to R.S. 17:1941 et seq. to a student with an exceptionality as defined in R.S. 17:1942 from performing, on a private fee basis and outside of school hours, those same special education and related services for their own students or any other persons eligible to receive such services from their school system during school hours, provided that the child's parents or guardian are advised, in writing, of the procedures through which their child may be evaluated for eligibility to receive such services for free through the school system. With respect to any child already receiving such services for free through the school system, the notice shall explain the procedures through which the child's eligibility to receive additional services for free from the school system may be reviewed.

(15) The use by a duly commissioned law enforcement officer of a publicly owned law enforcement vehicle in connection with the private employment of such law enforcement officer in providing traffic control or security services for a private employer when such use is approved by and in accordance with the policy of the law enforcement officer's public employer, which policy shall be published in the official journal of the parish prior to becoming effective and shall provide for appropriate charges for the use of public vehicles for private employment.

(16)(a) Notwithstanding the provisions of R.S. 42:1102(22), when making a public speech, the acceptance by a member of the legislature of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the United States or Canada and provided such member of the legislature files an affidavit with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation.

(b) For the purposes of this Paragraph, the phrase "public speech" shall mean a speech, or other oral presentation, including a panel discussion, or radio or television appearance before the public at large, or before any civic, political, religious, educational, or eleemosynary group or organization by a member of the legislature in his capacity as a legislator.

(17)(a) Notwithstanding the provisions of R.S. 42:1111(C)(2)(d) or 1113(A), in municipalities with a population no greater than five thousand, in accordance with the most recent decennial census, a member of any municipal governing authority or any mayor from being a compensated director, officer, or employee of any national or state bank or state or federally

chartered savings and loan association or savings bank into which funds of the municipality are deposited.

(b) The provisions of Subparagraph (a) of this Paragraph shall be effective only when the following conditions are met:

(i) Publication of notice has been made on two separate occasions in the official journal of the municipality, the first of which is at least fifteen days prior to public hearing on the matter. Such notice shall include the name of the financial institution(s) in which municipal funds are to be deposited and the amount of such deposit(s).

(ii) In municipalities where more than one financial institution is located, average annual deposits of municipal funds in one such financial institution shall not exceed the average annual deposits in any other such financial institution by more than ten percent, except in cases where funds are deposited pursuant to competitive bid.

(iii) The municipal funds are deposited with the approval of the municipal governing authority and the mayor.

(c) The provisions of Subparagraph (a) of this Paragraph shall not affect the application of R.S. 42:1112.

(18)(a) A licensed physician who is a member of a board of commissioners for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 located within a parish which has a population of one hundred twenty-five thousand or less from contracting with the hospital over which the board exercises jurisdiction, from subcontracting with another provider who contracts with such hospital, or from owning an interest in an entity that contracts with such hospital. However, such licensed physician shall recuse himself from participating in any transaction before the board relating to any contracts entered into by him, or by a provider with which he subcontracts, or by any entity in which he owns an interest, and permitted by this Paragraph.

(b) Repealed by Acts 2007, No. 152, §2, eff. June 25, 2007.

(c) Any physician serving as a member of a hospital service district board or commission, if such hospital service district board or commission is required by law or by local ordinance, rule, or regulation adopted by a municipal or parish governing authority to have one or more physician members on its board or commission, from leasing space for the provision of health care services from a hospital under the jurisdiction of the board or commission for fair market value. However, such licensed physician shall recuse himself from participating in any transaction involving a lease agreement to which he is permitted by this Subparagraph to be a party.

(d) Any licensed physician who is the child of a member of a board of commissioners of any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950, located within a parish that has a population of fifty thousand or less or for a hospital that is defined as a rural hospital pursuant to the Rural Hospital Preservation Act (R.S. 40:1189.1 et seq.) from contracting for professional health care services with the hospital over which the board exercises jurisdiction, from subcontracting with another professional health care provider who contracts for professional health care services with the hospital, or from owning an interest in any entity that contracts for professional health care services with the hospital.

(19) Any member of the Louisiana Wildlife and Fisheries Commission from holding or obtaining a renewal of oyster leases with the state, personally or through legal entities in which he has ownership interests, even though such leases are subject to the supervision and jurisdiction of the commission, provided that the member shall recuse himself or be disqualified by the commission from participating in any transaction involving the said oyster leases.

(20) An airport authority member or employee in an airport in any parish having a population of less than two hundred twenty-five thousand persons, according to the most recent

census, or an airport authority member or employee in an airport in any parish having a population of two hundred twenty-five thousand persons or more according to the most recent census if the airport over which such an airport authority has jurisdiction does not have scheduled air service, from using any of the services available at the airport over which he exercises jurisdiction or by which he is employed; provided the services are available to the member or employee subject to the same terms, conditions, and availability as to any other member of the public, whether such services are obtained directly from the airport or from a fixed-based operator. The provisions of this Paragraph shall not apply to the Louisiana Airport Authority.

(21) A building inspector employed by a municipality with a population of twenty-five thousand persons or less as of the most recent federal decennial census, a member of such building inspector's immediate family, or a legal entity in which such building inspector has a controlling interest from performing construction services that are under the supervision or jurisdiction of the agency or governmental entity of the building inspector, provided such services are not performed during the building inspector's assigned working hours, do not interfere with the performance of his assigned duties, and do not include construction services performed for the agency or governmental entity of the building inspector. Under no circumstances shall the building inspector inspect his own work, the work of his immediate family, or the work of a legal entity in which the building inspector has a controlling interest. A "building inspector" shall mean any person employed by a municipality who tests, examines, or issues a permit for compliance with a building code as defined in R.S. 33:4771.

(22)(a) Any mayor or member of a governing authority of a municipality with a population of five thousand or less, or an immediate family member of such a mayor or governing authority member, or legal entity in which such a mayor, governing authority member, or immediate family member has a controlling interest, from entering into any transaction that is under the supervision or jurisdiction of the municipality.

(b) A transaction allowed by Subparagraph (a) of this Paragraph may only be entered into if the municipality submits a plan to the Louisiana Board of Ethics for approval and the board approves the plan. The municipality's plan shall be developed in accordance with the following:

(i) The elected official involved shall immediately recuse himself from acting in his governmental capacity in matters affecting the transaction and file quarterly affidavits concerning the recusal with the clerk of the municipality and the board. The affidavits shall set out the name and address of the elected official, the name and population of the municipality, and a description of the transactions involving the elected official, his immediate family member, or his or his immediate family member's legal entity that occurred during the preceding quarter. The plan of the municipality shall set out the due dates of the quarterly affidavits.

(ii) The plan developed by the municipality shall address how the transactions shall be supervised after the elected official is recused.

(iii) Individual transactions of two hundred fifty dollars or less shall not be subject to the provisions contained in Items (iv) and (v) of this Subparagraph until such transactions involving a single elected official or a legal entity in which he owns a controlling interest or an immediate family member or a legal entity in which he owns a controlling interest exceed two thousand five hundred dollars in the aggregate within the calendar year; thereafter the provisions contained in Items (iv) and (v) of this Subparagraph shall apply.

(iv) For transactions in excess of two hundred fifty dollars, but less than two thousand five hundred dollars, telephone quotations with written confirmation or facsimile quotations shall be solicited from at least three vendors within the municipality, the parish, or within a fifty-mile radius of the municipality. However, in the case of an emergency, no quotations shall be required so long as the elected official recuses himself from the transaction and files an affidavit as required in Item (i) of this Subparagraph within three business days of the occurrence of the transaction.

"Emergency" shall be defined in the plan adopted by the municipality and subject to board approval.

(v) In the case of a transaction in excess of two hundred fifty dollars but less than two thousand five hundred dollars, if the quotation submitted by the elected official, his immediate family member, or legal entity in which the elected official or his immediate family member has a controlling interest is the lowest bid received by the municipality the transaction is allowed. The plan adopted by the municipality and subject to board approval may specify situations in which a quotation submitted by the elected official, his immediate family member, or his or his immediate family member's legal entity may be accepted even if it was not the lowest bid received by the municipality.

(vi) An elected official, his immediate family member, or legal entity in which the elected official or his immediate family member has a controlling interest may enter into transactions with the municipality in excess of two thousand five hundred dollars only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official, his immediate family member, or his or his immediate family member's legal entity, and upon specific advance approval by the board. Any such request for approval shall include the details of the proposed transaction, a copy of the written invitation, copies of the bids received in response to the invitation, and the method of recusal developed by the municipality. The plan developed by the municipality shall set out the details of the bid process.

(23) Any member of the state or regional advisory committees for the office for citizens with developmental disabilities from being employed by a private, nonprofit, corporation, agency, organization, or association that receives state funds under contractual agreement with the office for citizens with developmental disabilities. However, such member shall recuse himself from participating in any action of the committee specifically relating to such contracts with the office for citizens with developmental disabilities for the receipt of state funds.

(24)(a) Any member of the State Licensing Board for Contractors from serving on such board even if he, a member of his immediate family, or a business in which he has a substantial economic interest has participated in a transaction that comes before such board for administrative action. However, such member shall recuse himself from participating in any administrative hearing specifically relating to such transaction. Investigations of such transactions by the staff of the State Licensing Board for Contractors without the direct involvement of such board shall not constitute a violation of this Chapter.

(b) Any member of the State Licensing Board for Contractors, or any legal entity in which he has an interest, from entering into a contract for commercial or residential contractor services or related consulting services for compensation with a person licensed by the board; provided that no member of the board shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person to enter into such a contract or to provide such board member or any other person with any thing of economic value. However, such member shall be specifically prohibited from providing consulting services for transactions that come before the board for administrative action. In addition, such member shall recuse himself from participating in any administrative hearing involving any licensee with whom he has an existing contractual relationship.

(25) Any client who is not also a vendor of a charitable organization from serving on its board of directors or advisory board, provided that such clients do not constitute twenty percent or more of the board of directors or advisory board. For the purposes of this Paragraph, "charitable organization" shall mean a nonprofit board or association of a community-based HIV/AIDS service corporation or organization domiciled in this state and qualified with the United States Internal Revenue Service for an exemption from federal income tax under Section 501(c)(3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code.

(26)(a) The acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed one hundred dollars per event, for flowers or a donation in connection with the death of a member of the immediate family of a public servant.

(b) The acceptance by a public servant employed by a prekindergarten, kindergarten, elementary, or secondary school of anything of economic value as a gift from or on behalf of a student or former student when the value of the gift does not exceed twenty-five dollars and the aggregate value of all gifts from or on behalf of any one person pursuant to this Subparagraph does not exceed seventy-five dollars in a calendar year.

(27) Any board member of the Sabine River Authority who owns a lot contiguous to the "lease back" or "shore line" area of Toledo Bend Reservoir from exercising his option to lease the shore line area contiguous to his lot and obtain a permit for "domestic use", as defined in R.S. 38:2329, of the authority's water. As used in this Paragraph, the "lease back" area, which is also known as the "shore line", is that area owned by the Sabine River Authority, state of Louisiana, that is the property lying between the contour of 172 feet above mean sea level (the normal pool stage) and the contour of 175 feet above mean sea level, or a distance of 50 feet running horizontally from the 172 contour, whichever is greater, and which area is subject to an option to lease by the landowner of the contiguous lot as is provided in the Policy, Rules and Regulations of the Sabine River Authority as adopted by the board of commissioners on August 24, 1967.

(28) The lease of school buses by city, parish, and other local public school boards as provided in R.S. 17:158.7.

(29) A mayor of a municipality with a population not in excess of five thousand persons who is a licensed physician from contracting for the provision of health care services with the health insurer for the employees of his municipality.

(30) A public servant, a legal entity in which he has a controlling interest, or a member of his immediate family, from donating services, movable property, or funds to his agency. Nothing herein shall be construed to allow a public servant to make an appointment of a person which is otherwise prohibited by this Chapter.

(31)(a) Any former city, parish, or other local public school board member who holds a valid Louisiana teaching certificate from being employed by his former school board for any classroom teacher position with such board which requires a valid Louisiana teaching certificate.

(b) Any former city, parish, or other local school board member who holds a valid ancillary certificate in school psychology issued by the state Department of Education from being employed by his former school board for any certified school psychologist position with such board which requires such certificate.

(c) These exceptions shall apply only in parishes with a population not in excess of thirty-six thousand people, as determined by the latest federal decennial census.

(32)(a) Any advertising agency that has a contract for advertising services with the Department of Culture, Recreation and Tourism, the Department of Wildlife and Fisheries, the Department of Economic Development, the Department of Transportation and Development, or the Department of Agriculture and Forestry from entering into contracts with any other person who engages in any transaction with the Department of Culture, Recreation and Tourism, the Department of Wildlife and Fisheries, the Department of Economic Development, the Department of Transportation and Development, or the Department of Agriculture and Forestry.

(b) As used in this Paragraph, "advertising services" means the development, production, and dissemination of advertisements, public relations communications, or other forms of publicity.

(c) As used in this Paragraph, the term "advertising agency" means a corporation, limited liability company, or other juridical person that, as its primary business, acts on behalf of clients in connection with some or all of the following activities:

- (i) Development and production of advertisements.
- (ii) Placement of advertisements in the media.
- (iii) Planning and conducting advertising and public relations campaigns.
- (iv) Website design and other internet marketing functions.
- (v) Branding and brand management.
- (vi) Market research.

(33) The Metropolitan Council for the city of Baton Rouge and the parish of East Baton Rouge from appointing any one of its members to any board, commission, or other entity created by home rule charter, plan of government, state law, or local ordinance or resolution including but not limited to the Capital Transportation Corporation, Visit Baton Rouge, and the city-parish planning commission.

(34) A member of a municipal or parish governing authority in a parish or municipality with a population of twenty-five thousand persons or less according to the latest federal decennial census or a member of such elected official's immediate family or a legal entity in which he has a controlling interest from making application for the approval of the subdivision or resubdivision of property and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided that (a) the zoning of such subdivided property shall not be less restrictive than the zoning of the original parcel; (b) no variance or special exception from any planning or zoning regulation or requirement or any building code or permit shall be requested or granted; (c) the subdivision, resubdivision, or zoning of such property shall be for residential purposes only; (d) the application or applications submitted by or on behalf of the elected official, a member of his immediate family, or legal entity in which he has a controlling interest, collectively, shall be limited to the subdivision, resubdivision, or zoning of not more than twelve lots per calendar year and the construction of not more than twelve residential units per calendar year; (e) no public funds shall be used to construct any infrastructure for the use or benefit of such property or development; (f) the elected official shall file written notice containing all details regarding the transaction deemed necessary by the Board of Ethics with his governing authority and with the Board of Ethics no later than ten days prior to any hearing pertaining to any such application, or if no hearing is held pertaining to such application, shall file such notice at least ten days prior to final action on any such application; and (g) any such member of a governing authority shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

(35) Any volunteer fireman or uncompensated law enforcement officer or legal entity in which he has an interest from bidding on or entering into a contract, subcontract, or other transaction under the supervision and jurisdiction of his agency; provided that the volunteer fireman or uncompensated law enforcement officer shall receive no compensation or thing of economic value for his service as a volunteer fireman or uncompensated law enforcement officer, that the volunteer fireman or uncompensated law enforcement officer shall not be an agency head, and that the volunteer fireman or uncompensated law enforcement officer shall not participate on behalf of his agency in any capacity regarding such contract, subcontract, or other transaction.

(36) Repealed by Acts 2017, No. 30, §3, eff. June 3, 2017.

(37)(a) An insurance producer as defined in R.S. 22:1542, from serving as the insurance producer of record as provided in R.S. 22:1564(B) for a governmental entity; from providing any normal insurance services for a governmental entity; and from providing risk management services for a governmental entity, including but not limited to providing advice or recommendations

regarding insurance coverages, markets, costs, terms, selection of coverages and all related matters or any combination thereof; provided that:

(i) An insurance producer, as defined in R.S. 22:1542, who provides or solicits to provide any of the services in this Subparagraph shall not serve in any other official decisionmaking capacity over insurance issues for the governmental entity, including but not limited to elected or appointed positions, advisory committees, as an employee, or as risk manager.

(ii) Any insurance producer who has served in any official decisionmaking capacity over insurance issues for a governmental entity, including but not limited to elected or appointed positions, advisory committees, as an employee, or as risk manager, and who wishes to solicit to provide any of the services in this Subparagraph for that same governmental entity shall comply with the provisions of R.S. 42:1121.

(b)(i) An insurance producer from being compensated by means of normal commissions or pursuant to a written contract providing for payment of a stipulated fee, or both for any of the services in Subparagraph (a) of this Paragraph; provided that the insurance producer shall fully disclose to the governmental entity in writing all fees, commissions, or other compensation payable to the producer from the insurer or any source other than the governmental entity that relate to the services provided.

(ii) An insurance producer who provides any of the services in Subparagraph (a) of this Paragraph for a governmental entity from receiving fees, commissions, or other compensation payable to the insurance producer from insurance companies for services rendered to those insurance companies for products or services sold to other governmental entities or persons that do not directly relate to the services provided by the insurance producer to the governmental entity; provided the insurance producer discloses to the governmental entity the name of any insurer or source from which he receives fees, commissions, or other compensation if such insurer or other source is providing or is seeking to provide services or insurance coverage to the governmental entity at the time the insurance producer is providing services to the governmental entity.

(c) Nothing in this Paragraph shall prohibit a governmental entity from contracting with an insurance producer separate from the producer of record to provide risk management services and to assist the governmental entity in making insurance decisions.

(d) The provisions of this Paragraph shall not apply to individually underwritten guaranteed renewable limited benefit health insurance policies.

(e) Nothing in this Section shall prevent a governmental entity from contracting with an insurance or risk management consultant who is not an insurance producer.

(38) A public servant from accepting services donated by an attorney licensed to practice law in Louisiana pursuant to a program adopted by the Louisiana Bar Association to provide such services. Any such adopted program shall be certified by the Bar Association to the board and only donations made after the acceptance of such certification by the board shall be allowed.

(39) An immediate family member of a legislator from being a registered lobbyist or from lobbying as provided in R.S. 24:50 et seq., provided each of the following:

(a) The immediate family member was a registered lobbyist as provided in R.S. 49:71 et seq., for at least one year prior to January 9, 2012, or was a registered lobbyist as provided in R.S. 24:50 et seq., for at least one year prior to January 1, 2009, or for at least one year prior to becoming an immediate family member of the legislator, or for at least one year prior to the legislator's initial election to the legislature.

(b) The immediate family member shall not lobby the legislator as provided in R.S. 24:51, or communicate with any public employee assigned to the district office of the legislator, with any public employee whose primary duty is to assist the individual legislator, or if the legislator is a

committee chairman, with any public employee assigned to the committee of which the legislator is chairman concerning any matter which may be the subject of action by the legislature.

(40) A person from obtaining a permit, and entering into any transaction incidental thereto, under the provisions of the state uniform construction code (R.S. 40:1730.21 et seq.).

(41)(a) The acceptance by a public servant of complimentary admission to, lodging reasonably related to, and reasonable transportation to and from an educational or professional development seminar or conference held in any state of the United States or Canada, provided that (i) the public servant is requested or invited to attend by the sponsoring civic, nonprofit, educational, or political group or organization; (ii) the sponsor is not a person from whom the public servant is prohibited from receiving or accepting a gift pursuant to R.S. 42:1115(A)(2); (iii) the seminar or conference is related to the public service of the public servant and is designed to enhance the knowledge or skill of the public servant as it relates to the performance of his public service; and (iv) the public servant's agency head approves the acceptance.

(b) Any public servant who accepts complimentary admission, lodging, or transportation to and from an educational or professional development seminar or conference shall file an affidavit with the Board of Ethics within sixty days after such acceptance, disclosing (i) the name of the person or organization who gave, provided, or paid in whole or in part for the admission, lodging, or transportation; (ii) the person or organization that hosted the seminar or conference; and (iii) the amount expended on his behalf by the person or organization on admission, lodging, and transportation.

(c) The provisions of this Paragraph shall not require an affidavit to be filed in connection with the acceptance by a public servant of admission, lodging, or transportation relative to a seminar or conference held or hosted by the agency or governmental entity of the public servant.

(42) A member of the Greater Baton Rouge Port Commission, an immediate family member of such a port commission member, or a legal entity in which such a port commission member or a member of his immediate family has a substantial economic interest from contracting for the sale of grain to the operator of a grain elevator that is owned, operated, or managed by the port commission provided that:

(a) The port commission member recuses himself on all matters involving such sale of grain and all matters related to the management and operation of the grain elevator.

(b) The terms and conditions of the sale are the same or substantially similar as a sale of grain by similarly situated persons who are not port commission members or related persons.

(43) The employment of a person by a board that is created by law when the person has served as a member of the board as a designee, as authorized by law, of a mayor, but is not subject to confirmation nor confirmed by the council, of a municipality with a population of three hundred thousand or more according to the latest federal decennial census.

Acts 1979, No. 443, §1, eff. April 1, 1980; Acts 1983, No. 719, §1; Acts 1985, No. 220, §1, eff. July 6, 1985; Acts 1985, No. 426, §2; Acts 1986, No. 374, §1; Acts 1987, No. 229, §1; Acts 1987, No. 370, §1; Acts 1987, No. 491, §1; Acts 1987, No. 593, §1, eff. July 9, 1987; Acts 1987, No. 624, §1; Acts 1988, No. 623, §1, eff. July 14, 1988; Acts 1989, No. 187, §1; Acts 1990, No. 97, §1; Acts 1991, No. 1037, §1; Acts 1992, No. 846, §1, eff. July 8, 1992; Acts 1993, No. 220, §1, eff. June 2, 1993; Acts 1993, No. 257, §1, eff. June 2, 1993; Acts 1993, No. 965, §2, eff. August 15, 1993; Acts 1993, No. 1037, §1; Acts 1995, No. 289, §2; Acts 1995, No. 1156, §1; Acts 1995, No. 1157, §1; Acts 1996, 1st Ex. Sess., No. 64, §11, eff. Jan. 1, 1997; Acts 1997, No. 501, §1; Acts 1997, No. 848, §1; Acts 1997, No. 893, §1; Acts 1997, No. 1107, §1; Acts 2000, 1st Ex. Sess., No. 140, §2, eff. April 19, 2000; Acts 2001, No. 323, §1; Acts 2001, No. 325, §1; Acts 2001, No. 580, §1; Acts 2001, No. 946, §2, eff. June 26, 2001; Acts 2001, No. 998, §1; Acts 2001, No. 1015, §1; Acts 2001, No. 1127, §1; Acts 2003, No. 183, §4; Acts 2003, No. 743, §2, eff. June 27, 2003; Acts 2003, No. 977, §1; Acts 2003, No. 992, §1, eff. July 2, 2003; Acts 2003, No. 996, §1, eff. July 2,

2003; Acts 2003, No. 1282, §1; Acts 2003, No. 1284, §1; Acts 2003, No. 1285, §1; Acts 2003, No. 1288, §1, eff. July 17, 2003; Acts 2004, No. 292, §1; Acts 2004, No. 696, §1; Acts 2004, No. 784, §1, eff. July 8, 2004; Acts 2006, 1st Ex. Sess., No. 22, §1, eff. Feb. 23, 2006; Acts 2006, No. 422, §1, eff. June 15, 2006; Acts 2007, No. 152, §§1, 2, eff. June 25, 2007; Acts 2007, No. 250, §1, eff. July 6, 2007; Acts 2008, 1st Ex. Sess., No. 7, §1, eff. April 26, 2008; Acts 2008, 1st Ex. Sess., No. 13, §3, eff. Jan. 1, 2009; Acts 2008, 1st Ex. Sess., No. 19, §2, eff. March 10, 2008; Acts 2008, No. 173, §1; Acts 2008, No. 301, §1, eff. June 17, 2008; Acts 2008, No. 415, §2, eff. Jan. 1, 2009; Acts 2008, No. 514, §1, eff. Jan. 1, 2009 (Para. (39)(a)) and §4, eff. June 30, 2008 (Para. (13) and (41)); Acts 2009, No. 308, §1; Acts 2009, No. 384, §5, eff. July 1, 2010; Acts 2009, No. 534, §2, eff. July 16, 2009; Acts 2010, No. 597, §1, eff. June 25, 2010; Acts 2010, No. 784, §1; Acts 2010, No. 798, §1, eff. June 30, 2010; Acts 2010, No. 861, §18; Acts 2011, 1st Ex. Sess., No. 35, §1; Acts 2012, No. 737, §1, eff. June 11, 2012; Acts 2012, No. 811, §15, eff. July 1, 2012; Acts 2012, No. 864, §1; Acts 2014, No. 172, §1; Acts 2014, No. 334, §1, eff. May 30, 2014; Acts 2014, No. 747, §1, eff. June 19, 2014; Acts 2016, No. 87, §1, eff. May 11, 2016; Acts 2017, No. 30, §3, eff. June 3, 2017; Acts 2017, No. 408, §1, eff. June 26, 2017.

By Lewis
Introduced 5-8-13
PH. 5-22-13

ADOPTED
METROPOLITAN COUNCIL

MAY 22 2013

688

RESOLUTION

50177

Brian Majors
COUNCIL ADMINISTRATOR TREASURER

AMENDING AND RE-ENACTING AN "AUTO USAGE POLICY" FOR THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE SO AS TO REQUIRE ALL EMPLOYEES OPERATING CITY-PARISH VEHICLES TO COMPLETE A DRIVER SAFETY IMPROVEMENT PROGRAM CONDUCTED BY THE DEPARTMENT OF HUMAN RESOURCES.

BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Each department or agency head is responsible for the use and assignment of City-Parish vehicles in his/her respective department.

Section 2. Every City-Parish vehicle shall receive maintenance at the designated City-Parish facility at least every 5,000 miles, unless the maintenance manual requires service more often. The assigned driver of the City-Parish vehicle shall be responsible for this maintenance program.

Section 3. Each person driving a City-Parish vehicle shall make sure that the vehicle is in a safe operating condition. All care and control measures should be taken to ensure that a positive image of the City-Parish is presented at all times and that the highest operating efficiency is maintained.

Section 4. Employees driving a City-Parish vehicle shall furnish the department with proof of a valid drivers license upon receipt of a vehicle and at any other such time as he or she is requested to do so. Periodic checks of an employee's official driving record may be conducted at the discretion of the appointing authority. It is the intention of the Council that each department institute a driving record check procedure through cooperation with the Department of Human Resources and it is desired that such check be performed a minimum of one time per year.

Section 5. Flat tires shall be, as much as possible and within reason, be fixed by the driver of the City-Parish vehicle, when the vehicle is outside of East Baton Rouge Parish. Employees will be held accountable for maintaining the proper fluid levels

and tire air pressure in his/her City-Parish vehicle. All out of pocket costs shall be reimbursable from the City-Parish. Receipts are mandatory.

Section 6. Non City-Parish personnel are prohibited from driving a City-Parish vehicle, except under the following conditions: (1) An emergency condition, or (2) in the course of official business where authorized by the Metropolitan Council or the Mayor-President.

Section 7. Seat belts shall always be used in all City-Parish vehicles by all occupants. Doors shall be kept locked while the vehicle is parked. The interior of the vehicle shall be kept clean and orderly, and the exterior shall remain reasonably clean (cleaned at least twice a month).

Section 8. City-Parish personnel shall not drive or use a City-Parish vehicle on personal errands, except de minimis use as stated in the IRS guidelines and Resolution 24987 of the Metropolitan Council. All employees driving a City-Parish vehicle home must have the proper payroll deduction made in accordance with IRS guidelines. Police Units may be used for "off-duty" assignments related to police work as would relate to their normal police work.

Section 9. All City-Parish vehicles shall be marked with City-Parish decals and public plates in accordance with L.R.S. 49:121.

Section 10. The Auto Committee shall have the authority to provide that all City-Parish marked vehicles will have a bumper sticker and vehicle number that provides substantially the following: "If I operate this vehicle in an unsafe manner - Please call _____".

Section 11. Since the City-Parish is self-insured, non City-Parish personnel shall not be transported in a City-Parish vehicle, except in the City-Parish employees official performance of their duties or when authorized by the Auto Committee.

Section 12. Nothing shall be attached or tied onto the City-Parish vehicle which in any way will interfere with the normal movement of the vehicle, except when authorized by the Auto Committee (i.e. trailer hitches, luggage racks, etc.). No decals, other than those approved by the Auto Committee, shall be placed on the City-Parish vehicle.

Section 13. No City-Parish personnel shall purchase and/or transport any alcoholic beverages, illegal drugs or non-prescribed controlled substances in a City-Parish vehicle, unless required in the performance of their duties (e.g. Police Officer or Investigative personnel).

Section 14. (a) No City-Parish personnel shall operate a City-Parish vehicle while drinking alcohol or while under the influence of alcoholic beverages, illegal drugs or non-prescribed controlled substances, or with any detectable amount of an illegal drug or non-prescribed controlled substances in his or her system.

(b) Any City-Parish employee who commits any violations regarding controlled dangerous substances or alcohol shall be tested and disciplined in accordance with the City-Parish "Drug-Free Workforce" Ordinance.

Section 15. Any City-Parish personnel taking off for more than one week shall leave the City-Parish vehicle in the departments' use.

Section 16. This Council hereby sets a limit of 350 (excluding police and fire) City-Parish vehicles that may be driven home. Any increase in this number must be approved by the Metropolitan Council. The Mayor-President is given authority to adjust City-Parish vehicle "take homes" within the 350 limit.

Section 17. (a) An employee who commutes to his/her residence in a City-Parish owned or leased vehicle may do so, provided he/she does not live outside a 24.0 mile radius from the intersection of Tom Drive and Wooddale Boulevard.

(b) Notwithstanding Subsection (a), those employees who were driving to a residence outside the 24.0 mile radius on

November 27, 1991 may continue to do so.

(c) All employees who continue to drive outside the 24 mile radius pursuant to Subsection (b) must pay a mileage fee to the City-Parish for use of the City-Parish vehicle for those miles from the 24.0 mile radius to and from their residence.

(d) The mileage charge for use of a City-Parish owned or City-Parish leased vehicle shall be the City-Parish reimbursement rate for employees as established under Title 1, Section 301 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.

(e) Proof of residence shall be established by providing a voter registration card and/or driver's license.

Section 18. The Inventory Control Division of Purchasing is hereby authorized and directed to establish policies and procedures to keep the list of City-Parish vehicles, drivers and other pertinent information updated. All computerized vehicle records shall be consistent in department number, vehicle number, and any other shared information. A yearly report on the City-Parish vehicles shall be provided the members of the Metropolitan Council. Special provisions shall apply to undercover police and fire units to be approved by the Auto Committee.

Section 19. (a) Any employee operating a City-Parish vehicle shall be required to successfully complete a driver safety improvement program that is certified by the National Safety Council and conducted by the Human Resources Department. The Course shall be completed within 180 days of the adoption of this resolution, and every two years thereafter. New hires shall complete the program prior to operating a City Parish vehicle. Each time the employee is involved in a chargeable or preventable accident, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the ruling, as a condition of continued use of a City-Parish vehicle.

(b) All accidents involving City-Parish vehicles must be immediately reported from the scene to the proper law enforcement agency and the Baton Rouge Communications District. A complete written accident report must be filed with the employee's department within five (5) days of the accident. Failure to report the accident or to complete the written report shall be considered a violation of this resolution.

(c) Any City-Parish employee who is involved in an accident while operating a City-Parish vehicle shall be tested for controlled dangerous substances and alcohol in accordance with the City-Parish "Drug-Free Workforce" Ordinance.

Section 20. (a) Traffic, parking and speed laws, while operating City-Parish vehicles, shall be obeyed at all times and the driver of the vehicle shall pay any fine assessed for violation of same.

(b) If any employee who drives a City-Parish vehicle, or who receives an auto allowance, is convicted of a moving violation, regardless of whether it was committed on or off duty, beginning 30 days after the adoption of this ordinance, it shall be considered to be a violation of this resolution.

(c) If an employee commits three or more moving violations, except for those listed in subsection (d), within a twelve month period, beginning 30 days after adoption of this resolution, of which he/she is ultimately convicted, the employee must complete a driver safety improvement program. Each time the employee accumulates three new convictions for such violations within this period, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the third conviction, as a condition of continued use of a City-Parish vehicle.

(d) If an employee commits one driving while intoxicated offense; one operation of a vehicle while under the influence of

alcohol or of a controlled dangerous substance offense; or one negligent vehicular injuring offense due to operation of a vehicle while under the influence of alcohol or of a controlled dangerous substance, beginning 30 days after adoption of this resolution, of which he/she is ultimately convicted, the employee must complete a driver safety improvement program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the conviction, as a condition of continued use of a City-Parish vehicle.

Section 21. For purposes of this resolution, a "conviction" shall include any charges wherein a guilty plea or a "no contest" plea was entered, but the charges were subsequently dismissed pursuant to Louisiana Code of Criminal Procedure Article 892.1, 893 or 894; it is the fact of the conviction which is the relevant circumstance to be considered in determining whether the consequences of a conviction should be imposed.

Section 22. City-Parish employees driving City-Parish vehicles will be held responsible for the cost of damage and repair for the unauthorized use of the vehicle.

Section 23. (a) Any City-Parish employee that drives a City-Parish vehicle must notify the department or agency head, immediately, but in no event later than 4 hours, whichever occurs first, if on duty, or if off duty, within 72 hours or before reporting for work, whichever occurs first, if his/her driver's license is revoked or suspended; he/she is arrested or cited for driving a vehicle while intoxicated, or operating a vehicle while under the influence of alcohol, or of a controlled dangerous substance; or he/she is arrested or cited for negligent injury to another person, due to operation of a vehicle while under the influence of alcohol or of a controlled dangerous substance, beginning 30 days after adoption of this resolution.

(b) Notification must take place within 72 hours or before reporting for work, whichever occurs first, if an employee

is convicted of a moving violation, regardless of whether notification has previously taken place regarding the arrest or citation for the offense in accordance with the requirements of subsection (a), beginning 30 days after the adoption of this resolution.

(c) If the employee fails to timely report any of the foregoing occurrences, the employee must complete a driver safety improvement program. Each time the employee fails to timely report a new occurrence, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. As a condition of continued use of a City-Parish vehicle, proof of completion of the program must be submitted to the Auto Committee within 15 days of receipt of written notice by the employee from the Auto Committee that it has been determined that he/she has failed to timely report an occurrence.

Section 24. (a) any employee convicted of moving violations or preventable accident violations within a twelve (12) month period, while acting within the course and scope of his/her employment, on the first offense shall forfeit driving the vehicle home for seven (7) days; on the second offense shall forfeit driving the vehicle home for thirty (30) days ; and on the third offense the person shall forfeit driving the vehicle home for one (1) year. Any person committing the third offense shall not be eligible for the City-Parish auto allowance. Appeal may be made to the Auto Committee.

(b) Any City-Parish employee receiving the \$400.00 per month automobile allowance from the City-Parish, who while acting within the course and scope of his/her employment, is found to have been involved in a preventable accident or is convicted of any moving violation within a twelve (12) month period, on the first finding or conviction, shall forfeit seven (7) calendar days auto allowance. The finding of said violation shall be made by the Auto Committee. On a second finding of the violation of this policy or

a conviction, the employee shall forfeit thirty (30) calendar days allowance; and on the third finding of violation or conviction the employee shall forfeit the auto allowance for a period of one (1) year from the date of the decision by the Auto Committee or from the date of conviction. Any employee found in violation of this policy shall not be eligible to drive a City-Parish vehicle home during the penalty period. Appeal may be made to the Auto Committee.

Section 25. Any violation of the provisions of this resolution, may subject the employee to disciplinary action which shall be in addition to any of the consequences stated herein.

Section 26. In order to facilitate this resolution, there is hereby created an Auto Committee composed of the Council Budget Officer (or designee), the Council Administrator/Treasurer (or designee), and two representatives of the Mayor-President, appointed by the Mayor-President to determine violations of this resolution and to rule on the penalties.

Section 27. A copy of this resolution shall be placed in all City-Parish vehicles. Each City-Parish employee must read and sign a statement that the employee has read and/or understands the provisions of this policy and that the employee agrees to abide by the provisions of the policy as a condition of employment, specifically acknowledging and agreeing that periodic checks may be made of the employee's official driving record at the discretion of the appointing authority.

Section 28. This resolution shall become effective thirty (30) days from the date of adoption.

Section 29. The provisions of this resolution are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this resolution, or the validity of its application to other persons or circumstances.

Section 30. All resolutions or parts of resolutions in conflict herewith are hereby repealed, specifically including, but not limited to, Resolution Nos. 31880, 32069, 33689, 36535 and 39561.

ADOPTED
METROPOLITAN COUNCIL

MAR 27 2002

Brian Mayers
COUNCIL ADMINISTRATOR TREASURER

Bendam 123

RESOLUTION 41644

INTRODUCED 11-14-01

OTHER 11-28-01

P.H. 1-23-02

P.H. 2-27-02

P.H. 3-13-02

P.H. 3-27-02

AMENDING AND RE-ENACTING AN "AUTO USAGE POLICY" FOR THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE SO AS TO CODIFY ALL EXISTING COUNCIL RESOLUTIONS INTO ONE AND TO ADD SPECIFIC LANGUAGE IN REFERENCE TO DRIVERS OF CITY-PARISH VEHICLES RECEIVING DWI'S WHILE DRIVING THEIR PERSONAL VEHICLES AND PROVIDING FOR RELATED MATTERS.

BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Each department or agency head is responsible for the use and assignment of City-Parish vehicles in his/her respective department.

Section 2. Every City-Parish vehicle shall receive maintenance at the designated City-Parish facility at least every 5,000 miles, unless the maintenance manual requires service more often. The assigned driver of the City-Parish vehicle shall be responsible for this maintenance program.

Section 3. Each person driving a City-Parish vehicle shall make sure that the vehicle is in a safe operating condition. All care and control measures should be taken to ensure that a positive image of the City-Parish is presented at all times and that the highest operating efficiency is maintained.

Section 4. Employees driving a City-Parish vehicle shall furnish the department with proof of a valid drivers license upon receipt of a vehicle and at any other such time as he or she is requested to do so. Periodic checks of an employee's official driving record may be conducted at the discretion of the appointing authority. It is the intention of the Council that each department institute a driving record check procedure through cooperation with the Department of Human Resources and it is desired that such check be performed a minimum of one time per year.

Section 5. Flat tires shall be, as much as possible and within reason, be fixed by the driver of the City-Parish vehicle, when the vehicle is outside of East Baton Rouge Parish. Employees

Section 12. Nothing shall be attached or tied onto the City-Parish vehicle which in any way will interfere with the normal movement of the vehicle, except when authorized by the Auto Committee (i.e. trailer hitches, luggage racks, etc.). No decals, other than those approved by the Auto Committee, shall be placed on the City-Parish vehicle.

Section 13. No City-Parish personnel shall purchase and/or transport any alcoholic beverages, illegal drugs or non-prescribed controlled substances in a City-Parish vehicle, unless required in the performance of their duties (e.g. Police Officer or Investigative personnel).

Section 14. (a) No City-Parish personnel shall operate a City-Parish vehicle while drinking alcohol or while under the influence of alcoholic beverages, illegal drugs or non-prescribed controlled substances, or with any detectable amount of an illegal drug or non-prescribed controlled substances in his or her system.

(b) Any City-Parish employee who commits any violations regarding controlled dangerous substances or alcohol shall be tested and disciplined in accordance with the City-Parish "Drug-Free Workforce" Ordinance.

Section 15. Any City-Parish personnel taking off for more than one week shall leave the City-Parish vehicle in the departments' use.

Section 16. This Council hereby sets a limit of 350 (excluding police and fire) City-Parish vehicles that may be driven home. Any increase in this number must be approved by the Metropolitan Council. The Mayor-President is given authority to adjust City-Parish vehicle "take homes" within the 350 limit.

Section 17. (a) An employee who commutes to his/her residence in a City-Parish owned or leased vehicle may do so, provided he/she does not live outside a 24.0 mile radius from the intersection of Tom Drive and Wooddale Boulevard.

(b) Notwithstanding Subsection (a), those employees who were driving to a residence outside the 24.0 mile radius on

(b) All accidents involving City-Parish vehicles must be immediately reported from the scene to the proper law enforcement agency and the Baton Rouge Communications District. A complete written accident report must be filed with the employee's department within five (5) days of the accident. Failure to report the accident or to complete the written report shall be considered a violation of this resolution.

(c) Any City-Parish employee who is involved in an accident while operating a City-Parish vehicle shall be tested for controlled dangerous substances and alcohol in accordance with the City-Parish "Drug-Free Workforce" Ordinance.

Section 20. (a) Traffic, parking and speed laws, while operating City-Parish vehicles, shall be obeyed at all times and the driver of the vehicle shall pay any fine assessed for violation of same.

(b) If any employee who drives a City-Parish vehicle, or who receives an auto allowance, is convicted of a moving violation, regardless of whether it was committed on or off duty, beginning 30 days after the adoption of this ordinance, it shall be considered to be a violation of this resolution.

(c) If an employee commits three or more moving violations, except for those listed in subsection (d), within a twelve month period, beginning 30 days after adoption of this resolution, of which he/she is ultimately convicted, the employee must complete a driver safety improvement program. Each time the employee accumulates three new convictions for such violations within this period, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the third conviction, as a condition of continued use of a City-Parish vehicle.

(d) If an employee commits one driving while intoxicated offense; one operation of a vehicle while under the influence of

is convicted of a moving violation, regardless of whether notification has previously taken place regarding the arrest or citation for the offense in accordance with the requirements of subsection (a), beginning 30 days after the adoption of this resolution.

(c) If the employee fails to timely report any of the foregoing occurrences, the employee must complete a driver safety improvement program. Each time the employee fails to timely report a new occurrence, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. As a condition of continued use of a City-Parish vehicle, proof of completion of the program must be submitted to the Auto Committee within 15 days of receipt of written notice by the employee from the Auto Committee that it has been determined that he/she has failed to timely report an occurrence.

Section 24. (a) any employee convicted of moving violations or preventable accident violations within a twelve (12) month period, while acting within the course and scope of his/her employment, on the first offense shall forfeit driving the vehicle home for seven (7) days; on the second offense shall forfeit driving the vehicle home for thirty (30) days; and on the third offense the person shall forfeit driving the vehicle home for one (1) year. Any person committing the third offense shall not be eligible for the City-Parish auto allowance. Appeal may be made to the Auto Committee.

(b) Any City-Parish employee receiving the \$400.00 per month automobile allowance from the City-Parish, who while acting within the course and scope of his/her employment, is found to have been involved in a preventable accident or is convicted of any moving violation within a twelve (12) month period, on the first finding or conviction, shall forfeit seven (7) calendar days auto allowance. The finding of said violation shall be made by the Auto Committee. On a second finding of the violation of this policy or

Section 30. All resolutions or parts of resolutions in conflict herewith are hereby repealed, specifically including, but not limited to, Resolution Nos. 31880, 32069, 33689, 36535 and 39561.

JUN 09 1999

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RESOLUTION

39561

Brian Mayers
COUNCIL ADMINISTRATOR TREASURER

AMENDING RESOLUTION 16535, ADOPTED JANUARY 24, 1996, WHICH AMENDED RESOLUTION 31880, ADOPTED NOVEMBER 27, 1991, RELATIVE TO USE OF CITY-PARISH VEHICLES; AND FURTHER ESTABLISHED THE CITY-PARISH REIMBURSEMENT RATE AS THE RATE CHARGED EMPLOYEES FOR OUT-OF-PARISH USE OF CITY-PARISH VEHICLES, SO AS TO CORRECT ALL REFERENCES TO THE 22.25 MILE RADIUS TO READ 24.0 MILES.

BE IT RESOLVED by the Metropolitan Council of the City of Baton Rouge and Parish of East Baton Rouge that:

Section 1. Resolution 16535, adopted January 24, 1996, is hereby amended and re-enacted, to read as follows:

"WHEREAS, there have been numerous questions concerning the policy for vehicle use out of the Parish of East Baton Rouge; and

WHEREAS, this Council wishes to clarify and/or change the existing policy:

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. All employees driving a City-Parish owned or City-Parish leased vehicle who live outside a 24.0 mile radius from the intersection of Tom Drive and Wooddale Boulevard must pay a mileage fee as established in Section 2 hereof.

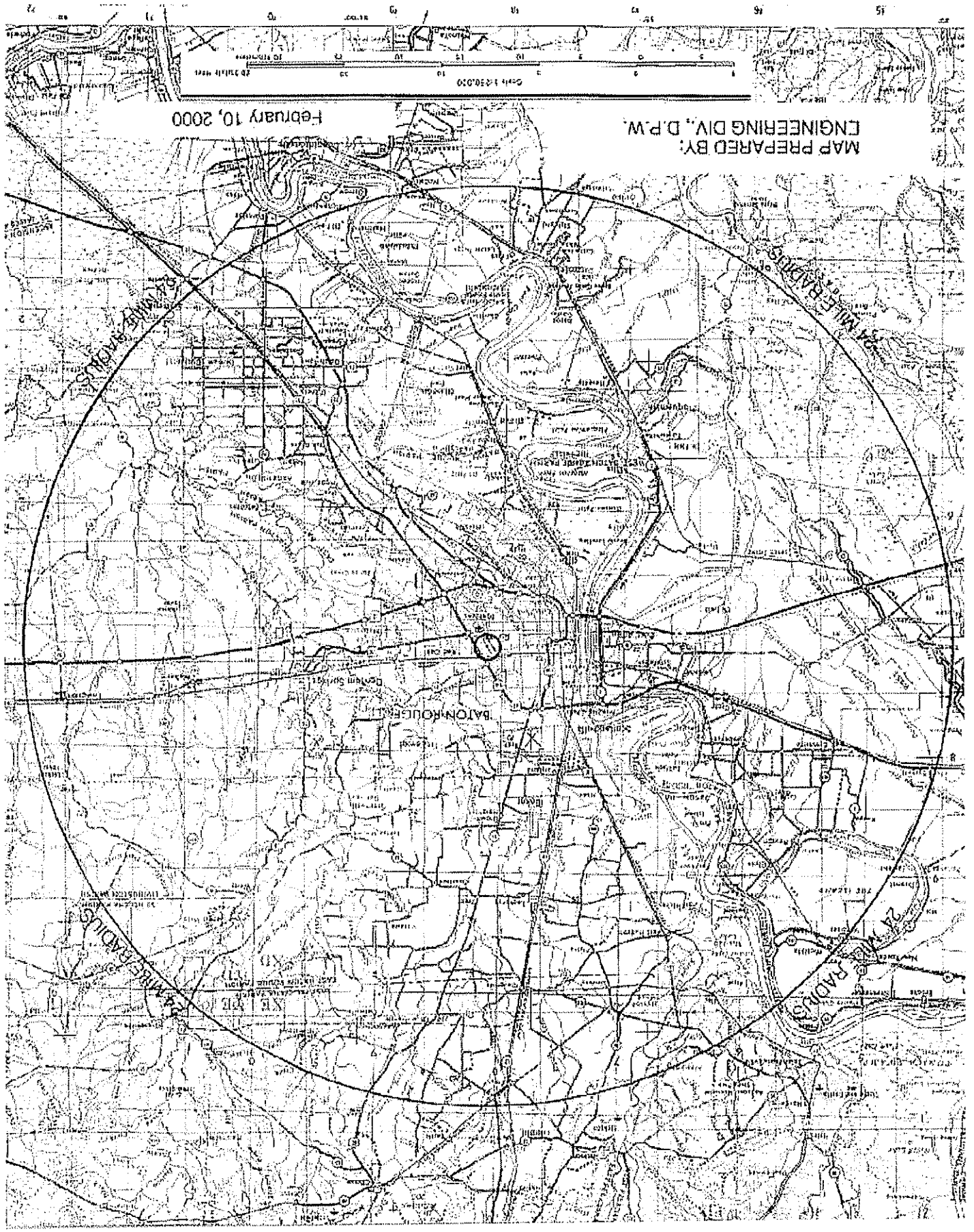
Section 2. The mileage charge for use of a City-Parish owned or City-Parish leased vehicle shall be the City-Parish reimbursement rate for employees as established under Title 1, Section 301 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.

Section 3. Those employees provided for in Section 1 of this resolution must pay to the City-Parish a mileage charge for use of the City-Parish vehicle for those miles from the 24.0 mile radius to and from their residence.

Section 4. Employees that commute to their residence in a City-Parish vehicle may do so, provided they do not live outside the 24.0 mile radius as previously established.

Section 5. Only those employees who were driving outside the 24.0 mile radius on November 27, 1991 may continue to do so, provided they pay the charge as established above.

Section 6. Any employee living or moving out of the radius after November 27, 1991, shall not have the privilege of driving the vehicle to their residence."



RESOLUTION 39561

AMENDING RESOLUTION 36535, ADOPTED JANUARY 24, 1996, WHICH AMENDED RESOLUTION 31880, ADOPTED NOVEMBER 27, 1991, RELATIVE TO USE OF CITY-PARISH VEHICLES; AND FURTHER ESTABLISHED THE CITY-PARISH REIMBURSEMENT RATE AS THE RATE CHARGED EMPLOYEES FOR OUT-OF-PARISH USE OF CITY-PARISH VEHICLES, SO AS TO CORRECT ALL REFERENCES TO THE 22.25 MILE RADIUS TO READ 24.0 MILES.

BE IT RESOLVED by the Metropolitan Council of the City of

Baton Rouge and Parish of East Baton Rouge that:

Section 1. Resolution 36535, adopted January 24, 1996, is hereby amended and re-enacted, to read as follows:

"WHEREAS, there have been numerous questions concerning the policy for vehicle use out of the Parish of East Baton Rouge; and

WHEREAS, this Council wishes to clarify and/or change the existing policy:

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. All employees driving a City-Parish owned or City-Parish leased vehicle who live outside a 24.0 mile radius from the intersection of Tom Drive and Wooddale Boulevard must pay a mileage fee as established in Section 2 hereof.

Section 2. The mileage charge for use of a City-Parish owned or City-Parish leased vehicle shall be the City-Parish reimbursement rate for employees as established under Title 1, Section 301 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.

Section 3. Those employees provided for in Section 1 of this resolution must pay to the City-Parish a mileage charge for use of the City-Parish vehicle for those miles from the 24.0 mile radius to and from their residence.

Section 4. Employees that commute to their residence in a City-Parish vehicle may do so, provided they do not live outside the 24.0 mile radius as previously established.

Section 5. Only those employees who were driving outside the 24.0 mile radius on November 27, 1991 may continue to do so, provided they pay the charge as established above.

Section 6. Any employee living or moving out of the radius after November 27, 1991, shall not have the privilege of driving the vehicle to

their residence.

Section 2. All other provisions of said Resolutions 36535 and 31880 not in conflict herewith remain in full force and effect.