



INSTRUCTIONS FOR SECONDARY EMPLOYMENT APPROVAL
TRAFFIC CONTROL

The Secondary Employment Unit (“SEU”) administers and monitors the approval process for all private and public entities that retain, employ, or contract with, or otherwise engage off-duty San Jose police officers or reserve officers to provide uniformed or non-uniformed security, patrol, private investigation or surveillance, traffic control, bodyguard, or other law enforcement or security related service (collectively “Private Security Services”). Pursuant to San Jose Municipal Code Chapter 8.16, each such entity is referred to as a “Secondary Employer” regardless of whether the relationship between such entity and the officers is that of employer/employee, customer/independent contractor, or other relationship.

In order for San Jose police officers or reserve officers to be eligible to provide your business with Private Security Services while off-duty, your business must become an approved Secondary Employer pursuant to San Jose Municipal Code Chapter 8.16. The purpose of the Secondary Employment Approval is to regulate businesses that are eligible to contract with off-duty officers to provide Private Security Services, in order to prevent officers from engaging in any off-duty work or occupation that may be detrimental to the officer’s service to the City, that may prevent or impede the efficient performance of the officer’s duties in his or her City employment, or that may in any way conflict with the officer’s employment by the City.

Completion of the following application, including execution of the Acknowledgment of Terms and Conditions of Secondary Employment Approval (“Acknowledgment”), the payment of the required fees and any applicable business tax required pursuant to Chapter 4.76 of the San Jose Municipal Code and the approval of your application by the Chief of Police, does not constitute an agreement or guarantee by the City of San Jose to supply your business with off-duty officers. Your business must contract with each officer individually, and it is up to the individual officer to decide whether he or she wishes to provide Private Security Services for your business.

The Secondary Employment Approval application must be fully completed and an authorized individual representing your business must sign the Acknowledgement. The application fees are as follows:

- 1) Annual engagement of officers - \$244.00* **or**
- 2) One time project lasting five (5) consecutive days or less - \$244.00*

***The one-time fee will be waived if you possess an Encroachment Permit or contract with the City of San Jose requiring the use of San Jose police officers or reserve officers to perform traffic control duties (SJMC Section 8.16.090(B) (2)). Attach a copy of the permit or contract along with the Secondary Employer application.**



A copy of the Acknowledgement is included and must be signed as a requirement for your business to qualify for the Police Department's Secondary Employer Program. The indemnification provision contained in the Acknowledgement is a term and condition of the Secondary Employment Approval, SJMC Section 8.16.070(C). As a participant in the program, your organization will be included and named as an additional insured under a Law Enforcement Professional Liability Insurance Policy that covers the City, the off-duty police officers and you, and a certificate of insurance and endorsement naming you as an additional insured will be issued to you upon approval of your application.

A soft copy Microsoft Excel sheet Traffic Control Assignment Request/Roster Form will be sent to you to complete by filling in the dates and locations for which you are requesting traffic control services. If you are using officers on an annual basis, you will use this form on an on-going basis.

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TRAFFIC CONTROL (CONTINUED)

The standard hourly rate for all off-duty uniformed employment is \$70.00 per hour with a minimum of 3 hours or \$210.00 per assignment. The standard hourly rate for supervisors working in a supervisory capacity for these jobs will be \$80.00 per hour with a minimum of 3 hours or \$240.00 per assignment. In special circumstances where a Lieutenant position is required, the standard hourly rate will be \$92.00 per hour with a minimum of 3 hours or \$276.00 per assignment.

Secondary Employers will pay time and one-half on any assignment exceeding eight (8) hours. Officers will be paid double time on the following holidays only:

- New Year's Eve from 12pm – 12am
- Thanksgiving Day
- Christmas Day
- New Year's Day
- Christmas Eve 12pm-12am

Payment is due directly to the individual officer. Cancellations must be made 48 hours prior to the scheduled event or a 3 hr. minimum will apply to each affected officer.

Please return the completed and signed Secondary Employer Approval Application, Acknowledgement, and Traffic Control Assignment Request/Roster Form:

- 1) Email a copy of the completed and signed application, acknowledgement, and Traffic Control Assignment Request/Roster Form to (seu_requests@sanjoseca.gov) and make credit card payment of the application fee over the phone at (408) 277-4980, **or**
- 2) Make a check for the application fee payable to the **City of San Jose** and mail with the completed application, acknowledgment and Traffic Control Assignment Request/Roster Form to:

San Jose Police Department
Secondary Employment Unit
201 West Mission Street
San Jose, CA 95110

Contact the **Secondary Employment Unit** at (408) 277-4980 if you have any questions. Please be aware that we cannot process your Application until payment of the application fee is received and any applicable business tax required pursuant to Chapter 4.76 of the San Jose Municipal Code has been paid.

Please E-MAIL the following Application to: SEU_REQUESTS@SANJOSECA.GOV

APPLICATION



SAN JOSE POLICE DEPARTMENT
 SECONDARY EMPLOYMENT UNIT
 201 W. Mission Street
 San Jose, CA 95110
 (408) 277- 4980



OFFICE USE ONLY

Date:

Annual Event
 Exempt Log
 Approved
 Disapproved

Signature: _____

Annual Engagement of Officers \$244.00

One Time Project – 5 Consecutive Working Days or Less – \$244.00

Application Fee Exemption (Attach copy of City Permit or Contract requiring use of San Jose police officers as traffic controllers. For construction work the relevant permit is generally a City of San Jose Encroachment Permit)

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|---------------------------|--------|------------------------|--|
| Company Name: | | Company Phone: | |
| Company Business Address: | | | |
| Company Mailing Address: | | | |
| Business Owner: | | Business Owner Phone: | |
| Company Contact: | Title: | Company Contact Phone: | |
| Contact Email Address: | | | |

ACKNOWLEDGMENT OF TERMS AND CONDITIONS OF SECONDARY EMPLOYER APPROVAL BY CHIEF OF POLICE

Approval by the Chief of Police of off-duty San Jose Police Officers and Reserve Officers by the Secondary Employer to provide private security services is subject to the terms and conditions specified below pursuant to SJMC Section 8.16.070. The Secondary Employer hereby acknowledges the following terms and conditions:

1. The Secondary Employer shall maintain records of each officer's hours of work in a format approved by the Chief of Police and shall make those records available for review by representatives of the San Jose Police Department during business hours.
2. The Secondary Employer authorizes representatives of the San Jose Police Department to inspect the Secondary Employer's business or public agency premises during business hours, or when the officer is actually working at the work site, including but not limited to inspection of the premises of the business and the work site of the off-duty officer or reserve officer for the purpose of assuring that the premises and the business are in compliance with the terms and conditions of the Approval and with the requirements of applicable provisions of the San Jose Municipal Code and any other applicable local, state or federal law or regulations.
3. The Secondary Employer shall operate the Secondary Employer business in compliance with the requirements of applicable provisions of the San Jose Municipal Code and any other applicable local, State or Federal law or regulation.
4. The Secondary Employer shall comply with the requirements of San Jose Police Department policy governing secondary services in the San Jose Police Department Duty Manual Policy C 1500, Standards of Conduct – Secondary Employment.
5. **Pursuant to the terms of the indemnification requirements set out in Subsection C of SJMC Section 8.16.070 Secondary Employer acknowledges and agrees that in consideration of the CITY'S consent to allow the Secondary Employer to contract with off-duty San Jose Peace Officers for private security services and, when required, in consideration of the Secondary Employer's payment of the Secondary Employer Approval Fee, the Secondary Employer shall indemnify and hold harmless the CITY, its officers and employees, from any and all damages, costs, attorney's fees, expenses, losses or liabilities, arising out of the private security services performed by off-duty San Jose Police Officers or San Jose Reserve Police Officers for the SECONDARY EMPLOYER.**
 - a. **This indemnity shall commence at the time and on the date the part-time employment of the off-duty San Jose Police Officers or the San Jose Reserve Police Officers by the Secondary Employer begins, and shall extend for the actual times and dates of such employment. Contracts between the Secondary Employer and the off-duty San Jose Police Officers or the San Jose Reserve Officers, written or oral, of all durations are**

covered under this indemnity to the extent the private security services are provided by the off-duty San Jose Police Officers or San Jose Reserve Police Officers for the Secondary Employer.

- b. For purpose of this indemnity, the term "private security services" includes any of the following services provided in plainclothes or in San Jose Police Department uniform as part of an off-duty, part-time engagement with a private person or public agency: private security guard, patrolperson, private investigation or surveillance, traffic control, bodyguard or other security or law enforcement related services.

Company Name

Street City

State Zip Code

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Telephone

Owner or Authorized Agent (print name)

Signature

Date