



Joint Response to Public Comment Pursuant to DGO 3.01.04(D)

DGO 11.02 Secondary Employment

February 24, 2025

SFPD Department General Order (DGO) 3.01 requires that all policies under development be posted publicly to provide members of the public thirty (30) business days to submit policy recommendations.

Pursuant to DGO 3.01.04 (D), the Department and the Department of Police Accountability (DPA) jointly prepare a public response, which shall be posted on the Department's website, outlining the recommendations included and not included in the DGO draft submitted to the Police Commission.

Joint responses are captured in the following recommendation grid which captures the original recommendation, whether the recommendation was included or not included in the draft DGO, and the explanation relating to the decision to include or not include the recommendation into the draft DGO.

The Department reserves the right to remove or not respond to comments if they are:

- Unrelated to the subject of the DGO
- Include private personal information (whether the commenter's or someone else's), including home address, home or cell phone number, personal e-mail address, or personal identification.
- Include profanity or obscene language.

The Department received seven recommendations for DGO 11.02, *Secondary Employment* from the public and reached a consensus with the DPA on six of the responses, with DPA having no comment on one recommendation.

The Department and DPA extend gratitude to all who took the time to contribute recommendations to this policy.

DO 11.02 Public Comment Joint Responses

Public Review Period: 11/6/24 - 12/23/24

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Response
R1	SFPD Officers should be able to continue to work secondary employment as is currently the policy.	11/6/24	Recommendation will not be included in Draft DGO	Department of Human Resources (DHR) is the final approving authority on secondary employment for all employees of the City and County, regardless of department. DHR implements and follows the rules for the Uniformed Ranks of the Police Department as listed in Volume II of the Civil Service Rules with the authority provided to them in Civil Service Rule 218.4, which says in part "The Human Resources Director/Designee is authorized to consider and act on requests for approval of employment or work as an independent contractor with the City in addition to City and County of San Francisco employment"	Agree w/ SFPD explanation. The policy update does not prohibit secondary employment, as comment suggests. It outlines current CCSF rules on secondary employment.
R2	this is asking member to request approval PRIOR on execution, but it doesn't not explicitly require approval for an existing employment prior of being hired by the Department. (section 11.02.03)	11/6/24	Recommendation will not be included in Draft DGO	Per Civil Service Rule Series 18, an employee requesting to work secondary employment must secure approval prior to that work. If a prospective employee for the department already has a secondary job, they should work with their hiring manager/staff services to complete the necessary paperwork for secondary employment.	Agree w/ SFPD explanation. Prospective employee with a job is required to complete paperwork for secondary employment.
R3	this policy neglect the military reserve and guard members, the policy appears that dept/dhr would have the right to approve member to join, or continue to serve in the US military, which is arguably vague not covering exemption for cases under USERRA. (section 11.02.03)	11/6/24	Recommendation will be modified and included in the draft DGO	There are separate guidelines and paperwork for military service-related leaves, as military service is not considered outside employment. To provide clarity, the definition of "outside employment" has been amended to read "any employment (outside of military-related service)..."	Agree w/ SFPD amended language. Civil Service Code and California Military and Veterans Code already cover military leave.
R4	Likely typo - you're probably referencing 118.2, not 18.2 (section 11.02.03)	11/6/24	Recommendation will not be included in Draft DGO	There are three volumes of Civil Service Rules, each volume for a specific grouping of SF employees. Volume I is for miscellaneous employees, and Volume II is for uniformed PD employees. Each volume uses the same numbering system, so when Rule 18 is referred to, it is known to be Rule 118 for miscellaneous employees and Rule 218 for uniformed police employees.	Agree w/SFPD. Reviewed Civil Service Rule 218, which covers Conflict of Interest for all uniformed SFPD members.

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Public Review Period: 11/6/24 - 12/23/24

#	Public Comment	Date Received	SFPD response	SFPD Explanation	DPA Response
R5	Why is this a DO? Shouldn't it be a Manual, Guide or HR policy? It does not pertain to the vision or operations of the Department.	11/21/24	Recommendation will not be included in Draft DO	Per DO 3.01, DO's are the most authoritative and permanent directives, and a guiding policy used to set the direction of the organization that is consistent with legal requirements and overall objectives of the City and County. This is a DO (and has been since 1994) because it impacts the entire department (not just a single Bureau or Unit) and provides directions for employees to ensure compliance with legal requirements of SF. If it were about processing the documents or ensuring back-end compliance with DHR, it would be more suitable as a Bureau or Unit order for Staff Services.	Agree w/ SFPD. DO applies to all members and secondary employment effects operations of the Department.
R6	This should be in the union labor contract. It is called an Exclusivity Clause. Putting it in the dgo is an anti labor tactic to cheat the officers. If you want this, you need to negotiate in the mou.	12/14/24	Recommendation will not be included in Draft DO	The update of this DO puts the department in compliance with already established Civil Service Commission and DHR rules. These rules are already outlined in the City and County's employee handbook (page 50) as well as in Civil Service Rule series 18.4. It is the right of any union to negotiate different or additional terms with the City and County; if changes are made to the labor contract this DO will be updated to reflect compliance with said contract. The current version of DO 11.02 (last updated in 1994) does not comply with current Civil Service and DHR rules necessitating this DO update. It is likely that this DO will go through the meet and confer process which allows bargaining units to negotiate language in the DO before it is adopted.	No DPA response.
R7	The definition is so broad that it would even encompasses rental income. There is nothing in the job that would require such an intrusive requirement. (section 11.02.02 B)	12/14/24	Recommendation will be modified and included in the draft DO	The definition has been amended to read ""Outside Employment – any employment (excluding military-related service) or engagement where an employee provides services or performs duties related to or in furtherance of that employment or engagement, for which the employee receives compensation, including salary, wage, fee, commission, or emolument. For the purposes of this rule, passive income sources such as rental income, investments, or dividends, where no active duties or services are performed by the employee, do not constitute outside employment."	Agree with SFPD.