



Performance Audit

**Department of Public Safety  
Bureau of Police  
Secondary Employment**

Report by the  
Office of City Controller

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## AUDITEE RESPONSE



CITY OF PITTSBURGH  
**OFFICE OF THE CITY CONTROLLER**  
Controller Michael E. Lamb

June 25, 2020

The Honorable William Peduto, Mayor of Pittsburgh  
and Members of Pittsburgh City Council

Dear Mayor Peduto and Members of City Council:

The Office of the City Controller is pleased to present this performance audit of the **Department of Public Safety's Bureau of Police Secondary Employment** conducted pursuant to the Controller's powers under Section 404(b) of the Pittsburgh Home Rule Charter. Our procedures were conducted in accordance with applicable auditing standards and are limited to our objectives, scope, and methodology sections of this report.

The auditors examined previous audit recommendations and how these recommendations were implemented and the procedures and policies in force by the Bureau governing the officers' ability to perform secondary employment. Overall number of officers working details and the amount of details were examined, as well as the process and policies by which secondary employment is managed in other cities.

### **EXECUTIVE SUMMARY**

The Pittsburgh Bureau of Police defines secondary employment as "any employment of a member by a private entity that is conditioned on the actual or potential use of law enforcement powers of the police officer employee." These employment opportunities, commonly called details, are conducted outside of the officer's regular work hours and are paid at a rate determined by police union contract.

The mission of the Department of Public Safety's Bureau of Police Secondary Employment is to provide a centralized office that manages all aspects of police secondary employment. The office is staffed by uniformed and civilian employees. These employees receive applications from prospective employers, supply expertise in the management of larger events to ensure officer safety, and work in concert with a contracted police detail scheduling and invoicing company.

Secondary employment is currently well-documented and augmented by data supplied by a third party scheduling and invoicing company. Auditors found policies and procedures readily available and the contracted company very responsive to providing the auditors with whatever data was needed.

This audit examined the volume of secondary employment opportunities, the top 20 companies who hired the officers and which companies spent the most money. Also included are an analysis of the weekly hours worked by police officers in 2017 and 2018.

Our main recommendation urges the Bureau of Police to continue to monitor the hours their officers spend working secondary employment and conduct a formal review if the officer goes over their allowable hours or shows signs of fatigue. This audit also includes a section that lists the practices and policies of other police departments regarding secondary employment.

Our findings and recommendations are discussed in detail beginning on page 4. We believe our recommendations will provide useful insights for the Bureau of Police.

We wish to thank the Bureau of Police and staff for their cooperation and assistance.

Sincerely,

A handwritten signature in black ink that reads "Michael Lamb". The signature is written in a cursive, flowing style.

Michael E. Lamb  
City Controller

## INTRODUCTION

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This performance audit of the Department of Public Safety's Bureau of Police Secondary Employment policies, procedures and practices was conducted pursuant to section 404(c) of the Pittsburgh Home Rule Charter. This is the City Controller's Office second performance audit of the Department of Public Safety's Bureau of Police Secondary Employment. The first performance audit was completed in October 2013.

## OVERVIEW

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### Secondary Employment

When you see a police officer working at a private establishment such as a grocery store or bar, that police officer is working a second job, or detail, in addition to their regularly scheduled employment with the City. The officer is dressed in full police uniform and is conducting themselves as a law enforcement official. These activities are organized with City support and a contract with a company called Cover Your Assets (CYA).

Outside employment of police officers is permitted under federal regulation 29 CFR § 553.227. This section makes:

. . . special provision for fire protection and law enforcement employees of public agencies who, at their own option, perform special duty work in fire protection, law enforcement or related activities for a separate and independent employer (public or private) during their off-duty hours. The hours of work for the separate and independent employer are not combined with the hours worked for the primary public agency employer for purposes of overtime compensation. (b) Section 7(p)(1) applies to such outside employment provided (1) The special detail work is performed solely at the employee's option, and (2) the two employers are in fact separate and independent.

The Pittsburgh Bureau of Police defines secondary employment as "any employment of a member by a private entity that is conditioned on the actual or potential use of law enforcement powers by the police officer employee." Officers must meet certain requirements and each are fully accountable to all departmental rules, regulations and policies. Parties who contract these officers pay a predetermined rate and the officer's pay rate is covered by this payment.

### Background

Prior to 2005, City of Pittsburgh police officers were able to work details on their own or via private contracting firms, often for cash payments directly to the officer. This practice was curtailed when an officer, the employing business and the City were named in a lawsuit for civil rights violations. The City was included because the officer was a city employee and was in full police uniform. As a result, revised policies and procedures were piloted in June 2005 and requests for police officers were routed through official police channels. The City was responsible for collecting the hourly rate from the business as well as a cost recovery fee.

There were issues during this period, including some entities not wishing to pay the cost recovery fee per officer and no structure in place to capture these fees. The owner of one of the security contracting firms impacted by these policies, himself a city police officer, filed suit which reached federal courts. After much legal wrangling, the program was put in place without a cost recovery fee agreed upon. In late 2006, the mayor suspended the cost recovery program, insuring that the city would receive no revenue from secondary employment of its police officers. In April of 2007, a \$3.85 an hour charge was agreed upon and the chief of police issued Order 29-1: Secondary Employment, a written policy governing secondary employment.

The monies paid by the vendors to the City are considered 'pass through funds' and are applied to the officer's paycheck. The cost recovery funds are considered revenues for the City. Part of the problem arose from the fact that the policy was instituted by the police department and not city council who would have designated accounts in which the money was to be deposited. As council did not codify this arrangement, it left an opening for funds to be deposited and transferred in inconsistent and poorly monitored ways.

After a federal investigation was launched in 2013, it was ultimately found that from 2009 to 2012 more than \$70,000 was diverted into two accounts at the Greater Pittsburgh Police Federal Credit Union and more than \$31,000 was used to pay for personal expenses. These actions resulted in the police chief indicted and sentenced to eighteen months in prison for conspiring to create an unauthorized slush fund, diverting public money and failing to pay income taxes.

In 2013, a software company was engaged to take over the scheduling of officers for details and later were tasked with invoicing employers.

## **OBJECTIVES**

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1. To verify policies and procedures are adhered to, particularly in relation to maximum hours an officer can work
2. To identify the busiest times of the year for secondary employment opportunities;
3. To identify the top 20 business hiring the officers in 2017 and 2018;
4. To identify the top 20 business that spent the most money in 2017 and 2018;
5. To compare City of Pittsburgh policies to a Department of Justice report on New Orleans Police Department;
6. To compare policies with other departments;
7. To make recommendations for improvement.

## **SCOPE**

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This audit examines the Bureau of Police's policies, practices and procedures for secondary employment from January 1, 2017 to December 31, 2018.

## **METHODOLOGY**

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Auditors met with the Department of Public Safety and police command staff and were given the following materials: the Secondary Employer Rules and Regulations, the Secondary Employer Application Agreement, the Secondary Employer's Optional Police Officer Preference Request, and the Optional Designation of a Pittsburgh Police Officer to Coordinate and Assist in Scheduling Details.

Further, auditors met with the Bureau of Police clerk in charge of coordinating the planning for secondary employment and billing delinquent accounts and with the Finance Department clerk who receives payments and updates the secondary employment database.

The Cover Your Assets software company in charge of managing employment details and invoicing clients was contacted. All secondary employment records from 2017 and 2018 were obtained. Auditors teleconferenced with the office manager of the software company.

The accuracy of the data received from Cover Your Assets was tested against the timecard records of 20 officers who worked the most hours. The data was proven to be reliable.

The analysis included identifying the top 20 businesses who requested the most police officers and who spent the most money for secondary employment.

Fifteen officers working the most hours of secondary employment in both 2017 and 2018 were further analyzed. These officers were selected using the data submitted to CYA which is then submitted to the city's payroll workers.

## FINDINGS AND RECOMMENDATIONS

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### **Previous Audit Recommendations**

The Controller's Office completed an audit of secondary employment in October 2013. Some of the recommendations with an update are included below. Previous audit recommendations are in italics and the following updates were obtained from meeting with police officials.

**Recommendation:** *City Council should establish current Police Secondary Employment policy as part of the City Code with any fees, definitions, authorizations and limitations that Council and the Police Bureau deem appropriate.*

**Recommendation:** *The Police Bureau Cost Recovery Fee (CRF) should be specifically codified as part of the proposed Police Secondary Employment chapter of the City Code.*

**Update:** A comprehensive secondary employment policy (Policy # 29-01) was written by a Secondary Employment Review Committee established by the acting Chief of Police in 2013. It was reviewed by the Director of Public Safety and forwarded to the Mayor, who hired a consultant to review the policy for best practices.

Cost recovery fees were codified in December 2013 (§ 170.06) via Council Bill No: 2013-1256. The fee was set at 10% of the hourly rate of a Police Officer working in their Fourth Year.

**Recommendation:** *The CRF and reimbursed wages should be segregated and reported as different items before deposit as they are accounted for differently. The CRF monies should be given its own revenue object account, which would differentiate it from officers' wages for accounting purposes.*

**Update:** City Council Bill #2013-1242 Resolution 259 of 2013 set up a special trust fund designated as the Police Secondary Employment Trust Fund for the deposit of moneys from police details, secondary employment and special events. The money the officers receive is added to their regular paycheck and is recorded as police detail pay. Money was separated into premium pay, cost recovery fees, and vehicle fees. The Department of Human Resources and Civil Service was authorized to thereby cover detail pay reimbursement for personnel out of the premium pay account.

### **Secondary Employment Rules and Regulations**

Private employers are able to employ fully trained police officers in uniform to provide services at their function or establishment. In order to request a police officer to be present at an event or business, an application agreement must be submitted in person, by email or fax and must be presented with a valid form of photo identification, by the owner or officer of the entity. All information must be disclosed at the time of application: service requested (e.g., traffic

control, security), location of service, and dates, times and number of officers requested. The hourly rate of officers is explained in this application as well as the cost recovery fee which goes to the City.

For secondary employment, the hourly rate charged to private employers is defined as no less than one and a half times the hourly rate of a fourth-year police officer. As of this writing, the cost recovery fee is 10% of a fourth-year police officer's rate. This amount changes per the police union contract. This additional fee is charged per hour of the detail. Additionally, if a police car is needed, the charge is \$25.00 per hour; if a no parking sign is needed the cost is \$0.50 per sign. Secondary employers are never permitted to pay or otherwise compensate the officers directly, to do so would be a serious infraction.

After an employer's application is approved, the prospective employer is informed that scheduling and invoicing of secondary employment details is outsourced to Cover Your Assets (CYA) a software company located in North Carolina. This information includes who to contact at CYA in order to post the secondary employment opportunity to their website so officers eligible to participate in secondary employment can indicate their interest.

Secondary employment details are usually posted the first of the preceding month and are generally filled by the fifteenth. Generally these jobs will remain posted for fourteen days. Once officers indicate interest in the assignment, the posting is removed and CYA automates a rotating seniority process, as described below. If no officers are interested, the job will remain unfilled and the posting removed from the website. If public safety depends on having an officer on the detail, the police will fill the detail with an on duty officer. The following information is posted for each detail: identity of secondary employer, nature of position posted, location of detail, date of detail, start and end times, number of officers requested, contact number of employer and any specific instructions or conditions.

If multiple officers indicate interest in the detail opportunity, the detail will be awarded on a rotating seniority basis. Rotating seniority means opportunities are awarded following a list which begins with the most senior officer eligible to work the detail and ends with the least senior officer. A detail would be awarded to the most senior officer and as each employment opportunity is filled, the next detail is awarded to the *next* most senior officer. Thereby the most senior officer doesn't have exclusive access to each opportunity. This is not a *straight* seniority system, or one that requires the City to return to the most senior officer each time an opportunity is presented. A new seniority cycle begins every three months starting on January 1<sup>st</sup>. This is mandated in the police union's contract. This process is automated by CYA.

When officers are offered secondary employment opportunities, the listings display an estimated amount of hours the details will take. Per Police Bureau policy, the employer still pays for the scheduled hours, even if the officer is not actually needed for the total time. Also the officer is entitled to two hours of the detail paid if it is cancelled within one hour of the start time. Likewise, if the need of an officer persists after the scheduled end time, the officer may stay and continue to be paid the rate they were receiving for the scheduled time.

Invoices generated by CYA are mailed to the employers and are to be paid at least four days before the event or scheduled job. Invoices can be paid in one of three ways: in person at the Treasurer's office on the 1<sup>st</sup> floor of the City County Building, mailed to the Treasurer's office, or if the employer is already a vendor in the City's system, online. All of these options result in a check which gets manually validated and entered into the Treasurer's office system to be deposited once a week. If the employer does not pay their invoice within thirty days of being billed, the police administration notifies the City's law department to pursue payment. The police administration will refuse to provide officers for any other detail until the account is made current. Annual larger events are allowed to have payment submitted after the event.

**Finding:** The City's Department of Finance does not accept online credit card payments for secondary employment invoices from entities who are not already vendors with the City of Pittsburgh.

### **RECOMMENDATION 1**

The Department of Public Safety's Bureau of Police administration should work with both the Department of Finance and Department of Innovation & Performance (I&P) to explore the use of credit cards for online payments. The City has been successful in using credit cards for other City services such as purchasing permits. Any charges from the credit card companies should be passed on to the employer.

According to the police contract, in certain specific occasions, prospective employers can also request to designate an officer to coordinate the detail for them, including filling the slate of officers needed. The employer would first complete a form requesting this and the employer's account must be current. This coordinating officer must not have any pecuniary interest in the employer. The coordinator is tasked with finding replacements if any officer is unable to work the detail. The coordinator receives no extra money and provides no supervisory oversight of the personnel fulfilling the detail. Bureau of Police administration stated that the use of coordinators is very low and regulated. The use of coordinators is restricted to events which may be of a political or social cause which officers may have varying levels of comfort with. The use of coordinators ensures that officers working the detail understand the nature of the event and will respond in a levelhanded manner if a problem arises.

#### Officer Requirements

In order to be eligible for secondary employment, police officers must be in good standing with the department. This means that there is no record of absenteeism, no patterns of violations of the secondary employment policy and no sustained disciplinary actions. The officer must have at least twelve months experience with the department, must not be on sick leave, military leave, Family Medical Leave Act (FMLA) leave, or any type of leave resulting from an off-duty injury or not be temporarily assigned to administrative duty pending investigation, meaning an officer's conduct in a situation is under review.

The maximum hours an officer can work are tiered based on years of service:

- \* *Twelve months-eighteen months*: Effective 2014, officers are eligible to work a maximum of sixteen (16) hours per week in specific types of secondary employment, namely special events and traffic details.
- \* *Eighteen months-three years*: Effective 2013, officers are eligible to work a maximum of sixteen (16) hours per week at any type of detail.
- \* *Three years-four years*: Officers are eligible to work 24 hours per week.
- \* *Over four years*: Officers are eligible to work a maximum of 32 hours per week.

Officers must be available at all times for emergencies, special assignments, or extra duty and no secondary employment may infringe on these obligations unless noted as a priority detail.

#### Number of Officers

The auditors requested and received the total number of police officers on the Pittsburgh force along with a breakdown by rank for 2017 and 2018. Table 1 shows the total number of police officers on the City of Pittsburgh payroll and their rank for both 2017 and 2018. Technically, unless marked otherwise, these individuals are eligible to work secondary employment jobs.

**TABLE 1**

<b>Number of Police Officers by Rank in 2017 and 2018</b>		
<b>Rank</b>	<b>2017</b>	<b>2018</b>
Chief of Police	1	1
Deputy Chief of Police	1	1
Assistant Chief of Police	4	3
Commanders	12	12
Lieutenants	26	27
Sergeants	86	90
Master Police Officers	185	166
Detectives	170	181
Police Officers (in 1 <sup>st</sup> year)	-	4
PO2 - 2 <sup>nd</sup> year police officer	107	69
PO3 - 3 <sup>rd</sup> year police officer	66	96
PO4 - 4th year police officer	200	223
Recruits - not eligible to work secondary employment	71	91
<b>Totals</b>	<b>929</b>	<b>964</b>

Source: The Bureau of Police

**Finding:** The City of Pittsburgh had 35 more police officers employed in 2018 than in 2017.

## Cover Your Assets Data Analysis

The auditors received spreadsheets of secondary employment data from CYA for the years 2017 and 2018 that contained police officers' employee number, name, officer rank, employer name, shift date, job name, assignment name, shift ID, start time, hours required, hours worked, pay rate and the total amount due for working the detail.

### Number of Details by Year and Month

In the 2017 spreadsheet from CYA, there were 43,128 rows of raw data for secondary employment jobs. Each row is one secondary employment job but some data was incomplete and needed to be removed for analysis. The auditors removed 2,151 'placeholder' jobs, (these were rows where no officer's name was listed), 46 canceled jobs, and 1,944 jobs that officers were not scheduled to work. This left a sample size of 38,987 total jobs; the individual job hours were added for a total of 179,781.5 hours worked in secondary employment in 2017.

Dividing 635 officers into the 179,781.5 total hours worked gives an average of 283.12 hours worked per police officer. If 283.12 is divided by eight, for an eight-hour workday, that would equal 35.39 extra days worked in a year per officer. But this would only hold true if every officer did an equal share of secondary employment hours. But that is not the reality of the job; every officer working works a different number of hours. An analysis of the number of hours an officer works can be found later in this audit.

The same method of analysis was used for the 2018 data. The 2018 spreadsheet had 40,266 rows of raw data with each row representing one secondary employment job. By removing 1,392 "placeholder" jobs, 75 canceled jobs, and 1,990 jobs that officers did not fill, this left 36,808 total jobs. Duplicate officer names were removed for a total number of 618 police officers who worked in 2018. Adding the individual job hours together gives a total of 168,958.75 hours that police officers worked in 2018. This would be an average of 273.4 hours worked per officer if every officer worked an equal share of hours. This would add 34.18 eight-hour days to an officers' year

The total number of details and the amount of officers show the overall activity of the year. The auditors wanted to know the busiest time of year so details were counted by month. In 2017, there were a total of 38,987 detail jobs. The month of May had the highest number of detail jobs with 4,218 and February had the lowest number with 2,518.

In 2018 there were 36,808 secondary employment details. September had the highest number of detail jobs worked with 3,684 and February had the lowest number of details with 2,351. Table 2 compares 2017 and 2018 secondary employment details by month and Figure 1 shows a bar graph comparison of these monthly details.

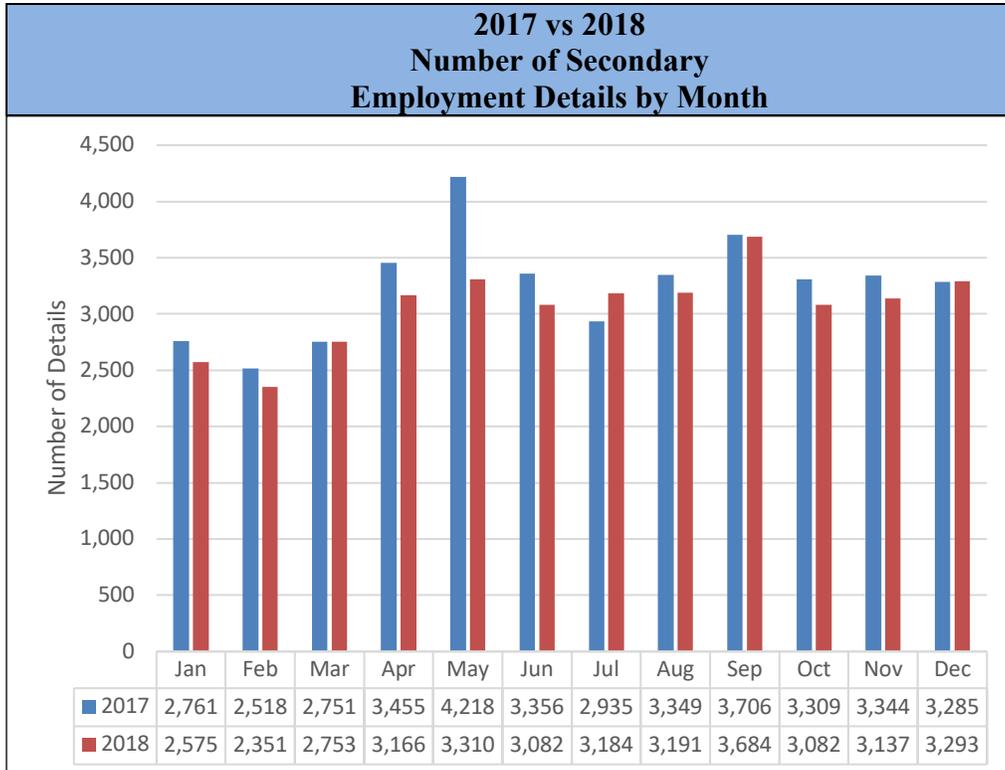
**Finding:** February had the least amount of secondary employment details worked in both 2017 and 2018. May had the most details scheduled in 2017; while in 2018, September had the most.

**TABLE 2**

<b>2017 &amp; 2018 Police Secondary Employment Details by Month</b>		
<b>Month</b>	<b>2017 # of Details</b>	<b>2018 # of Details</b>
January	2,761	2,575
February	2,518	2,351
March	2,751	2,753
April	3,455	3,166
May	4,218	3,310
June	3,356	3,082
July	2,935	3,184
August	3,349	3,191
September	3,706	3,684
October	3,309	3,082
November	3,344	3,137
December	3,285	3,293
<b>Total</b>	<b>38,987</b>	<b>36,808</b>

Source: CYA database

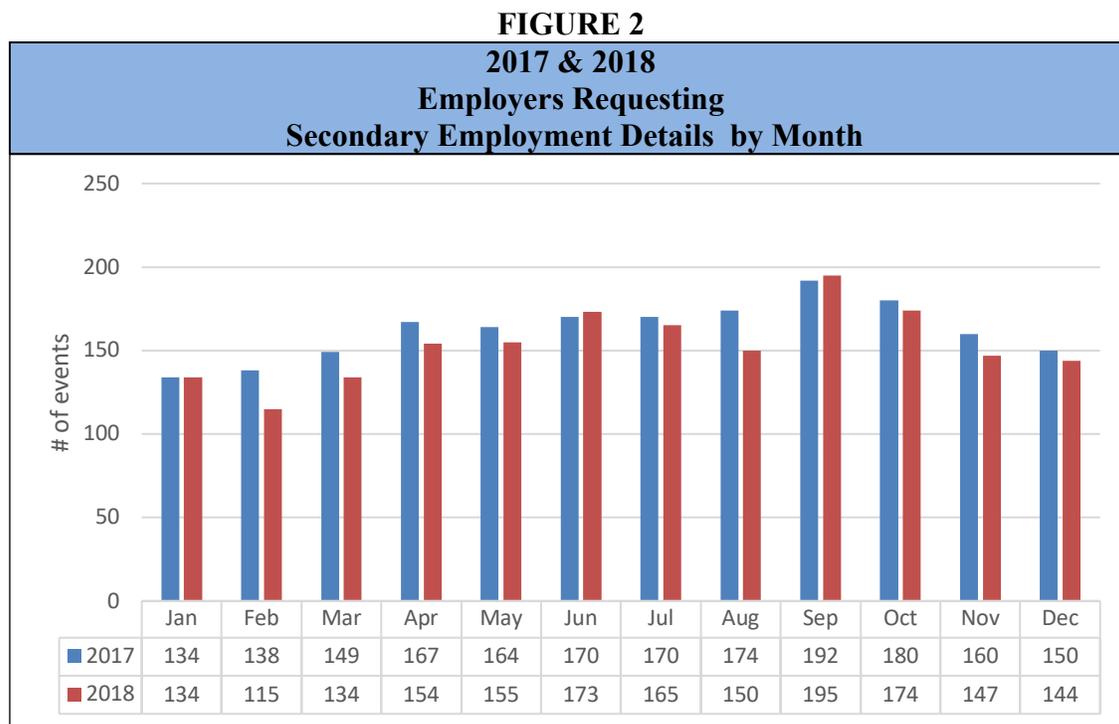
**FIGURE 1**



Source: CYA database

## Requested Details by Month

Figure 2 shows the number of employers requesting secondary employment services monthly in 2017 and 2018. The occurrence is the total number of how many times employers hired police officers for secondary employment details. September turns out to have the most events with 192 in 2017 and 195 in 2018. Summertime has higher number of events occurred comparing to winter. The minimum is 134 in January 2017 and 115 in February 2018.



Source: CYA Database

**Finding:** For secondary employment details a comparison of 2017 and 2018 showed some fluctuations, but overall it is mostly consistent.

## Percentage of Officers Working Secondary Employment

Table 3 shows the percentage of officers who worked secondary employment in 2017 and 2018. The percentage of police officers who worked secondary employment is the total number of police officers minus the number of police officers who were not eligible to work secondary employment divided by the number of police officer who worked secondary employment. The percentage of 2017 is 74.01% is slightly higher than the percentage 70.79% in 2018 but no significant difference.

**TABLE 3**

<b>Percentage of Officers Who Worked Secondary Employment in 2017 and 2018</b>		
	<b>2017</b>	<b>2018</b>
Total Number of Police Officers	929	964
Number of Police Officers Who Were Not Eligible to Work Secondary Employment	71	91
Number of Police Officers Who Worked Secondary Employment	635	618
<b>Percentage of Police Officers Who Worked Secondary Employment</b>	<b>74.01%</b>	<b>70.79%</b>

Source: The Bureau of Police, CYA database

### Top 20 Employers

Secondary employment for officers would not be possible if outside business didn't have a need for a police officer's presence. Sometimes businesses need police officers for crowd control, sometimes an officer's presence is just needed for ease of mind or security. Whatever the reason when an officer is dressed in a City of Pittsburgh uniform, they are representing the City and maybe even putting their lives on the line. The reality is that anything can happen at any time.

The auditors wanted to identify the businesses utilizing police officers the most often and the total number of hours worked in police secondary employment details. Table 4 shows the top 20 employers who hired police officers and the total amount of hours worked in 2017. PPG Paints Arena ranks in first place with 14,016.75 total hours worked. Pittsburgh Pirates came in second place with 10,796.75 total worked hours. The third highest employer was Heinz Field with 9,509.50 worked hours.

The top 3 employers' that hired police officers in 2017 accounted for 31.74% of the total hours worked by the top 20 employers:  $14,016.75 + 10,796.75 + 9,509.50 = 34,322$  divided by the total hours worked of  $108,142.25 = 31.74\%$  for secondary employment.

**TABLE 4**

<b>2017 Top 20 Employers Who Hired Police Officers and the Total Hours the Officers Worked</b>	
<b>Employer Name</b>	<b>Total Hours Worked</b>
PPG Paints Arena	14,016.75
Pittsburgh Pirates	10,796.75
Heinz Field	9,509.50
Giant Eagle	8,219.00
Allegheny Health Network	6,715.00
Alco Parking Corp	6,666.00
CCAC Allegheny Campus	5,833.75
Zottola	5,432.75
Waterworks Mall	5,430.00
Duquesne Light Company	4,798.25
PNC Financial Institution	4,150.75
W.J. Beitler Co.	4,144.25
Pittsburgh Cultural Trust	3,891.00
Peoples Natural Gas	3,347.25
Holdings Acquisition Co LP DBA Rivers Casino Atkins	3,209.50
Bakery Square Holdings	2,565.00
Franjo Construction	2,403.25
Orr's Jewelers	2,397.50
Allegheny Housing Rehabilitation Corporation (AHRCO)	2,388.00
Independent Enterprises	2,228.00
<b>Total</b>	<b>108,142.25</b>

Source: CYA Database

Table 5 shows the top 20 employers who hired police officers and the total hours worked in 2018. PPG Paints Arena, with 14,798.50 total hours that police officers worked, ranks first among all the employers. Pittsburgh Pirates and Giant Eagle, having 9,321.25 hours and 9,317.75 hours, are the second and third place, respectively. In 2017 & 2018, PPG Paints Arena and Pittsburgh Pirates both had the most hours that officers worked.

Once again in 2018, the highest 3 employers represented 31.74% of the top 20 employers hiring police officers for details. This 31.74% represents  $14,789.50 + 9,321.25 + 9,317.75 = 33,428.50$  divided by the total hours worked of 105,335.75.

**TABLE 5**

<b>2018 Top 20 Employers Who Hired Police Officers and the Total Hours the Officers Worked</b>	
<b>Employer Name</b>	<b>Total Hours Worked</b>
PPG Paints Arena	14,789.50
Pittsburgh Pirates	9,321.25
Giant Eagle	9,317.75
PNC Financial Institution	8,609.75
Heinz Field	8,077.50
Allegheny Health Network	7,969.25
Alco Parking Corp	6,574.75
Pittsburgh Cultural Trust	5,233.75
Peoples Natural Gas	4,989.25
W.J. Beitler Co.	4,126.50
Zottola	3,306.00
CCAC Allegheny Campus	3,274.75
Trumbull	2,699.75
Independent Enterprises	2,642.00
Orr's Jewelers	2,532.25
Bakery Square Holdings	2,526.00
Allegheny Housing Rehabilitation Corporation (AHRCO)	2,376.50
Waterworks Mall	2,352.00
Independence Excavating	2,317.50
Whole Foods Market	2,299.75
<b>Total</b>	<b>105,335.75</b>

Source: CYA Database

**Finding:** PPG Paints Arena and the Pittsburgh Pirates are the top 2 companies who hired officers for secondary employment in both 2017 and 2018. In 2017 the other top 3 employer was Heinz field and in 2018 it was Giant Eagle Supermarkets,

#### Money Spent by the Top 20 Employers Hiring Police Officers

Table 6 displays the top 20 employers who paid the most for hiring police officers in 2017. PPG Paints Arena had the most hours that police officers worked and had the highest amount pay out at \$723,045.49. Pittsburgh Pirates, paid out \$523,230.07 in 2017, was the second highest employer. The third place was Heinz Filed with \$479,996.20 paid. All the top 3 employers were sports industry related.

**TABLE 6**

<b>2017 Top 20 Employers Who Paid the Most for Hiring Police Officers</b>	
<b>Employer Name</b>	<b>Total Actual Paid</b>
PPG Paints Arena	\$723,045.49
Pittsburgh Pirates	\$523,230.07
Heinz Field	\$479,996.20
Giant Eagle	\$393,262.71
Allegheny Health Network	\$342,607.20
Alco Parking Corp	\$326,202.49
CCAC Allegheny Campus	\$279,107.58
Waterworks Mall	\$260,843.72
Zottola	\$255,395.23
Duquesne Light Company	\$228,693.25
W.J. Beitler Co.	\$204,468.85
PNC Financial Institution	\$200,799.14
Pittsburgh Cultural Trust	\$182,720.84
Holdings Acquisition Co LP Dba Rivers Casino Atkins	\$161,798.01
Peoples Natural Gas	\$156,549.78
Bakery Square Holdings	\$124,334.32
Orr's Jewelers	\$118,255.92
Franjo Construction	\$116,679.09
AHRCO	\$112,283.05
Whole Foods Market	\$105,029.33
<b>Total</b>	<b>\$5,295,302.27</b>

Source: CYA Database

Table 7 displays the top 20 employers who paid out the most in 2018. PPG Paints Arena, paid \$754,971.40 to officers, was the top employer among all the employers. Giant Eagle with \$457,005.26 paid out and Pittsburgh Pirates with \$454,737.26 paid out were the second and third employers in the list. Giant Eagle, ranked 4<sup>th</sup> place last year, spending more money in 2018 compared to 2017. Heinz Field's rank dropped to No.6 from No.3 compared to 2017.

**TABLE 7**

<b>2018 Top 20 Employers Who Paid the Most for Hiring Police Officers</b>	
<b>Employer Name</b>	<b>Total Actual Paid</b>
PPG Paints Arena	\$754,971.40
Giant Eagle	\$457,005.26
Pittsburgh Pirates	\$454,737.26
Allegheny Health Network	\$412,374.91
PNC Financial Institution	\$408,156.03
Heinz Field	\$398,682.25
Alco Parking Corp	\$320,115.22
Pittsburgh Cultural Trust	\$253,176.75
Peoples Natural Gas	\$241,564.86
W.J. Beitler Co.	\$209,767.51
CCAC Allegheny Campus	\$160,472.76
Zottola	\$158,651.01
Trumbull	\$136,197.05
Orr's Jewelers	\$129,900.98
Independent Enterprises	\$128,354.07
Bakery Square Holdings	\$123,085.02
Waterworks Mall	\$117,519.24
Cogo's Co. #777	\$116,208.26
AHRCO	\$116,097.37
Independence Excavating	\$111,731.69
<b>Total</b>	<b>\$1,458,027.67</b>

Source: CYA Database

Tables 6 and 7 shows that the highest amount of money spent does not relate to the most number of hours worked because payment depends on the officers' rank.

#### Top 20 Police Officers by Time, Their Rank and Yearly Compensation

Police officers, as per the Bureau's police are paid time and a half (1.5 x) per hour when they work secondary employment. Because a police officer's salary depends on years of service and rank, the more time worked in secondary employment does not correlate to the most money paid.

Table 8 is the top 20 police officers who worked the most hours during 2017, their rank and how much they made that year. Officer 1 who worked 1,750.25 hours in 2017, ranked in first place among all the police officers who had the secondary police jobs. Their salary was also the highest. The officers working 1,717 and 1,636.50 hours are in the second place and third place, respectively. Because of their rank they did not make as much money as officers working less time.

**TABLE 8**

<b>2017</b>			
<b>Top 20 Police Officers Who Worked the Most Hours, Their Rank and the Total Amount They Were Paid for Secondary Employment</b>			
<b>Police Officer</b>	<b>Rank</b>	<b>Total Hours Worked</b>	<b>Total Actual Paid</b>
Police Officer 1	Detective	1,750.25	\$84,348.68
Police Officer 2	PO3	1,717.00	\$65,552.68
Police Officer 3	PO4	1,636.50	\$73,925.00
Police Officer 4	Master Police Officer	1,603.50	\$77,556.17
Police Officer 5	Master Police Officer	1,548.50	\$73,071.60
Police Officer 6	Master Police Officer	1,526.50	\$72,932.20
Police Officer 7	Master Police Officer	1,507.25	\$72,471.94
Police Officer 8	PO4	1,493.25	\$69,070.69
Police Officer 9	PO4	1,474.25	\$67,058.73
Police Officer 10	Master Police Officer	1,465.00	\$70,041.00
Police Officer 11	Master Police Officer	1,374.75	\$65,505.15
Police Officer 12	PO4	1,358.75	\$62,907.45
Police Officer 13	Sergeant	1,342.25	\$72,965.54
Police Officer 14	Lieutenant	1,331.00	\$81,904.54
Police Officer 15	Detective	1,294.75	\$61,117.27
Police Officer 16	Master Police Officer	1,293.50	\$62,547.11
Police Officer 17	Sergeant	1,274.00	\$69,036.07
Police Officer 18	PO4	1,264.50	*
Police Officer 19	Master Police Officer	1,261.75	*
Police Officer 20	Sergeant	1,261.00	\$69,074.94

Source: CYA Database \*This individual, while making the top 20 in hours worked, did not make the top 20 of money earned.

Table 9 shows the top 20 police officers who worked the most hours during 2018, their rank and how much they made that year. Officer 1 who worked 1,817.25 hours in 2018, ranked in first place among all the police officers who have the secondary police jobs in terms of time but his salary was not the highest for the year. The officers working 1,681.25 and 1,636.50 hours are in the second place and third place, respectively. Because of their rank they did not make as much money as officers working less time.

**TABLE 9**

<b>2018 Top 20 Police Officers Who Worked the Most Hours, Their Rank and the Total Amount They Were Paid for Secondary Employment</b>			
<b>Police Officer</b>	<b>Rank</b>	<b>Total Hours Worked</b>	<b>Total Actual Paid</b>
Police Officer 1	PO4	1,817.25	\$84,101.77
Police Officer 2	Master Police Officer	1,681.25	\$81,335.73
Police Officer 3	PO4	1,652.75	\$77,691.88
Police Officer 4	Sergeant	1,557.25	\$86,268.96
Police Officer 5	Master Police Officer	1,547.50	\$75,941.27
Police Officer 6	Master Police Officer	1,533.00	\$74,537.40
Police Officer 7	PO4	1,503.00	\$70,732.97
Police Officer 8	Master Police Officer	1,492.00	\$73,221.92
Police Officer 9	Master Police Officer	1,486.50	\$72,090.77
Police Officer 10	Master Police Officer	1,468.75	\$72,359.62
Police Officer 11	Master Police Officer	1,443.75	\$70,642.93
Police Officer 12	Detective	1,438.00	\$69,596.02
Police Officer 13	Master Police Officer	1,418.25	\$68,773.81
Police Officer 14	Sergeant	1,377.25	\$76,191.57
Police Officer 15	Lieutenant	1,362.75	\$85,834.24
Police Officer 16	PO4	1,339.25	*
Police Officer 17	Detective	1,309.00	\$63,290.98
Police Officer 18	Master Police Officer	1,268.75	\$62,035.66
Police Officer 19	PO4	1,214.25	*
Police Officer 20	Sergeant	1,190.75	\$67,055.71

Source: CYA Database \*This individual, while making the top 20 in hours worked, did not make the top 20 of money earned.

**Police Officer Weekly Working Hours Analysis**

As previously stated earlier in the audit, the maximum amount of hours per week an officer can work secondary employment details depends on their years of service, ranging from 16 hours up to 32 hours a week. According to the latest police department contract, the maximum hour amounts per years of service are:

- \* 12 months-18 months: Officers are eligible to work a maximum of sixteen hours per week in specific types of secondary employment, namely special events and traffic details.
- \* 18 months-3 years: Officers are eligible to work a maximum of sixteen hours per week at any type of detail.
- \* 3 years-4 years: Officers are eligible to work 24 hours per week.
- \* Over 4 years: Officers are eligible to work a maximum of 32 hours per week.

The auditors analyzed CYA’s secondary employment data to see if the police department was in compliance to these requirements as outlined in the police contract.

By dividing the whole year into 53 weeks, auditors performed a weekly analysis on the data to determine how many weeks a police officer worked over 32 hours. This analysis did not include any week equaling 32 hours. Auditors defined Sunday to Saturday as one week. For 2017, January 1st was a Sunday, January 1st to January 7th was week 1. The year ended with December 31st being a Sunday, so it was the 53rd week by itself. For 2018, January 1st was a Monday, January 1st to January 6th was week one. The year ended with December 30<sup>th</sup> being a Sunday and December 31st being a Monday making those two days week 53.

**Finding:** The auditors found that in 2017, there were 249 weeks where a police officer worked in secondary employment over 32 hours.

Table 10 is a frequency distribution of the number of police officers who worked over 32 hours a week in 2017. As shown in the table, a total of 71 officers worked over 32 hours a week in secondary employment a total of 249 weeks. There were 27 officers who worked over 32 hours a week only one time; 15 officers who worked over 32 hours a week 2 times in the year and so on. The last entry in the table shows that there were 2 police officers who worked over 32 hours a week 14 times.

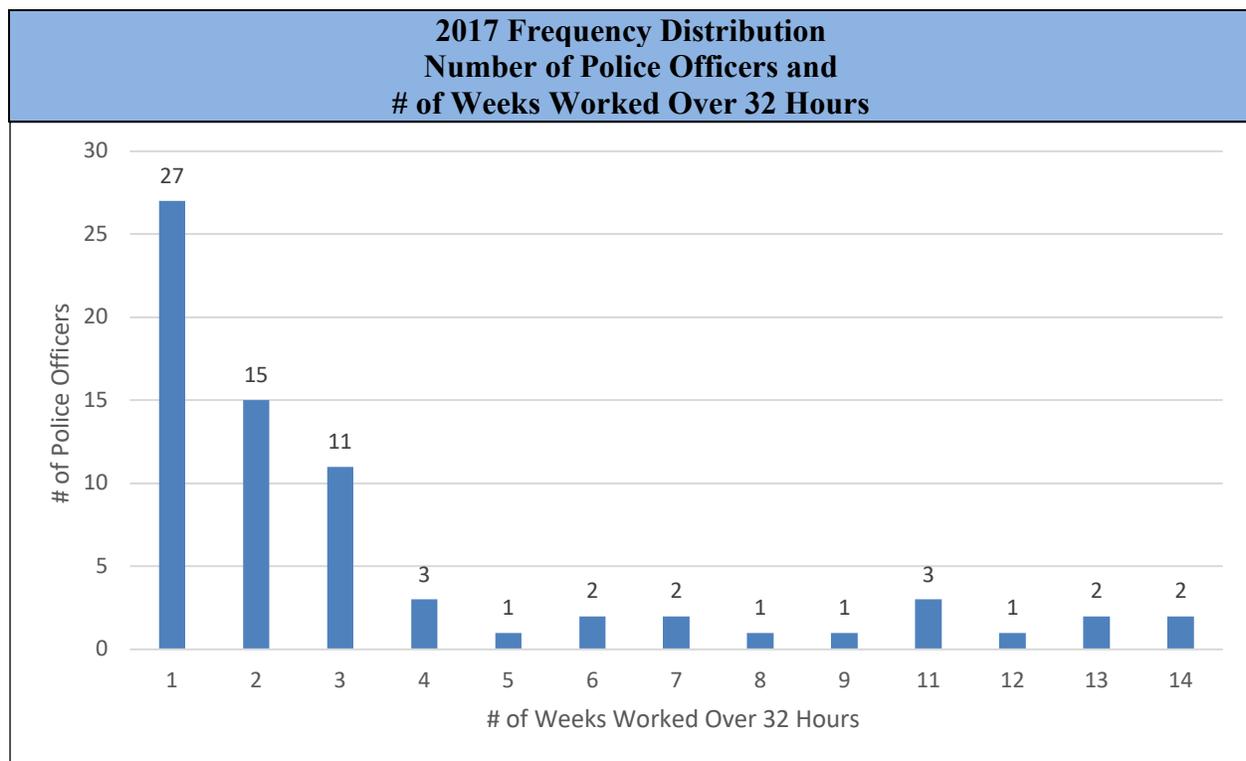
**TABLE 10**

<b>2017 Frequency Distribution Number of Police Officers and # of Weeks Worked Over 32 Hours</b>		
<b># of Weeks Worked Over 32 Hours</b>	<b># of Police Officers</b>	<b>Cumulative Total of Officers</b>
1	27	27
2	15	57
3	11	90
4	3	102
5	1	107
6	2	119
7	2	133
8	1	141
9	1	150
11	3	183
12	1	195
13	2	221
14	2	249
<b>Totals</b>	<b>71</b>	<b>249</b>

Source: CYA Database

Figure 3 is a bar chart that summarizes the analysis of the 2017 CYA database for secondary employment details.

**FIGURE 3**



Source: CYA Database

According to the Police Commander overages are often due to sporting games or large events going over their allotted times.

It is not uncommon for people to work a second job after their primary job. For police officers working secondary employment over 32 hours a week, it is in addition to the 40 hours a week that they work for the City. Even with 53 weeks in the year, the 1 officer who worked over 32 hours a week 9 times, represents 17% of the year working a second job. For the 2 officers who worked over 32 hours a week over 14 times in 2017, that represents 26% of the year where the officer worked a second job.

In 2018, there are 465 weeks that police officers were employed over 32 hours per week. Table 11 and Figure 4 list and display a frequency distribution showing how many officers and how often they worked over 32 hours a week. There were 25 officers who worked over 32 hours a week 1 time, 11 officers who worked over 32 hours a week 2 times and so on. The highest number of weeks worked over 32 hours was 34 times. One (1) officer did this in 2018.

Again this is in addition to their 40 hour work week with the City. For this 1 officer who worked over 32 hours a week 32 times in 2018, this officer worked that secondary employment job 64% of the year.

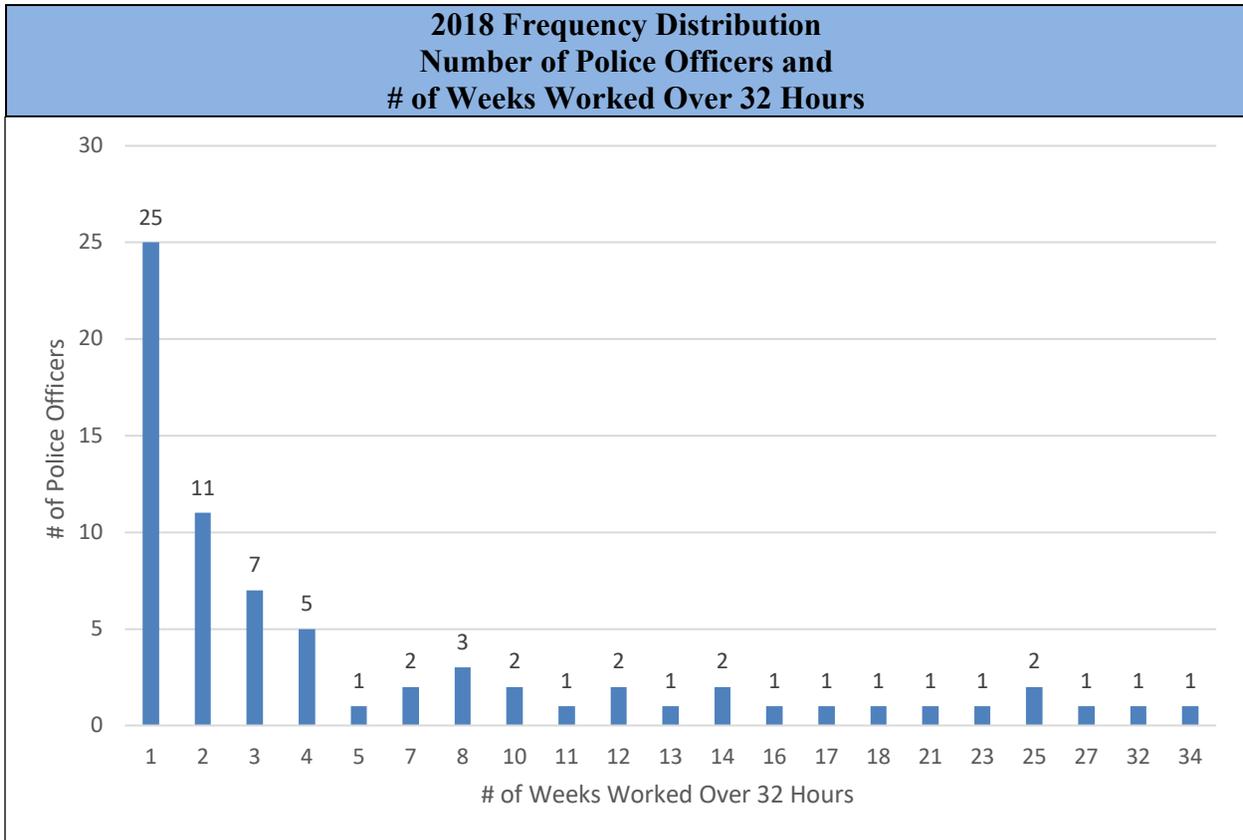
**TABLE 11**

<b>2018 Frequency Distribution Number of Police Officers and # of Weeks Worked Over 32 Hours</b>		
<b># of Weeks Worked Over 32 Hours</b>	<b># of Police Officers</b>	<b>Cumulative Total of Officers</b>
1	25	25
2	11	47
3	7	68
4	5	88
5	1	93
7	2	107
8	3	131
10	2	151
11	1	162
12	2	186
13	1	199
14	2	227
16	1	243
17	1	260
18	1	278
21	1	299
23	1	322
25	2	372
27	1	399
32	1	431
34	1	465
<b>Totals</b>	<b>72</b>	<b>465</b>

Source: CYA Database

**Finding:** Officers who work over 32 hours in a week in secondary employment over 10 weeks a year are spending 20% and more of their year working a second job.

**FIGURE 4**



Source: CYA Database

### Hours Spent Working Secondary Employment

One of the auditors' objectives was to verify police payroll time records against CYA's records for accuracy. City of Pittsburgh's Human Resources payroll receives the information from CYA, they pay the officers for working secondary employment directly into their paycheck. Auditors received these payroll records and a review of these records and CYA records by the auditors showed that the information is recorded and transmitted accurately.

**Finding:** The Bureau of Police does not keep separate time records for police officers working secondary employment. All records from CYA are accepted as accurate.

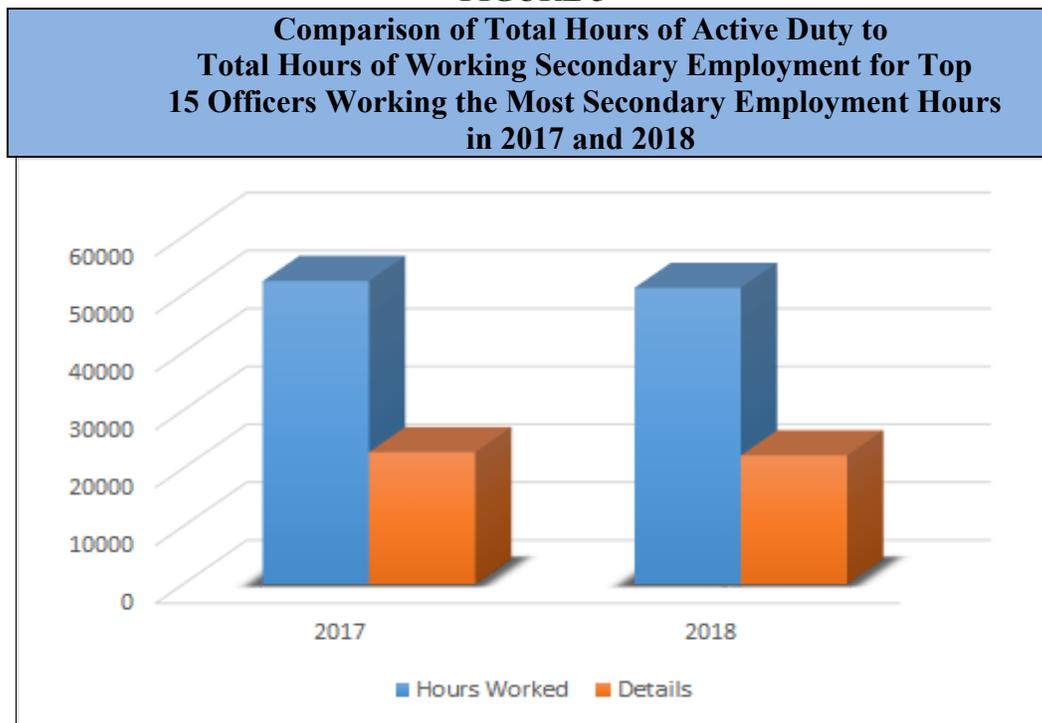
Additionally, auditors wanted to see the number of hours worked in active police duties and the number of hours worked in details. The records from payroll included numerous categories that auditors reduced to working hours (regular time, overtime, holiday time, court, manpower, etc.). Non-working hours (holidays off, personal time, vacation, sick time, etc.) were

excluded from the analysis. For ease of analysis, auditors reduced the number of officers examined to the top 15 officers working the most hours.

**Finding:** The fifteen officers working the most hours per year in 2017 and 2018 worked on average 44% of their working time on secondary employment details.

This is not to say that all officers are working this much in secondary employment. The officers analyzed were *the officers working the most hours in secondary employment*. On average, these officers also went over the maximum allowable time of 32 hours 29% of weeks.

**FIGURE 5**



Source: Data from City of Pittsburgh’s Payroll Department

Figure 5 is a visual representation of the impact of secondary employment on police officers’ work schedule.

**Finding:** Time spent on secondary employment represents a significant proportion of the officer’s time spent in uniform.

### Secondary Employment Issues

The City of Pittsburgh is not alone in having their officers’ serve in a secondary employment capacity. In March 2011, the United States Department of Justice (DOJ) Civil Rights Division released a report of their investigation into the New Orleans Police Department (NOPD). The report offered numerous recommendations regarding use of force, stops, searches

and arrests, discriminatory policing, and secondary employment. Secondary employment in the NOPD in 2011 was described by one observer in the report as the “aorta of corruption” and:

“there are few aspects of NOPD more broadly troubling than its Paid Detail system. Between August 2009 and July 2010, 69% of all officers, almost 1,000 in all, submitted a request to work at least one Detail. This number includes 85% of all Lieutenants and 78% of all Captains. Virtually every NOPD officer either works a Detail, wants to work a Detail, or at some point will have to rely on an officer who works a Detail.”

After the report, the NOPD implemented many similar policies and procedures that the City of Pittsburgh has had over the years, from no more cash payments handed to the officers to creating a centralized bureau that coordinates the scheduling.

Another concern noted in the report is the number of hours the officers were working in addition to their regular shifts. The NOPD policy allowed officers to work as many as 28 hours per week. The DOJ report noted: “[The NOPD] has little oversight to ensure officers adhere to even this generous cap, it facilitates a system in which officers are so fatigued that it compromises their own safety, impacts their long term well-being, and impacts the quality of their work.” Further, “[b]eing sleep-deprived, especially chronically so, can contribute to an officer making dangerous tactical errors; missing potential evidence; taking investigatory short cuts, writing incomplete reports; providing inaccurate testimony; and acting unprofessionally toward residents.”

In our analysis, the auditors made no judgement as to the performance of the officers who worked details. The auditors also recognize that the ability to work details allows officers a chance to bring their salary up to levels of suburban departments who sometimes pay more.

In the records the auditors examined, no details were worked in the same 24 hours period that the officer was on leave. Per Bureau policy, officers can work their fulltime police job and up to 32 hours per week of secondary employment, depending on rank. Police officers are not responding to emergency calls but they are responding to fights and make arrests, which are dangerous activities police officers engage in during their normal work week.

The DOJ recommended many remedies for New Orleans’ secondary employment issues, many of which Pittsburgh has had in place for several years. For instance, the DOJ recommended firstly that the city create a single office that arranges all detail requests. Pittsburgh has this already within its police structure, a police officer and civilian employee who reviews all new requests for officers and their adherence to the city’s permitting rules as well as to review the number of officers needed for officer safety. Also, the DOJ recommended that the pay structure be uniform and include a fee reimbursable to the city.

The report also notes that the ability of officers to work a detail is a privilege and not a right. The DOJ recommended that the maximum hour limit be lowered in New Orleans. At the time of the report’s writing, their limit was 28 hours per week.

It is interesting that the DOJ report for New Orleans recommended lowering the maximum hours for police officers secondary employment from the 28 hours per week. In

Pittsburgh the maximum limit for the most senior police officer is 32 hours per week. Actually the City of Pittsburgh's maximum limit is 12.5% higher than New Orleans.

For purposes of this audit, the auditors did not analyze if City officers were too fatigued to properly carry out their duties. Also, it seems unfair to mandate officers to work long hours for certain events like natural disasters etc. and not allow them to make additional pay doing security-type work.

**Finding:** CYA already alerts sergeants of officers going over the weekly limit, and that data can be requested from CYA by administration at any time. However, this limit was not enforced during this time period unless there was an issue with the officer.

## **RECOMMENDATION 2**

The Pittsburgh's Department of Public Safety Bureau of Police administration should institute a more formalized, documented review meeting with the officer and their sergeant when CYA informs the Bureau that an officer has worked over their allowable hours. The sergeant can review the officer's actions during that week at this meeting and attempt to ascertain whether any shortcomings could be attributed to officer fatigue; if so, the details that the officer planned to work in the following week could be reassigned.

## **Other Police Departments Policies and Procedures**

To investigate common policies and procedures for secondary employment practices, the auditors conducted a telephone survey of 9 other police departments: 3 local, 3 within the state and 3 out of state. The auditors' main objectives were to determine if other police departments have policies and procedures for secondary employment, pay rate for secondary employment, if there are any cost recovery fees, the limits on the weekly hours worked and if there are any types of jobs the officers are prohibited from working. Information was obtained through email exchange with police departments, telephone conversation with officers, and from internet searches.

Table 12 lists the police departments that were contacted for the survey, along with the number of residents the police department serves, the number of police officers in the department, the weekly hour limit on working secondary employment and if the police department has Policies & Procedures for secondary employment and the effective date.

For comparison purposes, the City of Pittsburgh's population is approximately 301,000. In 2018, it employed 964 officers and pay rates for secondary employment are clearly written in the Bureau's Rules and Regulations dated January 1, 2018. There is a cost recovery fee of \$4.61 charged per officer.

**TABLE 12**

<b>Survey of Other Police Departments                      Secondary Employment Practices                      Contacted December 2019 to April 2020</b>						
<b>City</b>	<b># City Residents (Est)</b>	<b># of Police Officers</b>	<b>Weekly Hour Limit</b>	<b>Written Policies and Procedure</b>	<b>Effective Date of Policy</b>	<b>Cost Recovery Fee</b>
Baltimore, Maryland	614,000	3100	75 hours combined per week	Yes	03/2018	None secondary employer pays officer directly
Buffalo, New York	256,000	708	20 hours per week	No	Not applicable	None secondary employer pays officer directly
Charlotte, North Carolina	900,000	1972	80 hours combined per week	Yes	06/2019	None in-house secondary employment unit
Cranberry Township, Pennsylvania (PA)	32,000	31	Not addressed	Yes	Not listed	Fee included in flat rate
Monroeville, PA	27,500	44	Not addressed	Yes	Not listed	Fee included in flat rate
Munhall, PA	12,000	24	40 hours per week	Yes	05/2019	Per contract
Erie, PA	90,000	173	Not addressed	Yes	03/2010	None secondary employer pays officer directly
Philadelphia, PA	1.5 million	6300	80 hours combined per week	Yes	06/2019	None
Scranton, PA	76,000	147	Not addressed	Yes	01/2019	Yes \$5 an hour

All of the Police Departments surveyed did state that any police officer requesting to work secondary employment must submit a request and have approval from commanding officer, or person designated per policy. Weekly secondary employment hour limits were not addressed specifically for Cranberry Township, PA nor the Monroeville, PA police departments.

Secondary employment pay rates can vary. Of the nine police departments surveyed, one police department said that pay rates were specified under the officers' current contract. Two police departments paid by rank of officer, one department paid officers 1½ times their hourly rate, also referred to as overtime rate, three additional police departments paid a flat rate, and the two remaining departments did not provide any information pertaining to pay rates for secondary employment.

Many of the cities have guidelines for establishments and types of businesses that can hire officers for secondary employment, some police departments also refer to this as detail work. The most common types of businesses that are prohibited are listed in the chart below. All of the police departments listed 'conflict of interest' per their guidelines, which can cover all the types of establishments listed in the chart.

**TABLE 13**

<b>Type of Business Where Secondary Employment is Prohibited by Surveyed Police Departments (The X means working that business is not allowed)</b>									
<b>City/ Borough/ Township</b>	<b>Adult</b>	<b>Bond or Bail</b>	<b>Credit Collection</b>	<b>Labor Dispute</b>	<b>Liquor Sale or Trans- port</b>	<b>Private or Security</b>	<b>Repo or Towing</b>	<b>Conflict of Interest</b>	<b>Gambl- ing</b>
Baltimore, Maryland*	X	X	X		X	X	X	X	X
Buffalo, New York	X				X			X	X
Charlotte, North Carolina	X	X	X	X	X	X	X	X	
Cranberry Township, Pennsylvania (PA)								X	
Monroeville, PA	X							X	
Munhall, PA					X			X	
Erie, PA	X	X	X	X	X	X	X	X	X
Philadelphia, PA	X	X	X	X	X	X	X	X	
Scranton, PA	X	X	X	X		X	X	X	X

\*Baltimore – Businesses can be permitted with a “Memorandum of Understanding; examples provided were professional sporting events, foot races, and holiday parades.

The City of Pittsburgh does not prohibit any specific businesses from employing police officers for secondary employment. Employers request police officers to be present at an event or business by application. The request must be submitted in person and approved by the Bureau of Police. If the City does not approve of the location of the request, the application will not be approved. This is similar to most of the cities surveyed.

WILLIAM PEDUTO  
MAYOR



WENDELL D. HISSRICH  
DIRECTOR

CITY OF PITTSBURGH  
**DEPARTMENT OF PUBLIC SAFETY**  
CITY-COUNTY BUILDING

May 22, 2020

Michael E. Lamb, Controller  
City County Building  
414 Grant Street  
Pittsburgh, PA 15219

RE: Police Secondary Employment Performance Audit

Dear Controller Lamb:

Thank you for sharing the results of your performance audit of Police Secondary Employment policies, procedures and practices and giving Public Safety the opportunity to address the recommendations contained within.

**RECOMMENDATION 1**

The Department of Public Safety's Bureau of Police administration should work with both the Department of Finance and Department of Innovation & Performance (I&P) to explore the use of credit cards for online payments. The City has been successful in using credit cards for other City services such as purchasing permits. Any charges from the credit card companies should be passed on to the employer.

**Response:** The Department of Public Safety will work with the Department of Finance and Department of Innovation & Performance (I&P) to explore the use of credit cards for online payments.

**RECOMMENDATION 2**

The Pittsburgh's Department of Public Safety Bureau of Police administration should institute a more formalized, documented review meeting with the officer and their sergeant when CYA informs the Bureau that an officer has worked over their allowable hours. The sergeant can review the officer's actions during that week at this meeting and attempt to ascertain whether any shortcomings could be attributed to officer fatigue; if so, the details that the officer planned to work in the following week could be reassigned.

**Response:** Police administration will consider instituting a more formalized review meeting with officers and their sergeant when informed that an officer has worked over his or her allowable hours. Currently, advance permission to work over the 32-hour limit is required and requests to do so are very infrequent. Officers typically exceed the 32-hour limit due to unforeseen circumstances while working a detail. For example, a rain delay during a Pirates game will increase the hours

Police Secondary Employment Performance Audit

worked, or an officer working a detail may make an arrest towards the end of the detail which requires him or her to work past the scheduled time of the event.

Should you have any questions or require additional information, please do not hesitate to contact my office.

Sincerely,



Wendell D. Hissrich

Director

cc: Douglas Anderson, Deputy Controller  
Gloria Novak, Performance Audit Manager  
Scott Schubert, Chief, Pittsburgh Bureau of Police  
Anna Kudrav, Assistant Chief, Bureau of Police  
Ed Trapp, Commander, Bureau of Police  
Anthony Landolina, Assistant Director, Administration, Public Safety