



INSTRUCTIONS FOR SECONDARY EMPLOYMENT APPROVAL APPLICATION
FOR PRIVATE BUSINESSES, PUBLIC AGENCIES
AND FOR SPECIAL EVENTS

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 employment of officers - \$262* **or**
- 2) One time event lasting five (5) consecutive days or less - \$262* **or**
- 3) School/Public Agency - \$35.00

***The following applicants are exempt from payment of the Secondary Employment Approval Fee:**

- 1. Persons or organizations using city owned or controlled facilities, including, but not limited to, the Convention Center, the Center for Performing Arts, the Montgomery Theater, the Civic Auditorium Complex, the Arena, the Repertory Theater, city park facilities, and at outdoor public property owned or controlled by the city (SJMC Section 8.16.090(B)(1)).**
- 2. Persons or organizations required either by city contract or by city permit or license to contract with or employ San Jose police officers or reserve officers as traffic controllers or private security guards (SJMC Section 8.16.090(B)(2)).**

If you believe you are eligible for one of the two exemptions, please provide written proof with your application. With respect to the first exemption, please include the name, title, and telephone number of the contact person for the city facility that you are applying to use so that we can verify that you will be using that facility. For the second exemption, please provide a copy of the city permit, license or contract that requires use of San Jose police officers or reserve officers.

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. The insurance policy insures against claims and lawsuits alleging causes of action under state tort law and state and federal civil rights laws but does not cover workers' compensation for officers who are injured while engaged in secondary employment. The last sentence of Paragraph #5 of the Acknowledgement states that the Secondary Employer may be required to indemnify and hold harmless the City, its officers, and employees for all damages, costs, attorney's fees, expenses, losses, or liabilities for workers compensation if an officer is injured while employed by the secondary employer.

INSTRUCTIONS FOR SECONDARY EMPLOYMENT APPROVAL APPLICATION
FOR PRIVATE EMPLOYERS AND PUBLIC AGENCIES
AND FOR SPECIAL EVENTS (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 of fees for services provided is due directly to individual officers. Notice of cancellation of services to be provided by officers must be given to each impacted officer at least 48 hours prior to the scheduled start time or the 3 hour minimum service fee will apply to each affected officer.

Please return the completed and signed Secondary Employer Approval Application and Acknowledgement by:


1. Email a copy of the completed and signed application and acknowledgment to (seu_requests@sanjoseca.gov) and make credit card payment over the phone at (408) 277-4980
or
2. Make a check payable to the **City of San Jose** and mail with the completed application and acknowledgment 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.

Visit us on the web for updated fees: http://www.sjpd.org/Records/Fees_Public_Safety_Permits.asp

APPLICATION

	<p>SAN JOSE POLICE DEPARTMENT SECONDARY EMPLOYMENT UNIT 201 W. Mission Street San Jose, CA 95110 (408) 277- 4980</p>	<p style="text-align: center;">OFFICE USE ONLY</p> <p>Date: _____</p> <p>Annual <input type="checkbox"/> Event <input type="checkbox"/></p> <p>Exempt <input type="checkbox"/> Log <input type="checkbox"/></p> <p>Approved <input type="checkbox"/></p> <p>Disapprove <input type="checkbox"/></p> <p>Signature: _____</p>
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Secondary Employer: School/Public Entity <input type="checkbox"/> One-Time Event <input type="checkbox"/> Annual Employer <input type="checkbox"/>		
Form of Payment (Select " Exempt " if Applicable): Exempt <input type="checkbox"/> Check/Money Order <input type="checkbox"/> Credit Card <input type="checkbox"/>		Amount Due (Enter " 0 " if Exempt):
Company Name:		Company Phone:
Company Business Address:		
Company Mailing Address:		
Company Contact:	Title/Position:	Company Contact Phone:
Contact Email Address:		
Description of Business, Public Entity or Event:		
Activities at Job Site:		
Do you have any written agreement(s) to be signed by the officer? Yes <input type="checkbox"/> No <input type="checkbox"/> If you answer yes, please attach a copy of the agreement(s) to your completed application.		
I hereby authorize representatives of the San Jose Police Department to seek whatever information and documentation the Chief of Police considers necessary for a complete investigation, including, but not limited to inspection of the premises of the business for the purpose of assuring that the premises are in compliance with the requirements of applicable provisions of this Code or any other applicable local, state or federal law or regulation: _____ (Signature of Business Owner or Authorized Representative, Authorized Representative of Public Entity or Event Organizer)		

FILL OUT INFORMATION BELOW IF APPLYING AS AN ANNUAL EMPLOYER	
Job Site Address:	
Coordinating Officer's Name:	Officer's Duties:

FILL OUT INFORMATION BELOW IF APPLYING FOR A ONE-TIME EVENT

Name of Event:

Location and Address of Event:

WILL ALCOHOL BE SERVED? YES NO

Schedule Information:

Event Date(s):	Event Start Time:	Event End Time:	Est. Daily Attendance:
	AM <input type="checkbox"/> PM <input type="checkbox"/>	AM <input type="checkbox"/> PM <input type="checkbox"/>	
	AM <input type="checkbox"/> PM <input type="checkbox"/>	AM <input type="checkbox"/> PM <input type="checkbox"/>	
	AM <input type="checkbox"/> PM <input type="checkbox"/>	AM <input type="checkbox"/> PM <input type="checkbox"/>	

Request for Officer(s) Information:

Officer Duties: _____

Date:	Officer Start Time:	Officer End Time:	Total Hrs:	Number of Officers:
	AM <input type="checkbox"/> PM <input type="checkbox"/>	AM <input type="checkbox"/> PM <input type="checkbox"/>		
	AM <input type="checkbox"/> PM <input type="checkbox"/>	AM <input type="checkbox"/> PM <input type="checkbox"/>		
	AM <input type="checkbox"/> PM <input type="checkbox"/>	AM <input type="checkbox"/> PM <input type="checkbox"/>		

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

Approval by the Chief of Police of Secondary Employment 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 the Chief of Police and representatives of the San Jose Police Department to inspect the Secondary Employer's business 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 employment 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 Police 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. *(This may include workers compensation if an officer is injured while employed by the secondary employer).***

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 if employment commences after July 1, 1998, 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.

- a. 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.

Business Name

Street City

State Zip Code

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Telephone

Owner or Authorized Agent (print name)

Signature

Date