

	FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES	
	ADMINISTRATION	
133.00	APPROVED: <i>David W. Nye, Chief of Police</i>	Initiated: 10/01/2007
		Revised: 02/24/2014

OVERTIME

133.00 – Overtime – It is the policy of this Department to effectively manage overtime and to fairly compensate its employees for the work performed. The purpose of overtime is to supplement the existing authorized strength of employees to address crime and other critical law enforcement issues requiring attention. [22.1.1, f]

133.01 – Definitions – The following definitions apply to this Directive Section:

- Exempt, senior management group (SMG) employees – SMG employees do not receive overtime. SMG employees include the Chief of Police and Division Commanders.
- FLSA hours of work – Hours of work for FLSA overtime purposes shall include all hours of work under 29 C.F.R. Part 785, including all time an employee is “suffered or permitted” to work.
- FLSA compensation rule – Sworn personnel will be compensated under the 171-hour/28 day (85.5 hour/14 day) cycle rule. This rule requires the employee to work more than 171 hours in the 28 day cycle before overtime will be paid at a time and one half rate. The first eleven (11) hours of overtime beyond the 160 hours in a cycle of 28 days will be earned at a straight time rate. Compensation is based upon the time the employee is actually present for duty. Any time off taken whether sick leave, annual leave, or compensatory leave will be subtracted from overtime hours and the eleven (11) hour straight time rule must be met before any overtime is paid at the time and one-half rate. Compensatory time may be earned for court time, holidays, or snow days.
- Non-sworn Communications employees – Communications personnel work a schedule established by the department that provides 4 hours of built in overtime every 2 weeks.
- Non-exempt employees – Non-exempt employees include all non-sworn employees who are paid overtime for hours worked in excess of normal hours.

- Overtime – Overtime generally is defined as hours worked beyond or outside of the regularly scheduled hours. It is categorized into various types and functions as addressed below. Overtime is primarily used for Patrol operations and, on a limited basis, is authorized for support functions. The Chief of Police or designee must authorize overtime in advance.
- Overtime, mandatory – Generally the Department considers callback, declared emergencies, court, and holiday staffing to meet minimum staffing requirements, and shift extensions to be mandatory overtime.
- Overtime, non-mandatory – Generally the Department considers special events and special details to be non-mandatory overtime.
- Pre-and Post-Shift Work – All work time outside the regular shift shall be credited for FLSA purposes as hours worked in the work period in which such work is performed. It is the supervisor's responsibility to control the hours worked by the employees assigned to his/her unit and to ensure that employees are properly compensated for their hours worked. It is also the supervisor's responsibility to cause employees to leave their worksite or workstation to avoid overtime claims. Employees are responsible to notify their supervisor in advance of pre-and post-shift work. Supervisors may adjust the work hours of one or more employees per shift to accomplish the police mission (e.g., one officer is assigned to come in 30 minutes before the shift begins to gather equipment to be handed out at roll call, and allowed to leave 30 minutes prior to shift end, or be compensated for the extra 30 minutes).
- Permission to Work Overtime – All work time "suffered" or permitted by management or supervisory personnel is work time. Work is permitted if management or a supervisor is in a position to see or know of the employee's work; there was too much work to have been completed during the regular shift; the work outside the shift is repeated on numerous occasions; or there is a pattern or practice of such work.
- Special Overtime – The only exemption to the eleven (11) hours rule is "special overtime" given for preauthorized special assignments, to be paid at a time and one-half rate. This is not affected by the time taken off or time actually worked rule. In addition, special overtime hours do count in the computation of total hours (171 or more) and do apply toward the employee meeting the eleven (11) hour rule. Special overtime is designated and authorized only by the Chief of Police for special assignments or functions.

133.02 – Responsibilities – The Chief of Police and Division Commanders are responsible for the management, direction, and periodic reallocation of overtime resources to ensure that expenditures are within budget and overtime monies are used for critical law enforcement purposes.

Division Commanders will allocate, justify, and monitor approved overtime monies throughout the fiscal year. The Department's overtime expenditures are limited to the total amount approved or transferred in each year's police budget. The following procedures shall be followed:

- A supervisor must sign each approved Overtime Request.
- Employees may not sign/approve their own Overtime Requests.

- Supervisors and commanders approving overtime requests will verify that the overtime hours reported and the type of overtime noted are correct and within Department guidelines.
- A copy of the overtime request will be returned to the employee.
- Employees who work overtime must submit, as soon as practical, an Overtime Request stating why the overtime was necessary.
- The Division responsible for incurring the overtime will collect the Overtime Requests.

133.03 – Employees on Light or Restricted Duty or Suspension – Employees on restricted or light duty are not authorized to work overtime without advance permission from the Chief of Police and specific authorization from the treating physician. Employees serving suspension are not authorized to work overtime during a suspension period. Each day is defined as a 24-hour period.

133.04 –Compensatory Time – Compensatory time may be awarded for court or on a case-by-case basis as determined by the Chief of Police for special situations.

133.05 – Holiday Compensation – Holiday compensation is the pay or holiday leave that an employee will receive for a City holiday. The holiday compensation policy is described in the City of Fredericksburg Administrative Manual.

133.06 – Overtime Policy – The following provisions apply to all requests for overtime pay:

- Overtime details must be pre-approved by the Chief of Police to be considered for compensation, with the following exceptions which do not need pre-approval:
 - Court time
 - Inadvertent overtime due to being held over by uncontrollable circumstances
 - Short-term overtime approved by a Division Commander that is necessary to meet a specific task or assignment
- All requests for overtime pay must specify the reason for the overtime on the Overtime Report form
- The employees' supervisor or the on-duty supervisor must approve all requests for overtime pay. Supervisors may deny any request for overtime pay that conflicts with Department policy. All approvals or denials of requests for overtime pay must be issued in writing on the Overtime Report form by supervisors.
- Upon approval, the Overtime Report form is to be distributed in the following manner: Payroll Records Clerk - original; copy - employee.

Because Corporals and officers assigned to the Patrol Division work 154 hours (instead of 160 hours) in a 28-day cycle, the first 6 hours of extra work in a 28-day cycle for court, shift extension, or training **will not** be compensated with extra pay. These 6 hours are **built in** to the schedule. If those hours are not required, the employee **does not** receive a reduction in pay. Corporals and Officers work 11 hours per day (77 hours per pay period or 154 hours for every 28-day FLSA pay cycle) but will still get paid for an 80-hour pay period.

Any hours worked **over 160 hours and up to 171 hours per 28-day cycle will be paid as straight time.** Hours in excess of 171 hours per 28-day cycle will be paid as overtime.

EXCEPTION: Extra duty assignments that are volunteer and require sign-up will still be paid as overtime, regardless of whether or not the employee has met or exceeded the 160 hour baseline.

Canine officers work a shift that is reduced by one hour per work day (10 hour work days) to compensate handlers for taking care of their dog while at home. Any hours worked over normal work time will be managed as described above, with the first 6 hours already built into the schedule.

Lieutenants and Sergeants assigned to the Patrol Division work an 11 hour 25 minute workday. The first 6 hours of extra work for training, shift extension, or court in the 28-day pay cycle **must** be flexed out within that 28-day FLSA pay cycle.

Any hours worked **over 160 hours and up to 171 hours per 28-day cycle will be paid as straight time.** Hours in excess of 171 hours per 28-day cycle will be paid as overtime.

133.07 – Non–Mandatory Overtime – All requests for non–mandatory overtime details or planned events for pay will be submitted in writing to the Chief of Police. Such requests will include a statement of purpose, the duration of the overtime assignment, necessary staffing, an estimate of fiscal impact, and identification of the source of funding.

133.08 – Mandatory Overtime – Division Commanders may authorize mandatory overtime, on a case–by–case basis, within their Division for assignments that are necessary to meet specific needs. Division Commanders will advise the Chief of Police of any mandatory overtime assignments.

133.09 – Shift Extension – Shift Extension occurs when an employee is held over the normal daily shift for a critical purpose (e.g., a late call for a serious traffic accident, or less than minimum staffing available for the next shift). Hours compensated at premium rates of pay will not count toward the employee's "regularly scheduled hours."

The Department's overlapping shift structures are intended to minimize shift extension whenever possible.

133.10 – Court – Employees who are required to appear in court when not on their normal shift, and as a direct result of their employment with the city, will be compensated as described in the Overtime Policy Directive (133.06). Officers are authorized a minimum of two hours overtime pay at straight time when not on their normal shift for a court appearance. Court appearances that occur during the normal shift are regular on–duty hours worked and are compensated at the regular rate of pay.

When an employee is in court during the work shift and must stay longer than the normal workday, this is considered shift extension and compensated as such. Commanders may

schedule employees so that court duty falls within regular work hours if this will not harm ongoing operations of the unit.

133.11 – Callback – Callback refers to notification that an employee is immediately needed to address a law enforcement incident. Examples: a hostage or barricade situation, homicide, high-risk entry, or other emergency or crime requiring immediate police response. Notification must be comprised of a firm notice (via pager, memo, or other means of communication) that employees are needed at a reasonably specific date, time period and location. A "heads up" page or notification that officers may be needed does not constitute firm notice.

Non-SMG employees are eligible for callback compensation.

133.12 – Callback Reporting Requirements – An employee who is off-duty when notified to report for callback generally will be eligible for overtime pay for hours worked outside of normal hours. An employee who is on paid leave during a callback is not required to report. If the employee chooses to respond to the callback, for time worked during the employee's normal business hours, their leave will be reduced and they will be compensated at their regular rate of pay. If the employee works beyond the normal business hours, they will be paid at their normal rate for shift extension.

An employee who is notified to report for the callback while on duty or while commuting to work will receive appropriate normal or overtime pay.

133.13 – Sworn Employees Callback Overtime – Sworn employees will receive callback pay for a minimum of 4 hours' pay at time and one-half their regular hourly rate. Callback pay will occur whenever an employee is called back to work after leaving the regularly scheduled place of work, unless such hours worked result in an extension of the regular shift, when pay will be at the appropriate normal or overtime rates.

Sworn employees start receiving compensation when they arrive at Police Headquarters or at the location designated if they respond directly to the scene. Commuting travel to and from the work site is not eligible for compensation. NOTE: This policy remains in effect until reviewed and/or revised by the City Human Resources Department.

133.14 – Non-Sworn Employees Callback Overtime – Civilian employees are entitled to receive a minimum of 4 hours' pay at straight time, or time and one-half pay for the actual hours worked, whichever is greater, when required to return to work after leaving their scheduled place of work. NOTE: This policy remains in effect until reviewed and/or revised by the City Human Resources Department.

133.15 – Cancelled Callbacks – Employees responding to a callback that is cancelled, generally will be compensated with the overtime minimum, unless they are on-duty or commuting to work in a normal or overtime capacity at the time of the cancellation.

133.16 – Special Events – A special event is a City-sponsored or co-sponsored function in which police services are necessary, usually for traffic control, crowd control, or protection. Special events include parades, foot races or other sports events, and festivals.

On-duty officers and auxiliary officers will be used when possible and appropriate to minimize the overtime costs. If not enough off-duty personnel sign up for a special event, personnel may be required to work the event to ensure adequate police service.

133.17 – Special Details – Special details are finite, specialized operations established to address specific law enforcement concerns. The Chief of Police normally approves a special detail in advance. Resources permitting, the Chief of Police may authorize special details to address special law enforcement needs or to permit timely completion of critical tasks.

Hours compensated at overtime rates of pay will not count toward the employee's "regularly scheduled hours." Examples of special details are as follows: Grand Larceny Auto Task Force, Drug Task Force, or burglary suppression detail.

133.18 – Overtime for Field Training Officers – The field training officers (FTO's) are authorized special overtime when training a recruit officer, to compensate FTO's for any hours they are required to work for field training purposes in addition to their regular tour of duty. However, whenever possible, field training work should be completed within regularly scheduled hours of work.

The following procedures will be used to process field training overtime requests:

- FTO's may submit a request for paid overtime, up to 60 minutes for each full field training day (normal shift) completed.
- FTO's will submit their overtime requests to their supervisor, who will ensure that the FTO has completed the training assignment tasks before approving the overtime.
- The training assignment task will be specified as the reason for the OT request.
- FTO's will note the activities completed (evaluation, debriefing, develop training plan, etc.) in the comments section of the Overtime Request.

133.19 – Travel for Work Purposes – Single-day travel (not involving an overnight stay) to and from a designated work site for training or other city business purposes is considered commuting time. Supervisors will schedule mandatory training to fall within normal work hours whenever possible. The Chief of Police, prior to making any commitment for training, will review exceptions to this policy.