



OVERTIME PAY & COMPENSATORY LEAVE

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I. POLICY

The department will pay overtime or may provide compensatory leave credit to employees who work more than their normally scheduled work days or weeks, according to applicable federal and state laws and current labor agreements.

II. AUTHORIZATION FOR OVERTIME

Overtime will not be paid unless it is approved in advance by a supervisory employee. Overtime will only be authorized when failure to do so would imperil the mission of the Department. Supervisors must exercise prudent judgment in authorizing overtime. The following are examples of justifiable authorization to work overtime:

- A. In cases of emergency where it is not possible to adjust normal work schedules.
- B. In instances where denial would result in a phase of an essential operation being seriously impaired.
- C. In situations where necessary services could not otherwise be immediately provided.
- D. For court cases that cannot be scheduled while officers are working.
- E. To operate long range (planned) programs where the utilization of overtime-funded manpower will positively impact traffic or criminal problems significantly affecting the community. Prior to authorizing overtime for details or assignments that are long range in nature, approval will first be obtained from the Chief of Police or appropriate Bureau Commander.

III. RESTRICTION & CONTROL

A. Overtime will be controlled through careful advanced planning of the activities of every member of the Department. Assignments should be scheduled to conclude within a normal work day and supervisors should provide relief if such assignments will exceed a normal work-shift.

B. Supervisors will make every effort to accommodate scheduling personnel. Court appearance may result in legitimate overtime when it cannot be anticipated or for some reason cannot be handled through scheduling. Supervisors should be alert to detect situations contributing to excessive court time or patterns of untimely court appearances.

1. Supervisors will determine the need for multiple officer's and/or civilian employees to appear for a particular court case pursuant to those guidelines delineated in Section VI.C.5 of this Index Code.

2. Court overtime expenditures will only be incurred when failing to do so would severely impact the direct services provided to the community and the overall mission of the agency.

C. Employees will not schedule annual leave on scheduled court dates for the purpose of receiving overtime. Overtime of this nature will only be granted for blocks of vacation leave scheduled at the beginning of the year. Officers choosing vacation leave at a later date may be denied annual leave if court appearance is required during this period. Any exception must be authorized by the platoon or section commander.

D. In emergency situations, careful planning can assure the timely relief of personnel. Once a situation has been brought under control, the need for manpower may be minimized or the operation may be temporarily suspended without sacrificing security.

E. Nothing in this policy should be interpreted as intent to curtail necessary service.

IV. RATES & TYPES

Overtime is compensated with pay or by compensatory leave credit. Compensatory leave credit is time off that is taken as scheduling permits and is not chargeable against a member's annual leave. The rate and type of compensation to be received will be governed by the terms of the applicable labor contract.

V. COMPENSATION FORMS

A compensation form will be filled out by members of the Department who have worked overtime and are seeking compensation. Depending on how the member requests to be compensated, he/she will fill out either the Overtime Pay Form PD #98 or the Compensatory Leave Form PD #32. It is no longer necessary for employees to place their social security numbers on either form. The following descriptions cover the blocks of both forms, which may not be self-explanatory:

- A. **Overtime Code #** - from the list on the forms. This code is mandatory.
- B. **Explanation** - the member submitting the form will use this space to further explain the Overtime Code #.
- C. **Court Official Signature/Print Name** - Both lines must be completed by a court official certifying an officer's court attendance. When the employee completes and signs the overtime form, he/she is to remove the last (pink) copy of the form to maintain for his/her records. The employee is then to submit the overtime form to his/her supervisor for signature.
- D. **Justification** - Whether completing PD Form #98 or PD Form #32, the member's supervisor must fully justify why the overtime was granted, giving specific reasons. If one supervisor provides justification and another supervisor signs the form later, the name of the supervisor providing justification will be added.

VI. REVIEW & APPROVAL

A. District/Division Commander

The overtime form is to be sent via the chain of command to obtain all necessary approval signatures. It is then to be forwarded to the timekeeper. When the timekeeper receives the completed overtime form, he/she will complete the bottom section of the form indicating the check date on which the overtime pay will occur. The timekeeper will then remove the yellow copy (Timekeeper - Return to Employee) of the form and return it to the employee. ***These forms must be maintained according to the Records Retention Schedule. The district or division commander will conduct an ongoing review of overtime expenditures in his/her area of responsibility and will closely monitor the granting of overtime within his/her command.***

B. Platoon/Section Commander

- 1. Maintain an ongoing review of overtime expenditures in his/her area of responsibility.
- 2. Determine if there is ample justification for the authorization of overtime.
- 3. Review PD Form #98 or #32 for completeness.
- 4. Assure that the correct Overtime Code has been entered.
- 5. Ensure that overtime and compensatory leave forms submitted for court attendance are in agreement with the court docket.
- 6. Forward the original PD Form #98 or #32 to the district or division commander.

C. First-Line Supervisor

1. The working of overtime is not at the employee's option and will be authorized by a first-line supervisor prior to the period the overtime is worked. Supervisors will be expected to justify and will be held accountable for proper authorization of overtime.
2. The authorizing supervisor will, at the conclusion of his/her tour of duty, advise oncoming supervisors as to any overtime authorized so that control will be maintained.
3. The oncoming supervisor will make every effort to relieve personnel working overtime.
4. The authorizing supervisor will later review the PD Form #98 or #32 for accuracy.
5. Supervisors will review traffic summonses, police reports, and charging documents to determine the need for supporting officers to be summoned to testify in court. When more than one officer is summoned on any given case, and there is no apparent reason after reviewing the reports, the supervisor will contact the State's Attorney's Office to determine if all of the officers are needed.

D. Employee Requesting Overtime Compensation

1. Officers submitting police reports will include the name(s) and brief justifications for supporting officers who may be required to appear in court with the submitting officer. Officers will obtain prior approval of a supervisor before requesting issuance of a summons for another officer.
2. Officers receiving court summonses via U.S. Postal Service or directly from a Sheriff or Constable must inform their immediate supervisor at the earliest practical opportunity and seek prior approval to attend court. In Circuit Court cases, it is the responsibility of summoned officers to call the Victim/Witness Assistance tape on the evening preceding the scheduled trial date to ascertain whether the officers' presence is necessary.
3. In the event different courts must be attended on the same day for different cases, or if non-court overtime and court overtime are worked on the same day, separate compensation forms PD #98 or #32 will be filled out. Example: A member attended District Court at 0900 hours and Circuit Court at 1330 hours, or a member worked three hours beyond the midnight shift on a criminal case and then attended District Court at 1330 hours.
4. Upon completing overtime, a member will submit a PD Form #98 or #32 to his/her supervisor. If court was attended during a member's off-duty hours, he/she must explain the reason in the Explanation section of the PD Form #98 or #32 (i.e., appearance scheduled by court, error in scheduling, change in days off).
5. It is the responsibility of the employee to submit PD Forms #98 or #32, in accordance with their current union agreement, for all overtime/compensatory leave earned. All PD Forms #98 or #32 must be submitted by the end of the pay period following the occurrence.

VII. COMPENSATORY LEAVE CREDIT IN LIEU OF PAID OVERTIME

A. Employees Represented by Bargaining Units

1. Employees represented by recognized bargaining units may request compensatory leave credit in lieu of paid overtime, subject to the provisions of the current labor contract. *Police Lieutenants may request compensatory leave, subject to the provisions of their current labor contract.*
2. Compensatory leave must be used in increments of four (4) hours.
3. Upon promotion or separation from County service, payouts will occur in accordance with guidelines developed by the Anne Arundel County Office of Personnel.
4. Employees represented by the Anne Arundel County Police Supervisors Association will receive a payout of unused compensatory leave at the end of each fiscal year.

B. FLSA Exempt, Non-represented Employees

1. The following classes of non-represented employees are designated as "FLSA exempt," and are subject to the compensatory time rules explained in this section:
 - Deputy Chief of Police
 - *Police Major*
 - Police Captain
 - Animal Control Administrator
 - Animal Control Supervisor
 - Police Records Manager
 - Sr. Management Assistant
 - Program Manager
 - Program Specialist II

- Forensic Chemist Supervisor
 - Senior Forensic Chemist
 - **Forensic Chemist I**
 - Forensic Chemist II
 - Management Assistant I
 - Management Assistant II
 - Communications Systems Manager
 - Police Communications Operator IV
 - Evidence Coordinator
 - Evidence Coordinator Leader
 - **Latent Print Examiner II**
 - **Senior Budget Management Analyst**
 - **Senior Special Investigator**
 - **Polygraph Examiner**
 - **GIS Specialist**
2. The use of compensatory time off with pay will be administered in accordance with the guidelines found in this Index Code, as well as the Employee Relations Manual, and are subject to the following guidelines:
- a. An employee may be granted hour for hour compensatory paid time off when he or she:
- Works more than one hour beyond his/her normal work day;
 - Works at least an hour on a regularly scheduled day off;
 - Works at least an hour on a holiday listed in the County Code, provided the employee was not scheduled to work on the holiday as a part of his/her regular work schedule (employees who receive their holidays as front loaded annual leave will not receive compensation time but will be marked as working for the hours worked); or
 - Has worked long hours and demonstrated extra effort that the Appointing Authority deems worthy of recognition.
- b. An employee may not be granted compensatory time off if:
- Compensatory time is not approved by the employee's supervisor (whenever possible, employees should seek the permission of their supervisor prior to working additional hours);
 - It is the employee's poor productivity or performance that causes the employee to work extra hours to get the job done; or
 - An employee has already banked 80 hours of unused compensatory time
- c. Compensatory time off may only be granted and taken in one-hour increments
- d. Compensatory time off may only be taken at times approved by the employee's supervisor.
- e. Employees will fill out and submit to their supervisor a Compensatory Leave Form PD #32 when requesting the granting of compensatory time or when taking compensatory time off.
- f. The building of a "bank" of unused compensatory time in excess of 80 hours is prohibited. This is a rolling bank with no time requirements for the use of compensatory hours.
- g. Cash shall not be paid in lieu of a non-represented exempt employee taking paid compensatory time.
- h. No cash payment will be made for compensatory time when an employee leaves County service, moves to a non-exempt position, or when an employee becomes subject to a collective bargaining agreement. Therefore, an employee must use, or risk losing, compensatory time granted.

VIII. USE OF COMPENSATORY LEAVE

A. *To accurately account for the accrual and payment of compensatory time, any compensatory time earned in a pay period can not be used within that same pay period. Thereby, all compensatory time must have been earned in a prior pay period and reflected in the payroll system before it can be used.*

B. Sworn employees who have accrued compensatory leave credit shall be permitted to use such compensatory leave credit within a reasonable period of making the request. A reasonable period is defined as at least seven (7) days in advance of the use of compensatory leave credit. Requests to use compensatory leave credit with at least seven (7) days notice will be granted up to one position below acceptable staffing levels. Requests made to use compensatory leave credit with notice of six (6) days or less may be denied at the discretion of the Police Department if it causes staffing levels to drop below acceptable staffing levels. The Extended Leave Selection Process as outlined in Index Code 701.A, Section IV.B, for the affected calendar year must have taken place before the short term use of compensatory leave credit.

IX. PROPONENT UNIT: Personnel Section.

X. CANCELLATION: This directive cancels Index Code 711, dated 04-24-08.