Overtime

A. Policy

It is recognized working overtime and non-standard hours is inherent to police work. Employees are frequently expected to holdover at the end of their tour of duty to complete an assignment, attend court or training when off duty or be called back to duty for an emergency. The department compensates employees for overtime worked in accordance with applicable state and federal regulations, Federal Fair Labor Standard Act (FLSA) and the City of Lakewood Administrative Regulation II/A.

B. Procedures

1. Definitions:

   a. **Overtime Pay** is payment in cash for all time recorded over forty (40) hours in a workweek or, for Police Agents and Police Sergeants only, for all hours recorded over eighty (80) in a two week pay. The overtime rate is one and one-half times an employee's hourly base rate.

   b. **Compensatory Time** is the accrual of time at the rate of time and one-half for all time recorded over forty (40) hours in a workweek or, for Police Agents and Police Sergeants only, for all hours recorded over eighty (80) in a two-week pay period in lieu of overtime pay. When used, this time will be paid at the employee's hourly base rate. It is the City's policy to have the ability to utilize compensatory time in lieu of overtime at management's discretion.

   c. **Hours Recorded**, for purposes of computing overtime, are hours worked and/or hours paid in a workweek or, for Police Agents and Police Sergeants only, in a two-week pay period. This excludes hours paid for on-call hours not worked. At management discretion, paid time off, if not already taken, may be rescheduled or flextime utilized, when reasonably possible, to avoid or minimize overtime.

   d. **Non-exempt Employees** are employees who occupy positions, which are eligible for overtime pay and/or compensatory time, according to the Fair Labor Standards Act.

   e. **Exempt employees** refers to an employee who occupies a position as defined by the City which is not eligible for overtime compensation.

2. Non-exempt employees shall be eligible for overtime pay or compensatory time as defined above.
3. Non-exempt, regular part-time employees shall be eligible for overtime in accordance to Administrative Regulation II/A.

4. Overtime should be restricted to situations where it is required in order to complete necessary work assignments. Every effort will be made to schedule work in such a manner as to avoid or minimize overtime.

5. When overtime is necessary, supervisors will attempt to schedule it with employees who volunteer for the overtime; however, overtime may be mandatory if no such qualified volunteers are available.

6. Under normal circumstances, employees are expected to work all assigned overtime. Employees who refuse to work overtime may be subject to disciplinary action.

7. Employees must have approval from a supervisor, prior to working overtime. Employees working overtime without approval will be paid or receive compensatory time, but may be subject to disciplinary action. Additionally, supervisors may be subject to disciplinary action for failure to properly monitor overtime.

8. Employees accruing compensatory time do so with the understanding of the following conditions:

   a. The maximum balance of compensatory time for regular full-time employees is one hundred twenty (120) hours. The maximum balance of compensatory time for regular part-time employees is sixty (60) hours. Any overtime in excess of that amount will be paid as overtime pay.

   b. Once compensatory time is earned, there shall be no cash payment of that time except upon movement to an exempt position or termination.

   c. Employees must have prior approval by management before using accrued compensatory time. Such factors as work load, scheduling, and resource availability shall be taken into account prior to granting approval.

   d. Employees, upon notice of resignation, may be directed or allowed to utilize all or part of their compensatory time balance at the discretion of the supervisor after consultation with the Department of Employee Relations. Any remaining compensatory time will be paid on the employee's final paycheck.

   e. Compensatory time shall not be used for imposing or effecting disciplinary action.

9. Employees holding more than one position for the City may be subject to certain overtime restrictions. Supervisors should contact the Department
10. Employees must record all overtime/compensatory time earned in the workweek in which it was worked. Police Agents and police Sergeants must record all overtime/compensatory time earned in the pay period in which it was worked.

11. Employees, including supervisory employees, must comply with these policies in recording all overtime and compensatory time. Failure to do so may result in disciplinary action.

12. Supervisors may deny overtime and compensatory time requests if they believe that the requested compensation does not conform to the promulgated policies and procedures of this department.

13. All overtime requests shall be in quarter of an hour increments, rounded at the halfway point (6 minutes).

14. On-call compensation for misdemeanor and traffic offenses.
   a. All misdemeanor and traffic offenses (with the exception of preliminary hearings) shall be handled as an on-call status.
   b. Police personnel shall remain on call until 1200 hours on the day of the scheduled event.
      (1) While on call, an employee shall be able to be contacted by either telephone, radio, and be able to respond to the court within 1 hour of notification.
      (2) Unless notified of the need to appear in court, employees shall not be compensated for the on-call status.
      (3) All overtime requests related to compensation for misdemeanor and traffic offenses shall be administered according to the procedures identified in Section 7, procedures relating to compensation for court appearances.

15. Compensation for emergency call-outs.

   Travel time, as it relates to an emergency call-out, shall be included as part of the overtime request.

16. Procedures relating to compensation for training.
   a. Travel time, as it relates to scheduled training, shall not normally be included in an overtime request.
b. Overtime compensation shall not be paid for training-related meal breaks.

c. Unless approved otherwise, employees who attend schools shall not be entitled to training-related overtime compensation.

d. Travel time will be paid in accordance with F.L.S.A. requirements.

17. Compensation for range qualifying.

a. Range related overtime, including the time required to travel to and from the range and the cleaning of departmental as well as off-duty weapons, shall be paid a standard rate of one hour of overtime compensation for personnel shooting for qualification with one weapon. Personnel shooting for qualification with more than one weapon (shotgun, rifle, off-duty weapon) shall be paid a standard rate of two hours overtime compensation.

b. Whether the agent or sergeant qualifies shall have no bearing on the request for overtime compensation.

18. Compensation for court appearances.

a. Any court appearance scheduled to begin within 2 hours prior to the beginning of the nonexempt employee's scheduled workday shall be compensated at a minimum of 2 hours, provided that the 2-hour minimum would not result in double compensation.

Examples are as follows:

(1) A nonexempt employee shall be scheduled to begin his workday at 1500 hours, and has a court appearance scheduled for 1300 hours. The employee is in court from 1300 hours through 1500 hours and shall be entitled to 2 hours of overtime.

(2) A nonexempt employee is scheduled to begin his workday at 1500 hours and has a 1300 hours court appearance. The employee is only in court from 1300 hours to 1330 hours. The employee shall be entitled to overtime compensation for 2 hours or up to his scheduled "on - duty" time.

(3) A nonexempt employee is scheduled to begin his workday at 1500 hours and has a 1400 hours court appearance. The employee is in court from 1400 hours through his "on - duty" time of 1500 hours. This employee shall be entitled to overtime compensation for 1 hour only. The employee is compensated for 1 hour only because additional compensation, such as the 2 -
hour minimum, would double compensate the employee by paying overtime during the employee's regularly scheduled duty time.

(4) A nonexempt employee is scheduled to begin his workday at 1500 hours and has a court appearance at 1400 hours. The employee is in court from 1400 hours to 1430 hours only. The employee shall be entitled to overtime compensation of 1 hour from the beginning of the court appearance to his "on - duty" time. The 2-hour minimum cannot apply here as in Example C, because it would double compensate the employee for on - duty time.

b. Any court appearance prior to 2 hours before the beginning of a nonexempt employee's workday shall be compensated by a minimum of 2 hours of overtime. Example as follows:

A nonexempt employee is scheduled to begin his workday at 1500 hours and has a court appearance at 1100 hours. The employee is in court from 1100 hours to 1200 hours. The employee is entitled to overtime compensation of 2 hours based on the provision that guarantees a 2-hour minimum.

Note: The 2-hour minimum payment for court shall apply to all appearances that:

(1) Occur 2 hours or more after getting off duty.

(2) Are completed more than 2 hours before going on duty.

(3) Are spaced at least 2 hours apart, otherwise, actual time shall apply to off - duty court or hearings.

Off - duty court or hearings that occur within 2 hours of each other, and do not occur within 2 hours of the beginning or end of watch, shall be reported and paid as a continuous block of time with the minimum payment being 2 hours, more if that is in fact exceeded.

c. Court appearances beginning during a workday and continuing into off - duty time shall be compensated by the actual time spent in court.

Example as follows: A nonexempt employee is scheduled to end his workday at 1400 hours. While on duty at 1300 hours, the employee appears in court. The court appearance extends beyond the end of the employee's workday to 1500 hours. The employee shall be entitled to overtime compensation of 1 hour only since the time in court was an extension of the employee's workday.
d. Scheduled court appearances beginning at the end of an employee's workday shall be compensated from the end of watch through the time the employee is in court. Examples as follows:

(1) A nonexempt employee ends his workday at 1400 hours and is scheduled for a court appearance at 1430 hours. The employee is in court from 1430 hours to 1500 hours. The employee shall be compensated for 1 hour of overtime.

(2) A nonexempt employee ends his workday at 1400 hours and is scheduled for a court appearance at 1500 hours. The employee is in court from 1500 hours to 1600 hours. The employee shall be compensated for a minimum of 2 hours of overtime.

e. Scheduled court appearances beginning over 2 hours after the employee's workday shall be compensated by either the minimum 2-hour compensation rule or the actual time the employee spends in court, whichever is greater. Examples as follows:

(1) A nonexempt employee ends his workday at 1400 hours and is scheduled for a court appearance at 1600 hours. The employee is in court from 1600 hours to 1650 hours. The employee shall be entitled to the 2-hour minimum compensation.

(2) A nonexempt employee ends his workday at 1400 hours and has a court appearance scheduled for 1630 hours. The employee is in court from 1630 hours to 1730 hours. The employee shall be entitled to the 2-hour minimum compensation.

f. Overtime compensation shall be based on need. Should both the prosecutor's office and the court excuse an employee from further testimony, the continued presence of an employee in the court proceedings shall not be compensated.

g. Overtime compensation shall not include court-related meal breaks.

h. Employees shall submit their overtime reports as soon as possible.