

12.825 COMPENSATORY TIME AND PAID OVERTIME

Reference:

Cincinnati Municipal Code (CMC) - Chapter 308 - Employment Regulations
 FOP/City Labor Agreement
 AFSCME/City Labor Agreement
 CODE/City Labor Agreement
 City of Cincinnati Overtime Policy
 Procedure 12.815 - Court Appearances, Jury Duty, and Other Hearings
 Procedure 12.820 - Compensation for Court Attendance, Hearings and Other
 Administrative Recalls
 Procedure 12.821 - Special On-Call Pay
 Procedure 12.826 - Processing Payroll/Timekeeping
 Payroll Storage System User's Manual

Definitions:

Increment Overtime – Overtime request for pay or time for activities that are relative to routine Departmental operations (e.g., community meetings, late radio runs, investigations, search warrants, etc.). Routine activities which meet one of the criteria for Contingency Overtime will be classified as Contingency Overtime.

Contingency Overtime – Overtime request for pay or time submitted and approved in advance. Contingency Overtime will be either non-routine, specifically funded (such as council mandated PVO), or project activities (e.g., special program development, traffic enforcement efforts, honor guard, etc.). All overtime pertaining to a SWAT operation/incident will be classified as Contingency.

Reimbursable Overtime – Contingency overtime that requires payment from an outside source, (e.g., Enterprise Services, grant monies, Ohio Department of Transportation).

Excessive Overtime – Accrual of overtime that exceeds the time necessary to complete an imminent and required task or duty directly related to an employee's specific assignment within the Department, or as directed by a supervisor.

Purpose:

Establish a procedure for administering, documenting, and processing records concerning compensatory time.

Ensure compliance with the *Fair Labor Standards Act* (FLSA) for non-exempt sworn and non-exempt non-sworn employees, as mandated by federal statute.

Policy:

Court, Off/Dead, On-Call, Increment, and Contingency are the only categories that are acceptable for the submission of paid overtime. Contingency overtime may only be used if it has been pre-approved by the Police Chief, appropriate Bureau Commander or their authorized designee(s) or is allocated in the current budget.

Preapproving supervisors are responsible for assessing whether overtime is necessary and reasonable in accordance with City and Departmental Policies and Procedures.

The purpose of overtime is to ensure essential Department operations continue to function at all times and to meet the goals of the Department. All Department personnel will avoid overtime whenever possible, strive to reduce overtime hours worked, and not work excessive or unnecessary overtime hours.

Acceptable overtime practices include an officer working beyond their regularly scheduled duty hours to help secure a crime scene until a replacement officer can relieve them. Unacceptable overtime practices include an officer working beyond their regularly scheduled duty hours to complete mundane tasks that can be performed at another time or by another officer already on duty.

Supervisors will consider the use of on-duty personnel or will adjust the employee's hours rather than scheduling overtime, if contractually permissible. Pertinent provisions of the contract dealing with shift separation and shift changes must also be considered.

A supervisor will pre-approve all scheduled, unscheduled, emergency, and non-emergency overtime.

In cases of increment overtime, a supervisor one rank higher can preapprove overtime. Supervisors working out of rank can preapprove overtime with the authority of the rank at which they are acting. Lieutenants acting as Night Chief can pre-approve overtime with the authority of a captain when no other captains are on duty. Preapproving supervisors are responsible for assessing whether overtime is necessary and reasonable in accordance with City and Departmental Policies and Procedures.

Any supervisor, sergeant or above, can verify overtime slips for any rank.

Only a captain or above can approve overtime slips.

Officers are not permitted to take off their regularly scheduled duty hours to work Police Visibility Overtime (PVO) unless authorized by the district/section commander.

Police Department personnel, both sworn and non-sworn, who work more than eight hours in one day or more than forty hours in one week (seven-day period) will be compensated according to contract or memorandum of agreement.

All compensatory time will be recorded as directed in this procedure. Unrecorded time is strictly prohibited.

Department personnel will be compensated for holidays according to current Fraternal Order of Police (FOP), American Federation of State, County, and Municipal Employees (AFSCME), and Cincinnati Organized and Dedicated Employees (CODE) contracts, and CMC Section 308-9. Sworn personnel receive 120 hours compensatory time on January 1 each year instead of holiday pay. Holidays are treated as any other day.

Annually, each sworn member will have up to three compensatory hours deducted from their time and deposited in the FOP donated time bank. The amount of time deducted is at the discretion of the FOP President.

Personnel will be compensated only for increment overtime previously authorized by their supervisor, except in extreme emergencies.

Department approved forms shall be used to document all overtime appropriately. This list includes, but is not limited to:

- **Form 68P-RO**, Recall and Overtime Report
- **Form 68P-CT**, Court Appearance Overtime Report
- **Form 68P-DE**, Detail / Event Overtime Report
- **Form 68P-OC**, On-Call Compensation Report
- **Form 68P-FTO**, Field Training Officer (FTO) Compensation Report

Information:

FLSA exempt sworn employees include: sergeants, lieutenants, captains, assistant chiefs, and the Police Chief. FLSA non-exempt sworn employees include police officers and police specialists. FLSA non-exempt sworn employees are capped after accumulating 480 FLSA compensatory hours. This does not include the 120 hour annual holiday allowance. When the 480 hour cap is reached, all additional overtime, including compensatory time, is compensated by cash payment. The 480 hour cap is revolving. It does not end except when employment is terminated.

All comp-time eligible, non-sworn employees, whether FLSA exempt or non-exempt, are capped after accumulating 80 FLSA compensatory hours.

Conditions may exist which require an employee to perform a work related function outside of the normally established business hours of that employee. If this occurs, all CODE, Division 0 (non-CODE), and Division 8 employees may adjust their schedules to use these hours as time off within the same pay period.

Supervisors will make every effort to ensure flex time is used in the same pay period it is earned. If circumstances do not permit the eligible employee to use the time within the same pay period, the employee may accrue flex time at a straight rate. Flex time may only be accrued past the pay period with the prior approval of the employee's supervisor. Only non-overtime eligible CODE, Division 0 (non-CODE), and Division 8 employees may accrue flex time.

Absent extenuating circumstances, the supervisor will require the employee to use any accrued flex time within the next pay period. When this is not possible, a plan should be established to use accrued flex time as soon as possible. Unused flex time may not be carried longer than 12 months for Division 0 (non-CODE) and Division 8 employees, and 24 months for Division 0 (CODE) employees.

Employees who accrue flex time will submit a Form 202F, Flex Time Accrual / Usage of Flex Time, signed by a supervisor, to their section commander for approval. The approved Form 202F will then be forwarded to the unit timekeeper. A copy of the Form 202F will accompany the Form 202C, Weekly Time Report, submitted at the end of the 2nd week of the pay period. A Form 202F is not required if the overtime hours are used within the same pay period.

Flex time will not be used as a way to allow employees to accumulate time for future use. Additionally, flex time will have no cash value under any circumstances.

All non-sworn employees will complete a Form 202C. Employees whose working hours are listed on a daily line-up are not required to complete a Form 202C unless they are eligible for flex time.

Procedure:

A. Overtime Compensation

1. Personnel working overtime will complete and submit a Form 68P-RO, Recall and Overtime Report, **or** a Form 68P-DE, Detail/Event Overtime Report, whichever is appropriate, by the end of the next working day. Authorization must be given **prior** to working the overtime.
 - a. Check "Time" or "Pay" on the Form 68P-RO or Form 68P-DE, as appropriate.
 - b. In cases of increment overtime, the supervisor authorizing the overtime will sign the Form 68P-RO in the "Overtime pre-approved by" block. At the time of authorization, if the authorizing supervisor is physically unable to sign the Form 68P-RO, authorization must be given in one of the following ways:
 - 1) Via MDC from the supervisor to the officer.
 - a) If authorization is obtained by MDC, the officer can write the authorizing supervisor's name in the "Overtime pre-approved by" box.
 - 2) Via radio if the officer has no access to an MDC.
 - a) If authorization is obtained by radio, the officer can write the authorizing supervisor's name in the "Overtime pre-approved by" box.
 - 3) Via phone only when there is no immediate access to an MDC or radio.
 - a) If authorization is obtained by phone, the authorizing supervisor must sign the Form 68P-RO in the "Overtime pre-approved by" block prior to submission.
 - 4) If authorization is given in person but the form is unable to be signed at that time, the authorizing supervisor must sign the Form 68P-RO in the "Overtime pre-approved by" block prior to submission.
 - c. In cases of contingency or reimbursable overtime, such as details assigned by Detail Coordination Squad (DCS), preplanned City paid details, SWAT incidents, etc., no signature is required. However, the name of the unit (e.g., DCS) or the supervisor authorizing the overtime will be entered in the "Overtime pre-approved by" block.
 - d. Thoroughly fill in all non-shaded portions of the Form 68P-RO or Form 68P-DE.

- e. In the “Reason” block describe the activity requiring the overtime.
 - f. A sergeant or above will sign the “Verified by” line on the Form 68P-RO or Form 68P-DE after verifying the overtime worked and the accuracy and completeness of the form.
 - g. Failure to have the form pre-approved and/or verified will result in the form being incomplete and will not be approved by the reviewing district/section commander.
2. Report “Recall” as defined in the FOP and AFSCME labor agreements.
 - a. Only one Form 68P-RO may be submitted for “Recall” during a four-hour recall period.
 3. Report “On-Call” as defined in the FOP and AFSCME labor agreements.
 - a. Personnel designated in on-call status will submit one Form 68P-OC weekly.
 4. If overtime is contingency overtime, a Form 17, Request for Paid Overtime, must be previously approved.
 5. The unit timekeeper will enter the overtime hours worked as outlined in the Payroll Storage System Users Manual.
 - a. File the Form 68P-RO or Form 68P-DE in the employee’s individual time folder along with all Form 25S, Request for Leave of Absence.
 6. The district/section/unit commander will review and approve all overtime related forms.
- B. Form 435, Payroll Overtime Report
1. Each district/section/unit commander will review all usage of overtime as recorded on the Form 435 and note his approval in the space provided.
 2. The original Form 435 will be forwarded to Finance Management Section.
 - a. Post a copy on the unit bulletin board for employee review.
 - b. Maintain a copy in the unit file.
 3. Document “Recall” hours on a separate Form 435.
 4. Document “On-Call” hours on a separate Form 435.
 5. Other classes of paid overtime listed on a separate Form 435 include, but are not limited to:
 - a. Overtime, Emergency - state the specific reason.
 - b. Overtime, Interdepartmental Billing - details worked for other city departments.
 - c. Overtime, Position Vacancy.

Note: A Form 17 Request for Paid Overtime is required, if applicable.

C. Other Overtime

1. Court appearance compensation - refer to Procedures 12.815 and 12.820.
2. Holiday time
 - a. Compensate non-sworn employees who work on a holiday for pay at double their hourly rate in addition to the eight hours pay ordinarily received when working a non-holiday.
 - 1) Submit a Form 68P-RO showing the scheduled duty hours in the "Duty hours" and "Overtime hours" blocks. The timekeeper will fill in the "Overtime for pay" block showing the hours earned. Note "*Worked Holiday*" (specifying which holiday) in the "Reason" block.
3. All sworn members of the Department will receive any additional time declared for each special holiday throughout the year. The authority to grant a special holiday rests with the City Manager.
4. Flex time accrual/usage
 - a. Employees accruing and/or using flex time will complete a Form 202F and submit it to a supervisor for signature.
 - b. A copy of the Form 202F (covering the entire pay period) will be attached to the Form 202C submitted at the end of the 2nd week of the pay period.
 - c. The original Form 202F will be sent to Finance Management Section, via the chain of command, for processing.

D. Police Visibility Overtime (PVO)

1. PVO funds are received by the Police Chief and distributed to the districts where they are managed by District Commanders.
2. The following is taken into consideration when selecting officers to work PVO:
 - a. Hours of work
 - b. Productivity of the officer
 - c. Qualifications required of the PVO (e.g., mountain bike certified, laser certified, etc.)
3. District allocation reports and activity spreadsheets will be submitted to appropriate Bureau Commander every pay period.

E. Transfer of Personnel

1. Units transferring personnel in or out of a unit will ensure that all Forms 25S and overtime associated forms have been entered. The procedure outlined in the Automated Comp-Time Program User's Manual will then be followed.