



KANSAS CITY, MO. POLICE DEPARTMENT

PERSONNEL POLICY

DATE OF ISSUE

11-09-10

EFFECTIVE DATE

11-09-10

NO.

418-7

SUBJECT

Overtime/Court Policy

AMENDS

REFERENCE

P.I. Police Computerized Information Systems
D.M. 05-29

RESCINDS

PPBM 418-6
ABM 08-3

I. INTRODUCTION

Compensatory time or overtime pay is granted for work that occurs on a day off or exceeds a regular tour of duty.

***II. TERMINOLOGY**

- A. **Call Back** – A member called back to duty while on a regularly scheduled day off or after more than one hour has elapsed following completion of a tour of duty will be authorized a minimum of four hours compensation or the amount of time from the time the member reported for duty until relieved of duty, whichever is greater.
- B. **Court Time** - Overtime incurred for required attendance at trials, pre-trial conferences, hearings, coroner inquests, or any other session that directly relates to the performance of a department member for judicial purposes.
- C. **Exception Entry** - Any change made to a member's expected work record.
 - 1. The Daily Exception Entry Sheet, Form 469 P.D. or Daily Assignment/Exception Entry Sheet, Form 469A P.D., is the source document for all elements.
 - 2. The Daily Personnel Assignment Report – Communications Unit, Form 469B P.D., is the source document for the Communications Unit.
 - 3. The Daily Personnel Assignment Report, Form 5268 P.D., is the source document for the Communications Unit.
- D. **Exempt** – A list of non-sworn members that are considered exempt will be on file with the Human Resources Division. All compensable overtime hours worked will be taken as either overtime pay at a rate of 1½ X or compensatory time off at a rate of 1½ X at the discretion of management.
- E. **Exempt-Managerial** – Sworn members with the rank of captain and non-sworn members with the rank of manager or above. All approved overtime hours worked must be taken as compensatory time off at a rate of 1½ X.
- F. **Expected Work Record** - A pre-assigned work schedule for the entire work period or work year for each member, as generated by the automated timekeeping system.

- G. **Extension of Duty** - Department member is called back to work or required to remain at work when one hour or less after their regular duty has ended. The member is required to stay a minimum of seven minutes after their regular duty has ended until relieved.
- H. **Non-Exempt** – All sworn members who are the rank of sergeant and below. A list of non-sworn members that are considered non-exempt will be on file with the Human Resources Division. All compensable overtime hours worked can be taken as either overtime pay at a rate of 1½ X or compensatory time off at a rate of 1½ X (One year of service time or less are eligible) at the discretion of management.
- I. **Overtime** - Department work time shall be regarded as overtime, whether paid or compensatory time, when it occurs on a scheduled day off or exceeds the total number of hours included in a regular tour of duty. Any questions regarding what constitutes a compensable overtime occurrence, should be directed to the Office of General Counsel.

EXCEPTION: The eight hours or less worked on a holiday will not be considered overtime.
- J. **Prior to Duty** - Department member works four hours or less prior to the start of their regular duty hours. Overtime will be paid from the time reported to duty until the start of their regular duty time.
- K. **Source Document** - Department forms, letters, and memorandums used for supporting exception entries (authorization of leave or documentation of absences).
- L. **Tour of Duty** - A period of time when a member is regularly scheduled to be on duty or stationed at a prescribed place.
- M. **Workday** - For members assigned to elements using an eight-hour work plan, a workday is considered to be a 24-hour period of time that starts eight hours before the scheduled tour of duty. For members assigned to elements using a 10-hour work plan, a workday is considered to be a 24-hour period of time that starts seven hours before the scheduled tour of duty. Any timekeeping entry will be made using the calendar date of the actual workday.

III. POLICY

- A. Overtime may be granted under the following conditions:
 - 1. Job duties or functions that are essential to the conduct of department business and which cannot be anticipated in advance or scheduled into regular hours of assignment.

2. Unusual events, the occurrence of which is beyond the control of the department and for which overtime is deemed necessary.
 3. Special assignments or activities required by department policy or approved in advance by a commander.
- B. Non-Exempt members, according to Fair Labor Standards Act (FLSA), must receive compensation for overtime.
- *C. Non-Exempt members with more than one year of service will only be allowed to take paid overtime.
- *D. Members with less than one year of service will have the option to receive compensatory time or paid overtime.
- E. Exempt-managerial members will receive compensatory time only, for overtime; however, the Chief of Police or designee can approve overtime pay in special situations not covered in this policy.
- F. Overtime of less than seven (7) minutes will not be submitted for compensation.
- G. Occurrences of overtime and court time will be entered into the automated timekeeping system in the same order as they actually occurred.
- *H. Conducting Department Related Business During Off-Duty Hours
1. Exempt-Managerial and exempt members are allowed to conduct department related business during off-duty hours.
 2. Non-exempt members will not conduct department related business during off-duty hours, without prior approval. If the time spent conducting department related business during off-duty hours exceeds seven (7) minutes, overtime compensation will be at the members regular rate of overtime for actual time worked.
 3. If a member is required to answer/return a telephone call of 7 minutes or longer in duration they will be entitled to compensation for actual time worked at their regular rate of overtime. For telephone overtime members will use the timekeeping code "7" on the Form 54 P.D. entitled, Overtime Voucher - Other Than Court Time.
- I. Compensatory Time Accumulation
1. Sworn members with the rank of captain or above and civilian managers, directors, and supervisors who have responsibility for a unit or division, may accumulate up to 120 hours of compensatory time and may carry 120 hours of compensatory time over to a subsequent calendar year.

- *2. Members with less than one year of service will be allowed to accrue compensatory time up to 60 hours.
- *3. Timekeepers will notify any member whose compensatory time approaches the maximum number of hours.
- *4. A member will submit a Form 191 P.D., Interdepartment Communication, through their chain of command to the Chief of Police to request an exception for the accumulation of compensatory time.

J. Authorized Overtime Compensation (excluding court time)

- 1. Prior to Duty
- 2. Extension of Duty
- 3. Callback
- 4. More Than One Callback in a Day
 - a. When callbacks occur exactly four hours or less than four hours apart (from the start of the first callback to the start of the second), the member will be authorized compensation for the amount of time involved in the callbacks or a minimum of four hours, whichever is greater.
 - b. If a court callback and an overtime callback occur within four hours or less of each other, Form 54 P.D., Overtime Voucher - Other Than Court Time, and Form 55 P.D., Court Time Voucher, will be sent to Personnel Records for entry.
 - c. For callbacks occurring more than four hours apart (from the start of the first callback to the start of the second), a member will be authorized either a minimum of four hours' compensation or the amount of time involved whichever is greater, for the first callback. For the second and additional Callbacks, the member will be authorized compensation for the actual time involved.
 - *d. A member will not be authorized overtime compensation for more than one four-hour minimum during the same day unless it is a coded call back.

- *e. Coded call backs are events in which the department charges the entity for the use of Off-Duty Officers. Members will need to fill out the Overtime Voucher, Form 55P.D., and forward through the Division Commander to Personnel Timekeeping for entry.

4. Special Circumstances

- a. A member in active service who is to give a statement to the Internal Affairs Unit or submit to a polygraph examination will be authorized overtime in accordance with this policy. This includes members required to appear in connection with a complaint against them.
 - b. A member suspended from duty without pay and allowances will be authorized compensation during the suspension period for the time required in connection with the department investigation of the incident(s) which resulted in the suspension, unless the member is reinstated with back pay.
 - (1) All payment will be delayed until the member returns to duty.
 - (2) If the member is terminated or resigns without restoration to duty, overtime earned during the suspension will be paid.
 - c. A member relieved of duty with pay and allowances will be authorized compensation for work time involved in completion of reports, etc., which occurs on a day off or exceeds the regular tour of duty.
 - d. Overtime pay for a non-sworn, exempt-managerial member can be approved by the member's bureau commander in a situation where the member performs special duties of a craftsman or skilled laborer, not considered a normal function of the position.
- K. A member participating in a promotion or selection procedure, interview regarding transfer or promotion or attending department sponsored training will be considered work related and is eligible for overtime compensation or moving of R-Days.
- L. Court Time Compensation
- 1. Prior to Duty Court Time - When a court session is scheduled to begin two hours or less prior to a tour of duty, a member will be authorized compensation from the time court is scheduled to begin until the tour of duty begins.

2. Extension of Duty (Court Time)
 - a. When a court session is scheduled to begin one hour or less following a tour of duty, a member will be authorized compensation from the completion of the tour of duty until the member is dismissed by a court official.
 - b. When a member remains in court past the end of a tour of duty, the member will be authorized compensation for the time that exceeds their tour of duty.
3. Callback (Court)
 - a. When a court session is scheduled to begin more than one hour after a tour of duty, a member will be authorized a minimum of two hours' compensation. Should the actual time in court exceed two hours, the member will be authorized compensation from the time court is scheduled to begin until the member is dismissed by a court official.
 - b. When a court session occurs on a day off, a member will be authorized a minimum of two hours' compensation or the actual time in court, whichever is greater.
4. Only one court session is involved when the court takes a recess and the member is required to return. If the court reconvenes on a subsequent day, the time involved will be regarded as a separate appearance.
5. More Than One Court Session in a Day
 - a. When court sessions convene exactly two hours or less than two hours apart (from the start of the first session to the start of the second), a member will be authorized compensation for the time actually involved in the sessions or a two-hour minimum, whichever is greater.
 - b. More Than Two Hours Apart
 - (1) For court sessions convening more than two hours apart (from the start of the first session to the start of the second), a member will be authorized either a two-hour minimum or the actual time in court, whichever is greater, for the first session.
 - (2) For the second and additional sessions, the member will be authorized compensation for the actual time spent in court.

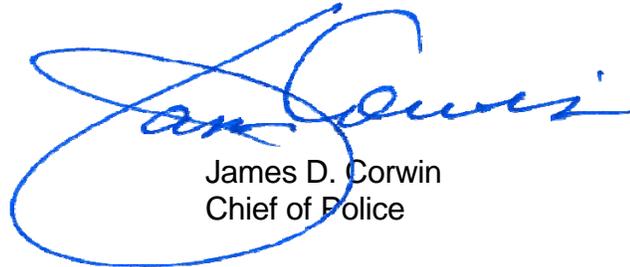
- c. A member will not be authorized compensation for more than one two-hour minimum during the same day.
- d. Extension of Duty Followed by Additional Court Appearances
 - (1) When a second court session convenes within two hours or less of an Extension of Duty court appearance (from the end of the member's tour of duty until the start of the second session), a member will be authorized compensation for the actual time involved in the Extension of Duty plus the actual time involved in the second occurrence, or a two-hour minimum, whichever is greater. For additional court sessions in the same day, the member will be authorized compensation for the amount of time actually spent in court.
 - (2) When a second court session convenes more than two hours after an Extension of Duty court appearance (from the start of the first session to the start of the second), a member will be authorized compensation for either a two-hour minimum or the actual time in court, whichever is greater, for the first session. For additional sessions, the member will be authorized compensation for the actual time spent in court.

6. Special Circumstances for Court

- a. An off-duty member subpoenaed to appear in a civil case, which resulted from or involved on-duty performance of police service will be authorized overtime compensation and will not accept other payment for such appearance.
- b. If a suspended member appears in court because a continuance could not be obtained by the Legal Advisor, or is called back for a statement concerning some other matter, court time/overtime will be allowed, unless the member is reinstated with back pay.
 - (1) All payment will be delayed until the member returns to duty.
 - (2) If the member is terminated without restoration to duty, the compensation earned during the suspension will be paid.
- c. If a member on sick leave appears in court because a continuance could not be obtained, compensation will be allowed.

7. Court Time Compensation Not Authorized

- (1) A member subpoenaed to appear as an expert witness in a case unrelated to on-duty performance will not be authorized compensation.
- (2) A member will not be authorized compensation for any court appearance which results from or involves an arrest made during the course of off-duty employment.
- (3) A member on injury leave who is determined by the department approved physician to be physically able to respond will be required to appear in court and will not be eligible for compensation except when court time exceeds eight hours in any one day.



James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____, 2010.



Patrick McInerney
Board President

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