

DAYTON POLICE DEPARTMENT
GENERAL ORDER
OVERTIME

RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

Rev. 11/17

POLICY STATEMENT

The purpose of this policy is to ensure the equal distribution of overtime and describe the procedure for posting and signing up for overtime opportunities. It also sets guidelines for voluntary overtime, special events, contractual overtime, division overtime, call-in pay.

I. OVERTIME**A. General Issues Regarding Overtime**

1. Overtime is defined as time worked in addition to normally scheduled work hours. Overtime work is voluntary except in situations declared emergencies by the Chief of Police, or in their absence, the Acting Chief. Voluntary overtime does not include holdover assignments, call-ins, or late calls near the end of the tour of duty.
2. Voluntary overtime is a work assignment. If an officer is unable to work the assignment due to illness or emergency, the officer must make specific notifications as soon as possible, but not less than one hour prior to the start of the assignment. Communications and Teletype personnel must make notification at least two hours prior to the beginning of the assignment. Sick leave, vacation time, or compensatory time cannot be used for missed overtime.
3. Officers and Supervisors who work overtime will be compensated at the rate of time and one-half of their normal rate of pay. Officers and Supervisors may elect to receive Compensatory Time in lieu of pay for overtime worked except when working a contractual or grant overtime assignment. For further information refer to Article 17 of the Officer's and Supervisor's Contract. See section I.F.7. for pay rates for Supervisors working unfilled grant/contract positions on an overtime basis.
4. There may be instances where positions need to be filled on an emergency basis due to illness, a last minute request or need for overtime, or some other **unforeseen** circumstance. When this occurs, supervisors or the Special Events Coordinator (SEC) may not have the time to go through a seniority list to fill the position and may offer the opening to personnel who are already at work or easily contacted.
5. An emergency will not be declared when *any* supervisor in a division, bureau, or work unit was given at least eight (8) or more hours notice of a personnel shortage. The supervisor notified of the shortage will take action to staff the position or notify the supervisor most responsible for staffing it. To streamline the notification process, personnel not wanting to work division, bureau, or work unit overtime can request via e-mail to their Division Commander to be removed from the voluntary overtime list. Personnel can request to be added back to the voluntary OT list via e-mail to their Division Commander at any time.
6. Overtime worked for pay or compensatory time must be entered in KRONOS within 48 hours of the time they worked the overtime assignment for approval and crediting to your balance.
7. Employees are prohibited from working any overtime that was created by their absence or leave with the exception of their pre-approved annual leave.
8. Entry of Overtime Hours – Special Event/Contract/Grant
 - a. When entering overtime hours, officers are to charge any hours worked for a specific event to the contract or grant that they are working. The only exceptions are where an officer becomes involved in police work outside of the scope of the original contract or grant position (i.e. responding to a 99 and arresting someone, etc.).



- b. Officers on a **contract** assignment that are subpoenaed or ordered-in to attend court after having signed up for the assignment must find a replacement for their voluntary overtime shift if possible or an on-duty replacement must respond to fill their assignment while they are in court.

Officers on a **grant** assignment that are subpoenaed or ordered-in to attend court must find a replacement for their voluntary overtime shift if possible. If they are unable to find a replacement, then are to attend court while on their assignment.

- If a **contract** overtime shift has to be covered for more than half of the shift by on-duty personnel, the original assigned officer will submit an e-mail to the fiscal office indicating that on-duty personnel covered their contract shift (time and location of shift, name of the assignment and times that the on-duty officer covered the shift – the fiscal office will determine the billing).
- c. If a court assignment runs past the end of the overtime assignment, officers will then be attending court as an extension of their shift but will not charge that extra time to the contract or grant. That extra time will be charged to their home ASN as extension of shift.
9. Officers are advised that no overtime entries are to be submitted for contractual or grant overtime assignments that were not worked and cancellation notice was given prior to the start of the assignment. There is no provision for cancellation pay of an assignment when the officer is cancelled prior to the beginning of the assignment. If the contractual or grant assignment was cancelled after the officers arrive, they are entitled to up to two (2) hours pay.

B. General Rules for Overtime sign-up Sessions

1. Officers appearing at any overtime sign-up will be permitted to sign up for one opening at a time in order of seniority until all officers represented have had one opportunity to sign up. The process will be repeated until all openings are filled.
2. Any officers who appear for a sign-up, but do not get the opportunity to sign up due to their seniority ranking, will be given the first opportunity to accept an assignment at the next sign-up for that particular program. After these officers have had one opportunity to accept an assignment, *all* officers present will be given the opportunity to sign up based on seniority. This does not apply to events that occur annually.

Officers who do not get the opportunity to sign up for an annual event will not be given preference at next year's sign-up for the same event nor will they be given preference at the next sign-up for a different annual event or any other assignment.

3. **Trading of overtime assignments, or arranging for another officer to work an overtime assignment in place of the officer, who signed up, is strictly prohibited. Trading and replacing has been used to subvert the equalization of overtime. Any officer, who signs up for an opening and "gives" or "trades" it to someone else, will be charged with A.W.O.L.** The officer who works the assignment will not be paid.

C. Calling Off For Overtime Assignments

1. Officers calling off sick, DIF or for other police duties (i.e. call-out) for overtime assignments will be required to contact the Special Events Coordinator (SEC) or in their absence officers will contact the on-duty supervisor for the division where the overtime assignment is occurring. If more than twenty-four (24) hours notice is given, the supervisor will forward the information to the SEC or daytime supervisor if the call-off was made after business hours.

The SEC will choose a replacement from the listing of officers who attended the sign-up in order of seniority if time permits. If the appropriate supervisor and/or the SEC cannot be reached, the officer will notify any on-duty supervisor.

2. If the position is a contract position and no replacement can be located, on-duty personnel may be required to fill in until a replacement is located.



- If the **contract** overtime shift has to be covered by on-duty personnel, the SEC or on-duty supervisor will submit an e-mail to the Police Business Office indicating that on-duty personnel covered the contract shift (time and location of shift, name of the assignment and times that the on-duty officer covered the shift – the entire time of the shift will still be billed).

D. Division Overtime

1. Personnel from the involved division will fill division overtime assignments on a rotating seniority basis as described in section I.A. In situations where division personnel do not fill all of the available openings, the opportunities will be made available to officers department-wide.
2. If the openings are being posted department-wide, the involved supervisor tasked with filling the OT will contact the Special Events Coordinator (SEC) as soon as possible. The SEC will issue an E-mail, department-wide, that announces the sign-up.
3. Special Events which occur entirely within one division, and are not contractual or state or federal programs, will be considered Division Overtime.

E. Bureau and Special Unit Overtime

Overtime in bureaus and special units, will be filled by members of the affected work unit on a rotating seniority basis as explained in section I.A. Members of the work unit are considered to be personnel who, by present assignment or recent work history, are required to periodically work the assignment in question. In the event no one from the bureau or work unit is available to fill the opening, it will be offered to Division personnel first, then offered department-wide.

F. City-Wide Overtime for Special Events, Federal or State Programs, and Contractual Assignments

1. Sign-up for assignments available to officers department-wide will be held at a location designated by the Special Events Coordinator (SEC), or their designee, as soon as possible after an overtime request is made.
2. In addition to the requirements listed in section I.A., the SEC will maintain a list of those officers present at each sign-up. In the event that other overtime assignments arise during the course of the calendar month, which were not known at the time of the sign-up, the SEC will use the list to make the opportunities available to those officers who appeared at the sign-up, in order of seniority.
3. Any officer who cannot appear for a sign-up due to being assigned to any on-duty police related assignment or on approved leave (e.g. vacation, compensatory time, etc.) may submit to the SEC a list of dates they prefer to work. If these openings are available the officer will be assigned to them.
 - a. Officers who receive a call and cannot attend the overtime sign-up can give a list of dates to the SEC. It will be the responsibility of the officer who is not present to personally check the detail for the dates and times of their assignments.
 - b. Officers who are off sick, injured, or on restricted duty status will not be eligible for any openings (exception: overtime in the work unit a restricted duty employee is currently working in and is able to do within the limits of their restricted duty).
4. Division Commanders and Bureau Commanders who forward positions for posting which require special skills and/or training will also forward to the SEC a list of those officers who have been certified or are otherwise qualified to work the assignment. Only qualified officers will be allowed to work the assignment.
5. Police personnel who work voluntary overtime assignments must be on off-duty hours, vacation or Personal Allowance leave. Officers may not work voluntary overtime assignments when **on Compensatory Time Leave from their regular duty assignment.**



6. Police personnel will not be permitted to work any departmental assignments or overtime while they are on military leave.
7. If there are any unfilled officer-level voluntary overtime assignments for contract or grant positions, the voluntary overtime assignments will be offered to qualified sergeants. If there remain unfilled voluntary overtime assignments after these assignments were offered to sergeants, then the remaining voluntary overtime assignments will be offered to qualified lieutenants. Sergeants and lieutenants working voluntary overtime assignments pursuant to this section and in this capacity will be paid at the rate of time and one-half of the top officer's hourly pay rate.

G. Call-In Assignments

1. Call in work is assigned by the Chief of Police, or their designee, and performed by an employee at some time other than his normal, pre-scheduled hours of work.
2. Call-In normally involves specialized units, such as:
 - a. Homicide Squad
 - b. Bomb Squad
 - c. Special Victims Unit
 - d. Special Traffic Investigations Unit
 - e. Professional Standards Bureau
 - f. Special Weapons and Tactics
 - g. Hostage Negotiation Team
 - h. Narcotics
3. All officers may receive Call-In instructions if a situation arises requiring their presence. For more complete information; refer to General Order 2.07-1, CALL OUT/ CALL BACK PROCEDURES.

H. Maximum Allowable Hours of Work

1. In the interest of insuring equity in the opportunity for all sworn employees to work overtime, and to guard against the possibility of an employee experiencing excessive fatigue from working too many hours in any 24-hour period without ample opportunity to rest, the following work requirements are established:
 - a. No officer is to work more than 16 hours in any 24-hour period, either consecutively or in increments of time exceeding the 16-hour limit. This applies to on-duty time and voluntary overtime.
 - b. Should an officer be found in violation of the 16 hour work limit, they are to be relieved from duty immediately, and:
 - (1) If working a regular shift, will not be paid for the remainder of that shift.
 - (2) If working an overtime assignment, will be paid time and one-half for only that time prior to discovery of the violation.
 - c. Officers are responsible for monitoring their own work schedules to avoid violating this order. It shall be the responsibility of the officer to advise any supervisor offering overtime work whether or not the request creates a violation of this order.
2. These guidelines do not apply to mandatory court assignments or assignments declared by the Chief of Police to be an emergency.
3. Some functions of the Department are assigned to a limited number of qualified personnel. There may be times where the demand for these functions is larger than the supply of qualified personnel. Personnel assigned to these functions may be forced by circumstances out of their control to work more than 16 hours in a 24-hour period. The following functions/incidents are hereby declared an emergency by the Chief of Police.
 - a. SWAT/HNT call outs.
 - b. Traffic Crash Unit call outs.



- c. IAS Detective Unit call outs.
 - d. Professional Standards Bureau call outs
 - e. Bomb Squad call outs
 - f. Range Officer call outs (for Officer Involved Shooting)
 - g. Continuing investigations. Examples: (1) One incident or service of a warrant leads to the need for another warrant, which leads to the need for yet another warrant, and only certain personnel can be used in the processing of such warrants. (2) An FST is processing a crime scene and is in the midst of their work.
4. Supervisors will make every effort to ensure personnel who are required to work more than 16 hours in a 24 hours period are allotted time to sufficiently rest before their next shift or assignment.