

OVERTIME WORK/COMPENSATORY TIME	Document Number	GO 407
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1. PURPOSE

The purpose of this policy is to establish the criteria for the granting and compensation of authorized overtime work performed by department personnel.

2. PERSONS AFFECTED

All personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that its personnel shall be called upon at certain times to perform overtime work in the performance of their duties. Any sanctioned overtime work shall be compensated fairly and in accordance with existing rules, laws, and collective bargaining agreements.

4. DEFINITIONS

- 4.1. **Call Back** – Personnel on off-duty status who are called back to duty by emergency action or by competent authority.
- 4.2. **Compensatory Time Off (CTO)** – An alternative to cash payment for overtime work in which personnel may elect to take time off of work at a rate of 1 ½ hours of time off for every hour of overtime worked.
- 4.3. **Competent Authority** – The Police Chief or such subordinates designated to act for or on behalf of the Police Chief.
- 4.4. **Reasonable Period** – 90 days.
- 4.5. **Supervisor** – Any officer having supervisory responsibilities, including those with temporary supervisory status.
- 4.6. **Unduly Disruptive** – An unreasonable burden on the Department's ability to provide services of acceptable quality and quantity to the public during the time requested without the use of the requesting personnel's service.

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5. RESPONSIBILITIES

- 5.1. Personnel shall obtain approval from a supervisor prior to incurring overtime.
- 5.2. Supervisors shall act on any request for CTO by personnel in accordance with existing rules, laws, and collective bargaining agreements. A request for CTO shall be granted unless granting the request would be unduly disruptive to the section or division's operations.
- 5.3. Supervisors approving requests for CTO shall be responsible for verifying that the personnel have sufficient compensatory time credits available.
- 5.4. Personnel shall submit requests for CTO to their respective supervisor utilizing the Request for CTO/Switch or Change of Shifts/Switch Days Off form no less than five (5) days prior to the requested date. Requests will be considered in the order in which they were received. Supervisors may choose to consider any request submitted without the proper five (5) day notice.

6. OVERTIME WORK

- 6.1. Work performed in excess of the scheduled eight (8) or eight & one-half (8.5) hours per work day or in excess of the scheduled forty (40) or forty-two & one-half (42.5) hours per week is considered overtime work.
- 6.2. Personnel who have performed overtime work shall receive cash payment or CTO as provided in the respective collective bargaining agreements.
- 6.3. Work, duty, service or other official assignments and activities performed upon direction of proper authority outside of regular working hours is overtime work.
- 6.4. Other overtime work performed, including but not limited to: holiday, court attendance, split shift work, call-back, and seventh day provision shall be governed by the respective collective bargaining agreement of the appropriate union contract.

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7. COMPENSATORY TIME

- 7.1. Compensatory time credit shall be earned and credited according to the respective collective bargaining agreement of the appropriate union contract.
- 7.2. An employee earns CTO in lieu of cash at the rate of one and one-half (1 ½) hours for each overtime hour worked.
- 7.3. Compensatory time off (CTO) is that period of time during which personnel are excused from work and placed on official leave with pay status and are charged with compensatory time off previously earned.
- 7.4. Personnel who are members of Bargaining Unit 12 may accumulate a maximum of one hundred (100) hours of compensatory time credit. Personnel exceeding the maximum of one hundred (100) hours of compensatory time credit may be unilaterally scheduled to take excess hours off or be paid in cash.
- 7.5. For all other personnel, limits on accumulated hours shall be governed by existing Collective Bargaining Agreements.

8. COMPENSATION FOR COMPENSATORY TIME CREDIT

- 8.1. Personnel who have performed overtime work have the option of either receiving cash payment or CTO except as provided in the respective collective bargaining agreements.
- 8.2. Cash payment shall be automatically specified in lieu of compensatory time credit for overtime work performed in response to certain grant funded projects where grant contracts specify the payment of related services.
- 8.3. Cash payment shall be automatically specified in lieu of compensatory time credit for overtime work performed in response to emergencies where payroll funds are reimbursed by Federal or State programs.
- 8.4. If a cash payment for overtime work is to be made, it shall be made within the pay period following the performance of overtime work, or as soon as practicable.

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9. EMPLOYEES ENTITLED TO COMPENSATORY TIME CREDIT

9.1. All personnel may become eligible for compensatory time credit for overtime work except the following:

- 9.1.1. Police Chief
- 9.1.2. Deputy Police Chief

10. WHEN GRANTED

10.1. The Department shall grant CTO in compliance with existing collective bargaining agreements and Federal and State Labor law requirements.

10.2. Commanders shall give due consideration to keeping the necessary number of officers on duty to effectively fulfill the functions of the respective bureaus, divisions, districts and sections.

10.3. If requests by personnel for CTO cannot be granted for the time and date requested, the supervisor shall provide the personnel an alternate date within a Reasonable Period of the original date requested.

10.4. CTO credits in excess of the maximum allowed shall be credited in the following manner:

10.4.1. All efforts will be made to arrange for a mutually agreeable time for the scheduling of time off for these purposes.

10.4.2. Commanders may unilaterally schedule any Unit 12 member to CTO for hours in excess of the maximum allowable 100 hours, or shall pay the member in cash; if there is no mutual agreement then CTO is to be taken within 4 calendar months following the month in which the credits were earned.

11. CASH PAYMENT/CTO SELECTION

11.1. Personnel shall indicate compensatory time off or cash payment on the proper forms on the Time and Attendance Report at the time overtime is incurred.

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- 11.2. Commanding officers shall verify all selections and forward the Time and Attendance Report to the Finance Division at the end of the pay period.

12. CALL BACK

- 12.1. Personnel on “off duty” status who responds to render service at the direction of competent authority shall then be on “call back” status and compensated at the “call back” pay rates.

- 12.2. Exception – Under normal circumstances call back shall be made by a competent authority as defined. All sworn personnel and specific support staff designated by their respective commanders shall respond to “on duty” status immediately upon hearing emergency warning sirens or local radio stations announcing an emergency exists requiring all sworn personnel and specific support staff to report for duty.

- 12.2.1. Sworn personnel and specific support staff who are unable to reach their assigned duty stations in a reasonable time shall contact their respective commander for direction.

- a. Sworn personnel unable to contact their respective commanders shall report for duty at the nearest station and take their orders from the ranking officer present.

- 12.2.2. All sworn personnel shall report in uniform with their subsidized vehicles and all issued emergency equipment.

- a. Sworn personnel may be authorized by their respective commanders to report for duty in issued Battle Dress Uniforms (BDU).

- 12.2.3. Sworn personnel and specific support staff that are off island who become aware that an emergency exists shall not respond, and shall contact and apprise their commanding officer of their location, and will be informed if response is necessary.

- 12.3. Excluding emergency situations which require total mobilization, other reasons for call back are:

- 12.3.1. Shortage of Personnel

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12.3.2. Court Appearance

13. DUTY TO ABIDE

- 13.1. Personnel may not refuse a “call back” situation unless circumstances are such that said personnel cannot perform their duties.