

 <b>Kinston Police Department</b>	<b><u>POLICY: Trading Time</u></b>						<b><u>POLICY #:</u></b>  <b>200-21</b>
	<b><u>NCLEA Standards:</u></b>						
	<b><u>CALEA Standards:</u></b>						
	<b><u>NCLM Standards:</u></b>						<b><u>Effective Date:</u></b>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<b>Revision Dates:</b>	01/01/21					<b>07-01-2019</b>
<b>Approval: Chief of Police</b>							

## I. PURPOSE

The purpose of this directive is to establish uniform procedures to facilitate the trading of time among members of the City of Kinston Police Department. These guidelines will be consistent with the provisions set forth in the City of Kinston Personnel Ordinances and the Fair Labor Standards Act.

## II. DEFINITIONS

N/A

## III. POLICY

- A. Section 7(p)(3) of the Fair Labor Standards Act allows for shift trading or “trading time” among state and local government employees without affecting the entitlement to overtime compensation. In addition, Policy 20, 4.6, contained in the Personnel Section of the City of Kinston Administrative Policy Manual states the following:

*Two employees, solely at their option and with the approval of their immediate supervisor, may substitute for one another during scheduled work hours in performance of work of the same capacity. The hours of the substitution will not be counted toward the employee’s regular hours of work even if the time substituted caused one or both of the employees to exceed the standard workweek hours. Repayment of hours substituted is a matter between the employees. The City will not keep records of the hours of substituted work. There is also no limit on the period of time during which hours worked may be traded or paid back among employees.*

- B. Employees will have the right to refuse to perform such work without sanction and without being required to explain or justify that decision. The responsibility of supervisory personnel will be limited to the approval of shift trades. They will in no way become involved in arranging shift trades for subordinate personnel.

- C. Under the Fair Labor Standards Act, the following restrictions apply:
1. The employees who trade shifts (time) must do so voluntarily. It cannot be initiated or mandated by the employer.
  2. The employer must approve the shift trade. The employer has the ultimate control over shift trading and can prohibit a trade if circumstances warrant such action.
  3. The trade must be between employees who have the same type of job.
- D. Trading time will be permitted on the following basis:
1. Captain for Captain
  2. Captain/Sergeant for Captain/Sergeant
  3. Police Officer for Police Officer
- E. Traded time will be logged in the affected squad's log book as well as on the squad's daily duty roster sheet.
- F. Trading time will only be permitted when a Trading Time Request Form has been submitted with all of the following:
1. Signature of employee relieved and rank;
  2. Signature of employee relieving and rank;
  3. Time, month, date and year relief begins;
  4. Time, month, date and year relief ends;
  5. Approval of all affected Supervisors.
- G. Request for Trading Time must meet the following criteria:
1. Off-duty personnel must receive approval for a shift trade a minimum of 1 day prior to the actual trade.
  2. On-duty personnel must have the approval of the Shift Captain prior to the actual trade.