

***P.O. 201 Accrual of Time, Overtime and Compensatory Time***

Effective From:	08-04-2021	Effective To:	Current
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**A. P.O. 201 - Accrual of Time, Overtime and Compensatory Time**

**1. PURPOSE**

- i) This order establishes Department policy regarding the accrual of time, overtime, and compensatory time for hours worked by personnel as authorized. Time will be compensated only after verification and approval of hours actually worked has been made in accordance with this order.

**2. SCOPE**

- i) This policy shall be applicable to both commissioned and non-commissioned employees of the Office of State Police.

**3. TERMINOLOGY**

- i) Court Time - That time spent in either criminal or civil court including any proceeding related to the adjudication of any legal issue; travel time to or from any such proceeding shall be included in the calculation of court time.
- ii) Exempt Employee - One who is not required under the Federal Fair Labor Standards Act (FLSA) rules to receive overtime at time and one-half compensation. Those commissioned officers at the rank of Captain or above are considered exempt. Exempt civilian positions shall be determined by the Human Resources Director.
- iii) Non-Exempt Employee - One who is required under FLSA to receive overtime compensation at the rate of time and one-half. Those commissioned officers at the rank of Lieutenant and below are considered non-exempt. Non-exempt civilian positions shall be determined by the Human Resources Director.
- iv) Straight Time Compensatory Time - Compensation on an hour for hour basis (straight time) for hours worked by an employee beyond his regularly assigned work period under any of the following conditions:
  - a) Time earned in excess of an employee's assigned work period when paid time off (i.e. sick, annual, compensatory time taken, paid holidays, etc.) has been documented in the same pay period.
  - b) Additional hours worked by exempt employees who are prohibited from earning overtime wages.
  - c) When so directed by the appointing authority.
- v) Overtime - Time for which an employee is due compensation at the rate of time and one-half for hours actually worked in excess of his regular assigned work period. Compensation may be in the form of a cash payment or compensatory time as determined by the Superintendent.
- vi) Time and One-Half Compensatory Time - Compensation at the rate of time and one-half for hours worked by a non-exempt employee beyond his regularly assigned work period.
- vii) Special Leave – Commissioned / civilian employees shall be given time off without loss of pay, annual leave, compensatory leave, or sick leave as described in [State Police Commission Rules or Civil Service Rules, Chapter 11, Section 23](#) and following.
- viii) Tour-of-duty - The regularly recurring scheduled work day; it may be an 8- 10- or 12-hour shift.
- ix) Work period - Any established and regularly recurring period of work which cannot be less than seven consecutive days nor more than 28 consecutive days. For commissioned personnel this period shall be 14 days, and for non-commissioned personnel this period shall be 7 days.

#### 4. ACCRUAL OF TIME

- i) In accordance with FLSA, State Police Commission Rules, and Civil Service Rules, personnel shall be either exempt or non-exempt for the purpose of calculating time.
  - a) All commissioned personnel shall claim straight time for each regular duty hour worked until 80 hours have been worked in the 14 day work period. All civilian employees shall claim straight time for each regular duty hour worked until 40 hours have been worked in the seven day work period.
  - b) Non-exempt commissioned personnel shall be compensated on an overtime basis at the rate of time and one-half for each hour worked in excess of 80 hours per work period.
  - c) Exempt commissioned personnel shall claim straight time compensatory time on an hour for hour basis for each hour worked in excess of 80 hours per work period.
  - d) Non-exempt civilian employees shall be compensated with either overtime at the rate of time and one-half or time and one-half compensatory time for each hour worked in excess of 40 hours per work period.
  - e) Exempt civilian employees shall claim straight time compensatory time on an hour for hour basis for each hour worked in excess of 40 hours per work period.
  - f) Normal or routine travel between an employee's residence and work shall not be included in the work period total. However, time resulting from unusual or out-of-the-ordinary travel should be counted towards total work hours; when the time is counted it shall be credited as the actual time spent in transit.
- ii) In accordance with the provisions of this order, non-exempt commissioned officers, at the discretion of their Section Commanders, may be exempted from recurring regular duty shifts that are 8, 10, or 12 hours in length as may be necessary to effectively manage the operations and responsibilities of the unit / section.
  - a) Commanders shall exempt only those officers whose duties require frequent and unforeseen scheduling adjustments due to work responsibilities that occur beyond regularly scheduled tours of duty.
  - b) This exemption does not eliminate the requirement to establish planned work schedules for the work period. Planned work schedules shall be followed unless adjustments are approved by the supervisor.
  - c) Under this exemption, personnel shall be placed on positive time entry for timekeeping purposes.
  - d) Commanders are responsible for closely monitoring the scheduling of personnel to ensure adherence to these guidelines.
- iii) A commissioned employee required to work on his regular time off (i.e., additional hours worked after the regular tour-of-duty has ended or any work performed on a regularly scheduled day off) shall be compensated in accordance with this section. However, in order to qualify for either overtime or time and one-half compensatory time, the employee must first fulfill the total hourly requirement of 80 hours actually worked for the work period.
- iv) All commissioned officers who work Emergency Support Functions in preparation for anticipated events and during declared disasters may upon approval or directive by the Governor or Commissioner of Administration receive compensation in the form of cash payment for all overtime worked.
- v) A commissioned employee on authorized leave status (e.g., annual, compensatory, sick, family or medical leave) who returns to work because of a "call out" (e.g., emergency or natural disaster) shall not be allowed to accrue overtime until the actual hours worked exceed 80 in that work period.
- vi) A commissioned employee may not work specially funded overtime enforcement grants, or any other extra-duty detail during a regular tour-of-duty. An officer may not take leave solely and specifically to work any extra-duty detail during his regularly scheduled tour-of-duty. However, an officer on previously approved leave (except family and medical leave, sick leave, or leave without pay) or when required to take time off due to excess hours

- worked in a pay period, may work extra-duty / overtime details during the requested time off.
- vii) Officers may not work more than 14 hours of overtime or other extra-duty detail in a single day, or more than 48 hours of overtime or other extra-duty detail in a pay period, unless approved and documented by their commander, or designee.
  - viii) Officers will not be compensated at the time and one-half rate until 80 hours have been actually worked. An exception to this is federal grant enforcement hours. Officers may have less than 80 hours in a pay period and be compensated at the time and one-half rate for working a federally funded grant.
  - ix) Accrual of overtime shall be recorded on the officer's time and attendance sheet for that pay period. Officers shall ensure that the proper overtime code is listed. The officer's supervisor must verify the overtime entry.
  - x) Officers / Civilians shall not work more than a total of 14 cumulative hours. An 8 hour rest period shall be required following 14 cumulative work hours and before returning to regular duty or an overtime assignment. Exceptions to the 14 hour rule require the approval of the Troop / Section Commander or designee. Cumulative hours are defined as any combination of regular work hours and / or overtime / details.
  - xi) Court obligations occurring outside an officer's regularly scheduled duty hours, arrest hours made at the end of the shift, and extra-duty / overtime details shall count as time worked for the purposes of determining the 14 hour limitation. When an officer has been subpoenaed for court, deposition, or administrative hearing, the required 8 hour rest period shall not apply in order to allow the officer to appear as directed.
  - xii) Commanders and supervisors are urged to exercise caution and sound judgment when considering whether to allow an officer / civilian to work more than 14 cumulative hours.
  - xiii) Officers are responsible for not working a consecutive number of non-regular duty assignments such that it might adversely affect their safety or regular duty performance and overall wellbeing. Any supervisor who becomes aware of any employee who demonstrates decreased productivity and effectiveness as a result of excessive voluntary work days, or who creates a safety hazard to himself or others, shall timely bring the matter to the attention of the appropriate commander for resolution. If exigent circumstances exist, the supervisor shall take appropriate action to mitigate any risk to the public or the officer's personal safety.
  - xiv) Personnel required to work on any holiday will be compensated according to FLSA rules, State Police Commission Rules, Civil Service Rules, and the appointing authority.
  - xv) An officer required to attend court while off-duty, shall claim all court time under his Troop / Section overtime code. No officer shall cash a subpoena or otherwise receive a witness fee as compensation for time spent in court.
  - xvi) Court time earned when the officer is not regularly scheduled to work (off-duty) shall be maintained on the officer's time and attendance sheet for that pay period. The notation should include the court jurisdiction and either the subpoena number or the name of the defendant.
    - a) Each officer attending either criminal or civil court, an administrative hearing, or a deposition shall notify the Troop by radio or other means of communication of his status and any changes in that status.
    - b) At the conclusion of each court appearance, the officer shall have all subpoenas for which he appeared either stamped or signed by a representative of the appropriate Clerk of Court's office verifying attendance in court on that date. The officer shall complete a Daily Activity Report ([DPSSP 1200](#)) claiming the total amount of time spent in court as a result of the subpoena(s). The subpoena(s) shall be attached to and submitted with the Daily Activity Report.
  - xvii) With regard to the management of court time, Commanders shall ensure that, insofar as is possible, within Troop/Section staffing limitations, time off or schedule adjustments are made to prevent an accumulation of time in excess of 80 hours per pay period.

- xviii) An employee required by the Department to attend court, a school, seminar, training session, re-trainer, or convention shall claim the actual time spent in transit as work time. Travel time or time in transit shall not exceed 14 cumulative hours without authorization from the Troop / Section Commander or his designee.

## 5. ADMINISTRATIVE CONTROL

- i) Troop / Section Commanders, Region Commanders and Unit Supervisors are responsible for effectively managing work schedules to minimize overtime. Commanders shall have the authority to adopt such additional written policies to safely and effectively manage overtime and extra duty assignments provided those policies are not in conflict with those enumerated as part of this order. Any additional policies adopted shall be included in their section policy and procedural manuals and submitted to Operational Development. Special attention must be given to assignments to ensure that whenever possible an employee will not work in excess of his tour-of-duty, absent reasonable justification. Reasonable justification shall mean that the work could not be performed by other on-duty personnel or that time constraints require that the work be immediately performed.
  - a) If overtime is necessary, every effort to minimize the total accumulation shall be made by all supervisory personnel.
  - b) After hours have been worked in excess of the employee's regular tour-of-duty, remaining work schedules can be adjusted by giving time off within the same pay period.
  - c) Schedule documentation, such as time sheets, desk logs, route sheets, leave slips or other records as appropriate, shall be maintained in each Troop / Section.
- ii) There will be no scheduled overtime or compensatory time earned as a result of the 12-hour shift. All officers working 12-hour shifts will work one eight-hour shift per pay period. Non-commissioned personnel shall be scheduled for 40 hours each week.
- iii) An employee requesting leave shall specify the type of leave requested on the Application for Leave (SF-6).
  - a) If the employee qualifies for the leave, has a balance in the requested category, and is granted the leave, then such leave shall be deducted from the category the employee requested.
  - b) If the employee does not have a balance in the category of leave requested, the leave shall be deducted from an appropriate leave category having a balance.
  - c) All leave that is granted shall be done in accordance with applicable State Police Commission and Civil Service Rules.
- iv) No officer shall work escorts, paid off-duty details, or overtime in any pay period wherein he has taken leave without pay, been suspended without pay, placed on forced or administrative leave, or worked at a reduction in pay as a result of a disciplinary action unless authorized by the appointing authority.
- v) Annual and compensatory leave may be granted on a half-hour basis under State Police Commission Rules and in tenths of an hour under Civil Service Rules.
- vi) An employee's time and attendance sheet must contain at a minimum the following:
  - a) Nature of assignment.
  - b) Date and time employee commenced work.
  - c) Date and time the employee completed the work.
- vii) When an employee earns compensatory time or performs any duty which constitutes overtime, the above information shall be recorded on the employee's time and attendance sheet.

## 6. AUTHORIZATION AND VERIFICATION

- i) There shall be a supervisor or acting supervisor designated by the Troop / Section Commander for every shift or unit who shall have the authority to authorize overtime work, when justifiable, for personnel under his command or subject to his command.
  - a) Commanders shall verify compensatory time or overtime claimed by supervisors.

- b) Troop, Section, and Region Commanders will have their compensatory time approved by their immediate supervisors.
  - ii) An employee shall not work overtime without proper authorization from the appropriate supervisor or claim time, overtime, or compensatory time which was not actually performed.
7. **SHIFT DIFFERENTIAL PAY**
- i) Commissioned officers of the rank of Lieutenant or below may be eligible to receive an additional 50 cents per hour for work performed during regularly scheduled shifts for any time periods other than 6:00 a.m. to 6:00 p.m. Monday through Friday.
  - ii) This payment applies only to regular shifts. Special details (unless prior approval is obtained from the Superintendent) or overtime hours worked which are compensated by state or federal funds do not apply.
8. **SPECIAL LEAVE**
- i) In accordance with State Police Commission Rules or Civil Service Rules, when emergencies or local conditions such as, but not limited to, civil disorders, celebrations, chemical / industrial accidents, floods, hurricanes, or other acts of God occur, the Superintendent may determine that it is impracticable for personnel in such locations to work. No commissioned / civilian employee should automatically presume a closure has been declared, but rather shall call in and / or report for duty.
  - ii) As directed in [P.O.601, Critical Incident and Special Task Planning](#), when normal Troop / Section operations cease due to an emergency / crisis, commissioned/civilian employees will consult their Troop / Section Crisis Response Plan to determine if they are essential personnel. Depending on the severity of the emergency / crisis, those commissioned / civilian employees deemed essential shall report for duty when so notified by their team leader.
  - iii) Commissioned / civilian employees who are considered essential shall accrue their time in accordance with this order.
  - iv) Commissioned / civilian employees who are not deemed essential shall accrue their time in the following manner:
    - a) When Offices or Sections are officially declared to be closed due to an emergency or other conditions before the workday has begun, those commissioned/civilian employees who are scheduled to work, but not required to report to work because of the emergency, shall be credited with special leave for the entire shift. Those employees on paid leave (i.e. annual, sick, compensatory time taken) the day(s) of the declared closure, shall be eligible for special leave.
    - b) When Offices or Sections are officially closed after the workday begins, those commissioned / civilian employees who reported to work shall be credited with regular time from the beginning of the shift until the time of the closure. Commissioned / civilian employees shall claim special leave from the time of the declared closure to the end of the shift. Commissioned / civilian employees on paid leave (i.e., annual, sick or compensatory leave) shall be charged with the type of leave approved for the part of the workday which has elapsed from the beginning of the shift to the effective time of the closure. Effective at the time of the closure, their leave status shall be changed to special leave.
    - c) Commissioned / civilian employees who are scheduled to work, but are prevented from reporting due to impassable roads (including reasonable alternate routes) or other unsafe conditions, shall be granted special leave for the period of absence.
    - d) The ability to report to work shall be determined by the Commander of the Troop / Section.
    - e) Employees whose days off fall within the closure period shall not be affected. Employees on leave without pay during the period of closure shall be ineligible for paid leave and shall be credited with leave without pay.
    - f) In temporary isolated incidents the Commander of each Troop / Section shall determine the existence of an emergency situation which may necessitate closure of a Troop /

Section. When emergency situations such as lack of power, water, etc., or a natural / manmade emergency occurs and affects a single facility, special leave may be administered. The Commander shall notify the Superintendent and the Human Resources Administrator that the facility was declared closed.

- g) If only part of a Troop / Section is affected and the facility is not officially closed, the following will apply:
  - 1) Commissioned / civilian employees who report to work, or who were scheduled to work if the announced time-off takes effect before the workday begins, shall be charged special leave for the period of absence.
  - 2) Employees on annual leave, sick leave, compensatory leave, or leave without pay must be charged with the type of leave previously approved.
  - 3) No additional compensation (pay or leave) shall be granted to anyone who remains on-duty.

9. LEAVE PRIOR TO RETIREMENT / RESIGNATION

- i) The maximum amount of unused straight compensatory leave an exempt employee can be paid cash in a fiscal year is 200 hours, including any hours paid at separation from the department.
- ii) Budget Unit Heads may grant up to 160 hours of annual or compensatory leave or any combinations of annual and compensatory leave that has been accumulated In excess of 300 hours, immediately preceding the resignation of an employee, provided:
  - a) An employee has given written notice of his/her intent to resign.
  - b) An employee submits an application for annual and / or compensatory leave in advance.
  - c) An employee on leave prior to resignation shall not perform work that would be in violation of the provision of the Code of Governmental Ethics, State Police Commission rules and regulations, or regulations of his office.
  - d) An employee may be required to return to duty for one or more days during the leave period at the request of his / her supervisor.

10. RESTRICTED ON-SITE COMPENSATION

- i) During any emergency / incident (i.e. natural / manmade disaster, SWAT mission, hazardous material / bomb incident, etc.) that requires any commissioned officer to remain on the site of an emergency, the officer shall be compensated for all the time he is restricted to the site.
  - a) The officer is on-duty and restricted to the actual site of the emergency / incident because of the nature of the incident and/or the officer is needed to control the situation.
  - b) The Incident Commander shall determine the on-duty status of all officers restricted to the emergency site.
  - c) Commissioned officers shall be compensated according to FLSA rules, State Police Commission Rules, Civil Service Rules, and the appointing authority.

11. Family Medical Leave

- i) All commissioned and non-commissioned employees shall refer to DPS Policies and Procedures, *Chapter 3 - Human Resources Section 03-01.22 Family Medical Leave (FMLA)* for procedures and guidelines to ensure compliance with the Federal Family and Medical Leave Act of 1993.