

<b>MESA POLICE</b>  Department Policy Manual	<h1>Overtime Protocols</h1>	<b>DPM 1.2.110</b> Effective 09/17/2012 Revised 06/03/2025
Approved by: <b>Chief of Police</b>	Chapter: Personnel Functions	Page: <b>1 of 9</b>

## 1. PURPOSE

The purpose of this policy is to create a uniform policy for Mesa Police Department (MPD) members regarding the use of overtime related to non-exempt work as defined by the Fair Labor Standards Act (FLSA).

## 2. DEFINITIONS [ALEAP 10.1E]

**40-Hour Workweek:** A 40-hour workweek begins at 0001 hours on Monday and concludes at 0000 hours the following Monday. An exception exists for those assigned to Grave shifts, whose work week ends at 0800 on Monday.

**Compensatory Time (CT)** [ALEAP 10.1D]: Compensatory time is paid time off in lieu of overtime payment compensated at a rate of one and one-half hours for each overtime hour worked. Sworn members may accumulate compensatory time consistent with City of Mesa (COM) Personnel Rules Section 350 for authorized activities. Professional Staff are not eligible for CT. The following activities are authorized to receive CT:

- Call-out
- Mandatory Min Staffing
- Court

**Exempt Members:** Members paid on a salary basis and exempt from the provisions of the FLSA. These members are not eligible to earn overtime compensation. Also called “salary” employees. For sworn employees, this is the rank of commander and above.

**Fair Labor Standards Act (FLSA):** A federal law which, among other things, establishes the rate of minimum wage, standard working hours, and overtime compensation.

**Flextime:** When a member extends their shift beyond the regular workday, a member adjusts their schedule for the remaining days in the work week so that they do not exceed 40 hours and receive overtime compensation. Flextime is authorized to avoid the payment of overtime in as many circumstances as possible. Members must request flextime during the workweek when necessary. Supervisors may order a member to flex their time to reduce overtime compensation when operationally efficient and appropriate.

**Non-Exempt Members:** FLSA non-exempt refers to members who are eligible to receive overtime for hours worked in excess of 40 hours per week. Also known as “hourly” employees. For sworn members, this is any member at the rank of lieutenant and below.

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**Overtime (OT):** Actual time worked in excess of 40 qualifying hours in a work week that is paid to the member at a rate of 1.5 times the normal rate. There are several “reasons for OT” for MPD members.

**Regular Day Off (RDO):** Days that the member is not scheduled to work.

**Regularly Scheduled Work Time:** Work time that a member is scheduled to work their regular Department assignment.

**Syntax:** For the purposes of this policy, Syntax refers to a structured methodology of entering notes into Telestaff for the purposes of tracking overtime compensation. For MPD syntax protocols, see [Telestaff Syntax Protocols](#).

**Time Off:** Any absence from work not including a regular day off, including, but not limited to, sick, vacation, discretionary time, authorized director’s time, or compensatory time.

**Workload:** Workload includes all assigned tasks and/or duties and may fluctuate from day to day. Workload activity examples include but are not limited to report writing, felony in custody, arrests, incidents, and records requests.

### 3. OVERTIME PROCEDURES - GENERAL

- A. ARS 23-392 states “Any person engaged in law enforcement activities shall be compensated for each hour worked in excess of 40 hours in one work week, unless otherwise agreed to by the employer and the person engaged in law enforcement activities, at the option of the employer.”
- B. Members cannot work hours beyond their normal shift voluntarily. FLSA provides, “time spent in work for public or charitable purposes at the employer’s request, or under his direction or control, or while the member is required to be on premises, is working time. However, time spent voluntarily in such activities outside of the member’s normal working hours is not hours worked, so long as the volunteer activities are not the same or similar to the activities the member is employed to perform.”
- C. Department FLSA non-exempt members shall not work more than their regularly scheduled work time in a workday, or exceed 40 hours in a work week **unless approved in advance by a next-level supervisor or above** in accordance with the provisions of this policy.
- D. All non-exempt members must include and declare all hours worked. Any overtime incurred must be reported immediately and without unnecessary delay.
- E. Supervisors are required to monitor time worked by each of their members. When possible, flextime shall be used during the 40-hour work week to reduce overtime.

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#### 4. MAXIMUM WORK HOURS [ALEAP 10.1E]

- A. Members **shall not** work more than 16 hours within a 24-hour period.
  - 1. Members must have a continuous eight-hour rest period during each 24 hour work period; 24-hour work period means a combination of off-duty and on-duty work which begins when the member starts their shift.
  - 2. Exceptions must be approved by the member's lieutenant/Professional Staff Equivalent (PSE) or an on-duty lieutenant/PSE prior to working beyond the 16-hour restriction.
    - a. Exceptions shall be noted in the Telestaff notes field with the approving Lieutenant's ID# listed as "P#####".
  - 3. When exceptions are granted the member must have a continuous eight-hour rest period before returning to work.
    - a. The eight-hour rest period does not include drive time to and from the workplace.

#### 5. OVERTIME PROCEDURES [ALEAP 10.1E]

##### 5.1 Administrative Meetings

- A. Generally, members will not be scheduled to attend administrative meetings beyond their regular scheduled work time or on their regular days off unless approved by a lieutenant/PSE. If a member attends an administrative meeting outside of their regular scheduled work time, flextime shall be used unless OT is approved by a lieutenant/PSE.
  - 1. CT is not authorized.

##### 5.2 Call-out

- A. If a member is called into service (court, investigations, emergency, etc.) for more than one hour before or after the member's regular scheduled work time, the following will apply:
  - 1. Paid as OT or CT prior to 40 qualifying hours.
  - 2. Members are compensated for travel time from their home directly to the incident location.
  - 3. Members will be compensated for a minimum of two hours of OT or CT for call-out, regardless of time actually worked. After two hours worked, members are compensated at actual time spent on the call-out subject to city rounding rules.
  - 4. Eligible members on stand-by and called out while on paid leave will be compensated at the overtime rate for call-out in addition to their paid leave.

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5. Call-Out using City of Mesa (COM) vehicle (members on stand-by):
  - a. If a member is driving a COM vehicle from their personal location, call-out time begins when the member leaves to travel to the response site and ends when the member arrives back at their personal destination. Additional travel time is not given to members who are driving a COM vehicle because call-out time is compensated door-to-door. Refer to COM Management Policy 357.
6. Call-Out using Personal Vehicle (members on stand-by):
  - a. If a member is using their personal vehicle, call-out time begins when the member leaves to travel to the response site, including, if necessary, travel to a COM facility to retrieve a COM work vehicle. Travel time returning to the member's personal destination is compensated at actual driving time up to 30 minutes for call-out. Compensation for travel time applies only when the member is driving their personal vehicle home or to another personal destination from a COM facility or other response site. Refer to COM Management Policy 357.
7. Emergency Call-Out (members not on stand-by):
  - a. Call-out time begins when the member leaves to travel directly to the response site or COM facility. Travel time home or to another personal destination is compensated at actual driving time up to 30 minutes for call-out. Compensation for travel time only applies when the member is driving their personal vehicle home from a COM facility. Refer to COM Management Policy 357.
8. Minimum Staffing Call-Out
  - a. If a member is called into service for a minimum staffing shift, either through Telestaff or a supervisor, but the shift is cancelled within one hour of the shift start time, or the shift begins but is ended prior to two hours, the member is compensated for two hours of OT with no requirement to flex during the week; CT is not authorized.

### 5.3 Court

- A. Sworn members receive OT or CT for court appearances when they are off-duty or when they work over one hour past their regular work shift.
  1. This includes Reserve Officers and is specific to court appearances only, at a pre-determined rate.
  2. If a court appearance is scheduled for up to one hour before or after the sworn member's regular scheduled work time, the member will be expected to flex their time.
  3. This is compensated by OT or CT.

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- B. Non-exempt professional staff members who have been subpoenaed for a court hearing beyond their regular shift will be paid overtime by timestamp after 40 qualifying hours.
  - 1. Supervisors should attempt to utilize flextime if at all possible during the week to minimize OT.
  - 2. CT is not authorized.
- C. Members shall:
  - 1. Make all attempts to conduct defense interviews on duty and notify supervisor prior to the defense interview.
    - a. For defense interviews outside of regularly scheduled workdays, members must obtain approval from a supervisor and request flextime.
  - 2. When applicable, utilize the Court Liaison Officer for Grand Jury appearance.

#### **5.4 Electronic Communications While Off-Duty**

- A. Members will be eligible for overtime when any combination of off-duty electronic communication (phone calls, text messages, emails, facetime, etc.) during one workweek equals 15 minutes or more. Electronic communications exceeding 15 minutes shall be compensable at actual time spent, subject to city rounding rules. Authorized electronic communications consist of but are not limited to:
  - 1. A supervisor contacts the member by phone because of their official duties, for purposes other than call out.
  - 2. A supervisor approves the member making or receiving a work-related call.
  - 3. It is necessary for the member to make a phone call while off duty to verify a court appearance. (i.e., officer must call the court on Friday (RDO) to verify a court appearance for Monday).
- B. Compensated as OT; CT is not authorized.
- C. No requirement to request flextime.

#### **5.5 Field Training Officer (FTO)/Officer-In-Training (OIT) OT**

- A. FTO/OITs may incur OT with sergeant approval only in situations where extensions of shift are necessary for training purposes that cannot be accomplished during the regular shift (i.e., felony in custody, abundance of pending reports, etc.).
- B. Shift Sergeants shall monitor all FTO/OITs assigned to their shift and ensure that OT is minimized to the extent possible through appropriate practices, including the use of flextime or other FTOs who are on duty where appropriate.
- C. CT is not authorized.

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## 5.6 Mandatory Extra Hours

- A. Lieutenants/PSE may order a member to be held for essential/critical services or incidents. This includes necessary staffing for major incidents (such as a Phase 1 or 2).
  - 1. This is compensated as OT or CT with no requirement to flex during the week.

## 5.7 Mandatory Minimum Staffing

- A. Supervisors must evaluate workload and personnel availability at least one hour prior to end of shift. Lieutenants/PSE may order a member to be held over for mandatory minimum staffing when:
  - 1. Telestaff indicates that the expected shift will fall below minimum staffing requirements; AND
  - 2. Telestaff has attempted to fill the position with overtime (if applicable); AND
  - 3. No members are available to X-Ray from other divisions or otherwise available on-shift.
- B. This is compensated as OT or CT with no requirement to flex during the week.

## 5.8 PD Task Force & Grant Funded Overtime

- A. This category of overtime is for certain activities that are reimbursed to the Department by the federal government or other agencies for a specific task force or grant funded activity.
- B. In addition to Telestaff coding, members will be required to complete [DPM 1.2F26 PD Task Force/Grant Funded Overtime Request Form](#) and submit to both **PDFiscal** and **PDTimekeeping** due to federal regulations.
  - 1. PD Fiscal retains the form for grant auditing.
  - 2. PD Timekeeping updates the funding string in Telestaff and Kronos.
- C. Compensated as OT; CT not authorized.

## 5.9 Training – Member Receiving Training

- A. Receiving training, generally, does not qualify for overtime.
- B. Training must occur on-duty or flextime must be requested.
- C. Any exceptions must be approved by a lieutenant/PSE.
  - 1. If exceptions are granted, paid as OT; CT not authorized.

## 5.10 Training – Part-Time Instructor

- A. Members should make every effort to schedule instruction on their regular workdays.

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- B. If not possible to schedule during a regular workday, members must receive lieutenant approval and flex the time off during the week. If this cannot be flexed off during the week, overtime compensation must be approved by a lieutenant and is compensated as OT; CT is not authorized.

**5.11 Workload (Shift Extension or Extra Hours)**

- A. Supervisors must evaluate and transfer cases or calls to oncoming shift, if possible, to reduce OT.
- B. When workload requires a member to stay beyond the end of their shift, a supervisor may approve for the member to extend their shift until the completion of the activity.
  - 1. In such instances, the member shall be required to flex off prior to the completion of the work week.
  - 2. Supervisors must authorize for OT approval if the member is unable to flex by the end of the work week and justify that the member was unable to flex off.
  - 3. Compensated as OT; CT not authorized.
- C. When workload requires a member to work extra hours (not extending a normal shift), a lieutenant may approve for the member to attend extra hours.
  - 1. In such instances, the member is not required to flex off prior to the completion of the work week.
  - 2. Compensated as OT; CT not authorized.

**5.12 Miscellaneous**

- A. All other forms of OT not specifically listed in this policy must be approved by a Division Commander or their designee.
- B. Compensated as paid OT after 40 hours if unable to be flexed off.
  - 1. CT is not authorized.

**6. EARNING OVERTIME WITH TIME OFF**

- A. Sick, CT, Exceptional Performance (Authorized Director’s Time), and Critical Essential Holiday time do not count towards the 40-hour overtime calculation.
- B. If work time takes place **prior** to the use of leave time, the member shall only use the amount of leave time needed to reach a 40-hour workweek and is **not** eligible for overtime compensation. For example, a member works the following schedule:

Monday: 10 hours work  
 Tuesday: 10 hours work  
 Wednesday: 12 hours work  
 Thursday: 8 hours vacation (**10 hours is not acceptable**)

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C. If work time takes place **after** the use of leave time, the member may be eligible to work overtime in the same 40-hour work week if approved by a supervisor. For example, a member works the following schedule:

Monday: 10 hours work  
 Tuesday: 10 hours vacation  
 Wednesday: 12 hours work  
 Thursday: 10 hours work (**2 hours should be flexed or approval for overtime is required**)

- D. A member using leave or sick time is not eligible to work OT in the same 40-hour work week, except as noted above.
- E. Time worked does **not** qualify for overtime compensation when the member works a City off-duty work assignment.

## 7. OVERTIME REPORTING PROCEDURES

### 7.1 Sworn Members

- A. All time worked is recorded in Telestaff for sworn members. Members must record any deviation of shift on the day it is worked. As Telestaff communicates with Kronos on a frequent basis, failure to enter shift extensions and extra hours timely in Telestaff can result in potential missed payments and pay period corrections.
- B. Members shall include in the notes field of Telestaff the appropriate syntax string for the type of overtime earned. See [Telestaff Syntax Protocols](#).
- C. A separate entry is required in Telestaff for each day that is worked (multiple days cannot be added to the same request).

### 7.2 Professional Staff Members

- A. Professional Staff members are paid based on the timestamp in Kronos.
- B. For Professional Staff members in Telestaff, members shall include in the notes field of Telestaff the appropriate syntax string for the type of OT earned. See [Telestaff Syntax Protocols](#).
- C. For members not in Telestaff, the supervisor approving the OT will maintain an OT log to include the reason(s) for the overtime and the dates and times authorized.

### 7.3 Review by Supervisor

- A. Supervisors are responsible for reviewing subordinates' Telestaff and/or Kronos records **daily** and ensuring OT and/or CT is being entered appropriately as directed by the Bureau Chief.

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## 8. AUDITING AND INSPECTION

- A. The Policy, Accreditation and Compliance (PAC) Section will perform routine audits of OT.
- B. The purpose of this audit is to ensure that overtime is being earned in accordance with these protocols.
- C. The findings of the audit will be presented to the Chief of Police through the Chain of Command.

## 9. DISCIPLINARY ACTION

- A. Members and supervisors are responsible for following all procedures for overtime located in this policy.
- B. Members may be subject to disciplinary action up to and including termination for continued violations of this policy.

## REFERENCES

- [DPM 1.2F26 PD Task Force/Grant Funded Overtime Request Form](#)
- [Telestaff Syntax Protocols](#)