POLICY AND PROCEDURE NO. 910

Overtime Compensation

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1. PURPOSE:

It is the purpose of this policy and procedure statement to outline the department's broad guiding principles and then the specific procedures as to the manner in which overtime resources are allocated to departmental personnel, the process as to how these funds are conferred, and under what circumstances. Moreover, the procedures established herein shall delineate a record keeping system that will document that overtime expenditure, the personnel receiving those funds, identify the supervisor verifying that overtime expenditure, the source of those funds (i.e. grants, interdepartmental expenditure, etc.) and the specific police activity that was conducted during that period. The objective of this record keeping system is to fully memorialize the overtime expenditure in a preserved and unambiguous way in keeping with document retention guidelines.

2. POLICY:

A significant portion of the annual budget for the Worcester Police Department is in the form of overtime funds. It is the policy of this department that the administration of the department prudently manage this fiduciary responsibility and serve as stewards to insure that these funds are allocated only where necessary and under conditions where the work to be performed requires the expertise, skills and/or abilities of off-duty personnel, where specific testimony is required, or where on-duty personnel are unable to conduct these activities. If the task at hand can be adequately handled by on-duty personnel, then overtime may not be allocated.

The Worcester Police Department is charged with the responsibility to provide public safety services to the citizens of the City of Worcester on twenty-four hours a day, seven days a week, and 365 days a year basis. Accordingly, the very nature of police work is such that police department personnel who possess specialized skills, abilities, and unique information may occasionally be required to be held over or summoned to report to work on an on-call and/or off-duty basis. As essential emergency public safety employees, these call-ins are not optional, rather, they are a condition of employment for the employee.

Pursuant to the various collective bargaining agreements with our personnel as well as to comport with prevailing labor laws, the department is obligated to properly compensate our employees, on an overtime basis, for hours worked beyond or outside their established shifts, for court appearances that occur outside their ordinary shifts, for election details, major city events/emergencies and for a host of other instances where police services are required. Whether overtime compensation is warranted and to be conveyed is contingent on the collective bargaining agreement or contract with this respective employee.

It is the policy of this department that these overtime resources will be allocated provided they are for legitimate police activities. So that the overtime expenditure is properly memorialized,

the overtime claim is to be in written form, attested to (via actual or digital signature) by the employee involved, that a police supervisor of a higher rank than the rank of the requesting officer/official verifies the overtime request, and that the written document is retained for audit purposes.

3. PERTINENT STATUTES, REGULATIONS, AND CBA PROVISIONS:

A. Ordinances of the City of Worcester (Part 1), Chapter 3

§ 26. Concurrent (Dual) Pay Status Prohibited: The head of a department shall not knowingly permit any employee to perform any service in his/her department for which such employee would be entitled to receive pay or other compensation while such employee is receiving pay or other compensation from any department for vacation leave or any other leave.

B. City of Worcester Personnel Rules and Regulations, Section IV

Paragraph "K" – Maximum Daily Overtime (18 hour rule): A department head shall not request, require, or permit an employee to actually perform duties in excess of 18 hours in any one day, nor shall he enter any employee on any payroll in a pay status in excess of 18 hours in any one day, nor shall the City Auditor approve, or the City Treasurer, pay any amount in excess of 18 hours in any one day. In the event of an emergency, a department head may waive application of this rule.

Paragraph "N" – Declaration of Emergency: Whenever emergency duty has been authorized by the City Manager, or otherwise required by the head of the department, the department head shall, by any means available, notify the employee or employees designated for such duty to report at a definite time and place for such duty, and shall inform them that the nature of duty has been necessitated by the emergency.

Paragraph "O" – Failure to Report for Emergency Overtime: Failure to report for emergency duty after receipt of notice to so report shall be reported by the department head to the Director of Human Resources for entry on the personnel record of the employee for further disciplinary action, unless a written reason satisfactory to the department head is given.

C. Sworn Police Personnel Collective Bargaining Agreements

[CBA LOCAL 911, New England Police Benevolent Association, July 1, 2022 – June 30, 2025] and [CBA City of Worcester & Local 504, Officials FY 2022– FY 2023]

Daily/Weekly Cap on Work: Workday cap increased to 18 hours. Weekly cap increased to 96 hours. For purposes of the weekly cap, the week shall run from Sunday through Saturday.

4. DEFINITIONS:

A. Emergency

An emergency for purposes of this policy is defined as an unforeseen and significant event concerning a life-threatening incident, response, or investigation.

With the exception of an emergency, police personnel must not knowingly book or otherwise volunteer for duty that exceeds these 18 daily hours within any 24-hour span. The 18 hours are to include all work hours where the officer is considered to be on duty, nor are personnel to work more than 96 hours in a single 7-day week.

In an emergency circumstance an officer may work up to 20 hours in a 24-hour span with a Commanding Officer's approval.

Under any circumstance, once an officer has reached the 20-hours threshold (during any 24-hour period) they shall be relieved. It is required that the officer notify the official(s) of his or her hour status and the need that he or she be relieved at once. In the aftermath of having worked 20-hours within any 24-hour period, that officer may not report back to work in any capacity until he or she gets 8 hours of "off-clock" time. In order for the officer to facilitate this off-clock time, he or she shall use furlough time in two hour increments as needed. It is incumbent on that officer to not put themselves in a position where this mandatory 8-hour off-clock period will interfere with a required court appearance.

The Administration's response concerning violations will be administered in accordance with this department's Rule and Regulation #130, "Discipline of Employees"; the most recent edition of the "City of Worcester's Procedural Manual for the Discipline of City Employees"; and as defined in WPD Policy 500.

B. Ordinary Overtime

The expenditure of departmental funds delivered through an overtime account to compensate personnel under the following conditions: (1) Personnel who are held over beyond their tour of duty to complete work that began while on duty. (2) Personnel who are actually called in on their off-duty hours to work a specific investigation, to staff a city funded detail/event, or deployment requiring the staffing of added personnel, to perform an activity that the employee is uniquely skilled or equipped to perform, to fulfil the obligations of a grant, to complete a preauthorized assignment or any other departmental need authorized by the officer's unit commander. (3) Supervisory personnel who are on-call and must remain in a ready state and in close proximity to the city so as to respond to matters delineated in paragraph 2 above.

C. Court Appearance Fees

Pursuant to the CBAs with our police officers and officials, court overtime is the remuneration police officers and police officials are paid for court-mandated court appearances stemming from their official police duties. For police personnel that are on-duty at the time of the court appearance, there is no court fee payable. Police officers who are ordered to attend court proceedings when they are off duty, shall be paid a "Court Appearance Fee" which is an amount equivalent to six hours of that officer's regular pay rate for the first four hours of that court appearance. Any time beyond those four hours at the court appearance shall be paid at a rate of one-and one-half times that officer's rate of pay for the time spent at court. For the purposes of overtime entry, any time entered beyond the minimum fee is to be entered to the next 15 minute-increment in keeping with past practice. Officers who attend court on-duty and are held at court beyond their typical shift, are entitled to overtime compensation for that period that extends beyond the end of their tour of duty. (See WPD Policy and Procedure #470 as to Court Appearances.)

5. PROCEDURES:

A. Overtime Generally

Overtime, like all department resources, is the property of the taxpayers and citizens of the City. The administration and supervisory staff of the department are charged with the proper management, expenditure and oversight of these resources.

The laws of the Commonwealth, the ordinances and regulations of the City of Worcester, and where applicable, the rules or existing contractual agreements shall govern the use of these resources.

Dual Status Issues: In order to clarify one aspect of overtime, please note that City Ordinance, Chapter 3, Section 26 prohibits employees from working while they are in a paid leave status (furlough, personal, sick, wellness, family sick, administrative leave, military leave). For example, Jane Smith works 8:00 am to 4:00 pm and takes a furlough day off on Monday. She cannot work overtime or court overtime during those hours; however, she could work an overtime shift that began after her paid leave ended at 4:00 pm. When claiming overtime, an individual officer/official is certifying that the overtime work was performed during the period when he/she was not in any other type of paid status. To be abundantly clear, when submitting an overtime requisition, in any form, is the employee's responsibility to ensure that the entries on the document are accurate and that there are no redundant or overlapping hours submitted.

B. Election Detail Staffing

In the course of staffing the polling locations in connection with local, state or federal elections, there exists a compelling need to assign police personnel to facilitate the security and sanctity of the election process. Accordingly, under this unique circumstance, police personnel may use Administrative time (or wellness or furlough time) when working election details. This is the only exception to the paragraph above. For the purposes of staffing the polls, change days may also be used at the discretion and authorization of the unit commander. For the purposes of election detail staffing, as these details typically run in excess of sixteen hours and that it is prudent to have the same officer open the polls, close them, and monitor throughout the day, the 18-hour rule may be waived in this instance at the direction of the Chief of Police. For the purposes of staffing polling locations and to provide for the security of associated polling facilities, the Commanding Official of the polling detail(s) may reschedule employees as needed to fill these posts.

C. Schedule Adjustments

No officer or official shall be allowed to manipulate his/her own work schedule in order to take advantage of an overtime opportunity. For example, John Smith may not change his schedule on Monday from 8:00 am to 4:00 pm to 10:00 am to 6:00 pm in order to receive a Court Appearance fee or any overtime during his regularly scheduled workday. Recognizing the several units and personnel of the department that work "flextime" schedules (as agreed to upon entering that assignment) or where personnel have their shifts altered by their supervisors to facilitate the employee's departmental obligations, occasional shift changes may be effected provided they are reflected on the official Morning Report and only with consent of the Unit Commander citing an articulatable compelling departmental need for this schedule change. Under these circumstances, the employee may seek overtime or detail opportunities in the off

hours. The intent of the rule under this paragraph is to prevent employees from making ad hoc schedule changes merely to enable them to obtain overtime pay for work that would ordinarily be on duty work and compensation. As the department's financial practices are subject to auditor and public scrutiny coupled with our intent to remain transparent to the public, schedule adjustments may not present the objective perception of schedule manipulation. Accordingly, all personnel must remain aware that schedule adjustments are a matter of strong and continued supervisory review.

D. Ninety-Six Hour Rule

Pursuant to the CBA of both police unions, no employee (officer or official) shall be permitted to work more than 96 hours per calendar week in the aggregate. All hours to include regular tour of duty hours, overtime hours, court time hours and paid details hours are to be included in this calculus. Emergency situations as determined by the city are the sole exception to this rule. An employee's vacation time shall not count towards the 96-hour limitation and shall be tolled from the aggregate total number of hours.

E. Eighteen-Hour Rule

It is the City policy that no employee may work more than eighteen (18) hours in any twenty-four (24) hour period. The only exception to this rule relates to overtime which is the result of an emergency situation or serious crime investigation. The simple calculus of this provision is that police personnel must have 6 consecutive hours of off-duty time in each 24-hour period. With the exception of emergency or serious crime call-ins, police personnel must not knowingly book or otherwise volunteer for duty that exceeds these 18 daily hours within any 24-hour span. The 18 hours are to include all work hours where the officer is considered to be on duty. Occasionally, police personnel may be assigned to a paid detail or overtime assignments where the anticipated or unanticipated run of the assignment places the officer past the aforementioned 18 hours, i.e. a detail that runs late, details that entail arrests and required reporting, etc. The department recognizes the compelling need for police public safety at these details or assignments and must balance that need with the fatigue level of the officer.

In these cases, once the employee has reached the 18-hour threshold, that employee feels that they are fatigued and require relief, he or she shall contact his or her unit supervisor and inform that supervisor of his or her request for relief. If the employee is on an off-duty assignment when this threshold is achieved, that officer or official is to contact the Off Duty Assignments office and so inform personnel of that office. Should the Off Duty Assignment office be closed, the officer or official is to contact the Operations Division sector sergeant and so inform that official. In these instances that notified official is to relieve that officer and arrange for replacement if necessary.

Once an officer has reached the 20-hours threshold (during any 24-hour period) they shall be relieved. It is required that the officer notify the aforementioned official(s) of his or her hour status and the need that he or she be relieved at once. In the aftermath of having worked 20-hours within any 24-hour period, that officer may not report back to work in any capacity until he or she gets 8 hours of "off-clock" time. In order for the officer to facilitate this off-clock time, he or she shall use furlough time in two hour increments as needed. It is incumbent on that officer to not put themselves in a position where this mandatory 8-hour off-clock period will interfere with a required court appearance.

Pursuant to City of Worcester Personnel Rules and Regulations, Section IV, (K) as to Maximum Daily Overtime (18 hour rule for POLICE), in the event of an emergency, a department head may waive application of this rule. For the purposes of emergency call-ins of personnel, this rule is considered complied with where the police official effecting the calling makes reasonable effort to first summon in personnel who have hour capacity within the 18 hours rule and only thereafter summon officers with more hours worked. In either case, this official must carefully monitor his or her personnel for fatigue as the overtime hours progress. Pursuant to this paragraph, the division commander shall be responsible for documenting the hours in excess of 18 worked by the employees under their command and the reason, therefore.

F. Overtime Requisition Documentation

No overtime compensation is to be paid unless the requisition is fully documented, attested to by the receiving officer(s) (via actual or electronic signature) and signed by the receiving officer's supervisor of a higher rank. No officer or official will approve any overtime expenditure for themselves. All overtime requisition documents must be fully legible. Incomplete or illegible overtime requisitions are not to be entered into the overtime payment systems.

G. Court Overtime

No official shall process for payment a court slip for overtime, unless it has been mechanically stamped and countersigned by a Court Liaison Official.

ALL personnel attending court, whether on-duty or off-duty, shall sign into and out of court on the daily attendance sheet provided at the Court Liaison Office indicating their assigned shift and their working status for their scheduled court appearance that day.

The Court Liaison Office shall fax a copy of the daily court appearance sheet to the Chief's Office so that a comparison can be made between this data and the entries for processing. The Court Liaison Office shall process court attendance at other courthouses, for Probation Violation hearings and meetings with the District Attorney's office.

H. Overtime Claim Documentation

The submission of any overtime claim or requisition form is an assertion and affirmation on the part of the personnel submitting the document that the form is accurate and that the employee did in fact perform the work identified on the document, and on the time, date, and place identified on the document. Additionally, by submitting this requisition, the employee affirms that he or she is working these hours as overtime and is not being compensated under any other work status. The police or supervisory official signing this document, as a critical part of his supervisory role, verifies the accuracy of the submitted document.

Except in the context where a police official submits a Group Overtime requisition document, no police department personnel may submit any overtime document nor sign on behalf of any other employee.

All overtime claims/requisitions must be submitted in written form on one of the following forms: (1) Court Overtime Requisition; (2) Individual Overtime Requisition and Authorization Slip; (3) Group Overtime Requisition and Authorization Form. No other forms or adaptations thereof will be accepted for the claim of overtime. Copies of the Individual Overtime

Requisition and Group Overtime Requisition and Authorization Form are attached to this policy as appendices. These documents shall also reside on the "S" drive in the "Department Forms" section.

The Court Overtime Requisition is to be used ONLY for overtime claims connected with court appearances and meetings with members of the District Attorney's Office. This form is to be used whether the court appearance or attorney meeting was on-duty or off-duty. A designation is to be made on this document whether the appearance was on-duty or off-duty where an overtime claim is warranted. This document is to be time stamped at the Court Liaison Office and signed by an official of that office.

The Individual Overtime Requisition and Authorization Slip is to be used by the requisitioning officer or employee for an individual. This document is not to be used in connection with off duty assignments. The document is to contain the name of the requisitioning officer, the approving official and the exact date and time of the overtime time claimed. Additionally, the requisitioning officer's ordinary work hours are to be indicated on this form if the overtime is of a "hold-over" or early shift start nature. The reason for the overtime expenditure must be identified on this document as well as an indication whether this amount of overtime is to be drawn off a grant or other specific account. Lastly, all entries onto this document are to be legible and if not, it is to be returned to the submitting officer for correction.

The Group Overtime Requisition and Authorization Form is to be used where there are sufficient personnel involved to necessitate an Officer in Charge (OIC). Typically, this document would be used for parades, elections, major city events, Impact Assignments, etc. It is the responsibility of the OIC to complete and submit this form listing all the personnel working on the overtime operation. This document is not to be used in connection with off duty assignments. This document is to include the title of the operation or assignment (see Event Identifiers below), the officer working, the number of overtime hours the officer or employee worked and the location of the assignment. This document is also to indicate any grant or other funding sources that this overtime expenditure may be charged against. Lastly, the OIC is to sign this document affirming that the hours and the personnel listed are accurate.

I. Event Identifiers

So that group events or operations can be properly tabulated and charged to their appropriate fund, it is necessary that the event title be consistent for all overtime claims in connection with that event. In advance of any such event, the Chief's Office in conjunction with the OIC for that event staff will designate the proper event title and any overtime requisitioned/authorized must bear that title.

J. Overtime Data Entry

Police department personnel are to submit their Court Overtime Requisitions and Individual Overtime Requisitions to their home unit or division by the end of the calendar week for which that overtime occurred. As the shifts and processes of the various units vary, deadlines and submission procedures shall be established and made known within the unit.

The unit commander of each division or unit is to designate one or more police officials to receive, review for legibility/accuracy, and enter into the department's Work Schedule automated system all court and individual OT slips received. These designated officials will be responsible to enter the court and individual overtime requisitions for personnel assigned to

their respective unit only. Under the current limitations of this system, the aforementioned designated police official will not be able to enter the overtime requisition of personnel that are assigned to other commands.

It is the responsibility of the entering police official to make certain that the overtime requisition sheets comport to this policy and procedure, specifically that they bear the legible name of the officer and the approving official. These documents are not to be entered if they are not properly completed. Once all the overtime is entered, a printout of that overtime is to be generated whereupon the entering official shall sign it and forward it to the Chief's Office. These materials are to be received to the Chief's Office no later than 1600 hours each Monday or, in the event of a Monday legal holiday, by 0800 hours on Tuesday.

Any court or individual overtime slip that was worked/issued before the prior week must be entered by Chief's Office personnel. These are to be delivered to the Chief's Office along with the aforementioned documents but separated and with a message indicating "Not Entered."

As unit officials cannot enter overtime for personnel not assigned to their respective unit, Group Overtime Requisition and Authorization Forms are to be submitted to the Chief's Office along with the aforementioned materials. These will be entered into the Work Schedule system by Chief's Office personnel.

K. Document Retention

All Court Overtime Requisitions and Individual Overtime Requisitions that are entered at the unit level are to be forwarded to the Chief's Office along with the entry printout. These documents will be retained by Chief's Office staff and secured indefinitely for a period of not less than six years.

Once entered, Group Overtime Requisitions and Authorization documents are to be stamped "Entered" by the Chief's Office staff and filed in the Chief's Office archives for a period no less than six years.

L. Periodic Audit

All overtime documents that are submitted to the Chief's Office will be reviewed to ensure that they comport to the aforementioned standards. Requisitions that are incomplete, illegible, or are otherwise defective insofar as content, will be returned to the submitting unit or OIC without payment. If the overtime requisition has already been entered into the Admin System at the unit level, it will be deleted pending its return from the source unit or OIC.

Per:

Paul B. Saucier
Chief of Police

Revisions:

November 15, 2020–

Policy #345 eliminated upon onset of this policy. Policy #900 revised upon onset of this policy.

April 3, 2025–

Revision 1.

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