CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: **ALL SWORN DEPARTMENT PERSONNEL**

FROM: Anthony Mata
Chief of Police

SUBJECT: **SWORN OVERTIME AND COMPENSATORY TIME BALANCES**

DATE: December 15, 2022

APPROVED

Memo #2022-061

BACKGROUND

The control of overtime for both pay and compensatory is an ongoing issue, and controls must be maintained for continued success. To date, overtime (COMPENSATORY and PAY) is forecasted to exceed the budgeted amount for this fiscal year. It is imperative the Department control its use of overtime, including compensatory time controls and the accumulation of compensatory time, to ensure the availability of funds throughout the fiscal year.

Under the current Memorandum of Agreement Section 13.6.2 (link), the outstanding amount of accrued compensatory time owed to an employee shall not exceed 240 hours by the end of each calendar year. An employee may exceed the 240-limit during the year but shall be responsible for bringing the balance back to the 240-hour maximum level by taking the time off prior to the end of the calendar year.

ANALYSIS

In order to stay within the Department's budget, overtime and compensatory time controls will be put into place. Compensatory time balances will be monitored, and Department members will be held accountable to the MOA to be within the maximum level of 240 hours by the end of the calendar year.

Section 13.6.2 of the MOA states:

> *"The outstanding amount of accrued compensatory time owed to an employee shall not exceed 240 hours by the end of each calendar year. An employee may exceed the 240 limit during the year but shall be responsible for bringing the balance back to the 240-hour maximum level by taking the time off prior to the end of the calendar year. This time off must be pre-approved by the supervisor."*

Sworn employees are responsible for bringing compensatory time balances to 240 hours or less by December 31, 2022, and are encouraged to discuss a plan with their supervisor to meet this goal. Section 13.6.5.1 of the MOA allows for a carryover of hours in excess of 240 hours to March 31 of

the next calendar year, if an employee submits a written plan to their immediate supervisor by December 31st outlining how the excess hours will be reduced.

With the exception of Patrol, anyone who believes they will not be able to take the excess time off before the end of the calendar year, shall submit a written plan to their immediate supervisor, consistent with MOA section 13.6.5.1, by December 31, 2022. Written plans shall outline how you will reduce your compensatory time by March 31, 2023. The *Compensatory Time 90-Day Carryover Request Form* shall be used for these written plans. A digital version of this form may be accessed via the Intranet. A copy is included as Attachment 1.

Any Department Member who submits a plan by December 31st shall receive a ninety (90) day carryover (to March 31, 2023) to reduce accrued compensatory time to the 240-hour maximum level.

The Department does not anticipate a "buy-down" for any employees who have a balance over 240 hours of compensatory time at any time during the current fiscal year.

ORDER

With the exception of the Patrol, anyone who believes they will not be able to take the excess time off before the end of the calendar year shall submit a plan to their immediate supervisor, consistent with MOA section 13.6.5.1, by December 31, 2022. Written plans shall outline how you will reduce your compensatory time by March 31, 2023.

Anthony Mata
Chief of Police

AM:SD:LP

Attachment 1: Compensatory Time 90-Day Carryover Request Form

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Compensatory Time
90-Day Carryover Request Form

Check one:
☐ Initial Plan ☐ Amended Plan

Employee's Name & Badge #	*Bureau / Assignment*

Number of hours over 240:	

Reason(s) for the requested carryover: (explain)

Plan for reduction: (List start and end dates of planned time-off)		
Start Date	**End Date**	**Number of Hours**
	Total hours:	

Employee's Signature: _____ Date: _____

Supervisor's Approval: _____ Date: _____

Routine Instructions:

Employee: Submit your completed "***Compensatory Time 90-Day Carryover Request Form***" to your supervisor.

Supervisors: If the planned absences cannot be granted due to minimum staffing requirements, the supervisors will contact the employee to modify the plan. Supervisors will forward the completed form through their chain of command to the Bureau Deputy Chief.