

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM:** Paul Joseph
Acting Chief of Police

SUBJECT: OVERTIME CONTROLS **DATE:** August 27, 2023

APPROVED

Memo #2024-022

BACKGROUND

While overtime is often necessary due to the nature of services the Department provides, the Department is committed to responsibly managing its budget, while maintaining an acceptable level of service to our community. The control of overtime for both pay and compensatory time is an ongoing issue, and controls must be maintained for continued success. It is imperative the Department control its use of overtime, including the accumulation of compensatory time, to ensure the availability of funds throughout the fiscal year.

ANALYSIS

Overtime usage will continue to be monitored at all ranks and will be limited to overtime that is absolutely mandatory and unavoidable. Mandatory overtime is limited to work that must be completed immediately and cannot be done during an employee's regular work hours or their next work shift. Report writing and follow-up overtime must be approved by a lieutenant or above and will only be approved when the action cannot be completed during an employee's regular work hours or their next shift. Staff must articulate why work can only be done on overtime.

In general, no discretionary overtime will be approved. If limited circumstances arise requiring the use of discretionary overtime, the overtime must be approved by a captain/division manager or a higher rank. Staff must articulate why work can only be done on overtime.

Preplanned overtime for pay cars will continue to be authorized as directed by the Chief of Police and outlined in the Memorandum of Agreement (MOA) between the City and the San José Police Officers' Association (POA). These include grant funded programs, backfill pay cars for patrol, Entertainment Zone, and other programs specifically identified for pay.

All overtime will be subject to management review. Captains/division managers will be required to report on the use of overtime in their divisions on a quarterly basis.

The following guidelines have been established for all members of the Department:

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- Overtime will only be approved when the action cannot be completed during the employee's regular work hours or the employee's next shift. When seeking approval, staff must articulate why the work cannot be done during regular work hours and requires overtime.
- Preplanned overtime must be approved before the overtime is worked and prior to entry onto the employee's online timesheet.
- Department members will include the name of the supervisor or manager who approved the overtime and the reason for the overtime in the comment section of the online timesheet for all overtime worked.
- All overtime hours shall be coded with an overtime code on the timesheet.
- Preplanned overtime for pay cars will continue to be authorized as directed by the Chief of Police and outlined in the MOA in section 13.6.1.1. These include grant funded programs, backfill pay cars for patrol, Entertainment Zone, and other programs specifically identified for pay.
- Absent a specific VIS code or unit agreement, Department members may currently take 10 hours of overtime for pay, per pay period. MOA section 13.6.1 provides further detail on when employees can request payment of overtime worked to be credited in compensatory time or payment depending on the applicable budget for the Department.
- Overtime hours shall NOT be projected or recorded on the timesheet in advance of working the overtime.

Additionally, Department members are reminded to adhere to the Department overtime policies and compensatory rules in the Duty Manual and the MOA, which include the following:

Duty Manual Section C 1540: "...the total of on-duty hours and secondary employment hours, excluding court and mandatory Department overtime, shall not exceed 70 hours in a calendar week..."

Duty Manual Section C 1541: "To address the overall health and safety of officers and to ensure that the City receives efficient performance of the officer's duties in City employment, department members shall not work in excess of sixteen (16) hours in a twenty-four (24) period. Department members shall not work a combination of his/her regular shift plus a secondary employment assignment in excess of 16 hours in a 24 hour period...The 16 hour limit excludes court and mandatory Department overtime..."

POA MOA Section 13.6.2: "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."

POA MOA Section 13.6.2.1: "Once an employee's compensatory time balance reaches 300 hours, all requested time off, other than for sick leave purposes, must be coded as compensatory time off, until the compensatory time balance is below 240 hours, at which point an employee may elect to use any available vacation leave or compensatory time, unless the employee is

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within 60 hours of reaching the maximum vacation balance, at which point it will be the employee's election."

ORDER

Effective immediately, all Department personnel shall adhere to the above overtime rules and controls.

A handwritten signature in black ink, reading "Paul Joseph". The signature is written in a cursive, flowing style.

Paul Joseph
Acting Chief of Police

PJ:PH