



OVERTIME COMPENSATION AND PREMIUM PAY

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I. Policy

Employees will be compensated for work that is performed in excess of the regular workday and approved by a supervisor. Authorization for overtime work is a management right and responsibility. Compensation is governed by the labor agreements with the FOP, Lodge 35, MCGEO (Local 400), and applicable federal statutes. **The changes in this directive reflect the changes in the labor agreements.** For specific examples on recording overtime, refer to the Employee Compensation Manual. (CALEA 22.1.1.e, 22.1.1.f)

II. Definitions

- A. On-Call: A routine rotating assignment within specific units to cover the periods of time when on-duty unit personnel are not available. This status is used for the flexibility of scheduling unit personnel in lieu of 24-hour, 7-day per week coverage by that unit.
- B. Call-Back: A request by a supervisor for an employee to return to duty from an on-call or off duty status to perform unanticipated and unscheduled work assignments (usually of an emergency nature.)
- C. Stand-By: A condition whereby an employee is directed by a supervisor to remain at the employee's principal place of residence and be in a state of readiness to perform work if the need arises. Such work will be of an emergency or highly unusual or specialty nature.
- D. Principal Place of Residence: Employee's primary place of inhabitation, or other residential location with access to a telephone that does not increase the employee's response time to work.

III. Compensation

- A. Sergeant and Below and Non-Sworn Employees Below Grade 25 (all employees covered under the Fair Labor Standards Act) shall be authorized overtime pay or compensatory leave at the rate of time and one-half.
- B. Lieutenant and Above and Non-Sworn Employees Grade 25 and Higher are not eligible for overtime pay, but are eligible to receive premium pay for general emergencies, call-backs, stand-bys, and holidays. When these employees are required to work on a regular day off, they are entitled to hour-for-hour compensatory time for each hour worked. Otherwise, such employees are entitled to compensatory time on an hour-for-hour basis for each hour worked in excess of 45 hours in each workweek. With supervisory approval, this form of reimbursement can be recorded directly on the time sheet.
- C. Overtime
Compensation for approved work performed in excess of a regular work day or on the employee's day off (except court and call-back) shall be as follows (refer to the Employee Compensation Manual for time sheet examples):
 1. All overtime compensation is computed on a weekly basis (e.g., overtime work from each day will be combined at the end of the week for a weekly total).
 2. All overtime work will be compensated in the following increments:
1-15 minutes - no compensation
16-45 minutes - 30 minutes compensation
46-60 minutes - 60 minutes compensation
 3. Employees required to work overtime for scheduled work assignments will be compensated from the time they are to officially report to the time they are officially dismissed or relieved of such duty. Overtime compensation is not authorized for travel time in connection with a scheduled work assignment.
- D. Court Overtime
An officer attending court (to include MVA hearings, **grand jury, deposition, or other job-related administrative hearings (e.g., workers' compensation, liquor board, hearing boards) when summonsed as a witness** on the officer's regular day off or during non-regularly scheduled working hours shall be guaranteed a minimum compensation of three hours at a rate of one and one-half times the officer's regular hourly rate regardless of the actual time spent in court unless the officer works more than three hours when not regularly scheduled or when off-duty. If the officer works more

than three hours, the officer shall be compensated at the rate of one and one-half times the officer's regular hourly rate for every hour spent in court. *When an off-duty officer is required to appear in court two or more times during the initial three hour period, the officer will not be entitled to receive additional compensation until three hours have elapsed since the officer initially appeared in court that day.*

E. Call-Back

When an employee is subject to a call-back, the employee shall be entitled to receive call-back pay in a guaranteed minimum amount of three hours of overtime pay for each call-back. All hours worked in excess of the three hour minimum will be compensated at the overtime rate. This applies to all ranks.

F. Stand-By

Employees on stand-by will be compensated at the rate of:

1. FOP members - \$4.00 per hour
2. Non-FOP members - 15% of their regular rate of compensation.

IV. Overtime Approval/Scheduling

A. Compensable Overtime

Under the Fair Labor Standards Act, work that is not requested but suffered or permitted is compensable. While supervisor approval is required in order for an employee to work overtime, it is the duty of managers and supervisors to exercise their control and see that the work is not performed if they do not want it to be performed. Once the overtime is worked, employees will receive overtime compensation in accordance with section III.

B. District/Unit Commander Responsibilities

District/unit commanders are responsible for managing the overtime budgets for their commands. As the needs of the department demand, supervisors and commanders may arrange for employees under their command to work overtime and be compensated with either compensatory leave or overtime pay (subject to the provisions of the labor agreement).

C. Pre-Planned Overtime Notification

The bureau level will be notified of all pre-planned uses of overtime (e.g., initiatives, details, etc.). Assistant Chiefs may specify a unit(s) to disregard the notification requirement. Units reporting directly to the Office of the Chief will notify the Chief of pre-planned overtime. When overtime is anticipated and controllable, overtime work should be performed in 30-minute segments.

D. Spontaneous Overtime

Overtime work arising from spontaneous events that require additional personnel or the holdover of personnel will require approval of the duty commander or higher authority. The use of such overtime work will be monitored closely by supervisors/managers.

E. Authorizing Overtime

The individual authorizing the overtime work must be a member of the unit funding the overtime.

F. Limitations on Daily Hours Worked

FOP members shall not be required or permitted to work more than 20 consecutive hours in any 28-hour period of time.

G. Adjusting Work Schedules

Whenever reasonably possible and in accordance with the respective labor agreements, managers/ supervisors will adjust work schedules to provide for a required event or activity without the necessity of overtime expenditures. Bureau chiefs/unit commanders are encouraged to use the various overtime computer printouts in an effort to more effectively manage overtime expenditures.

H. Arranging Court/Hearings/Conferences

Officers will arrange court cases, administrative hearings, and state's attorney's conferences, when possible, during regular working hours.

I. Adjusting Work Schedules for Hearing Boards

If not already working a daywork shift, officers against whom departmental charges have been placed and who elect to have the issues heard by an administrative hearing board, will have their work schedule adjusted so they start work at 0900 hours the day(s) of the hearing. Notification of a change in schedule must be made in accordance with the labor agreement and will be initiated by the Internal Affairs *Division*. This notification will be made at the same time that the officer is scheduled for the administrative hearing board.

V. Procedure for Requesting Overtime Compensation

A. Employee Responsibility

1. Complete and submit an MCP 44, "Overtime Pay/Compensatory Leave Request," within 72 hours of the date the overtime was earned.
2. Enter all requested information. Entries on the form are self-explanatory.
 - a. Enter the correct project code. For a combination of activities (e.g., report writing and prisoner processing) enter the type for whichever activity took the most amount of the time worked.
 - b. If there is no CR number enter "None."
3. Attach a copy of any documentation that verifies the requested compensation (e.g., traffic, criminal, or civil subpoenas, MVA hearing request, etc.).
4. When the MCP 44 is returned after unit commander approval, attach it to the pink copy of the time sheet.

B. Supervisor Responsibility

1. Ensure the form is completed in compliance with all instructions. Particular attention should be paid to:
 - a. The project code being correct.
 - b. The authority being correct.
 - c. The attached documentation.

2. Approved/Denied:
 - a. If approved, sign and forward to the unit commander
 - b. If denied, state the reason, sign, and return to the employee
3. When a supervisor other than the employee's supervisor requests overtime be worked, the requesting supervisor will sign the MCP 44.

C. Unit Commander Responsibility

Review the MCP 44, and approve or deny.

1. If approved, sign and attach it to the employee's time sheet.
2. If denied, state the reason, sign, and return it to the employee via the approving supervisor.

VI. On-Call Procedures

A. Commanders of units that do not provide 24-hour, 7 day per week coverage will provide an on-call list to respective bureau chiefs and to ECC. This list will include:

1. Name, home phone number, and alternate phone number for each employee.
2. A rotating schedule of the primary on-call employee for the unit. This provision can be met on a daily basis by directly notifying ECC or via a periodic memorandum.

B. ECC Responsibility

When a supervisor requests the response of a unit that has no on-duty personnel working, ECC will attempt to contact the on-call employee for that unit. If the on-call employee is not available, ECC will attempt to contact other personnel in the unit.

VII. Stand-By Procedures

A. When there is a high probability that a specific incident will require an immediate response by one or more employees, those employees will be placed on stand-by by their supervisor.

B. Supervisors placing an employee on stand-by will advise the employee of the reason for the stand-by, the location to which the employee will respond, and the approximate duration of the stand-by. Further, when the stand-by is lifted, the supervisor will advise the employee.

C. Employees in a stand-by status will remain at their principal place of residence for the period of the stand-by.

D. For purposes of placing employees on stand-by for testifying in court, the court liaison officer will act as the supervisor with the consent of the employee's unit/district commander, or designee.

VIII. Premium Pay for Work Performed on an Official County Holiday

A. Compensatory Leave in Lieu of Pay

In the event compensatory leave is desired in lieu of pay, the employee will be responsible for ensuring the holiday hours worked are recorded on the proper line on the time sheet.

B. Required to Work Holidays

As necessary county services must be maintained, an employee may be required to work by the Chief of Police, or designee, on any day designated as a holiday.

C. Lieutenants and Above and Non-Sworn Employees Grade 25 and Higher

required to work on an official county holiday are eligible for holiday premium pay at one and one-half times their regular rate.

D. Holiday Work on Regular Day Off

When an employee is required to work on a holiday that falls on the employee's regular day off, the employee may receive an alternate day off within the same pay period in which the holiday occurs in lieu of regular pay (regular pay is recorded as CLH on the timesheet).

IX. Roll Call Procedures

A. *Sergeants who work their primary assignment and who are present at the beginning and end of their workday shall be paid a roll call differential in an amount equal to .5 times their regular hourly rate of pay for each day worked. If a sergeant works either the beginning or end of the work day, but not both, the sergeant shall be paid a differential in an amount equal to .25 times their regular hourly rate of pay.*

B. *If the sergeant is absent or if the hours worked by the sergeant are such that the sergeant does not earn the full roll call differential, then a unit member who is present at the beginning and/or the end of the workday and who performs supervisory tasks in the sergeant's absence shall be paid either .25 or .5 hours roll call pay consistent with past practice.*

IX. Civil Cases

A. When an employee receives a civil subpoena for a case arising out of the employee's official duties and the date falls on the employee's day off or non-duty hours, it is requested that the employee forward a copy of the subpoena to the employee's district/unit commander through the employee's chain of command. The district/unit commander, or designee, will attempt to have the date changed to accommodate the employee's work schedule. If problems arise, assistance from the department's legal advisor may be requested.

B. Compensation for Civil Case Appearance

Employees required to appear in civil cases arising out of their official duties will be compensated as follows:

1. If the appearance is while the employee is off-duty, the employee will be compensated at the regular

overtime rate by the department. FOP bargaining unit members will be compensated in a manner consistent with the current collective bargaining agreement.

2. A check for witness fees or compensation provided by any summoning party to an officer (on or off duty) will be forwarded to the Director, Management and Budget Division. Compensation checks should be endorsed, "Pay to the order of Montgomery County, Maryland" by the recipient. Accompanying the check will be a brief memorandum sent via the chain of command outlining the reason for the civil case appearance.

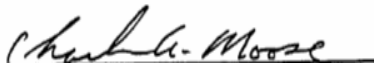
C. Jury Duty

1. Employees receiving expense money from the state or federal government for attending jury duty may retain the money.
2. Employees attending jury duty during regularly scheduled work hours will be placed on administrative leave with pay.

X. **Proponent Unit:** Management and Budget Division

XI. **Cancellation**

This directive cancels Function Code 316, dated 04-21-00.



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