

	KANSAS CITY, MO. POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	<b>PERSONNEL POLICY</b>	02-07-2018	02-07-2018	418-8
SUBJECT			AMENDS	
Policy Series 400: Compensation 418 – Overtime / Court Time Policy				
REFERENCE		RESCINDS		
Fair Labor Standards Act (FLSA) P.I. Timekeeping Procedures PPBM: Grievance Review Process, Disciplinary Actions, Suspension of Members, Holiday Compensation, Selection Process for Vacancies, Sworn Promotional Process for Captain & Sergeant		PPBM 418-7 DM 05-29, 10-17 SO 11-13		

**\*I. INTRODUCTION**

- A. This written directive establishes guidelines regarding overtime compensation in compliance with the Fair Labor Standards Act (FLSA) and Missouri state law.
- B. This written directive also establishes guidelines regarding overtime for time spent in court by members of this department.
- \*C. Failure to comply with the guidelines within this directive may result in discipline.

**\*II. TERMINOLOGY**

- A. **Call Back** – Occurs when a member is called back to duty while on a regularly scheduled day off, or after more than one (1) hour has elapsed following completion of a tour of duty. Overtime will be authorized for a minimum of four (4) hours overtime or the amount of time the member reported for duty until relieved of duty, whichever is greater.
- B. **Coded Call Back** – Occurs when a member works an event that requires a special overtime code. This may include events the department charges a third-party for the time a member is called back to duty in an off-duty capacity or an event funded by a grant.
- C. **Court Time** - Overtime incurred for required appearances at trials, pre-trial conferences, hearings, depositions, coroner inquests, or any other judicial purpose involving actions, activities, or incidents arising out of and in the performance of the member’s employment with the department.
- D. **Extension of Duty** – When a member is called back to work one (1) hour or less after their regular tour of duty has ended or when the member is required to stay on-duty seven (7) minutes or more after their regular tour of duty has ended.

- E. **Overtime** – Paid time off (compensatory time) or paid overtime for time worked in excess of the total number of hours of a member’s regular tour of duty or for department work when it occurs on a scheduled day off.
  - 1. Overtime will be given at a rate of one (1) and a half (1/2) times the member’s regular rate of pay or hours worked.
  - 2. Eight (8) hours or less worked on a holiday will not be considered overtime. For further information, members should refer to the current written directive entitled, “Holiday Compensation.”
- F. **Prior to Duty** – When a member works four (4) continuous hours or less prior to the start of their regular duty hours. Overtime will be paid from the time the member reported to duty until the start of their regular duty time.
- G. **Court Stand-by** – When a member is required to remain within a response time to a court for the purpose of providing testimony in a court proceeding.
- H. **Tour of Duty** - A period of time that elapses between the beginning and the conclusion of the regular hours of assignment, when a member is regularly scheduled to be on duty or stationed at a prescribed place.

**\*III. POLICY**

- A. In some circumstances, these written guidelines are more generous regarding overtime than that which is required by law.
- B. Eligible members will receive overtime for hours worked on a scheduled day off or for time worked in excess of the total number of hours of the member’s regular tour of duty in accordance with this written directive and applicable laws.
- C. Occurrences of overtime and court time will be entered into the designated timekeeping system in the same order as they actually occurred. For further information, refer to the current written directive, “Timekeeping Procedures.”
- D. A list of all positions considered Exempt, Non-Exempt, and Exempt-Managerial, is on file with the Human Resources Division and posted on the department intranet.
- E. Members suspended from duty or relieved of duty with/without pay should refer to the current written directives; “Grievance Review Process,” “Disciplinary Actions,” and “Suspension of Members,” regarding overtime/court time for work involved in completion of reports or time required in connection with a department investigation.

**\*IV. PROCEDURE**

This directive has been arranged in Annexes for easy reference.

- ANNEX A Overtime
- ANNEX B Court Time
- ANNEX C Court and Overtime Pay Request Verification Report, Form 56 P.D.

Richard C. Smith  
Chief of Police

Adopted by the Board of Police Commissioners the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Leland Shurin  
Board President

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**OVERTIME**

- \*A. Seven (7) minutes or more in duration of work outside the regular scheduled tour of duty will be submitted and approved for overtime. Overtime will be paid for all work performed for the benefit of the Department.
  
- B. The following conditions must be met for approval of overtime:
  - 1. Job duties or functions essential to the conduct of department business and which cannot be anticipated in advance or scheduled into regular hours of assignment.
  - 2. Unusual events, the occurrence of which is beyond the control of the department or the member and for which overtime is deemed necessary.
  - 3. Special assignments or activities required by department policy or approved in advance by a supervisor/commander.
  - 4. Conducting Department Related Business During Off-Duty Hours
    - a. Exempt-Managerial and Exempt members are allowed to conduct department related business during off-duty hours.
    - b. Non-Exempt members will not conduct department related business during off-duty hours, without prior approval (except for those circumstances noted above where prior approval cannot be obtained). If the time spent conducting department related business during off-duty hours is seven (7) minutes or more in duration, overtime will be at the member's regular rate of overtime for actual time worked.
    - \*c. If a member is required to answer/return a telephone call, text message, email, any form of communication, etc. (other than instances regarding court) of seven (7) minutes or more in duration, they will be entitled to overtime for actual time worked at their regular rate of overtime.
  
- \*C. Members who are called back to duty will normally also work their previously scheduled duty hours and will not be required to adjust their duty hours or work schedule to avoid overtime. Regular duty hours will only be adjusted if agreed upon by both the member and their commander.

- \*D. Overtime from any grant program, regardless of the funding source, will be authorized only when a member is working a grant program:
1. Prior to or after normal duty hours on either a duty day or compensated day off.
  2. During any hours on a regularly scheduled day off.
- \*E. Unless prior approval has been obtained from a member's respective commander, overtime will not be authorized for the following:
1. Non-mandatory training. This includes training that is **not**:
    - a. Directly related to the member's current job assignment.
    - b. Required as a condition of their employment.
    - c. Provided during the member's working hours; and
    - d. Training during which the member performs productive work for the benefit of the department.
  2. Off-duty time spent in connection with an activity related to or participation in an element or unit function or ceremony; e.g., an award ceremony where the off-duty member is not the member receiving the award.
- \*F. Participating in a Promotional Process or Selection Process
1. Members participating in the promotional process or selection process are considered in "work status" and therefore, are eligible for overtime. Members scheduled to work on the date of the examination are permitted to either:
    - a. Move a regular day off (R day) so they may take the test off-duty and receive overtime for the amount of time spent taking the examination, or
    - b. Be placed on Special Assignment for the amount of time spent taking the examination if approved by the member's respective commander.
  2. Members should refer to the current written directives entitled, "Selection Process for Vacancies" and "Sworn Promotional Process for Captain and Sergeant."
- \*G. Compensable Overtime Rate
1. Exempt and Non-Exempt members' overtime hours worked can be compensated at the discretion of their chain-of-command as either overtime pay or compensatory time (comp time).

2. Exempt Managerial members' approved overtime hours worked must be taken in comp time only. Exceptions may be made for circumstances or positions determined by the Chief of Police.
3. Comp Time
  - a. Exempt and Non-Exempt members with:
    - (1) Less than one (1) year of service, may accumulate a maximum of sixty (60) hours of comp time during that first year of service. However, after the first year of service the member will not be able to earn more comp time until their comp time balance is below forty (40) hours. Forty (40) hours will then be the maximum accumulation.
    - (2) More than one (1) year of service:
      - (a) May accumulate a maximum of forty (40) hours.
      - (b) Members who have a comp time balance over the above stated maximum may not earn any additional comp time until their balance is below forty (40) hours. Forty (40) hours will then be the maximum accumulation.
  - b. Only Exempt-Managerial members at the rank of Captain and above may be allowed to submit for accumulation of comp time up to a total cap of 180 hours.
    - (1) Once a member reaches 160 hours of comp time, it is expected that they will promptly schedule time off so as not to reach the 180 hour cap.
    - (2) Members who have previously accumulated more than this maximum will not be able to earn any additional comp time until the balance is below the maximum amount.
  - c. Timekeepers will notify any member whose comp time approaches the maximum number of hours.
  - d. To request an exception for accumulation of comp time due to lack of funding for paid overtime, a member will submit an Interdepartment Communication, Form 191 P.D. (191 P.D.), through their chain-of-command to the Chief of Police for approval.

H. Authorized Overtime Categories (excluding court time)

1. Prior to Duty
2. Extension of Duty
3. Call Back
4. More Than One Call Back in a Day - Calculated from the start of the first call back to the start of the second call back.
  - a. When call backs occur exactly four (4) hours or less apart, the member will be authorized overtime for the amount of time involved in the call backs or a minimum of four (4) hours, whichever is greater.
  - b. When call backs occur more than four (4) hours apart:
    - (1) For the first call back, the member will be authorized either a minimum of four (4) hours overtime or the amount of time involved, whichever is greater.
    - (2) For the second and additional call backs, the member will be authorized overtime for the actual time involved.
  - c. If a court call back and an overtime call back occur within four (4) hours or less of each other, the completed Overtime Voucher-Other Than Court Time, Form 55 P.D. (Form 55 P.D.) and the Court Time Voucher, Form 54 P.D (Form 54 P.D.), will be sent to Personnel Records Section (PRS) for entry.
  - d. A member will not be authorized overtime for more than one (1) four (4) hour minimum during the same day unless it is a coded call back.
  - e. For coded call backs, the member will complete the Form 55 P.D., and forward it through their chain-of-command to PRS for entry.
- \*5. Special Circumstances
  - a. A member not suspended who is to give a statement to the Internal Affairs Unit or submit to a polygraph examination will be authorized overtime in accordance with this written directive. This includes members required to appear in connection with a complaint against them.
  - b. A member suspended from duty will be authorized overtime during the suspension period for the time required in connection with any department investigation of the incident(s) which resulted in the suspension. For further information, members should refer to the current written directive regarding suspension of members.

c. Daylight Saving Time (D.S.T.)

(1) **First Day of D.S.T.**

- (a) Watch I will be regarded as a regular work shift with no special timekeeping procedures.
- (b) Overtime will be given to only those members who work in excess of eight (8) or ten (10) hours, depending upon their assigned work schedule, on the first day of D.S.T.

(2) **End of D.S.T.**

- (a) Members on duty at the time D.S.T. ends will be required to work at least one (1) hour in addition to the regular eight (8) or ten (10) hour tour of duty.
- (b) To accommodate the time change, the member will complete a Form 55 P.D. Refer to Section I of this annex (listed below) for further information.

(3) A member who is required to work an extension of duty at the end of the shift, in excess of nine (9) hours for an eight (8) hour plan and eleven (11) hours for a ten (10) hour plan, will complete a second Form 55 P.D. marked as Occurrence #2. This form will be completed per regular procedure as directed in Section I of this annex (listed below).

(4) A member assigned to Watch I who works less than a total of eight (8) or ten (10) hours, or who is on any type of leave day, will not receive overtime for the extra hour of the affected shift.

I. Completion of the Overtime Voucher – Other Than Court Time, Form 55 P.D. (Form 55 P.D.)

- 1. To receive paid overtime or comp time that meets the previously listed criteria, members will complete the Form 55 P.D. each day in which overtime other than court time is worked.
- 2. The Form 55 P.D. will be submitted to the member's immediate supervisor/commander, who will ensure the form is complete and accurate and on approval will forward the form to the timekeeper.

3. For end of D.S.T., the member will complete the Form 55 P.D. in full and specifically make the following indications:
  - a. Occurrence: mark as Occurrence #1
  - b. Reason for Overtime: End of D.S.T.
  - c. Check box marked: Prior to Duty
  - d. Actual Overtime Worked: From-one hour prior to the regular starting time. To-the regular starting time
4. All Forms 55 P.D. will be:
  - a. Entered into the designated timekeeping system.
  - \*b. Filed by the timekeeper for three (3) work periods (84 days) or five (5) work periods (140 days) for grant overtime, following the conclusion of the work period for which the entry was made, after which they may be destroyed.
5. Timekeepers may enter or revise overtime within three (3) days, or four (4) days if earned on a Friday, from the date the overtime was earned.
6. If the timekeeper does not enter the overtime within three (3) days, or four (4) days if earned on a Friday, after the date the overtime was earned, or the timekeeper made an error in the entry and failed to revise the overtime entry within the prescribed timeframe, the timekeeper will:
  - a. Complete a 191 P.D., stating why the entry or revision was not made within the prescribed timeframe available.
  - b. Attach a copy of the Form 55 P.D., to the 191 P.D. and forward it through the division level chain of command to PRS for correction of the entry.
  - c. File and maintain the original source document.

**COURT TIME**

A. Court time overtime will be authorized under the following conditions:

- \*1. Prior to Duty - When a court session is scheduled to begin two (2) hours or less prior to a tour of duty, a member will be authorized overtime from the time the member must be at court until the tour of duty begins.
2. Extension of Duty
  - a. When a court session is scheduled to begin one (1) hour or less following a tour of duty, a member will be authorized overtime from the completion of the tour of duty until the member is dismissed by a court official or all of their cases are adjudicated.
  - b. When a member remains in court past the end of a tour of duty, the member will be authorized overtime for the time that exceeds their tour of duty.
3. Call Back
  - \*a. When a court session is scheduled to begin more than one (1) hour after a tour of duty, a member will be authorized a minimum of two (2) hours overtime. Should the actual time in court exceed two (2) hours, the member will be authorized overtime from the time the member must be at court until the member is dismissed by a court official or all of their cases are adjudicated.
  - b. When a court session occurs on a day off, a member will be authorized a minimum of two (2) hours overtime or the actual time in court, whichever is greater.
- \*4. Court Stand-by
  - a. When a member is notified by court official that they are to remain within a response time or to be available for the purpose of providing testimony in a court proceeding, the member will be authorized one (1) hour overtime for each day required by the court official.
  - b. Written notice from the court official, placing the member on Court Stand-by, is required to receive overtime.
  - c. Once placed on Court stand-by, if the member is then called to appear in court that day (on the same case as the stand-by case), the member will not receive the one (1) hour of stand-by but will receive overtime as described within this annex.

- d. If a member is on stand-by for one court e.g., Jackson County, but also required to appear in another court; e.g., Municipal, for an unrelated case(s), the member will receive one (1) hour stand-by and overtime for the court time as described within this directive.
- \*5. If a member answers/returns a telephone call, text message, email, any form of communication, etc., of seven (7) minutes or more in duration regarding a court case from a prosecutor or other court related person, they will be entitled to overtime for actual time worked at their regular rate of overtime.
6. When the court takes a recess and the member is required to return on the same day, the time involved will only be considered as one court session/appearance. If the court reconvenes on a subsequent day, the time involved will be regarded as a separate appearance.
7. An off-duty member subpoenaed to appear in a civil case, which resulted from or involved on-duty performance of police service, will be authorized overtime and will not accept other payment for such appearance.
8. More Than One (1) Court Session in a Day
- a. A member will not be authorized overtime for more than one (1) two (2) hour minimum during the same day.
  - b. Calculated from the start of the first session to the start of the second session:
    - (1) Two (2) Hours or Less Apart - The member will be authorized overtime for the time actually involved in the sessions or a two (2) hour minimum, whichever is greater.
    - (2) More Than Two (2) Hours Apart
      - (a) For the first session, the member will be authorized either a two (2) hour minimum or the actual time in court, whichever is greater.
      - (b) For the second and additional sessions, the member will be authorized overtime for the actual time spent in court.

c. Extension of Duty Followed by Additional Court Appearances

- (1) When a second court session convenes within two (2) hours or less of an Extension of Duty court appearance (from the end of the member's tour of duty until the start of the second session):
  - (a) The member will be authorized overtime for the actual time involved in the Extension of Duty plus the actual time involved in the second occurrence, or
  - (b) A two (2) hour minimum, whichever is greater.
  - (c) For additional court sessions in the same day, the member will be authorized overtime for the amount of time actually spent in court.
- (2) When a second court session convenes more than two (2) hours after an Extension of Duty court appearance (from the start of the first session to the start of the second):
  - (a) The member will be authorized overtime for either a two (2) hour minimum or the actual time in court, whichever is greater, for the first session.
  - (b) For additional sessions, the member will be authorized overtime for the actual time spent in court.

B. Court time overtime will not be authorized for the following:

1. A member subpoenaed to appear as an expert witness or consultant in a matter unrelated to department-related business.
2. Any court appearance which results from or involves an arrest made during the course of off-duty employment.
- \*3. Any member whose appearance results from a charge or legal claim the member brought against the Board of Police Commissioners or any member of the department.

\*C. On each day when a member is required to attend a duty-related court session during non-duty hours, the member will complete a Court Time Voucher, Form 54 P.D. (Form 54 P.D.).

1. The member will complete all information regarding the court session(s) attended: courtroom/division, judge's last name, defendant's last name (only list one defendant's name if there is more than one), and actual time spent in court (beginning and ending times of court session).

2. If a member is on days off, or for any other valid reason is unable to submit a Form 54 P.D. on the date the court session is attended, the member will:
  - a. Contact the timekeeper by telephone within one (1) day following the court date and provide court session information to be entered on a Form 54 P.D.
  - b. Sign the Form 54 P.D. immediately upon returning to duty.
3. All court sessions for which court time is authorized will be recorded in sequential order.
  - a. Two court sessions occurring on the same day will be recorded on one Form 54 P.D. in the spaces provided.
  - b. When three (3) or more court sessions occur on the same day, the third and subsequent sessions will be recorded on separate Forms 54 P.D. and stapled to the first.
4. All Forms 54 P.D. will be:
  - a. Entered into the designated timekeeping system.
  - b. Filed by the timekeeper for three (3) work periods (84 days) or five (5) work periods (140 days) for grant overtime, following the conclusion of the work period for which the entry was made, after which they may be destroyed.
5. Timekeepers may enter or revise court time within three (3) days, or four (4) days if earned on a Friday, from the date the court time was earned.
6. If the timekeeper does not enter the court time within the timeframe as previously stated or the timekeeper made an error in the entry and failed to revise the court time entry within the timeframe provided, the timekeeper will:
  - a. Complete a 191 P.D., stating why the entry or revision was not made within the three (3) days available.
  - b. Attach a copy of the Court Time Voucher, Form 54 P.D., to the 191 P.D. and forward it through the division level chain of command to PRS for correction of the entry.
  - c. File and maintain the original source document.

**\*COURT AND OVERTIME PAY REQUEST  
VERIFICATION REPORT, FORM 56 P.D.**

- A. The Court and Overtime Pay Request Verification Report, Form 56 P.D. (Form 56 P.D.), a computer generated verification report, will contain exactly the same information in the same format as the Court and Overtime Vouchers, Forms 54 P.D. and 55 P.D.
- B. These reports will be prepared by the Information Services Division personnel on the first Wednesday of each two-week pay period and will be available to be picked up in Accounting and Payroll Section (APS) by 0900 hours.
- C. The procedures outlined below will ensure there is no delay in receiving court or overtime pay.
  - 1. Court and overtime pay will be paid every fourteen (14) days. It is imperative that court and overtime are entered as soon as possible after it was earned to ensure that pay is received on time.
  - 2. Upon receipt of the verification reports, the timekeeper will:
    - a. Verify the report(s) against the Form 54 P.D. and the Form 55 P.D. by checking each entry and the hours and tenths column.
    - b. If a mistake is found on any entry on a verification report, the timekeeper will:
      - (1) Make the appropriate correction in red ink on the verification report.
      - (2) Ensure the subject member's name, serial number, and corrected information is entered on a 191 P.D.
      - (3) Staple a copy of the appropriate voucher(s) to the verification report.
    - c. If the timekeeper has a voucher for court or overtime earned during the subject pay period that is not reflected on the verification report; i.e., an error was detected, the timekeeper will:
      - (1) Make the appropriate correction in red ink on the verification report.
      - (2) Ensure the subject member's name, serial number, and corrected information is entered on a 191 P.D.

- (3) Staple a copy of the appropriate voucher(s) to the verification report.
    - d. If the timekeeper has a court or overtime voucher for the subject pay period, but does not have a verification report for the subject member; i.e., a verification report was never completed, the timekeeper will:
      - (1) Ensure the subject member's name, serial number, and corrected information is entered on a 191 P.D.
      - (2) Staple a copy of the appropriate voucher(s) to the 191 P.D.
    - e. The APS will complete a Form 56 P.D. once they have received the 191 P.D. and a copy of the voucher(s).
  3. Sign the reports and forward for the following signatures:
    - a. Subject member, when available for duty
    - b. Assistant division commander
    - c. Division commander
  4. Once all of the above listed signatures have been received, the Form 56 P.D. will be forwarded to APS by the second Monday in each two-week pay period, nine (9) days after the last day of a two-week pay period.
- \*D. The copy of the Form 56 P.D. will be retained at the member's element of assignment for 84 days following the last day of the work period, after which time the form may be destroyed.