



INTERNAL POLICY AND PROCEDURE

TITLE: Overtime Compensation for Commissioned Police Officers in the Classified Service

EFFECTIVE DATE: April 14, 2014 (*Procedural Update 11/6/17*)

CANCELLATION: None

DIVISION: BUSINESS AND ADMINISTRATIVE AFFAIRS (BAA)

CATEGORY: Human Resources (Civil Service Employment)

RESPONSIBLE DEPARTMENT: Human Resources (L)

PROCEDURES & SPECIFIC INFORMATION

1. **Purpose**

To establish procedures for providing overtime compensation for commissioned Police Officers employed in the classified service in accordance with Fair Labor and Standards Act (FLSA) requirements and [Civil Service Rules: Chapter 21, Overtime and Overtime Compensation](#).

2. **Scope and Applicability**

This policy applies to full-time, commissioned Police Officers employed in the classified service by Delgado Community College.

3. **General Provisions**

- A. According to [Civil Service Rule 21.1, Authority of Appointing Authority to Require Performance of Overtime](#), as employees in the classified service, commissioned Police Officers may be required by the College's Appointing Authority to work overtime.
- B. As required by [Civil Service Rule 21.2, Determination of Exempt/Non-Exempt Status of Positions](#), Delgado Community College designates commissioned Police Officers as non-exempt FLSA employees.

- C. In accordance with [Civil Service Rule 21.3, Authority for Compensation](#), commissioned Police Officers shall be compensated for:
- FLSA Overtime in accordance with the [FLSA for overtime conditions that are covered by the FLSA](#); and
 - State Overtime in accordance with [Civil Service Rule 21.7 Definition of State Overtime for overtime conditions not covered by the FLSA](#).
- D. No commissioned Police Officer will work overtime without written justification and the prior approval of the (1) immediate supervisor, (2) intermediate supervisor, and (3) Chief of Campus Police, as applicable, on the [Overtime/ K-Time Leave Approval Form for Classified Employees, Form 2400/005](#). Prior to working any overtime hour, the employee must seek and receive approval as noted above; however, if the employee believes the situation to be of an emergency nature, and neither the immediate supervisor or Chief of Campus Police cannot be reached, the employee may work the overtime. However, the event should be documented in writing and the overtime justified to the immediate supervisor and Chief of Campus Police as soon as possible. If the immediate supervisor and/or Chief of Campus Police determine(s) that the employee's judgment about working overtime is inappropriate, the employee may be instructed that he or she may not work overtime in the future without specific prior written approval.
- E. The College's Appointing Authority may make exceptions to this policy upon presentation of sufficient justification and if the exception is in accordance with state and federal law and Civil Service Rules.

4. **Definitions of Work Period, Workday and Hours Worked**

- A. ***Work Period -***
The 40-hour work period for calculating FLSA Overtime or State Overtime is defined as Monday 12:00 a.m. through Sunday 11:59 p.m.
- B. ***Workday -***
Workday is defined in the [FLSA](#) as "the period between the time on any particular day when an employee commences his/her principal activity and the time on that day at which he/she ceases his/her principal activity."
- C. ***Hours Worked for FLSA Overtime Conditions –***
As defined in the [FLSA](#), for purposes of calculating hours worked for FLSA overtime conditions, hours worked is "all time during which an employee is necessarily required to be on the employer's premises, on duty or at the prescribed work place."

D. **Hours Worked for State Overtime Conditions –**

State Overtime is granted to non-exempt FLSA employees for overtime conditions NOT covered by the FLSA. As defined in [Civil Service Rule 21.7 Definition of State Overtime](#), for purposes of calculating hours worked for State Overtime, a day off from work due to paid leave taken or a holiday observed is considered to be a day worked.

5. **Overtime Compensation**

A. **FLSA Overtime**

In accordance with [Civil Service Rule 21.8, Compensation Rate for Non-Exempt Employees](#), commissioned Police Officers shall be compensated for FLSA Overtime by one of the following:

- Cash payment at the time and one-half rate; or
- Compensatory leave earned at the time and one-half rate.

B. **State Overtime**

As defined by [Civil Service Rule 21.7 Definition of State Overtime](#), when a commissioned Police Officer is not eligible for overtime under the provisions of the FLSA, State Overtime is granted at the direction of the Appointing Authority or his designee for work performed:

- In excess of the employee's regularly scheduled workday.
- In excess of the employee's regularly scheduled work period.
- On a holiday, including designated holidays.
- During official closures.

Commissioned Police Officers shall be compensated for State Overtime in accordance with the options set forth in [Civil Service General Circular 1742, Office Closures, Special Leave and Overtime](#), which provides distinctions for overtime compensation for when the employee's office is open or declared closed as described in Section 5C.

C. Compensation Options

Options for overtime compensation will be in accordance with FLSA regulations and Civil Service Rules, as applicable, and based on budget availability as determined by the Vice Chancellor for Business and Administrative Affairs. (See [VCBAA Memorandum: Overtime Compensation for Police Officers Effective 11/6/17.](#))

- (1) When a commissioned Police Officer has actually worked in excess of 40 hours in a regularly scheduled 7-day work period, the following options apply:**

Actual Hours Worked in Excess of 40 Hours	Options for Compensation
Commissioned Police Officer has worked more than 40 hours in a work period. <i>(FLSA Overtime)</i>	Cash payment at time and one-half (1.5) rate; <i>OR</i> Compensatory Leave earned at 1.5 rate

- (2) When a commissioned Police Officer has NOT actually worked in excess of 40 hours due to paid leave taken or a holiday observed, or non-emergency office closure, the following options apply:**

Did the work occur on a holiday or during a non-emergency office closure?	Options for Compensation
Yes <i>(State Overtime)</i>	Cash payment at time and one-half (1.5) rate; <i>OR</i> Compensatory Leave earned at 1.5 rate; <i>OR</i> Cash payment at regular hourly rate; <i>OR</i> Compensatory Leave earned at hour-for-hour rate
No <i>(State Overtime)</i>	Cash payment at regular hourly rate; <i>OR</i> Compensatory Leave earned at hour-for-hour rate

- (3) **When a commissioned Police Officer is performing work ON emergency duty during official closures due to weather conditions or natural disasters, a security risk to the public safety, or similar occurrences of an extraordinary nature, the following options apply:**

Did employee actually work in excess of 40 hours?	Options for Compensation
<p>Yes, employee actually worked more than 40 hours.</p> <p><i>(FLSA Overtime)</i></p>	<p>Cash payment at time and one-half (1.5) rate</p> <p>OR</p> <p>Compensatory Leave earned at 1.5 rate</p>
<p>No, employee actually worked less than 40 hours.</p> <p><i>(State Overtime)</i></p>	<p>Cash payment at time and one-half (1.5) rate</p> <p>OR</p> <p>Compensatory Leave earned at 1.5 rate</p> <p>OR</p> <p>Cash payment at regular hourly rate</p> <p>OR</p> <p>Compensatory Leave earned at hour-for-hour rate</p>

D. Special Compensation Provisions

- **Waiting Time**

In accordance with the [FLSA](#), the “waiting time” spent by commissioned Police Officers on the job who are waiting for shift relief is considered work performed. The College generally compensates waiting time for commissioned Police Officers, who have already completed their shifts, with compensatory leave earned at time and one-half (1.5) rate. The College reserves the right to amend this in accordance with applicable FLSA and Civil Service Rules when deemed necessary.

- **Unscheduled (Emergency) Office Closures/ Emergency Response Duties Outside of Police Officer’s Regular Work Schedule**

During unscheduled closures due to emergency conditions, including but not limited to weather, commissioned Police Officers will generally receive overtime compensation through a cash payment on a time and one-half (1.5 rate). Additionally, Police Officers required to perform emergency response duties during weekday evening/night or weekend hours *outside of the Police Officer’s regular 40-hour weekly work schedule* will generally receive overtime compensation through a cash payment on a time and one-half (1.5 rate). The College reserves the right to amend these provisions as needed.

- **Externally-Funded Events on College-Facilities**

For externally-sponsored events on the College’s facilities for which commissioned Police Officer presence is paid for by an external organization/entity or funded through external funds, compensation will generally be made through cash payment on a time and one-half (1.5) rate. As a good business practice, efforts will be made to give priority, when possible, to officers who have actually already worked a 40-hour work period. The College reserves the right to amend these provisions as needed.

- **Internal Events on College-Facilities Outside of Officer’s Work Schedule**

For internally-sponsored events on the College’s facilities for which commissioned Police Officer presence is necessary during weekday evening/night or weekend hours *outside of the Police Officer’s regular 40-hour weekly work schedule*, compensation will generally be made through cash payment on a time and one-half (1.5) rate. The College reserves the right to amend these provisions as needed.

6. **Compensatory Leave Regulations**

- A. For compensatory leave payment, prior to performing overtime work commissioned Police Officers must submit a signed [Statement of Agreement or Understanding: Classified Employee Compensation for Overtime Work](#), Form 2400/006, to document agreement with the compensatory leave form of compensation throughout his/her employment with the College.
- B. In accordance with [Civil Service Rule 21.6, Compensatory Leave – Crediting and Usage](#), compensatory leave credited to a commissioned Police Officer may be used by the employee, with the approval of the Appointing Authority, on the date requested unless the leave will cause “unduly disruption” to the College.

- C. An employee who has been credited with compensatory leave may be required, by the Appointing Authority, to take all or part of such leave at any time.
- D. In accordance with [Civil Service Rule 21.10, Caps and Required Payment for Overtime Earned at the Time and One-half Rate](#), commissioned Police Officers who accrue compensatory leave at the time and one-half rate shall accumulate no more than 480 hours of compensatory leave, which is the maximum allowed under the FLSA. Once the maximum balance of compensatory leave earned at the time and one-half rate is reached, any additional overtime worked must be paid to the employee in cash at the time and one-half rate.
- E. The College may pay the balance of an employee's compensatory time at any time, and the rate of pay shall be calculated in accordance with [Civil Service Rules: Chapter 21, Overtime and Overtime Compensation](#).
- F. In accordance with [FLSA regulations](#) and [Civil Service Rule 21.12, Payment or Cancellation of Compensatory Leave upon Separation or Transfer](#), upon separation or transfer from commissioned Police Officer employment at the College, the employee must be paid the higher of (1) his/her final regular rate of pay or (2) the average regular rate during his or her last three years of employment for any compensatory leave remaining when the separation/transfer occurs.

Forms:

- [Overtime/ K-Time Leave Approval Form for Classified Employees](#), Form 2400/005
- [Statement of Agreement or Understanding: Classified Employee Compensation for Overtime Work](#), Form 2400/006

Reference:

- [Civil Service Rules: Chapter 21, Overtime and Overtime Compensation](#)

Memorandum:

- [VCBAA Memorandum: Overtime Compensation for Police Officers Effective 11/6/17](#)

Review Process:

- Ad Hoc Committee on Police Overtime Policy 3/28/14
- Business & Administrative Affairs Council 4/4/14

Approval:

- Vice Chancellor for Business and Administrative Affairs 4/8/14
- Procedural Update - Vice Chancellor for Business and Administrative Affairs
- Approval 11/6/17