

OVERTIME WORK/COMPENSATORY TIME	General Order	GO 407
	Effective Date	07-11-11
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1. PURPOSE

The purpose of this policy is to establish the criteria for the granting and compensation of authorized overtime work performed by members of the department.

2. PERSONS AFFECTED

All department personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that its members shall be called upon at certain times to perform overtime work in the performance of their duties. Any sanctioned overtime work shall be compensated fairly and in accordance with existing rules, laws, and collective bargaining agreements.

4. DEFINITIONS

4.1. **Call Back** – Any employee on off-duty status who is called back to duty by emergency action or by competent authority.

4.2. **Compensatory Time Off (CTO)** – An alternative to cash payment for overtime work in which a member may elect to take time off of work at a rate of 1 ½ hours time off for every hour of overtime work earned.

4.3. **Competent Authority** – The Police Chief or such subordinates designated to act for him.

4.4. **Reasonable Period** – 90 days.

4.5. **Supervisor** – Any officer having supervisory responsibilities, including those with temporary supervisory status.

4.6. **Unduly Disruptive** – The imposing of an unreasonable burden on the Department's ability to provide services of acceptable quality and quantity to the public during the time requested without the use of the requesting Employee's service.

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5. RESPONSIBILITIES

- 5.1. A supervisor shall approve of any overtime work being performed by members. When overtime work is not directed by a supervisor, members prior to incurring overtime shall obtain approval from a supervisor.
- 5.2. Supervisors shall act on any request for CTO by employees in accordance with existing rules, laws, and collective bargaining agreements. A request for CTO shall be granted unless granting the request would be unduly disruptive to the section or division's operations.
- 5.3. Supervisors approving request for CTO shall be responsible for verifying that the employee has sufficient compensatory time credits available.
- 5.4. Members shall submit requests for CTO to their respective supervisor utilizing the CTO/Shift Change Request form HPD/PAT-002 no less than five (5) days prior to the requested date. Requests will be considered in the order in which they were received. Supervisors may choose to consider any request submitted without the proper five (5) day notice.

6. HOURS OF WORK / WORK SCHEDULES

- 6.1. The normal work week shall be 40 hours, with not more than 8 hours of work per day.
- 6.2. Work schedules are not to be considered changed unless the employees affected are given at least 48 hours prior notice.

7. OVERTIME WORK

- 7.1. Work performed in excess of 8 hours per work day or 40 hours per week is overtime work.
- 7.2. An employee who has performed overtime work shall receive cash payment or CTO as provided in the respective collective bargaining agreements.
- 7.3. Work, duty, service or other official assignments and activities performed upon direction of proper authority outside of regular working hours is overtime work.

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7.4. A member on off duty status who is called back to duty because of an emergency shall be paid for a minimum of three hours work, or credited with overtime work calculated from the time the member leaves until the member returns to his home, whichever is greater.

7.5. Any other work performed as allowed under the collective bargaining agreement of the appropriate union contract, including but not limited to: holiday, court attendance, split shift work, call-back, and seventh day provision.

8. COMPENSATORY TIME

8.1. Compensatory time credit shall be earned and credited according to the Hawai'i Revised Statutes and rules and regulations promulgated thereunder.

8.2. An employee earns CTO in lieu of cash at the rate of one and one-half (1 ½) hours for each overtime hour worked.

8.3. Compensatory time off (CTO) is that period of time during which a member is excused from work and is placed on official leave with pay status and is charged with compensatory time off previously earned.

8.4. Employees who are members of Bargaining Unit 12 may accumulate a maximum of one hundred (100) hours of compensatory time credit. The Department may unilaterally schedule such hours in excess of one hundred (100) hours off or shall pay the Employee in cash.

8.5. For all other employees, limits on accumulated hours shall be governed by existing Collective Bargaining Agreements.

9. COMPENSATION FOR COMPENSATORY TIME CREDIT

9.1. An employee who has performed overtime work has the option of either receiving cash payment or CTO except as provided in the respective collective bargaining agreements.

9.2. Cash payment shall be automatically specified in lieu of compensatory time credit for overtime work performed in response to certain grant funded projects where grant contracts specify the payment of related services.

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9.3. If a cash payment for overtime work is to be made, it shall be made within the pay period following the performance of overtime work, or as soon as practicable, but in no event shall payment be made beyond the next payday after the computation of the overtime work can be made at the rate of one and one-half (1 ½) hours for each hour worked.

9.4. An employee may take CTO in lieu of cash at the rate of 1-1/2 hours for each overtime hour worked.

10. EMPLOYEES ENTITLED TO COMPENSATORY TIME CREDIT

10.1. All members may become eligible for compensatory time credit for overtime work except the following:

- a. Police Chief
- b. Deputy Police Chief

10.2. Other members shall be granted compensatory time credit when the overtime work was directed or required by proper authority.

11. WHEN GRANTED

11.1. The Department shall grant CTO in compliance with existing collective bargaining agreements and Federal and State Labor law requirements.

11.2. Commanders shall give due consideration to keeping the necessary number of officers on duty to effectively fulfill the functions of the respective bureaus, divisions, districts and sections.

11.3. If a request by an Employee for CTO cannot be granted for the time and date requested, the supervisor shall provide the Employee an alternate date within a Reasonable Period of the original date requested.

11.4. CTO credits in excess of the maximum allowed shall be credited in the following manner:

- a. All efforts will be made to arrange for a mutually agreeable time for the scheduling of time off for these purposes.

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- b. Commanders may unilaterally schedule any Unit 12 member to CTO for hours in excess of the maximum allowable, or shall pay the member in cash; if there is no mutual agreement then CTO is to be taken within 4 calendar months following the month in which the credits were earned.

12. MEMBERS TO APPLY

- 12.1. Members shall apply for compensatory time off or cash payment on the proper forms on the first working day after working overtime.
- 12.2. Commanding officers shall verify all such applications and forward the Time and Attendance Report to the Finance Division at the end of the pay period.
- 12.3. Commanders may maintain compensatory leave or cash records on individual members through the use of the Request for Compensatory Leave or Cash Payment PO/Form 6.

13. CALL BACK

- 13.1. An employee on “off duty” status who responds to render service at the direction of competent authority shall then be on “call back” status and compensated at the “call back” pay rates.
- 13.2. Exception – Under normal circumstances call back shall be made by competent authority as defined. All sworn personnel and specific support staff designated by their respective commanders shall respond to “on duty” status immediately upon hearing emergency warning sirens or local radio stations announcing an emergency exists requiring all sworn personnel and specific support staff to report for duty. Sworn personnel and specific support staff who are unable to reach their assigned duty stations in a reasonable time shall contact their respective commander for direction. Sworn personnel unable to contact their respective commanders shall report for duty at the nearest station and take their orders from the ranking officer present. All sworn personnel shall report in uniform with their subsidized vehicles and all issued emergency equipment. Sworn personnel may be authorized by their respective commanders to report for duty in issued Battle Dress Uniforms (BDU). Sworn personnel and specific support staff that are off island who become aware that an emergency exists shall not respond,

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and shall contact and apprise his commanding officer of his location, and will be informed if response is necessary.

13.3. Excluding emergency situations which require total mobilization, other reasons for call back are:

- a. Shortage of Personnel
- b. Court Appearance

14. DUTY TO ABIDE

Members may not refuse a “call back” situation unless circumstances are such that said employee cannot perform his duties.