

# CITY OF OAKLAND

## Agenda Report

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OFFICE OF THE CITY CLERK  
OAKLAND  
2005 MAR 10 PM 9:25

To: Office of the City Administrator  
Attn: Deborah A. Edgerly  
From: Police Services Agency  
Date: March 15, 2005

Re: **Informational Report from the Chief of Police on the Status of Efforts to Reduce Police Overtime**

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### SUMMARY

At the Finance and Management Committee Meeting of March 8, 2005, a request was made for a supplemental report on what measures the Police Services Agency had instituted to reduce overtime and what measures are under consideration for future years. This report addresses that request.

### BACKGROUND

In a report dated January 21, 2003, titled "Overtime Reduction Plan for FY 2002-03"; a number of overtime reduction initiatives were recommended and implemented in October 2002. The areas targeted for reductions were: backfill overtime; callback overtime; extension of shift; special enforcement actions; acting higher rank overtime; recruiting and background investigation; training overtime; and other unspecific overtime. However, there currently exist certain requirements that were not present during the period the 2002-03 Reduction Plan was implemented that impact the accumulation of overtime. These requirements include full implementation of the Negotiated Settlement Agreement (NSA) mandates, institution of Police Academies and need for more backfill due to the current high vacancy rates.

Recently, the Department developed additional reduction initiatives that are independent of the plan identified above. Several of those initiatives have been implemented. Several others require additional research, discussions with labor unions, and feasibility studies before inclusion in the Department's overtime reductions strategies.

### FISCAL IMPACT

The Police Department is projected to overspend its overtime budget by \$7.2 million. The Department recognizes that it will overspend and concurs with the projection. However, it also realizes that there are circumstances that contribute to the over expenditures.

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The Agency's attrition rating continues to rise in divisions that require the various forms of backfill. The over expenditure is valid as vacancies in the Agency do not result in salary savings for the many of the positions. Vacancies actually result in overtime expenditures as there are mandated activities that must be staffed when vacancies occur, i.e., Patrol, Records, Dispatch, Jail.

In addition there are activities required by the Negotiated Settlement Agreement and the cost of instituting an Academy that will require overtime. These activities were not identified prior to the adoption of the budget nor was it appropriated in the FY 2004-05 budget. Accordingly, there is a potential increase in over expenditures for these activities.

### **KEY ISSUES AND IMPACTS**

The Police Department's current general fund overtime budget is \$11.2. It is projected to exceed its overtime budget by \$7.15. There have been ongoing discussions with the Budget Office to evaluate if the OPD overtime budget is properly funded based on MOU driven and Negotiated Settlement Mandates. The outcomes of these conversations will be addressed during the FY 05-07 budget discussions.

As OPD is a 24-hour/7 days a week operation, certain critical positions in operational areas (Patrol, Jail, Dispatch and Communications) must be filled when a vacancy occurs for any shift. Accordingly, these situations do not realize salary savings. In fact, more expense is incurred as these vacant positions are filled with personnel on overtime hours, which has a higher cost to the City. When the Department has a high rate of vacancies inevitably incurs more overtime associated expenses.

The Overtime Reduction Plan presented to Council in January 2003 anticipated a \$5.3 million reduction in overtime spending. The distinction that must be noted is that the Agency currently has 42 sworn vacancies and 54 civilian vacancies. In addition 49 sworn officers and 17 civilians are unavailable for work because of extended leave (worker's comp, military leave). During the same period in 2003 there were two sworn and 56 civilian vacancies.

The Department has reviewed its overtime reduction plan to ensure that the cost savings remain in effect. The attached report outlines where the overtime dollars have been expended for this fiscal year as of pay period ending January 28, 2005.

### **PROGRAM/POLICY DESCRIPTION**

The following were the reduction initiatives that were recommended in the 2002-03 Overtime Reduction Plan and the current status of the initiative:

- Backfill Overtime – overtime for backfill for full (10-hour) shifts was to be reduced to 5 hours. Shifts were only extended with a watch Commanders' approval. In addition, the Deputy Chief and Captain were to scrutinize Patrol

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Division overtime assignments where no officers are to be called to work on an overtime basis if all beats were filled. – *Current practice: Officers now work 5-8 hours, not 10 hours, except Sideshows operations where they work 12 hours. Officers typically report during the portion of the watch where activity is highest. The Deputy Chiefs and Captains are given an overtime report each month so they can scrutinize the overtime expenditures in their organization.*

- *Callback Overtime – No one shall be called back to work on an overtime basis unless they are needed to investigate when it is life-threatening situations; when a death occurs; and where specially trained officers are required. – Current practice: Callback overtime for investigators have not typically followed this procedure as the Negotiated Settlement Agreement requires Internal Affairs Division Investigators to respond when there is an officer involved shooting. Additionally, investigators are called back for missing and abducted children, sexual assaults and child sexual exploitation where evidence will be lost or destroyed without immediate investigator follow-up. There is some overtime required for major incidences. Overall, the Patrol Division is adhering to this procedure.*
- *Extension of Shift – overtime for the extension of a shift can only be approved in advance with watch commander’s approval where they must explain and justify its use in writing. Current practice: Officers can work two hours without permission beyond a sergeant level; if more time is needed, authorization is to be provided in writing. Overall this procedure has been followed by the Patrol Division.*
- *Special Enforcement Actions – All special enforcement actions have been suspended if they involve overtime that involves general fund overtime. – Current practice: Special enforcement projects continue to be implemented in the past two years; Sideshow, prostitution stings, minors in prostitution, massage parlor stings, etc. Overtime is generally utilized for these activities.*
- *Acting Higher Rank Overtime – As the vacancies are filled the need for this type of overtime will be eliminated. Current practice: As the vacancy rate is so high, there is a need to provide acting supervision, which can be done on overtime.*
- *Recruiting and Background Investigations – Once the Agency is fully staffed it is anticipated that overtime will be eliminated. – Current practice: The Agency is not fully staffed. It has an inordinate amount of vacancies in sworn and in civilian positions. The Agency anticipated an average attrition rate of 3 per month; however, it has been significantly higher this fiscal year. In addition, the increased activity to fill the Measure Y positions and other vacant sworn positions has increased overtime activities. These expenditures will continue to increase as the Agency strives to fill Measure Y and regular vacancies.*

- *Training Overtime – Same as Recruiting and Backgrounds Investigations, once the Agency is fully staffed, it is anticipated that this overtime will be eliminated. – Current practice: Additional overtime costs will continue to be incurred for training new recruits and for training Field Training Officers.*
- *Unspecified Overtime – It was determined that this coding category was misused by the Department. This code was generally used by the Records Section to catch up on the backlog of reports. It is also used by Administrative Sections. – Current Practice: The Records Division continues to utilize this coding. The backlog in this section has resurfaced due to the reduction of staff, increase in special enforcement actions and Unified Crime Report (UCR) reporting. However, although not appropriate, it appears that this code is used in the sworn ranks as well, however, after review by the Command staff, it has been determined that most of the coding in sworn ranks was the a result of miscoding.*

During the Budget process, the Agency identified a number of cost saving measures as an effort to provide reductions to the FY 05-07 budget. It found that some of those measures could be implemented this fiscal year and the Agency has been moving forward to implement those strategies. Listed below are measures have been implemented, others will require additional research, discussion with labor unions, and feasibility studies.

Those measures that have been implemented are:

- Reduce Police Athletic League (PAL) from three officers to two officers in order to return one officer to Patrol to reduce need for overtime. Potential savings of +/- \$76,000.
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- Fold downtown Metro beat into West Oakland beat. This has a potential to reduce the need for six sergeants and one lieutenant. Four of the sergeants will be assigned to Criminal Investigation Division (CID) and two will be assigned to Internal Affairs Division (IAD). By assigning the sergeants to IAD, two officers whose positions were deleted to upgrade to sergeants by NSA mandate will revert back to officers. The lieutenant will be assigned to another watch. By folding these two beats into one, there are no direct overtime savings, however, this approach will lend to a more efficient operation. The cost saving will be in the cost difference between two Sergeants and two officers. Potential savings of +/- \$38,000.

Proposed cost saving measures that require additional research are:

- Reduce the number of walking officers and return them to Patrol to reduce the need for overtime. It is realized that this may be of concern to the community; however, reduction in this area can be done without severe impact. Potential saving could vary with the number of officers returned to Patrol.

- Rehire retirees and/or contract out for certain activities, e.g., Internal Affairs Investigations, dispatchers, NSA Audits and Training. As there is an inordinate amount of overtime devoted to these duties, a proposal is being reviewed to utilize retired officers to perform background examinations. Research would have to be performed to ensure there are no conflicts associated with contracting or re-hires for the above named tasks.
- Reduce the number of officers providing services to OUSD. Currently, the City provides 12 officers and two sergeants. The cost for those services totals over \$2 million. The OUSD only reimburses \$1 million. Although there has been a grant that funded part of the overage, the grant expires in September 2005. The grant stipulates that the same measure of services must remain for one year beyond the end of the grants. Accordingly, it is recommended that service levels be reduced in FY 2006-07 to accommodate the amount of reimbursement.
- Civilianize fleet activities. Currently, two officers manage the fleet activities. There would be significant cost savings if these activities were civilianized. The Agency does not have the funding to add a FTE for the management of the fleet. However, in order to reduce overtime and return one officer to Patrol, the department recommends that a civilian FTE be funded for this activity. The other position is for the daily minor maintenance of the vehicles. Previously this position was performed by Public Works staff, however, during budget reductions, those services were eliminated. Since the service is considered necessary, the Department provided those services with a sworn officer. OPD is exploring alternative solutions with PWA.
- Delete the Juvenile In-Take and transport all juveniles to Juvenile Hall at 150<sup>th</sup> Avenue, San Leandro. This proposal will need additional conversations with Alameda County.

## KEY ISSUES AND IMPACTS


Request from the City Council and community to address certain criminal activities that are performed as Special Enforcement Activities create exceptions to the strict adherence to that initiative in the 2002-03 Overtime Reduction Plan. In addition, the Negotiated Settlement Agreement requires overtime (e.g. attendance by officers to community meetings each quarter and Investigator attendance at certain crime scenes.) It should also be noted that the current budget did not consider or appropriate the costs associated with operating an Academy.

Accordingly, although the Agency is overall adhering to the 2002-03 Overtime Reduction Plan, the cost associated with the above stated activities do have impact on the budget.

**ACTION REQUESTED OF THE CITY COUNCIL**

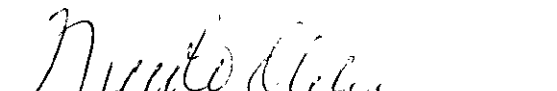
Staff recommends that the City Council accept this informational report.

Respectfully submitted,

  
WAYNE G. TUCKER  
Chief of Police

Prepared by:  
Debra Taylor Johnson  
Director of Administration

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL:**

  
Office of the City Administrator

**POLICE SERVICES AGENCY OVERTIME REPORT**  
as of January 28, 2005

<b>ELEMENT_NAME</b>	<b>Description</b>	<b>Amount</b>
AHO Acting High Rank OT	Overtime at the acting higher rank rate	68,651.50
CCB CT Court Non Sworn	Comptime in lieu of overtime pay for court - Civilian	3,649.71
CHO Canine Handlers OT	1 hour overtime pay per day at straight rate for taking care of canines off the job	19,236.87
CompTime Holiday Earned	Comptime earned in lieu of overtime pay on holidays	155,423.90
CTC CompTime Court Eamed	Comptime earned in lieu Overtime pay for court - Sworn	149,693.59
CTPB_OPD Backfill CTE	Comptime earned in lieu of overtime pay for backfill - Civilian	90,867.41
CTPC_OPD Callbacks CTE	Comptime earned in lieu of overtime pay for callback - Civilian	1,802.97
CTPG_OPD Games_Events CTE	Comptime earned in lieu of overtime pay for security at games/events - Civilian	178.59
CTPP_OPD Parade_Event CTE	Comptime earned in lieu of overtime pay for security at parades - Civilian	2,238.68
CTPS_OPD Spcl Enfcmnts CTE	Comptime earned in lieu of overtime pay for special enforcements - Civilian	5,580.99
CTPU_OPD Unspecified CTE	Comptime earned in lieu of overtime pay for time not covered under other comptime types - Civilian	13,761.09
CTPX_OPD Extension CTE	Comptime earned in lieu of overtime pay for extension of work day - Civilian	20,787.61
CTR CT EarnedStraight	Comptime earned in lieu of overtime pay at straight rate.	206,234.45
Def OT Backfill OPOA	Payment of overtime for backfill to employee is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	7,503.01
Def OT Callbacks OPOA	Payment of overtime for callback to employee is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	570.19
Def OT Cmty Mtgs OPOA	Payment of overtime for community meetings is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	228.10
Def OT Extension OPOA	Payment of overtime for extension of day is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	1,544.84
Def OT Games_Events OPOA	Payment of overtime for security at games/event is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	969.36
Def OT Specl Enfcmt OPOA	Payment of overtime for special enforcements is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	3,528.00
Def OT Unspecified OPOA	Payment of overtime for backfill is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	5,460.24
Deferred Overtime OPOA	Payment of overtime is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	6,960.10
FLSA OT Premium	Federal requirement to pay overtime rate for hours worked in excess of standard week	17,363.95
HCT CompTime Hol Straight	Comptime earned in lieu of overtime pay at straight rate for employees required to work 12/24 or 12/31 but not normally scheduled to work	2,288.76
HDO Holiday OT	Overtime paid for working on a holiday - Civilian	360,769.62
OCD Court Deferred OT	Payment of overtime for court is deferred and banked for payment in Dec. by request, or automatically paid in July -Sworn	1,208.23
OTC NonSworn OT Court	Overtime pay earned for court appearances - Civilian	7,866.97
OTC Sworn OT Court	Overtime pay for court appearances - Sworn	251,638.40
OTP NonSworn OT	Overtime pay- Civilian	5,063.75
OTPB_OPD Backfill NS OT	Overtime pay for backfill - Civilian	1,308,845.57
OTPC_OPD Callbacks NS OT	Overtime pay for callback - Civilian	2,058.71
OTPE_OPD ParadEvent NS OT	Overtime pay for security for parades/events - Civilian	18,853.28
OTPG_OPD Game_Event NS OT	Overtime pay for games/events - Civilian	16,425.22
OTPM_OPD CmntyMtgs NS OT	Overtime pay for community meetings- Civilian	7,454.15
OTPS_OPD SpecialEnf NS OT	Overtime pay for special enforcements - Civilian	84,762.49
OTPU_OPD Unspec NS OT	Overtime pay for time not covered by other overtime types - Civilian	133,799.53
OTPX_OPD Extension NS OT	Overtime pay for extension of day - Civilian	131,535.76
OTS Sworn OT	Overtime pay - Sworn	3,528.12
OTSB_OPD SwornBackfill OT	Overtime pay for backfill - Sworn	1,408,473.02
OTSC_OPD SwornCallback OT	Overtime pay for callback - Sworn	228,818.04
OTSG_OPD SwornGms_Evnt OT	Overtime pay for games/events - Sworn	877,868.97
OTSM_OPD SwornCmtyMtg OT	Overtime pay for community meetings- Sworn	55,403.64
OTSP_OPD SwornPar_Evnt OT	Overtime pay for security for parades/events - Sworn	127,722.64
OTSR_OPD SwornRec_Bkg OT	Overtime pay for recruitment of background checks - Sworn	21,616.56
OTSS_OPD SwornSpecEnf OT	Overtime pay for special events/enforcement - Sworn	1,799,973.44
OTST_OPD SwornTraining OT	Overtime pay for training - Sworn	160,362.11

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as of January 28, 2005

<b>ELEMENT_NAME</b>	<b>Description</b>	<b>Amount</b>
OTSU_OPD Sworn Unspec OT	Overtime pay for time not covered by other overtime types - Sworn	354,913.60
OTSX_OPD SwornXtension OT	Overtime pay for extension of day - Sworn	912,245.86
SOH Hol CompTime Sworn	Comptime earned in lieu of overtime pay for holidays -Sworn	1,146,354.66
SOR CompTimeSworn	Comptime earned in lieu of overtime pay	655.73
SORB_OPD BackfillCTS	Comptime earned in lieu of overtime pay for backfill - Sworn	231,054.40
SORC_OPD CallbacksCTS	Comptime earned in lieu of overtime pay for callbacks - Sworn	41,499.60
SORG_OPD Games_EventsCTS	Comptime earned in lieu of overtime pay for games/events - Sworn	6,443.41
SORM_OPD Cmunity MtgsCTS	Comptime earned in lieu of overtime pay for community meetings - Sworn	14,021.69
SORP_OPD Parade_EventCTS	Comptime earned in lieu of overtime pay for parades/events - Sworn	13,317.36
SORR_OPD Recruit_BkgdCTS	Comptime earned in lieu of overtime pay for recruiting/background checks - Sworn	2,951.02
SORS_OPD Spcl EnfcmtsCTS	Comptime earned in lieu of overtime pay for special enforcements - Sworn	121,780.90
SORT_OPD TrainingCTS	Comptime earned in lieu of overtime pay for training - Sworn	31,542.50
SORU_OPD UnspecifiedCTS	Comptime earned in lieu of overtime pay for time not covered by other overtime types - Sworn	44,519.35
SORX_OPD ExtensionCTS	Comptime earned in lieu of overtime pay for extension of day - Sworn	<u>257,315.48</u>
		<b>10,977,187.69</b>