



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 APR 12 PM 3:59

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

Darin White
Fire Chief

SUBJECT: Monthly Report on Public Safety
Overtime

DATE: March 20, 2018

City Administrator
Approval

Date

4/12/18

RECOMMENDATION

Staff Recommends That The City Council Receive This Monthly Report From The Oakland Police Department (OPD) and Oakland Fire Department (OFD) That Includes Additional Information On Overtime Policies, Procedures, And Controls.

EXECUTIVE SUMMARY

This informational report provides data on overtime policy, use, and accountability in OFD and OPD as of February 9, 2018.

BACKGROUND AND LEGISLATIVE HISTORY

On October 24, 2017, staff presented a report titled "Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results and Year-End Summaries for the General Purpose Fund (GPF, 1010) and Eight Selected Funds; and General Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; and Overtime Analysis for the General Purpose Fund (GPF, 1010) and All Funds" to the Finance and Management Committee. In response, the Finance and Management Committee requested a supplemental report with the following additional information:

- What are the policies, procedures, and processes in place in each Department for Authorizing and Controlling Overtime?
- If backfill overtime is authorized, who is responsible, for what purposes is it authorized, and which personnel are used to cover for others?
- Who is in charge of decision making and accountability for overtime? What rank/level?

The Finance and Management Committee requested that each department articulate how the department will control overtime expenditures with real actionable changes to policies, procedures, and processes, and corresponding accountability mechanisms.

Item: _____
Public Safety Committee
April 24, 2018

On January 9, 2018, staff presented the first supplemental report to the Finance and Management Committee as well as the Public Safety Committee. Members of both committees stated that they were unable to locate the information they were seeking in the report. One of the concerns expressed by committee members was that it was difficult to distinguish information concerning OPD from information concerning OFD. In response, OPD and OFD each drafted standalone comprehensive overtime reports that were responsive to the initial questions posed by Finance and Management Committee members on October 24, 2017 as well as the concerns expressed by Finance and Management Committee members and Public Safety Committee members on January 9, 2018.

On February 27, 2018, staff presented the second supplemental report to the Finance and Management Committee and the Public Safety Committees. In response, the Public Safety Committee requested a monthly report from both OPD and OFD, with the following additional information from OPD:

- The different categories in the overtime budget including actual amounts.
- A breakdown of the areas where overtime is budgeted.
- An explanation of who approves overtime expenditures.
- What amount is approved for each commander (such as area captains) and how this amount is tracked to ensure that it is not overspent.
- An explanation of the service level demands that have resulted in an insufficient overtime budget including a justification for critical work that has resulted in an appreciable decrease in crime.
- An explanation of why reimbursable events are included in the list of Special Event/ Enforcement overtime and what the tracking mechanisms concerning reimbursement.
- Specific Negotiated Settlement Agreement (NSA) requirements and actual overtime costs created by each.
- Overtime reduction strategies and tracking to ensure reduction.

ANALYSIS AND POLICY ALTERNATIVES

Attachment A (previous OPD responses, dated February 14, 2018) was presented to the Public Safety Committee on February 27, 2018. **Attachment B** is the OFD response to questions asked by the Public Safety Committee on February 27, 2018. **Attachment C** is the OPD response to questions asked by the Public Safety Committee on February 27, 2018.

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

Item: _____
Public Safety Committee
April 24, 2018

PUBLIC OUTREACH / INTEREST

This item does not require additional public outreach, other than posting on the City's website.

COORDINATION

This report was prepared jointly by the Fire and Police Departments.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this item.

Environmental: There are no environmental opportunities associated with this item.

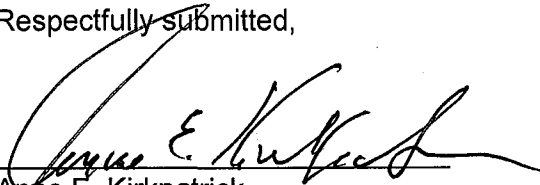
Social Equity: There are no social equity opportunities associated with this item.

ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE

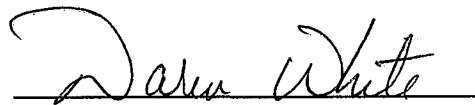
Staff Recommends That The City Council Receive This Monthly Report From The Oakland Police Department (OPD) and Oakland Fire Department (OFD) That Includes Additional Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443 or Angela Robinson Pinon, Assistant to the Director of Oakland Fire at (510) 238-4055.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department



Darin White
Fire Chief
Oakland Fire Department

Prepared by:
Timothy Birch, Police Services Manager I
OPD, Training Division, Research and Planning

D. Nell Taylor Wallington, Police Services Manager I
OPD, Bureau of Services, Fiscal Services

Angela Robinson Pinon, Assistant to the Director
OFD, Office of the Fire Chief

Attachments (3):

- A – Overtime in the Oakland Police Department – February 14, 2018
- B – Monthly Report on Overtime in the Oakland Fire Department – March 19, 2018
- C – Overtime in the Oakland Police Department – March 20, 2018

Overtime in the Oakland Police Department

February 14, 2018

Table of Contents

Executive Summary..... 2

Why OPD Continuously Exceeds Its Overtime Budget 2

 Insufficient Overtime Budget 2

 Cost of Living Adjustments 3

 Service Level Demands 4

 Federal and State Mandates..... 5

 Critical Understaffing 5

 Crowd Management 5

Overtime Monitoring and Approval Process..... 6

 Overtime Monitoring 6

 Overtime Approval..... 6

Overtime Categories..... 6

 Overtime Categories Defined..... 7

 Special Enforcement and Special Events Examples..... 8

 Reimbursements..... 9

Overtime Reduction Strategies 9

 Patrol Staffing Directive 9

 Tactical Squad Deployment 10

 Mandatory Training Schedule 10

 City Wide Minimum Staffing 10

 Overtime Working Group 10

 POT Testing Process..... 11

Impacts Associated with Further Overtime Reductions 11

 Reduction in Patrol 11

 Reduction in Criminal Investigations 11

 Reduction in Call Taking and Dispatching..... 11

 Reductions in Background and Recruiting 12

 Reduction in Records Processing 12

 Reduction in Administrative (Internal) Investigations..... 12

Executive Summary

For many years, the Oakland Police Department (OPD) has exceeded its approved overtime budget. This report is an attempt to explain why this happens; provide information on the overtime monitoring and approval processes; define the different categories of OPD overtime; outline strategies to reduce overtime use; and, finally, to identify impacts associated with further reductions in overtime spending.

Why OPD Continuously Exceeds Its Overtime Budget

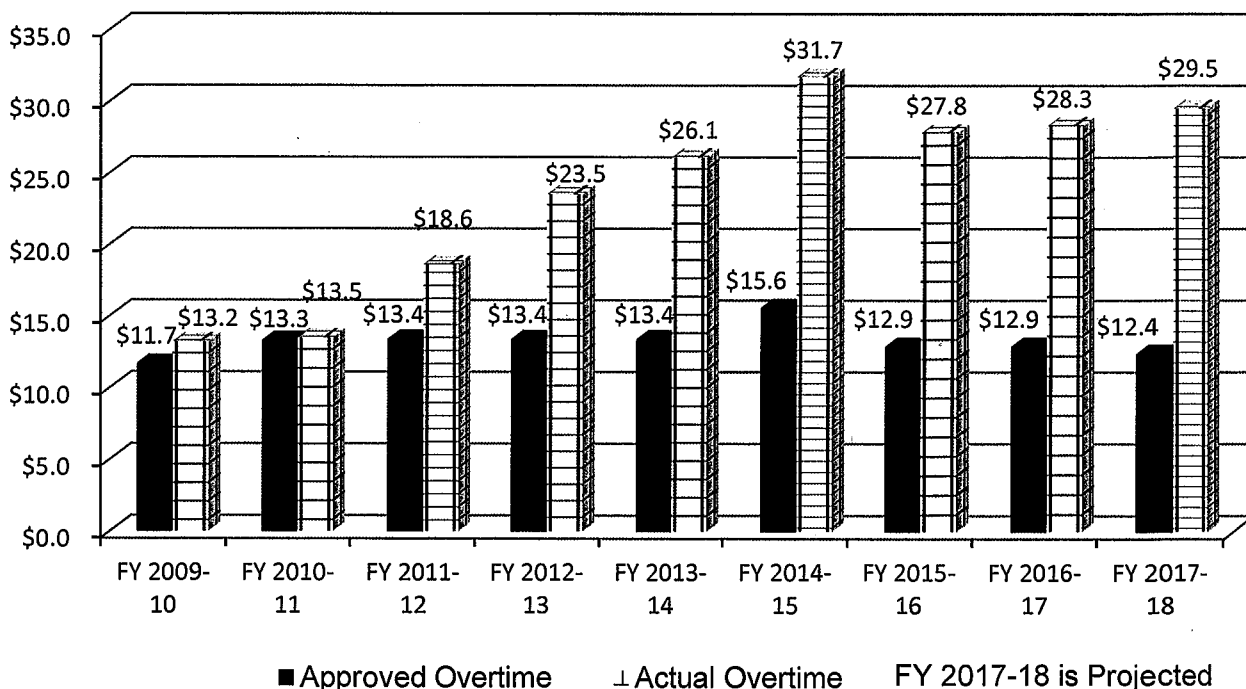
There are a number of reasons why OPD continuously exceeds its overtime budget:

- Despite actual yearly General Purpose Fund (GPF) overtime expenditures from \$20 to nearly \$30 million, insufficient funds are budgeted for OPD each year.
- Despite frequent wage increases, OPD's overtime budget does not increase and it has actually decreased for the past three fiscal years.
- Service level demands – including minimum staffing levels for patrol – incur overtime.
- Mandates, such as the Negotiated Settlement Agreement (NSA) and state-required training, result in overtime.
- Based on the amount of crime per officer, OPD continues to be the most understaffed large-city police department in the United States and relies on overtime to help meet a large number of competing demands.
- Crowd management requires tremendous human resources to protect the public and property.

Insufficient Overtime Budget

The below table provides approved versus actual overtime spent for the GPF from Fiscal Year (FY) 2009-10 to present. Approved overtime is the amount initially approved prior to any budget adjustments. OPD has overspent its approved GPF budget every year for nearly a decade and is expected to do so again this year. Rather than the initial approved amount reflecting the previous year expenditure, the annual overtime budget is continuously underfunded as related to service level demands.

Chart 1: GPF Overtime in OPD – Approved versus Actual (in Millions)



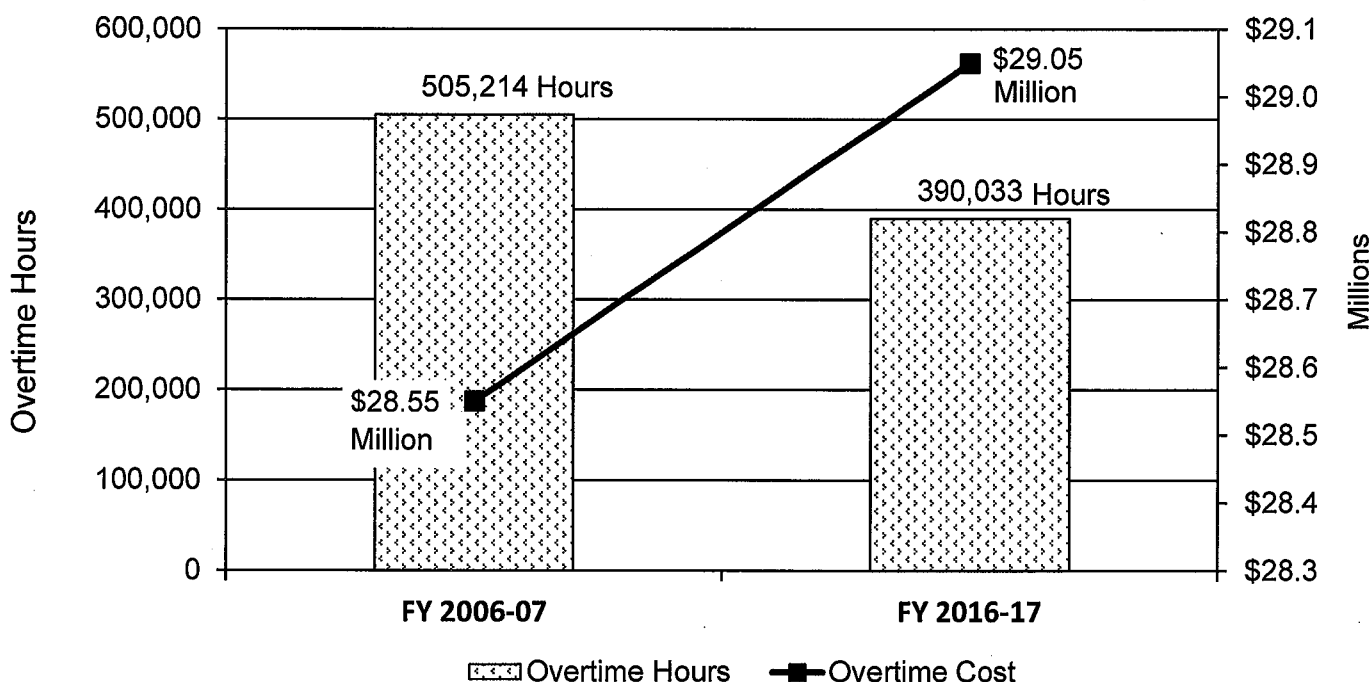
As can be seen in *Chart 1*, above, OPD has increased its overtime spending nearly every year since FY 2009-10 due to the performance of critical police operations. In spite of these increases, City Council has budgeted less than 50 percent of the annual expenditure. For FY 2015-17, the initial overtime amount was actually *reduced* by \$1 million to fund a Council-recommended gun tracing program. This budget change was approved in spite of a finding by the Oakland City Auditor's Office that "OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without reducing service levels."¹ As part of this same audit, the City Administrator agreed and stated, in part, "The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process."

Cost of Living Adjustments

With few exceptions, employee bargaining units generally receive wage increases (Cost of Living Adjustments or COLAs) that take effect annually. The City of Oakland has provided a number of COLAs to members of OPD over the last several years through its negotiations with the Oakland Police Officers' Association (OPOA) and both professional staff bargaining units. While this has inherently resulted in a higher per-hour overtime cost, there has been no corresponding increase in the OPD overtime budget to match cost increases caused by COLAs. This has created a structural imbalance between what is budgeted for OPD's overtime versus the actual overtime expenditures.

Chart 2, below, provides a comparison of overtime hours used and costs for all funds for FYs 2006-07 and FY 2016-17. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and professional staff) across all funds at a cost of \$28.55M. In FY 2016-17, OPD used 390,033 hours (sworn and professional staff), but spent \$29.05M. Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost actually increased by \$.5M (\$500K).

Chart 2: Overtime Hours Used and Cost for All Funds – Ten Year Comparison



¹ *Police Overtime Audit for Fiscal Year 2012-13* by the Oakland City Auditor's Office ("audit," published January 2015), <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

Service Level Demands

OPD has a minimum staffing level of 35 officers per shift. This provides basic levels of service and public and officer safety. With over 500,000 calls for service per year, 35 officers for shift results in extended response times. Many of these calls are related to violent crime, resulting in the highest number of violent crimes per officer of any large American city.

OPD presently has 285 officer positions assigned to Patrol. Two-hundred and forty of these positions are assigned to provide 24-hour-a-day coverage in each of the 35 patrol beats.

All 240 regular patrol officer positions are assigned to three shifts in five patrol areas, as provided below. Depending on the patrol area, day shift is 6:00 am until 4:00 pm or 7:00 am until 5:00 pm and night shift is 9:00 pm until 7:00 am or 10:00 pm until 8:00 am. Swing shift is 2:00 pm until 2:00 am in every patrol area. Table 1 shows the maximum number of officers available for each shift by day of the week for regular patrol squads.

Table 1: Maximum Patrol Officer Staffing per Shift

TOTAL	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Day Shift	48	48	40	40	48	48	48
Swing Shift	40	40	40	40	40	40	40
Night Shift	48	48	40	40	48	48	48

The officer positions shown in Table 1 are the *maximum* number of officer positions per shift. This number is reduced nearly every shift by:

- Unfilled positions
- Injuries
- Special assignment
- Training
- Vacation
- Other time off

The additional 45 patrol officer positions are assigned to tactical squads. They have traditionally been assigned to supplement coverage during peak call times and times when certain resource-intensive incidents (such as shootings and sideshow) occur most frequently. Beginning in January 2018, the scheduling of tactical squads has been modified to help reduce overtime by filling vacancies in the 35 patrol beats. Table 2, below, shows the schedule of tactical squads showing the number of officers assigned. Most of the additional patrol officer positions are currently vacant due to severe staffing shortages.

Table 2: Maximum Tactical Squad Staffing (Number of Officers)

Area 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 pm-4:00 am			8	8	8	8	
Area 5	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:00 am-8:00 pm		8	8	8	8		
6:00 pm-4:00 am	8	8	8				8

In order to maintain a minimum staffing level of 35 officers in patrol, OPD is often required to expend overtime (known as “backfill” or “extension of shift” overtime). This is most likely to happen on days and shifts when there are only 40 officers initially available – before training, illness, and vacation or other approved time off reduces this number.

Federal and State Mandates

The NSA places a number of mandates on OPD that may not otherwise exist, including two mandates that have particular impact on patrol overtime. The first is that a patrol sergeant may not supervise more than eight officers. The second is that OPD cannot use acting sergeants in patrol. Taken together, a significant amount of overtime is generated because OPD must have five regular permanent (not temporary acting) sergeants in patrol for every shift to supervise the minimum of 35 officers. Administrative sergeant positions have been created to address this issue, but this has not proven to be an effective remedy. Administrative sergeants are regular permanent positions and are often assigned full-time to fill in for sergeants who are on long-term injury or other assignment.

The California Commission on Peace Officer Standards and Training (POST) mandates that every peace officer, public safety dispatcher, and public safety dispatch supervisor complete a minimum of 24 hours of POST-qualifying training every two years.² The NSA training requirement (Task 43) requires OPD to exceed the POST mandates by requiring that all sworn personnel receive 40 hours of in-service training every 18 months. NSA Task 43 also mandates 20 hours of supervisory training every eighteen months.

At present, all training is completed by sergeants and officers who are assigned to attend in lieu of their regular work assignment. For those assignments that have minimum staffing requirements (such as patrol), this practice increases the likelihood of overtime being used.

Critical Understaffing

Per the Uniform Crime Reports (UCRs) published by the Federal Bureau of Investigation (FBI), the number of violent crimes per OPD sworn member for 2016 (the most recent year available) is 8.08. The national large-city average for 2016 is 3.84 violent crimes per sworn position. To meet (and not exceed) this average, OPD would require 2,367 sworn personnel, an addition of 1,575 sworn personnel beyond the current permanently-budgeted 792.

In order to address the highest level of violent crime per officer in the country, OPD relies on overtime to compensate for a lack of sufficient staffing. An incredibly high number of overtime hours result directly from investigative, crime reduction, and problem solving personnel engaged in tasks that could be completed by additional personnel on straight time.

In addition to the critical understaffing caused by the number of approved positions, the problem is further exacerbated by severe staffing shortages. As of December 31, 2017, OPD had 47 sworn and 60.5 professional staff vacancies. This is a six percent vacancy rate for sworn and 16 percent vacancy rate for professional staff positions.

Crowd Management

The City of Oakland has a long history of civic engagement within its borders, some of which has often taken the form of street demonstrations that OPD has responded to and/or helped facilitate peaceful forms of expression to ensure safety. Previous litigation has mandated OPD’s actions in responding to street demonstrations based on allegations of misconduct and other inappropriate crowd management response. In recent years, OPD has become a nationally-recognized leader in crowd management.

² <https://www.post.ca.gov/refresher-training.aspx>

Harm to individuals, damage to property, and litigation against the City resulting from response to demonstrations have all been dramatically reduced when OPD has been able to provide an appropriate response. Complaints against OPD personnel and uses of force have also been substantially reduced. Substantial human resources is a key ingredient in ensuring continuation of these positive strides. For large-scale demonstrations, OPD deploys hundreds of on-duty and off-duty sworn personnel. While this strategy helps to mitigate negative outcomes, this also results in significant overtime expenditures.

Overtime Monitoring and Approval Process

The processes by which OPD monitors and approves overtime are as follows:

Overtime Monitoring

OPD monitors overtime usage at both the macro and micro level. At the macro level, overtime usage reports are produced by OPD Fiscal Services on a monthly basis (or as labor is posted in the financial system). These reports are shared with all commanders and managers for review. At the micro level, the Daily Notification Report (DNR) is shared with the Assistant Chief of Police and Bureau of Field Operations (BFO) executive command every day. The DNR includes detailed information about any use of overtime in patrol, including:

- The number of sergeants and officers deployed on overtime and straight time
- The name of any officer normally assigned
- The name of any officer filling in on overtime
- The number of hours of overtime for any officer receiving overtime
- The reason for the overtime

Most importantly, the DNR requires patrol commanders to explain why a sergeant or officer is receiving overtime if a sergeant or officer from another district is available on straight time. The Assistant Chief of Police holds the appropriate command staff member accountable if it is discovered that overtime was used unnecessarily.

Beyond the DNR, the Chief of Police holds division-level commanders accountable for their annual overtime expenditures.

Overtime Approval

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim's statement when the officer's shift is nearing completion. Interrupting this process to obtain approval for the officer to obtain approval from a high-ranking member of the organization would be time-consuming and very insensitive to the victim's needs. Similarly, requiring high-level overtime approval for homicide investigators who are working an unfolding investigation could hinder their progress in identifying or apprehending a violent individual.

When a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To approve higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

Overtime Categories

There are over 50 pay elements used by OPD to capture the various reasons and pay types for overtime. The Department consolidated these elements into 15 categories to assist in monitoring and accountability. They are defined below. Actual expenditures for Special Events/Special Enforcement for FY 2017-18 are provided following the definitions.

Overtime Categories Defined

- *Acting Higher Rank* overtime is paid to individuals who act in a higher rank on overtime, such as a Sergeant of Police serving as an acting Lieutenant of Police.
- *Administrative Investigation* overtime allows OPD to conduct investigations into potential misconduct or other malfeasance by a member of OPD. Such an investigation may result from a personnel complaint or other Internal Affairs matter. It is also used to perform use of force investigations. Failure to conduct – or complete – such investigations will result in increased mistrust in OPD, lack of compliance with the NSA, and a potential increase in misconduct or other malfeasance. This category is also used for other administrative functions.
- *Backfill* overtime allows OPD to fill a position during the absence of the regularly assigned person and meet minimum staffing levels in Patrol. Failure to meet minimum staffing levels in Patrol will result in even longer delays in responding to calls for service and an increased inability to take incident reports and perform preliminary investigations.
- *Callback* overtime allows OPD to request an employee return to work after completing his/her shift and leaving the work site. For example, an investigator may be called back to work to interview a suspect in custody.
- *Canine* overtime allows OPD to meet the requirements of the Memorandum of Understanding between the City of Oakland and the OPOA pursuant to Article III, Section G 1 c, hereof, Each employee regularly assigned and working as a Canine Handler is authorized to spend and shall be deemed to have spent fifteen (15) hours per month, over and above his/her regularly scheduled hours of work, in ordinary care and informal training of the assigned dog for such ordinary care and training that cannot be performed during regularly scheduled work hours. For those overtime hours incident to caring for the dog only, the employee shall receive overtime compensation at the rate of one and one-half (1 1/2) times the hourly rate of the State of California or City of Oakland minimum wage whichever is higher. This same overtime compensation rate of one and one-half times the State of California or City of Oakland minimum wage whichever is higher per hour shall also be paid for hours in addition to the above referenced fifteen hours for extraordinary care of the dog. Any duly authorized additional work performed by such individual not related to caring for the dog, shall be compensated pursuant to Article III, Section E, paragraph 1 at the rate of one and one-half (1 1/2) times the employee's hourly base rate of pay.
- *Community Meeting* overtime allows OPD to attend general community meetings while ensuring staffing levels are met. OPD's participation in community meetings are an intricate part of the overall goal to strengthen community trust and build relationships.
- *Comp Time Earned* overtime allows OPD to compensate employees for overtime worked by allowing the employee to earn time off in lieu of receiving overtime pay.
- *Court* overtime allows OPD to respond to subpoena or give depositions in job-related court appearance on off-duty hours.
- *Extension of Shift* overtime allows OPD to extend the current shift of an employee to complete critical tasks on an extension or hold-over basis. For example, an employee's shift may be extended to complete an on scene investigation or report related to an incident that just

occurred. Extension of Shift also includes the filling of open beats in order to maintain minimum patrol staffing – similar to Backfill overtime.

- *FLSA* overtime allows OPD to comply with the Federal Labor and Standards Act (FLSA). The City's obligations related to FLSA are contained in Administrative Instruction 124.
- *Holiday* overtime allows OPD to maintain minimum staffing levels during scheduled holidays. OPD must comply with overtime requirements outlined in applicable Memorandums of Understanding for represented employees.
- *Recruiting/Background* overtime allows OPD to recruit members and employees and conduct background investigations for Departmental employment. This task is critical to ensure acceptable staffing levels.
- *Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime. In FY 2017-18, Special Enforcement also includes many reimbursable special events.
- *Special Events* overtime allows OPD to provide police services at sporting events and parades. Special Events are often captured in Special Enforcement.
- *Training* overtime allows OPD to prepare or present a training course and prepare or participate in Police Academy critical incidents.

Special Enforcement and Special Events Examples

In practice, *Special Enforcement* and *Special Events* have become nearly synonymous. As of December 29, 2017, \$5,180,195 in General Purpose Fund (GPF) overtime was charged to Special Enforcement and Special Events. *Table 3*, below, provides expenditures greater than \$30,000 for FY 2017-18 from highest to lowest.

Table 3: Special Enforcement and Special Events over \$30,000 for FY 2017-18

Event	Cost		Event	Cost
Patrol Special Enforcement	\$483,351		Berkeley Demonstration (8/27)	\$73,351
North Bay Fires Mutual Aid ¹	\$310,499		SWAT Search Warrants	\$65,256
Uptown Walking	\$275,619		Berkeley Demonstration (9/24) ⁴	\$50,300
Criminal Investigation	\$226,192		Special Investigation	\$49,523
Special Operations	\$201,826		CID Ceasefire	\$48,033
AC Transit Project ²	\$179,141		Berkeley Demonstration (9/25) ⁴	\$44,495
Raiders vs. Broncos Game ³	\$110,655		A's vs. White Sox Game ³	\$40,369
Raiders vs. Cowboys Game ³	\$109,441		Berkeley Demonstration (9/26) ⁴	\$37,660
Raiders vs. Giants Game ³	\$107,491		Vice/Narcotics	\$36,127
Raiders vs. Ravens Game ³	\$107,109		Robbery Suppression Area 2	\$35,358
Raiders vs. Jets Game ³	\$107,073		Laney Swap Meets ²	\$35,100
Raiders vs. Chargers Game ³	\$103,083		North Oakland Fire	\$32,696
Raiders vs. Chiefs Game ³	\$93,442		Warriors vs. Nuggets Games ³	\$31,976

Event	Cost		Event	Cost
Raiders vs. Seahawks Game ³	\$87,952		Warriors vs. Kings Games ³	\$31,771
Raiders vs. Rams Game ³	\$87,950		A's vs. Giants (8/1 Game) ³	\$31,507
DACA Demonstration	\$76,612		A's s. Giants (7/31 Game) ³	\$31,189
Human Trafficking	\$76,534		First Friday ²	\$30,405
Berkeley Demonstration (9/14) ⁴	\$74,838		The Town's Half Marathon ²	\$30,275

¹ Full reimbursement is expected for North Bay/Sonoma/Napa Wildfires (State of Emergency).

² The AC Transit Project and other such projects/events are completely paid for by outside entities.

³ Professional football, baseball, and basketball games are reimbursed by their respective teams.

⁴ OPD is continuing to collect reimbursement from UC Berkeley for assistance with September 2017 demonstrations.

Reimbursements

The Department is responsible for recovering costs for reimbursable Special Events. The average turnaround time from event to invoice is 23 days. Per the Master Fee Schedule, customers are billed at top step for officers plus central service overhead costs (currently 14.32% for OPD). OPD has been extremely successful recovering costs. *Table 4* provides invoice amounts for the last four fiscal years.

Table 4: OPD Invoiced Overtime for Last Four Fiscal Years

Fiscal Year	Amount Billed		Fiscal Year	Amount Billed
2017-18*	\$3,557,273		2015-16	\$4,469,117
2016-17	\$4,966,071		2014-15	\$3,927,914

**As of February 2, 2018*

Overtime Reduction Strategies

OPD has and continues to implement overtime reduction strategies. In addition to the monthly notification of commanders and managers of overtime usage and the daily review, monitoring, and accountability protocols described earlier as related to the DNR, OPD has implemented the following overtime reduction strategies:

- Issued a patrol staffing directive.
- Substantially altered tactical squad deployment in patrol.
- Completely changed the way that mandatory training is scheduled.
- Implemented a city-wide minimum staffing mandate that requires time off requests to be approved on a city-wide basis rather than just the bureau or division level.
- Formed an overtime working group.

While not focused on overtime reduction, OPD has substantially altered the testing process for Police Officer Trainees (POTs) to increase accessibility, reduce the time to hire, and increase academy size.

Patrol Staffing Directive

On May 23, 2017, the Department issued a directive to all OPD commanders concerning overtime use. This directive states the following:

- Area Commanders shall maintain minimum staffing levels of 35 officers Citywide.
- Overtime for backfill shall only be utilized to fill open patrol beats.

- Area Commanders shall share resources (i.e., Sergeants and Officers) in lieu of backfilling on overtime.
- Area Commanders shall ensure the information contained on the Daily Notification Report (DNR) is accurate with respect to patrol staffing.
- Watch Commanders shall plan for staffing vacancies, in advance, to avoid unnecessary backfilling on overtime.
- Compensatory time, extra vacation leave requests, and training shall be reviewed and approved, in advance, by a Watch Commander to minimize unnecessary overtime due to backfilling.
- Watch Commanders shall consider utilizing officers assigned to Tactical Squads in lieu of backfilling on overtime.
- Watch Commanders shall ensure overtime is not utilized on days and shifts when overlap squads are available.

As provided in the Overtime Monitoring section of this report, the Assistant Chief of Police reviews patrol staffing daily to ensure that the above directive is followed.

Tactical Squad Deployment

Previously, OPD tactical squads (additional patrol squads) were deployed based on operational need. The primary focus was violent crime and sideshow. As of January 13, 2018, tactical squads have been scheduled with a primary focus on overtime reduction. They are now scheduled to provide maximum beat coverage and reduce backfill (and extension of shift) overtime in patrol. This may have a negative impact on addressing violent crime and sideshow.

Mandatory Training Schedule

As mentioned in Federal and State Mandates section of this report, OPD is required to provide 40 hours of in-service training to all sworn personnel every 18 months. Prior to 2018, sergeants and officers were assigned to this training alphabetically without consideration for staffing impacts. OPD has now implemented a system in which only one officer per patrol squad is assigned to training. This should decrease the impact of the mandatory training – potentially significantly.

City Wide Minimum Staffing

Prior to 2017, patrol staffing was focused primarily at the area level. As long as there was sufficient staffing for a particular OPD patrol area, consideration was not necessarily given to the other patrol areas (at the bureau or division level), even if other patrol areas were short-staffed. OPD command staff now consider city-wide impacts of patrol staffing. Even if there is sufficient staffing to allow officers time off in one area, all other patrol areas are examined to ensure that officers do not need to be redeployed before time off is approved.

Overtime Working Group

The overtime working group includes the Acting Assistant Chief, all Deputy Chiefs, several Captains, and other key stakeholders who meet regularly to achieve the goal of overtime reduction across the organization. The group met on October 18, 2017; November 30, 2017; and January 30, 2018. The group will keep meeting to address overtime issues. The overtime working group first identified the specific causes of OPD overtime and then analyzed categories and use. The group is now working to identify all opportunities to reduce overtime as well as the trade-offs that will accompany these reductions.

POT Testing Process

Prior to 2018, the City of Oakland was only testing for POT one day every other month. Combined with other factors, this has resulted in very few candidates for hire. Working with the Department of Human Resource Management, OPD has worked with the South Bay Regional Training Consortium (South Bay) to substantially expand access to POT testing. South Bay provides a physical ability exam and written exam at least once a week.

Impacts Associated with Further Overtime Reductions

While OPD has and will continue to monitor and reduce overtime wherever possible, it is important to understand that consideration of any overtime reduction measures must include examination of impact upon service levels and federal and state mandates. To that end, this section of the report attempts to explain the potential impacts of several reduction measures.

Reduction in Patrol

In the Bureau of Field Operations (BFO), OPD has spent \$1.55M on backfill overtime and an additional \$1.09M on extension of shift overtime as of December 29, 2017. Much of these expenditures have taken place in patrol in order to maintain minimum citywide staffing levels of 35 officers. While OPD will continue to monitor daily patrol staffing ensure that unnecessary overtime funds are not expended, reducing staffing levels below 35 officers per shift will likely result in:

- Decreased safety to the public due to an inadequate number of patrol officers being able to address situations in which community residents are threatened with harm.
- Increases in crime due to officers being unable to respond to calls for service and perform sufficient preliminary investigations.
- Longer response times because an inadequate number of officers are able to respond to the 500,000-plus calls for service each year.
- Increased number of community complaints due to increased response times and other reductions in service.
- Diminished officer safety due to an inadequate number of officers being able to deal with violent individuals.

Reduction in Criminal Investigations

As of December 29, 2017, OPD has spent \$1.17M on overtime in the Criminal Investigations Division (CID) and an additional \$550,876 on overtime in Ceasefire. While OPD will continue to monitor CID to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in CID and Ceasefire will likely result in an increase in crime due to incomplete and delayed investigations as well as a reduced number of prosecutions. This is particularly true in the Homicide Section, which has incurred \$731,422 in overtime as of December 29, 2017. Substantially reducing overtime in Homicide will likely result in fewer murders being solved, as homicides are rapidly-evolving events that require immediate response and investigation.

Reduction in Call Taking and Dispatching

As of December 29, 2017, OPD has spent just over \$1M on overtime in the Communications Division. While OPD will continue to monitor Communications to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in Communications will likely result in further delays in answering emergency (9-1-1) and non-emergency calls. Substantial overtime reductions will also likely result in increased danger for the public and OPD personnel when calls are not responded to or dispatched in a timely manner.

Reductions in Background and Recruiting

As of December 29, 2017, OPD has spent \$340,955 on overtime in the Recruiting and Backgrounds Unit. While OPD will continue to monitor Recruiting and Backgrounds to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in Recruiting and Backgrounds will likely result in further delays in hiring personnel. Such delays will, in turn, likely increase overtime in the many OPD units experiencing staffing shortages.

Reduction in Records Processing

As of December 29, 2017, OPD has spent \$264,828 on overtime in the Records Section. While OPD will continue to monitor Records to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in Records will likely result in further delays in processing records requests for community members and failure to meet deadlines imposed by such entities as the California Department of Justice. Failure to process arrest warrants and requests for public records in a timely manner could pose risk for the City.

Reduction in Administrative (Internal) Investigations

As of December 29, 2017, OPD has spent \$124,566 on overtime in the Internal Affairs Division (IAD). While OPD will continue to monitor IAD to ensure that unnecessary overtime funds are not expended, substantially reducing overtime expenditures in IAD will likely result in non-compliance with the NSA and an inability to discipline personnel for misconduct.

Monthly Report on Overtime in the Oakland Fire Department: January and February 2018

MARCH 27, 2018

Table of Contents

EXECUTIVE SUMMARY2

BACKGROUND / LEGISLATIVE HISTORY2

ANALYSIS AND POLICY ALTERNATIVES3

 Departmental Overview3

 Fire Suppression Minimum Staffing3

 Efforts to Reduce Overtime Usage in Sworn Ranks5

 Efforts to Reduce Overtime Usage in Civilian Classifications ...**Error! Bookmark not defined.**

 Management of Overtime Usage6

 OFD Sworn Relief Usage8

 Overall Fire Department Overtime Usage8

CONCLUSION 10

Attachments (3):

1. Article 4.2.4 Fire Suppression Staffing, IAFF, Local 55 MOU
2. Memo regarding Fire Chief Approval for Overtime, November 8, 2017
3. Overtime Spending for Current Fiscal Year

EXECUTIVE SUMMARY

At its February 27, 2018 meeting, the Public Safety Committee requested that additional information from the Oakland Fire Department (OFD) and Oakland Police Department (OPD) provide a monthly report on overtime use in their respective departments. While OPD was asked to provide additional information regarding their use of overtime, there were no specific questions directed to OFD.

There is no single solution to reduce overtime in OFD to the amount authorized in the fiscal year (FY) 2017-19 Adopted Budget. OFD has adopted administrative and procedural changes to reduce overtime and improve accountability. However, because overtime expenditures are mostly driven by service levels and labor provisions, the proposed strategies are likely insufficient to reduce overtime spending to budgeted levels. Such a result will require substantial changes to service levels and/or negotiated collective bargaining agreements.

BACKGROUND / LEGISLATIVE HISTORY

On October 24, 2017, staff in the Finance Department presented the FY 2016-17 Fourth Quarter Revenue and Expenditure report to the Finance and Management Committee. This report included an overview of the unaudited overtime expenditure results for all departments across all funds, including in the GPF.

The report showed significant overtime overspending by OFD relative to the FY 2016-17 Adjusted Budget. As shown in **Table 1**, as reported in the fourth quarter, OFD overspent its overtime budget by \$16.8 million.

Table 1. FY 2016-17 Adjusted Overtime Budget & Unaudited Actuals in the GPF¹

	Adjusted OT Budget	Unaudited OT Actuals	(Over) / Under Budget
Fire Department	\$2.2	\$19.0	(\$16.8)

In response to the year-end results, the Council requested that staff return with more detailed information on overtime expenditures, including information on the following:

- Year-to-date overtime results and projections for FY 2017-18;
- Policies, procedures, and processes in place in the department for authorizing and controlling overtime; and,
- Level of decision making authority by rank and accountability mechanisms.

Subsequently, the Finance Department, in cooperation with OPD and OFD presented a report to the Finance and Management and Public Safety Committees on February 27, 2018. The Finance Committee requested a follow up report in three months to coincide with a quarterly report on the City's revenue and expenditures, and the Public Safety Committee requested that OPD and OFD draft a monthly report.

¹ As reported in the FY 2016-17 4th Quarter Revenue & Expenditure Report.

ANALYSIS AND POLICY ALTERNATIVES

Departmental Overview

OFD operates twenty-five (25) fire stations located throughout the city, twenty-four (24) hours per day, seven (7) days per week. OFD is responsible for fire and medical dispatch, fire prevention, fire suppression, mitigation, emergency medical response, specialized rescue operations, fire investigation, emergency management, and fire code inspection within the city.

OFD is authorized five hundred and eight (508) full time equivalent sworn personnel and ninety-four and nine hundredths (94.09) civilian personnel, for a total of six hundred and two and nine thousandths (602.09) full time equivalents.

OFD sworn members operate using a “chain of command” or “rank” system. **Table 2** shows the department’s sworn rank organizational structure by job classification:

Table 2. Sworn Ranks

Rank
Fire Chief
Deputy Chief of Fire Department
Battalion Chief
Assistant Fire Marshal (Sworn)
Captain of Fire Department
Lieutenant of Fire Department
Fire Investigator
Engineer of Fire Department
Firefighter Paramedic
Firefighter

There are eleven (11) 40-Hour staff positions; and there are four hundred and ninety-seven (497) 24-Hour shift positions totaling five hundred and eight (508) authorized sworn members. Operationally, OFD fire suppression shift staff is organized into three (3) shifts referred to as A, B and C Shift. Members operate on a 24/48 schedule whereby members work one (1) shift (24-Hours) followed by two (2) days off.

Fire Suppression Minimum Staffing

The Memorandum of Understanding (MOU) with the International Association of Firefighters, Local 55 (Local 55) guides working conditions of the represented OFD sworn personnel (**Attachment 1**). Also, OFD operates under an MOU with the Port of Oakland which guides the Aircraft Rescue Fire Fighting (ARFF) Services provided at the Oakland International Airport.

Section 4.2.4 of the MOU between the City and Local 55 identified through the year 2027 daily minimum staffing levels for "Fire Suppression Staffing" of OFD sworn members. The MOU minimum staffing sets a daily number of sworn staff, broken out by specific ranks, which must be in the field at any given time. The total suppression staffing equates to one hundred and thirty-seven (137) sworn members per shift and four hundred and eleven (411) members to cover all three (3) shifts. This staffing level includes the ARFF staffing requirements of a minimum of six (6) sworn personnel (one (1) Officer and five (5) Firefighters).

Table 3 shows the minimum fire suppression staffing by rank required based upon these two (2) MOUs.

Table 3. Fire Suppression Minimum Staffing

Rank	Daily Staffing	A, B, C Shift Staffing
Battalion Chief	3	9
Captain of Fire Department	13	39
Lieutenant of Fire Department	19	57
Engineer of Fire Department	24	72
Fire Investigator	1	3
Firefighter Paramedic	26	78
Firefighter	51	153
Total Minimum Staffing	137	411

Sworn members are assigned daily as follows:

- Three (3) Battalions staffed with one Battalion Chief each
- Twenty-four (24) Engine Companies each staffed with a minimum of one (1) Officer, (1) one Engineer, one (1) Firefighter Paramedic and one (1) Firefighter
- One (1) Aircraft Rescue Firefighter (ARFF) company staffed with a minimum of one Captain and five (5) Firefighters
- Seven Truck Companies staffed as follows:
 - Three (3) Truck companies with a minimum of one (1) Captain and (3) three Firefighters;
 - One (1) Truck company with a minimum of one (1) Captain, one (1) Firefighter Paramedic and two Firefighters;
 - Two (2) Truck companies with a minimum of one (1) Captain and four (4) Firefighters;
 - One (1) Truck company staffed with a minimum of one (1) Captain, one (1) Firefighter Paramedic and three (3) Firefighters; and
 - One (1) Fire Investigator.

The positions shown in **Table 3** are the *minimum* number of sworn positions per shift. However, achieving this daily staffing level is hampered by the following:

- Vacancies;
- "40-Hour" Assignments;
- Training;
- Vacation;
- Injuries;
- Deployments; and

- Other time off.

Efforts to Reduce Overtime Usage in Sworn Ranks

Due to the MOU fire suppression minimum staffing provision for sworn members, OFD has two primary areas of focus on reducing overtime use: 1) filling vacancies and 2) analysis and training required to reduce the number of preventable injuries in all ranks. **Table 4** shows by rank sworn funded positions that are vacant as of February 28, 2018:

Table 4. Fire Suppression Sworn Vacancies by Rank

Rank	Authorized	Filled	Vacant
Battalion Chief	9	9	0
Captain of Fire Department	54	43	11
Lieutenant of Fire Department	67	56	11
Engineer of Fire Department	84	80	4
Fire Investigator	3	2	1
Firefighter Paramedic	93	87	6
Firefighter - Suppression	168	162	6
Firefighter - Airport	19	7	12
Total Filled / Vacant	497	446	51

*excludes eleven (11) 40-Hour Sworn Staff Assignments (Fire Chief, 2 Deputy Chief, Assistant Chief, 2 Battalion Chief, Assistant Fire Marshal, 3 Captain, 1 Engineer)

A small academy, Academy 1-2018, commenced on January 22, 2018 with one (1) Firefighter Paramedic Trainee and five (5) Firefighter Trainees. These recruits have been excluded from the above vacancies and those graduating from 1-2018 will reduce the above vacancies.

A recruitment is in progress for Deputy Chief of Fire. Also, Human Resources Management (HRM) currently is conducting civil service examinations for the ranks of Battalion Chief, Assistant Fire Marshal, Lieutenant, and Engineer. In 2018, HRM will also conduct examinations for Firefighter Paramedic Trainee and Firefighter Trainee, replacing the 2015 eligible lists. The job announcement for Firefighter Paramedic Trainee and Firefighter Trainee produced more than two thousand five hundred applicants.

As upper ranks are filled through promotion, this will create vacancies in the Firefighter Paramedic and Firefighter ranks, which are less costly on an overtime basis and will be filled after the establishment of the anticipated Summer of 2018 eligible lists.

Another focus is an analysis and implementation of training required to reduce the number of preventable injuries. This includes injuries sustained in both emergency and non-emergency environments. In an effort to address and reduce mental health related injuries reported by sworn members, OFD has already increased the number of annual behavioral health sessions offered through the Claremont Employee Assistance Program (EAP) from three (3) to twelve (12).

Table 5 shows by classification funded civilian vacancies as of March 16, 2018 that have no confirmed start date:

Table 5. Civilian Vacancies by Classification

Classification	Vacant
Administrative Assistant II	1.0
Emergency Planning Coordinator, Sr.	2.0
Fire Communications Dispatcher, Sr	1.0
Fire Prevention Bureau Inspector, Civilian	1.0
Fire Suppression District Inspector, PT	1.0
Emergency Services Manager	1.0
Office Assistant I, PPT	1.0
Fireboat Attendant, PT	0.2
Total Vacant	8.2

*as of 3/16/18

Management of Overtime Usage

OFD Policy and Procedure 400.9, Overtime Sworn Personnel provides guidance on overtime approval, tracking and accountability. As noted above, OFD sworn personnel utilize the TeleStaff system to track staff hours, including overtime. This system can generate reports and data showing overtime use. OFD has and will continue to work to ensure that overtime use is being used to fill a specific operational need. For the past ten years, the total of overtime hours worked has averaged two hundred and seventy-six thousand five hundred and nine (276,509) hours. In FY 2014-15, overtime use reached a high of three hundred and forty-five thousand two hundred and eighty-three (345,283) hours and in FY 2016-17, that number of hours has been reduced to three hundred and nine thousand three hundred and eight hours (309,308) or a more than ten percent (10%) reduction in overtime hours. Please see **Chart 1** for more information.

As of November 2017, all overtime requests outside of backfill of sworn and fire dispatch vacancies must be submitted to the Fiscal and Administrative Division Manager for review and to the Fire Chief for final approval.

Chart 1. OFD Total Overtime Hours Worked (2006-2017)

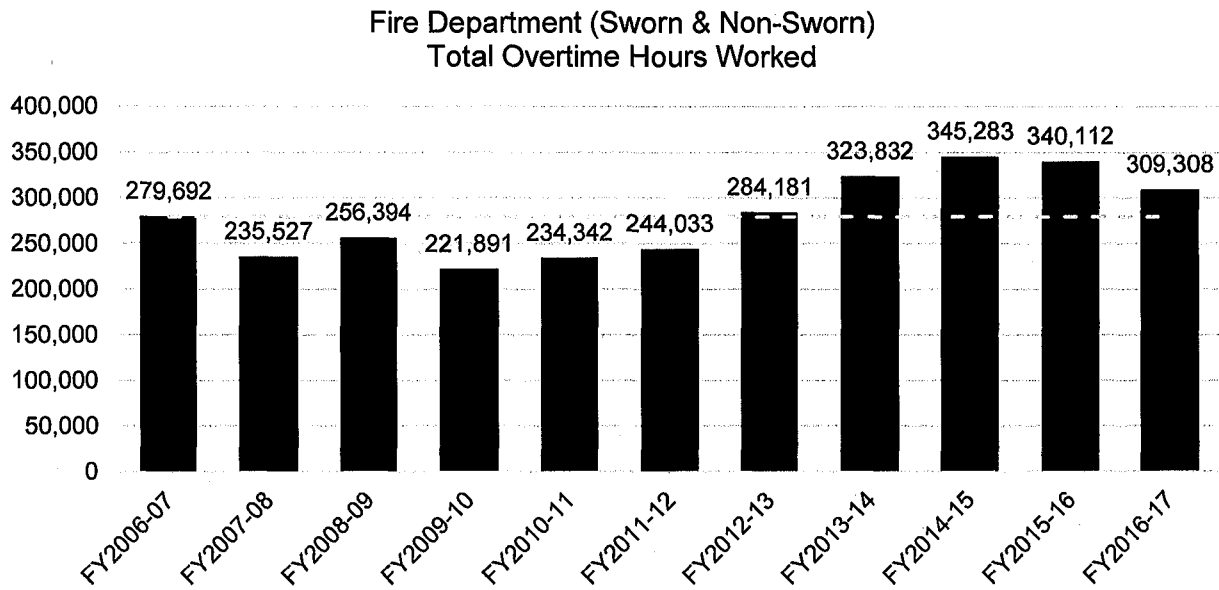


Table 6 illustrates the overtime hours worked by sworn personnel for the months of January and February of 2018. The total number of hours worked in January and February combined is 35,329.75. The rank of Firefighter required the greatest number of hours of overtime, followed by Engineer of Fire. The ranks which had the least number of hours of mandatory overtime were Fire Investigator and Battalion Chief. The total number of overtime hours decreased 1,390.25 hours or 7.6% between the months of January and February. Whether or not this is a seasonal occurrence, or is indicative of a longer trend is unknown at this time. The amount of overtime hours in the rank of Firefighter is due in large part to the need to provide minimum staffing at the Oakland Airport in accordance with the MOU between the City and the Port of Oakland for ARFF services.

Table 6. OFD Total Overtime Hours Worked by Rank for January and February 2018

Rank	January		February	
	Hours	% of Total	Hours	% of Total
Battalion Chief	507.00	2.76%	409.00	2.41%
Captain of Fire	2,611.00	14.22%	2,654.75	15.64%
Lieutenant of Fire	2,882.00	15.70%	2,634.25	15.52%
Engineer of Fire	4,637.00	25.26%	3,752.25	22.11%
Fire Investigator	72.00	0.39%	192.00	1.13%
Firefighter Paramedic	2,824.75	15.39%	2,605.00	15.35%
Firefighter	4,826.25	26.29%	4,722.50	27.83%
TOTAL	18,360.00	100.00%	16,969.75	100.00%

OFD has also taken steps to further minimize overtime not related to backfill to maintain minimum staffing levels in fire suppression and fire dispatch center. The most recent action includes issuing a November 8, 2017 memo to Deputy Chiefs and Division Managers directing that any overtime needs outside of fire suppression and fire dispatch center minimum staffing

requirements must be submitted at least forty-eight (48) hours in advance for review to identify an appropriate funding source and must have Fire Chief approval (**Attachment 2**).

OFD Sworn Relief Usage

The main contributing factor to overtime is the MOU minimum staffing - Article 4.2.4 Fire Suppression Staffing (**Attachment 1**). This provision is in effect through June 30, 2027. The MOU requires the above described daily fire suppression staffing. Each day where TeleStaff, the software program used to manage the staffing levels within the Oakland Fire Department, shows required minimum fire suppression staffing will be inadequate, members volunteer or are mandated to work at an overtime rate to achieve this staffing level.

Relief staff is utilized with the sworn ranks to cover minimum staffing requirements for coverage of regular day off (RDO). Additionally, relief staff is utilized to cover vacation, sick, disability leaves, and for unfilled vacancies. Relief (backfill) staff is paid at a rate that is one and a half (1.5) times the regular rate. California Labor Code Section 4850 permits sworn members to take up to a one (1) year leave of absence at full pay, and without a tax deduction, for persons temporarily or totally disabled due to an industrial injury.

The Department averages twenty-five to thirty (25-30) members per month on 4850 leave, 1-2 members per month on long term non-industrial disability leave, or on light duty assignments. **Table 7** shows by fiscal year the sworn hours of vacation, sick, disability leaves and sworn vacancies for January and February 2018.

Table 7. OFD Sworn Hours of Vacation, Sick, Disability Leave

Leave Hours	January 2018	February 2018
Vacation Hours Taken	6,737.00	6,280.00
Sick Hours Taken	5,208.25	4,394.50
Worker's Compensation Hours	5,021.00	4,176.00
Total Hours	16,966.25	14,850.50
Sworn Vacancies	55	55

Overall Fire Department Overtime Usage

Staffing shortages due to unfilled vacancies are predictable and costs are covered by the budgeted vacancy. Staffing shortages due to sick leave, family medical leave under the Family Medical Leave Act (FMLA), industrial illness or injury, military leave and mutual aid are unpredictable and costs are unbudgeted.

Chart 3 shows a breakdown of OFD overtime usage by division in Fiscal Year (FY) 2016-17.

Chart 3. FY 2016-17 Overtime Usage by Division

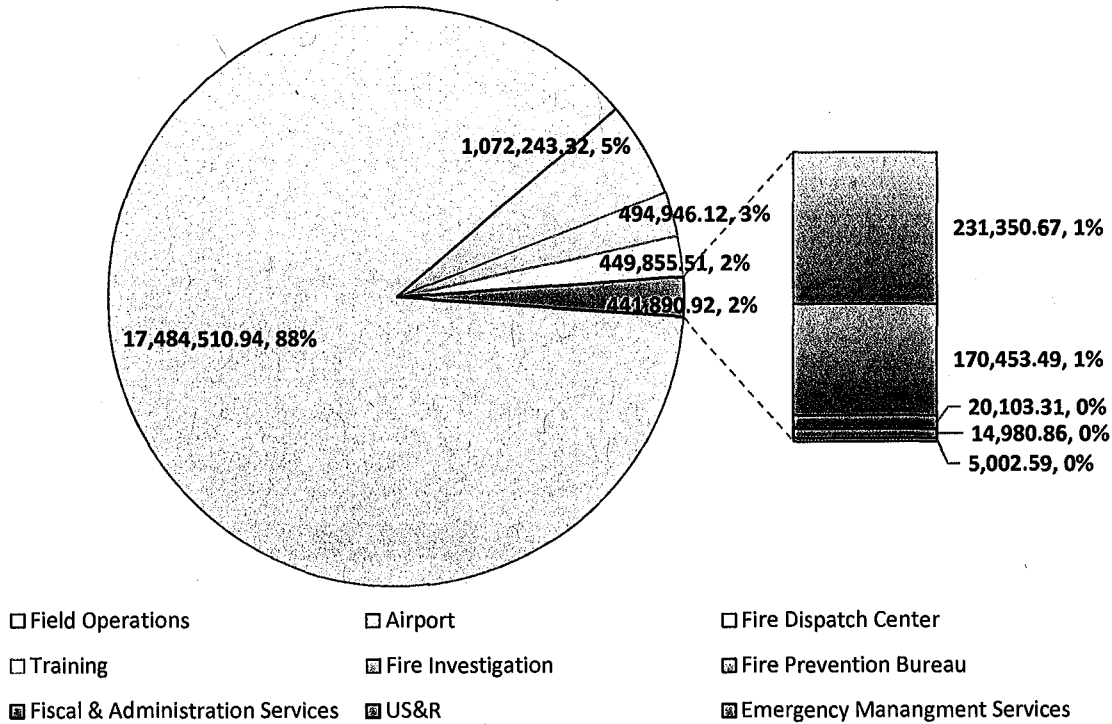


Chart 4 shows a breakdown of OFD overtime usage by division for the current fiscal year, FY 2017-18, ending February 9, 2018. To date, ninety-six percent (96%) of overtime authorized in FY 2017-18 was authorized to meet the Local 55 and ARFF MOU staffing requirements.

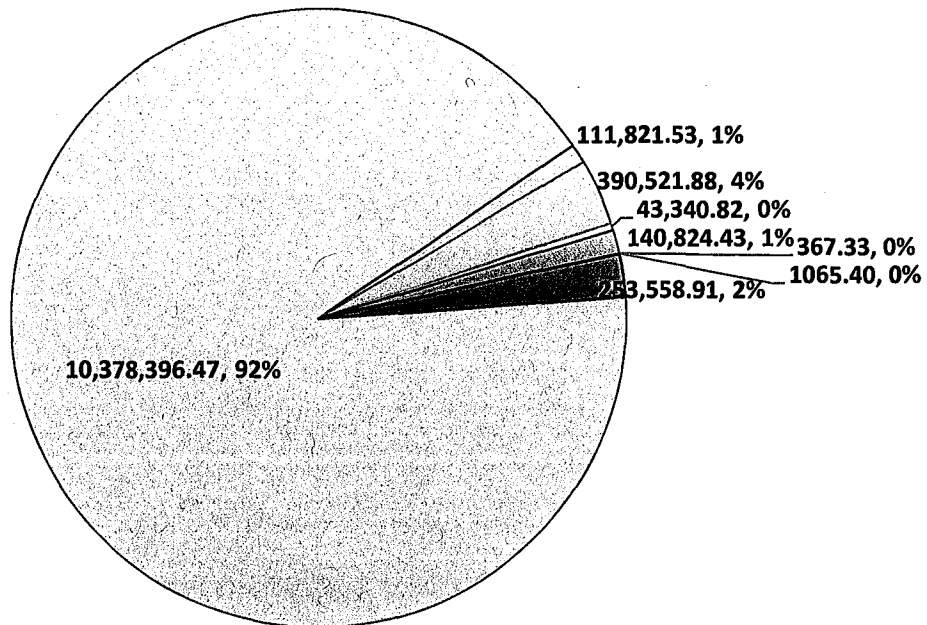
Please refer to **Attachment 3** for additional details on overtime use for the current FY.

In order to ensure that minimum staffing is in place at every fire station and at the Fire Dispatch Center, voluntary and mandated backfill is utilized. For sworn suppression personnel, vacancies occur due to sick leave use, vacation leave, family medical leave use, industrial and non-industrial injury leaves and the scheduled regular day off (RDO).

At the Fire Dispatch Center, vacancies occur primarily in two (2) ranks (Fire Communications Dispatcher and Fire Communications Supervisor). Fire Dispatch Center personnel use sick leave, vacation leave, family medical leave, industrial and non-industrial leave, and compensatory time. All leave requires backfill to maintain minimum public safety service delivery to the community.

The majority of the overtime that is accumulated in the Fire Prevention Bureau are for expedited plan review or inspection services, costs which are recoverable to the City.

Chart 4. FY 2017-18 Overtime Usage by Division



- Field Operations
- Fire Investigation
- Airport
- Training & Support Services
- Fire Prevention Bureau
- Emergency Management Services
- Fiscal & Administration Services
- Fire Dispatch Center

CONCLUSION

OFD will continue to work cooperatively to explore and implement measures to control expenditures and improve accountability.

that the 2014 comprehensive successor MOU will terminate before June 30, 2027 and, for that reason, the parties agree to continue incorporating this Section 4.2: Staffing Agreement in future comprehensive successor MOUs until June 30, 2027.

4.2.2 Agreement Supersedes Prior Agreements.

The parties agree that specific provisions contained in this Section 4.2 Staffing Agreement shall supersede any previous agreement, whether oral or written, regarding staffing of bargaining unit positions.

4.2.3 Definition Of Status Quo.

After this Section 4.2 Staffing Agreement terminates on June 30, 2027, the status quo ante for all purposes including any interest arbitration under Charter Section 910 or any state statute shall be defined as the Section 4.2 language in this Agreement.

4.2.4 Fire Suppression Staffing.

Engines: Twenty-four (24) fire engines shall be regularly and routinely staffed, and deployed daily, with the minimum of one Officer, one Engineer, one Firefighter/Paramedic, and one Firefighter.

Aircraft Rescue Fire Fighting ("ARFF") Fire Station: During the term of this Section 4.2 Agreement and as long as the Port of Oakland contracts with the City for ARFF services, the ARFF Fire Station shall be regularly and routinely staffed, and deployed daily, with the minimum of six (6) unit members or the number of unit members mandated by federal regulations.

Trucks: Four (4) fire trucks shall be regularly and routinely staffed and deployed daily, with the minimum of four (4) unit members per truck (including one officer) and three (3) fire trucks, trucks 1, 2, and 4, shall be regularly and routinely staffed, and deployed daily, with the minimum of five (5) unit members per truck (including one officer).

4.2.4.1 Companies And Bargaining Unit Members Out Of Service.

The Fire Chief or sworn designee retains the discretion to temporarily "detail" or place a maximum of seven (7) companies out of service at any one time, inclusive of training company described in Section 4.9 for a maximum of nine (9) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for nor shall the Department be required to backfill the temporarily vacated station assignment with classified relief. Companies on detail that remain in service on the air shall not be included as a company out of service as defined by this Section.

In addition to the seven (7) companies referenced above, the Fire Chief or sworn designee retains the discretion to temporarily "detail" a maximum of four (4) unit members per shift from their normal station assignments for a maximum of eight (8) hours during a twenty-four (24) hour shift. Such "detail" assignments shall not create an opportunity for, nor shall the Department be required to backfill the temporarily vacated assignment with classified relief.

The Fire Chief or sworn designee retains the discretion to temporarily detail one (1) company out of service because the company's equipment, apparatus, or vehicles are being serviced. The one (1) company removed from service because the company's equipment, apparatus, or vehicles are being serviced is not a "detail" or "a company out of service" as those terms are used in Section 4.2.1.1 and shall not be counted as one of the "maximum of seven (7) companies" in Section 4.2.1.1.

4.2.4.2 Fire Chief's Right To Reassign.

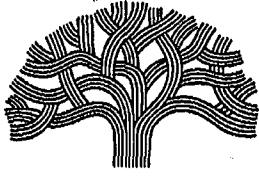
The Fire Chief or designee retains the discretion to temporarily reassign one of the five Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to other duties as the Fire Chief deems necessary. Such reassignments will be made, without limitation, to increase the Department's coverage and response capability. For the purpose of this Section, "increasing the Department's coverage and response capability" includes duties such as responding to known hazards, patrolling at risk areas, performing other operational needs, and providing service in geographic areas where hazards are higher than normal on a given day. In addition, the Department may temporarily reassign one (1) of the five (5) Firefighters from Truck 1, 2, or 4 (i.e., up to three (3) Firefighters per shift) to patrol in the interest of public safety and/or fire prevention on "Red Flag" or "High Hazard Days." The Department's dispatch procedures shall prescribe appropriate modified response procedures in the event of such reassignment(s).

4.2.5 Fire Prevention Staffing.

One (1) arson (fire) investigator shall be on-duty each twenty-four (24) hour shift.

4.2.6 Chief Officer Staffing.

Three (3) supervisory chief officers (Battalion Chiefs) shall be on-duty each twenty-four (24) hour shift.



CITY OF OAKLAND

INTER OFFICE MEMORANDUM**TO:** Executive Team**FROM:** Darin White
Fire Chief**SUBJECT: APPROVAL OF OVERTIME****DATE:** November 8, 2017

Approval**Date**

Effective immediately, all overtime unrelated to backfill for sworn vacancies required to meet minimum staffing provisions contained in the IAFF, Local 55 memorandum of understanding (MOU) and Fire Dispatch Center staffing must be submitted to and approved by the Fire Chief. Overtime approval by the Fire Chief is being mandated to ensure that moving forward we have a process and controls for overtime expenditures that fall outside the scope of staffing backfill.

In order to expedite any request for overtime, Division Managers and Deputy Chiefs should be prepared to identify any known funding sources that can be utilized for the overtime request. This information will be routed to the Fiscal and Administrative Services Division Manager for review. As such, these requests should be placed with at least a 48-hour lead time prior to the anticipated need for overtime and are to be submitted via e-mail (or hard copy) with attached word doc, memo, or 538-8.

Although this information was communicated directly to each Executive staff member on Wednesday November 1, 2017, this memo serves to memorialize the requirement. Division Managers and Deputy Chiefs are to share this information with their respective senior staff members/supervisors.

Respectfully,

Darin White
Fire Chief

ATTACHMENT 3 - OAKLAND FIRE DEPARTMENT
GPF (1010) Overtime Expenditures
July 1, 2017 through February 9, 2018

Division	Organization	Purpose of Overtime	Cost of Overtime	Cost Recovery
Fire Chief	20110 - Chief's Office			
Operations	20411 - Suppression	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	10,378,396.47	Partial <i>Hurricane Harvey Projected Reimbursement \$744,253.82; Hurricane Irma Projected Reimbursement \$1,080,472.04</i>
Operations	20341 - Arson Investigation	Maintain minimum staffing levels in accordance with IAFF, Local 55 MOU.	111,821.53	No
Operations	20814 - Airport	Maintain minimum staffing as required by the MOU between the City and the Port of Oakland for airport rescue firefighting services.	390,521.88	Yes <i>reimbursed by Port of Oakland</i>
Training & Support Services	20631 - In-Service Training	Provide staff training to maintain operational effectiveness.	42,538.50	No
Training & Support Services	20816 - Support Services	Overtime as needed to provide logistical support.	802.32	No
Fire Prevention Bureau	20311 - Fire Marshal's Office	After-hours staffing for fire safety education school and other public events	4,134.61	No
Fire Prevention Bureau	20331 - Inspectional Services	Overtime inspection for special event permit, public assembly, festivals, circus, fire alarm, fire underground, fire sprinkler, hood & duct inspections, training, monitor Council meetings for public assembly code requirements	34,720.73	Partial <i>cost recovery is limited to customer requested overtime for special event permit, festival, circus, fire alarm, fire underground, fire sprinkler, or hood & duct inspections</i>
Fire Prevention Bureau	20351 - Engineering Services	Plan review for fire life safety systems such as fire alarm, fire sprinkler, fire underground, hood and duct	87,569.77	Yes <i>customer requested overtime for expedited plan review</i>
Fire Prevention Bureau	20371 - Vegetation Management	After-hours staffing for vegetation management community meetings, Council meetings, time sensitive projects, and data entry	14,399.32	No
Emergency Management Services	20711 - Emergency Services	2.5 hours for Emergency Planning Coordinator to support Valdez Fire on 7/1/17 3 hours for Emergency Planning Coordinator	162.31 205.02	No
Fiscal & Administration Services	20511 - Budget Planning	4 hours for Accountant II to close FY13 and FY14 PSGP Grant in preparation of audit	253.08	No
Fiscal & Administration Services	20521 - Budget Unit	Accountant III preparation of Hurricane Irma Reimbursement Package	569.62	<i>charges for Hurricane Harvey to be removed from GPF and charged to correct fund</i>
	20551 - Time & Attendance Unit	5 hours for Payroll Personnel Clerk to input timecard due to Telestaff to Oracle Payroll Transfer Issues	242.70	No
Medical Services	20241 - Communications (Fire Dispatch Supervisor)	Backfill for Daily Minimum Staffing & Quarterly Training	144,395.27	No
Medical Services	20251 - Emergency Dispatchers (Fire Dispatcher)	Backfill for Daily Minimum Staffing & Quarterly Training	109,163.64	No
TOTAL GPF (1010) OVERTIME			\$11,319,896.77	

Overtime in the Oakland Police Department

March 20, 2018

Different Overtime Categories in Budget with Actual Amounts3
Breakdown Where Overtime is Budgeted per Org3
Explanation of Who Approves Overtime Expenditures5
 Amount of Overtime Internally Allocated for Each Commander5
Service Level Demands, Insufficient Overtime Budget, and Crime.....6
Special Events/Special Enforcement and Reimbursable Events11
NSA Requirements and Actual Overtime Costs.....11
 Cost of Acting Sergeants in Select Assignments11
 Cost of NSA-Mandated Training for Sergeants and Officers.....11
Overtime Reduction Strategies and Tracking12
 Patrol Staffing Directive13
 Mandatory Training Schedule14
 City Wide Minimum Staffing14
 Overtime Working Group.....14
 POT Testing Process14

Different Overtime Categories in Budget with Actual Amounts

The \$12.4M in overtime is officially budgeted in very broad overtime categories. The categories and amounts are provided in *Table 1*, below.

Table 1: OPD Overtime Budget FY 2017-18

Account and Description	FY2017-18 Budget
51211 - Civilian: Holiday Overtime	\$582,420
51212 - Civilian: Other Overtime	\$614,748
51213 - Sworn: Holiday Overtime	\$813,630
51214 - Sworn: Overtime	\$10,388,920
51219 - Civilian: Overtime	\$18,933
51228 - Overtime: Canine Handlers	\$56,780
Grand Total	\$12,475,431

There are 21 overtime accounts and 56 pay elements that can be used. OPD internally consolidates the 56 pay elements to 15 categories for more efficient tracking. These overtime categories are listed below and were previously defined on pages 7 and 8 of **Attachment A**.

1. Acting Higher Rank
2. Administrative Investigation
3. Backfill
4. Callback
5. Canine
6. Community Meetings
7. Comp Time Earned
8. Court
9. Extension of Shift
10. FLSA
11. Holiday
12. Recruiting/Background
13. Special Enforcement
14. Special Events
15. Training

Internally, overtime is budgeted at the org (organizational code) level, not at the category level.

Breakdown Where Overtime is Budgeted per Org

The Department created an internal overtime budget of \$21M that is far less than the annual overtime spent in each of the past five years, but more realistic than the adopted overtime budget of \$12.4M. At the beginning of the fiscal year, each commander, manager and supervisor who oversees an org is provided with their overtime budget. The internal FY 2017-18 budget is provided below in *Table 2*. Overtime is internally budgeted into 37 orgs.

Table 2: Internal OPD Overtime Budget

ORG	FY 2017-18 BUDGET
101110 - Office of Chief - Administration	\$18,000
101112 - Public Information Unit	\$20,000
101120 - Internal Affairs	\$120,000
101130 - Office of the Inspector General	\$10,000
101140 - Intelligence Unit	\$40,000
102120 - Property and Evidence	\$80,000
102130 - Special Victims Section	\$750,000
102140 - Research & Planning	\$5,000
102280 - Crime Analysis Section	\$10,000
102310 - Criminal Investigations	\$100,000
102320 - Homicide	\$975,000
102321 - Misdemeanor Crimes & Task Forces	\$400,000
102324 - Felony Assault & Gang Section	\$300,000
102330 - Robbery & Burglary Section	\$450,000
102350 - Youth & School Services Section	\$250,000
102610 - Criminalistics Unit	\$32,500
103110 - Bureau of Services - Administration Unit	\$17,000
103242 - Records & Warrants	\$475,000
103310 - Communications Unit	\$1,150,000
103430 - Training Unit	\$1,200,000
106210 - Police Personnel	\$35,000
106410 - Police Information Technology	\$20,000
106510 - Fiscal Services	\$2,500
106610 - Background & Recruiting	\$400,000
106810 - PAS Administration	\$10,000
107410 - Support Operations	\$100,000
107510 - Traffic Operations	\$150,000
107710 - Special Operations	\$4,650,000
108010 - BFO Administration	\$70,000
108110 - District Area 1	\$2,500,000
108120 - District Area 2	\$1,000,000
108130 - District Area 3	\$1,450,000
108140 - District Area 4	\$1,450,000
108150 - District Area 5	\$2,100,000
108630 Ceasefire	\$650,000
108710 - Neighborhood Services Section 1	\$5,000
108820 - Neighborhood Services Section 2	\$5,000
	\$21,000,000

Explanation of Who Approves Overtime Expenditures

Generally speaking, “authorized” overtime is pre-approved, while “approved” overtime is overtime that is approved after it is worked. Authorized overtime is endorsed by a division commander or manager; approved overtime is endorsed by any commander or manager. Watch commanders (lieutenants) do not need higher-level authorization or approval to conform to the requirement of minimum staffing levels. In all instances, each overtime “slip” is audited before compensation is paid to the employee.

A further explanation of who approves overtime expenditures was previously provided on page 6 of **Attachment A** from the February 27, 2018 overtime report, under Overtime Approval. A portion of that explanation is provided here:

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim’s statement when the officer’s shift is nearing completion. Interrupting this process to obtain approval for the officer... from a high-ranking member of the organization would be time-consuming and very insensitive to the victim’s needs.

[In another example,] when a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To [obtain] higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

Amount of Overtime Internally Allocated for Each Commander

The amount of overtime provided to each division and the amount spent in General Purpose Fund (GPF) as of February 9, 2018, are provided in *Table 3*, below:

Table 3: Internal OPD Budget and Actual Amount Spent by Org as of February 9, 2018

Org	Internal Budget	Actual Spent
101110 - Office of Chief - Administration	\$18,000	\$12,187
101112 - Public Information Unit	\$20,000	\$12,073
101120 - Internal Affairs	\$120,000	\$155,379
101130 - Office of the Inspector General	\$10,000	\$788
101140 - Intelligence Unit	\$40,000	\$20,106
102120 - Property and Evidence	\$80,000	\$69,741
102130 - Special Victims Section	\$750,000	\$577,769
102140 - Research, Planning & Crime Analysis	\$5,000	\$3,199
102280 - Crime Analysis Section	\$10,000	\$153
102310 - Criminal Investigations	\$100,000	\$13,884
102320 - Homicide	\$975,000	\$867,037
102321 - Misdemeanor Crimes & Task Forces	\$400,000	\$170,467
102324 - Felony Assault & Gang Section	\$300,000	\$154,585

Org	Internal Budget	Actual Spent
102330 - Robbery & Burglary Section	\$450,000	\$204,616
102350 - Youth & School Services Section	\$250,000	\$86,382
102610 - Criminalistics Unit	\$32,500	\$2,318
103110 - Bureau of Services - Administration Unit	\$17,000	\$163
103242 - Records & Warrants	\$475,000	\$327,492
103310 - Communications Unit	\$1,150,000	\$1,247,649
103430 - Training Unit	\$1,200,000	\$1,260,962
106210 - Police Personnel	\$35,000	\$77,546
106410 - Police Information Technology	\$20,000	\$110,637
106510 - Fiscal Services	\$2,500	\$497
106610 - Background & Recruiting	\$400,000	\$414,142
106810 - PAS Administration	\$10,000	\$33,460
107410 - Support Operations	\$100,000	\$167,222
107510 - Traffic Operations	\$150,000	\$230,895
107710 - Special Operations	\$4,650,000	\$4,475,997
108010 - District Command Administration	\$70,000	\$35,911
108110 - District Area 1	\$2,500,000	\$1,674,652
108120 - District Area 2	\$1,000,000	\$964,366
108130 - District Area 3	\$1,450,000	\$1,097,634
108140 - District Area 4	\$1,450,000	\$879,976
108150 - District Area 5	\$2,100,000	\$1,657,568
108630 - Ceasefire	\$650,000	\$606,740
108710 - Neighborhood Services Section 1	\$5,000	\$1,723
108820 - Neighborhood Services Section 2	\$5,000	\$2,907
Incorrect/Expired Org	\$0	\$22,006
Grand Total	\$21,000,000	\$17,640,833

Service Level Demands, Insufficient Overtime Budget, and Crime

As provided in the February 27, 2018 overtime report (**Attachment A**), there are a number of reasons why the approved overtime budget is insufficient for OPD. Along with frequent wage increases, mandates such as the Negotiated Settlement Agreement (NSA), critical understaffing, and crowd management, service level demands were cited. Service level demands were defined as minimum patrol staffing of 35 officers per shift per day. However, a surge in violent crime activity requires strategic deployment of personnel on overtime beyond minimum staffing levels.

A detailed explanation of how service level demands drive overtime has previously been included in **Attachment A** in the Service Level Demands section on pages 4 and 5. Basically, OPD has 35 patrol beats to fill 24 hours a day, seven days a week. Since there are three shifts, OPD is required to deploy 35 officers in patrol three times a day. Thirty-five officers are required because there are 35 patrol beats in the City of Oakland. The *maximum* number of officers available is between 40 and 48 per shift, depending on the day of the week and the shift. This maximum number is diminished by staffing reductions due to vacant positions, training

assignments, injuries, illnesses, vacation, special assignment, or other time away from a patrol assignment. The average number of instances in which a beat was not filled for a shift from March 2017 through February 2018¹ was 38 times per month.

OPD has undertaken a number of measures to mitigate the overtime impacts resulting from service level demands (addressed in **Attachment A** under Overtime Reduction Strategies, pages 9 to 11) and included in this document under the same heading). As provided in the Overtime Reduction Strategies section in both places, OPD has revised its Police Officer Trainee (POT) hiring process to increase the frequency of testing. This should significantly expand the POT hiring pool and academy size, resulting in fewer vacant positions in patrol.

OPD is working diligently to mitigate the impact of potential service retirements through an improved hiring process. Officers are eligible to retire at age 50 with a minimum of five years of service. The following are the numbers of sworn personnel eligible to retire by calendar year:

- 2018: 53 possible sworn retirees
- 2019: 25 possible sworn retirees
- 2020: 25 possible sworn retirees
- 2021: 22 possible sworn retirees
- 2022: 25 possible sworn retirees

As previously provided on page 11 of **Attachment A**, the following impact is expected from failing to meet service level demands:

In the Bureau of Field Operations (BFO), OPD has spent \$1.55M on backfill overtime and an additional \$1.09M on extension of shift overtime as of December 29, 2017. Much of these expenditures have taken place in patrol in order to maintain minimum citywide staffing levels of 35 officers. While OPD will continue to monitor daily patrol staffing to ensure that unnecessary overtime funds are not expended, reducing staffing levels below 35 officers per shift will likely result in:

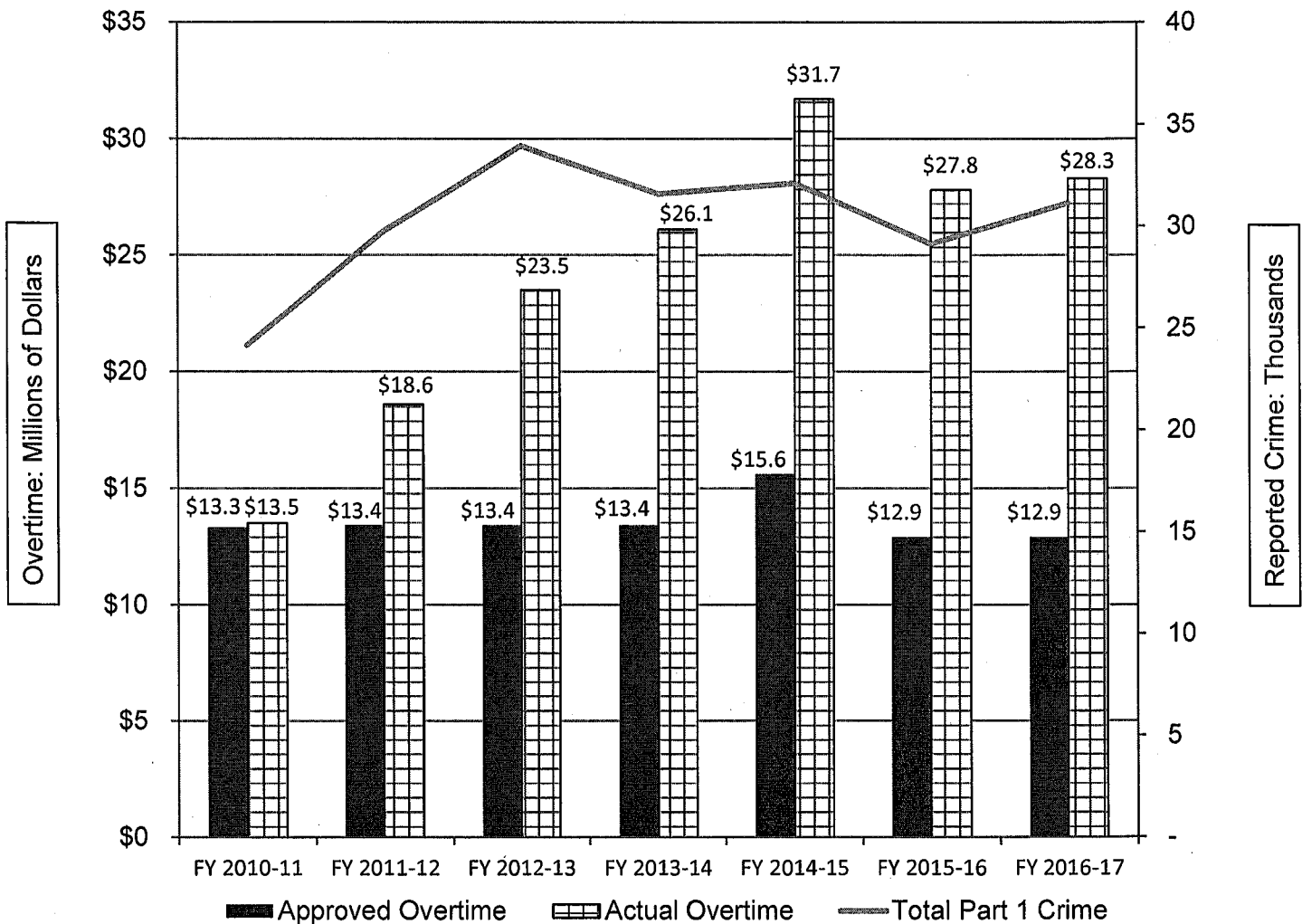
- Diminished officer safety due to an inadequate number of officers being able to deal with violent individuals.
- Decreased safety to the public due to an inadequate number of patrol officers being able to address situations in which community residents are threatened with harm.
- Increases in crime due to officers being unable to respond to calls for service and perform sufficient preliminary investigations.
- Longer response times because an inadequate number of officers are able to respond to the 500,000-plus calls for service each year.
- Increased number of community complaints due to increased response times and other reductions in service.

Several charts are provided below that provide information on overtime expenditures and amount of reported crime as well as crowd management and filled positions.

¹ Data was available for nine months of this 12-month period. Data was not recorded for April, June, and September 2017 because no staffing report was provided to the Public Safety Committee for those months.

Chart 1, below, provides GPF overtime in OPD – approved versus actual in millions of dollars as well as the total number of reported Part 1² crimes for each year.

Chart 1: OPD GPF Overtime– Approved versus Actual (in Millions) and Reported Part 1 Crime

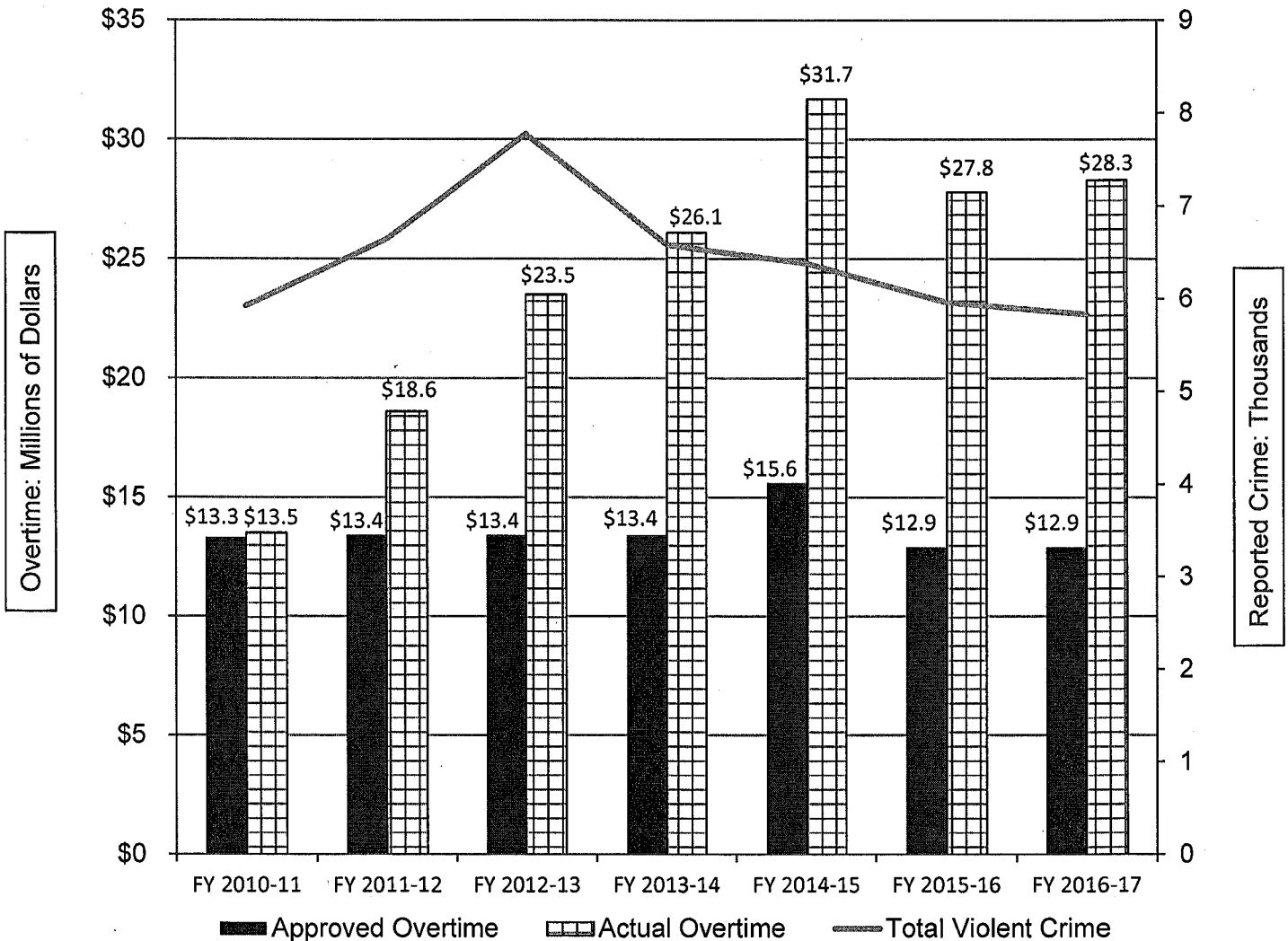


The total number of reported Part 1 crimes increased from FY 2010-11 to FY 2012-13 by 41 percent. Overtime expenditures increased by 74 percent over the same time period. The total number of reported Part 1 crimes decreased by seven percent from FY 2012-13 to FY 2013-14 and overtime expenditures increased by 11 percent over the same period. The total number of reported Part 1 crimes increased by two percent from FY 2013-14 to FY 2014-15 and overtime expenditures increased by 21 percent over the same period. The total number of Part 1 crimes decreased by nine percent from FY 2014-15 to FY 2015-16 and overtime decreased by 12 percent over the same period. The total number of Part 1 crimes increased by seven percent from FY 2015-16 to FY 2016-17 and overtime increased by two percent over the same period. The total number of reported Part 1 crimes is not provided by fiscal year for FY 2009-10 because this data is not readily available by fiscal year. Data is not provided for FY 2017-18 because the year has not yet been completed.

² Part 1 Crimes, as defined by the Federal Bureau of Investigation (FBI) in the Uniform Crime Reports (UCR) are homicide, aggravated assault, rape, robbery, burglary, motor vehicle theft, larceny, and arson.

Chart 2, below, provides GPF overtime in OPD – approved versus actual in millions of dollars as well as the total number of reported violent³ crime for each year.

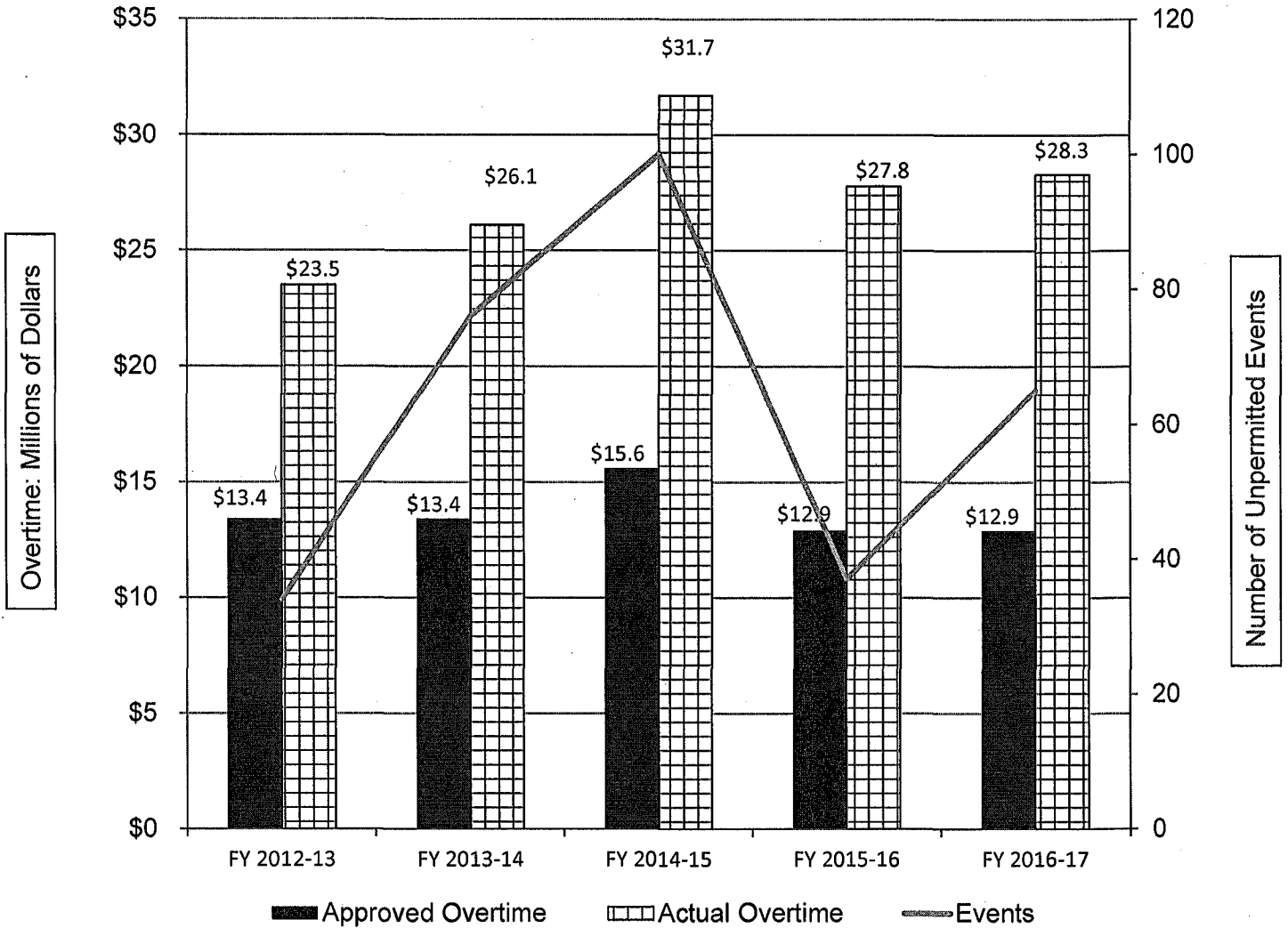
Chart 2: OPD GPF Overtime— Approved versus Actual (in Millions) and Reported Violent Crime



Reported violent crime increased from FY 2010-11 to FY 2012-13 by 31 percent. Overtime expenditures increased by 74 percent over the same time period. Reported violent crime decreased by 15 percent from FY 2012-13 to FY 2013-14 and overtime expenditures increased by 11 percent over the same period. Reported violent crime decreased by three percent from FY 2013-14 to FY 2014-15 and overtime expenditures increased by 21 percent over the same period. Reported violent crime decreased by seven percent from FY 2014-15 to FY 2015-16 and overtime decreased by 12 percent over the same period. Reported violent crime decreased by two percent from FY 2015-16 to FY 2016-17 and overtime increased by two percent over the same period. Reported violent crime is not provided by fiscal year for FY 2009-10 because this data is not readily available by fiscal year. Data is not provided for FY 2017-18 because the year has not yet been completed.

³ Violent crimes are homicide, aggravated assault, rape, and robbery.

Chart 3, below, provides GPF overtime in OPD – approved versus actual in millions of dollars as well as the total number of non-reimbursed crowd management events (including demonstrations) for each year.



Data is not available for FY 2009-10 through FY 2011-12. FY 2017-18 is not included because the fiscal year has not yet been completed.

Special Events/Special Enforcement and Reimbursable Events

Table 3 on pages 8 and 9 of **Appendix A** provided a list of 36 Special Enforcement and Special Events over \$30,000. This table included a number of events that were reimbursed because reimbursable events show up as expenditures from GPF overtime. The Department tracks Special Enforcement and Special Events via tasks created in the Oracle. The Finance Department provided general guidelines for creating tasks that are not tied to a sponsored project. The format is FUND.PROGRAM.XXXXX.XXX (ex. 1010.PS01.REIMB.001). Internally, we use "TRACK" and "REIMB" to identify which tasks are for "tracking only" and which tasks are reimbursable events. Note, some "tracking only" tasks end up being reimbursable when an outside entity agrees to pay for the services (ex. Napa/Sonoma Fires, Warriors Parade). Once the Department creates the invoice for the reimbursable special event, the invoiced amount is posted in our revenue account to offset the cost of the event.

NSA Requirements and Actual Overtime Costs

As previously provided on page 5 of **Attachment A**:

The NSA places a number of mandates on OPD that may not otherwise exist, including two mandates that have particular impact on patrol overtime. The first is that a patrol sergeant may not supervise more than eight officers. The second is that OPD cannot use acting sergeants in patrol. Taken together, a significant amount of overtime is generated because OPD must have five regular permanent (not temporary acting) sergeants in patrol for every shift to supervise the minimum of 35 officers. Administrative sergeant positions have been created to address this issue, but this has not proven to be an effective remedy.

Administrative sergeants are regular permanent positions and are often assigned full-time to fill in for sergeants who are on long-term injury or other assignment.

Cost of Acting Sergeants in Select Assignments

For the month of October 2017 alone⁴, the number of hours of overtime mandated by the NSA for patrol sergeants was 620. At \$95.08 per hour, the cost of this overtime was \$58,950. Extrapolating this to an entire fiscal year indicates the estimated cost to be \$707,395. Including the COLA provided in January 2018, the estimated cost of sergeant overtime mandated by NSA Task 20.2 for FY 2017-18 is \$719,857. If not for the NSA, OPD could use acting sergeants in patrol or increase the ratio of officers to sergeants. Officers in acting sergeant roles would receive a higher hourly rate than officers normally do. The difference in hourly rate between acting sergeant and a Step 3 officer is currently \$24.62 per hour. The current cost of a sergeant on overtime is \$98.43 per hour. While there may be other overtime costs in providing a sufficient number of officers if acting sergeants are used in operational assignments, the cost would be less than paying sergeants on overtime.

Cost of NSA-Mandated Training for Sergeants and Officers

As previously provided on page 5 of **Attachment A**:

⁴ While OPD carefully tracks sergeant deployment in order to comply with NSA Task 20.2, OPD does not track how many sergeants are deployed on overtime for this purpose, the number of sergeant overtime hours for this purpose, or the cost of sergeants deployed on overtime for this purpose. The October numbers required several hours of staff time manually reviewing the staffing roster for each day.

The California Commission on Peace Officer Standards and Training (POST) mandates that every peace officer, public safety dispatcher, and public safety dispatch supervisor complete a minimum of 24 hours of POST-qualifying training every two years. The NSA training requirement (Task 43) requires OPD to exceed the POST mandates by requiring that all sworn personnel receive 40 hours of in-service training every 18 months. NSA Task 43 also mandates 20 hours of supervisory training every eighteen months.

At present, all training is completed by sergeants and officers who are assigned to attend in lieu of their regular work assignment. For those assignments that have minimum staffing requirements (such as patrol), this practice increases the likelihood of overtime being used.

It is challenging to estimate the actual amount of overtime used due to NSA Task 43 because POST has a similar – but lesser – requirement, as explained above. If it is assumed that OPD would provide 24 hours of POST-mandated training to officers every 24 months in the absence of the NSA, then the information in *Table 4*, below, would apply.

Table 4: POST versus NSA Training Hours for Officers

Elapsed Time after Academy Graduation	Number of Mandated Training Hours	
	POST	NSA Task 43
Two Years	24	40
Three Years	24	80
Four Years	48	80
Five Years	48	120
Six Years	72	160
Seven Years	72	160
Eight Years	96	200

As provided by *Table 1*, over an eight-year period, the number of hours mandated by the NSA per officer is more than twice the number of training hours mandated by POST. The estimated expenditure for Training for FY 2017-18 is \$1.9M. This does not include any Backfill or Extension of Shift overtime that may be expended to maintain staffing levels while officers attend training in lieu of their normal assignment.

Overtime Reduction Strategies and Tracking

As previously provided, pages 9 through 11 of **Appendix A** include a section titled **Overtime Reduction Strategies**. The following language is from pages 9 and 10.

OPD has and continues to implement overtime reduction strategies. In addition to the monthly notification of commanders and managers of overtime usage and the daily review, monitoring, and accountability protocols described earlier as related to the DNR, OPD has implemented the following overtime reduction strategies:

- Issued a patrol staffing directive.
- Substantially altered tactical squad deployment in patrol.
- Completely changed the way that mandatory training is scheduled.

- Implemented a city-wide minimum staffing mandate that requires time off requests to be approved on a city-wide basis rather than just the bureau or division level.
- Formed an overtime working group.

While not focused on overtime reduction, OPD has substantially altered the testing process for Police Officer Trainees (POTs) to increase accessibility, reduce the time to hire, and increase academy size.

Patrol Staffing Directive

On May 23, 2017, the Department issued a directive to all OPD commanders concerning overtime use. This directive states the following:

- Area Commanders shall maintain minimum staffing levels of 35 officers Citywide.
- Overtime for backfill shall only be utilized to fill open patrol beats rather than filling each squad to maximum capacity (i.e., 1:8 ratio).
- Area Commanders shall share resources (i.e., Sergeants and Officers) in lieu of backfilling on overtime.
- Area Commanders shall ensure the information contained on the Daily Notification Report (DNR) is accurate with respect to patrol staffing.
- Watch Commanders shall plan for staffing vacancies, in advance, to avoid unnecessary backfilling on overtime.
- Compensatory time, extra vacation leave requests, and training shall be reviewed and approved, in advance, by a Watch Commander to minimize unnecessary overtime due to backfilling.
- Watch Commanders shall consider utilizing officers assigned to Tactical Squads in lieu of backfilling on overtime.
- Watch Commanders shall ensure overtime is not utilized on days and shifts when overlap squads are available and can fill open beats.

Effective January 2018, OPD has modified the patrol schedule to better position the availability of squads on overlap. While there are no overlap squads available on swing shift or on dayshift and night shift on Tuesdays or Wednesdays, there are three tac squads available to cover staffing shortages. OPD changed the hours and days off of tac squads specifically to reduce overtime while filling all 35 patrol beats 24 hours a day, seven days a week. This change may have adverse consequences in addressing violent crime and sideshow during peak evening and weekend hours.

Appendix A also includes the below language in Overtime Reduction Strategies, which states the following on page 10:

As provided in the Overtime Monitoring section of this report, the Assistant Chief of Police reviews patrol staffing daily to ensure that the above directive is followed.

Tactical Squad Deployment

Previously, OPD tactical squads (additional patrol squads) were deployed based on operational need. The primary focus was violent crime and sideshow. As of January 13, 2018, tactical squads have been scheduled with a primary focus on

overtime reduction. They are now scheduled to provide maximum beat coverage and reduce backfill (and extension of shift) overtime in patrol. This may have a negative impact on addressing violent crime and sideshow.

Mandatory Training Schedule

As mentioned in Federal and State Mandates section of this report, OPD is required to provide 40 hours of in-service training to all sworn personnel every 18 months. Prior to 2018, sergeants and officers were assigned to this training alphabetically without consideration for staffing impacts. OPD has now implemented a system in which only one officer per patrol squad is assigned to training. This should decrease the impact of the mandatory training – potentially significantly.

City Wide Minimum Staffing

Prior to 2017, patrol staffing was focused primarily at the area level. As long as there was sufficient staffing for a particular OPD patrol area, consideration was not necessarily given to the other patrol areas (at the bureau or division level), even if other patrol areas were short-staffed. OPD command staff now consider city-wide impacts of patrol staffing. Even if there is sufficient staffing to allow officers time off in one area, all other patrol areas are examined to ensure that officers do not need to be redeployed before time off is approved.

Overtime Working Group

The overtime working group includes the Acting Assistant Chief, all Deputy Chiefs, several Captains, and other key stakeholders who meet regularly to achieve the goal of overtime reduction across the organization. The group met on October 18, 2017; November 30, 2017; and January 30, 2018. The group will keep meeting to address overtime issues. The overtime working group first identified the specific causes of OPD overtime and then analyzed categories and use. The group is now working to identify all opportunities to reduce overtime as well as the trade-offs that will accompany these reductions.

One of the primary goals of the Overtime Working Group is to update OPD Department General Order (DGO) D-1, Overtime Policy, Accounting and Compensation. This process is underway and an updated draft is expected in the next several weeks. It is the goal to have an approved policy in place entering FY 2018-19. **Appendix A** includes the following on page 11:

POT Testing Process

Prior to 2018, the City of Oakland was only testing for POT one day every other month. Combined with other factors, this has resulted in very few candidates for hire. Working with the Department of Human Resource Management, OPD has worked with the South Bay Regional Training Consortium (South Bay) to substantially expand access to POT testing. South Bay provides a physical ability exam and written exam at least once a week.

The above change in the POT testing process has allowed OPD to double the number of qualified applicants in a single testing cycle.

Concerning tracking of overtime, page 6 of **Appendix A** includes a section titled Overtime Monitoring:

OPD monitors overtime usage at both the macro and micro level. At the macro level, overtime usage reports are produced by OPD Fiscal Services on a monthly basis (or as labor is posted in the financial system). These reports are shared with all commanders and managers for review. At the micro level, the Daily Notification Report (DNR) is shared with the Assistant Chief of Police and Bureau of Field Operations (BFO) executive command every day. The DNR includes detailed information about any use of overtime in patrol, including:

- The number of sergeants and officers deployed on overtime and straight time
- The name of any officer normally assigned
- The name of any officer filling in on overtime
- The number of hours of overtime for any officer receiving overtime
- The reason for the overtime

Most importantly, the DNR requires patrol commanders to explain why a sergeant or officer is receiving overtime if a sergeant or officer from another district is available on straight time. The Assistant Chief of Police holds the appropriate command staff member accountable if it is discovered that overtime was used unnecessarily.

Beyond the DNR, the Chief of Police holds division-level commanders accountable for their annual overtime expenditures.

OPD is currently working to develop more robust overtime tracking measures, including adding additional tasks to track overtime related to Internal Affairs cases, primary sergeant patrol backfill, in-custody arrests, critical incidents, use of force, interviews, violence suppression by area, victim transports, hospital guards, etc. OPD is planning to upgrade its scheduling system to provide much better accountability.