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OAKLAND

2019 FEB 21 AM 11:19

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Supplemental Quarterly Report on
Police Overtime

DATE: February 19, 2019

City Administrator
Approval

Date

2/20/19

RECOMMENDATION

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

REASON FOR SUPPLEMENTAL

On February 19, 2019, the Finance and Management Committee requested additional information from OPD:

- A detailed accounting of all reimbursements for Special Event and Special Operation overtime
- An explanation of how the proposed overtime policy differs from the current overtime policy

The detailed accounting of all reimbursements for the first and second quarters of Fiscal Year (FY) 2018-19 are provided as **Attachment A**.

Attachment B is the current version of OPD Department General Order (DGO) D-01, Overtime Policy, Accounting and Compensation. **Attachment C** is a draft version of the same document. The draft is essentially a complete rewrite of the current document. The draft still requires further review by OPD staff as well as all three OPD bargaining units prior to completion and implementation. The primary objectives in rewriting DGO D-01 are:

- To improve accountability and management of overtime use
- To simplify a complicated policy and provide better instruction for OPD personnel
- To eliminate language that is covered by – and potentially conflicts with provisions of labor Memoranda of Understanding (MOU)
- To eliminate unnecessary and confusing language such as that addressing court appearance overtime (court appearances are addressed in DGO E-01, Departmental Subpoena Service and court appearance compensation is addressed in MOU)

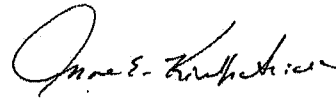
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ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE

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

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
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OPD, Training Division, Research and Planning

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Oliver Cunningham, Deputy Chief of Police
OPD, Bureau of Investigations

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

Attachments (1):

- A – Detailed accounting of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the third and fourth quarters of FY 2018-19
- B – Current version of OPD DGO D-01 Overtime Policy, Accounting and Compensation
- C – Draft version of OPD DGO D-01, Overtime

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OPD Special Events and Special Enforcement Overtime July 1 – December 31, 2018

Event	Amount	2019 FEB 21 AM 11:19	Event	Amount
AC Transit Project	\$526,192		Warriors vs. Raptors	\$21,284
Rolling Loud Music	\$191,668		Warriors vs. Trail	\$21,210
Raiders vs. Steelers	\$133,501		A's vs. Dodgers 8/08	\$21,106
Raiders vs. Browns	\$127,989		Warriors vs. Magic	\$20,993
Raiders vs. Broncos	\$123,209		Warriors vs. Pelican	\$20,977
Raiders vs. Colts	\$121,609		Warriors vs. Grizzlies	\$20,973
Raiders vs. Chiefs	\$121,111		Warriors vs. Clipper	\$20,913
Raiders vs. Chargers	\$114,489		Warriors vs. Hawks	\$20,854
Raiders vs. Rams	\$109,147		First Friday	\$20,789
Raiders vs. Packers	\$105,946		Warriors vs. Wolves	\$20,662
All Day & A Night	\$105,808		Warriors vs. Timberwolves	\$20,544
Raiders vs. Lions	\$105,741		Warriors vs. Suns	\$20,532
BANK OF AMERICA	\$79,862		A's vs. Twins 9/22	\$20,518
Aubrey & 3 Amigos	\$69,495		Warriors vs. Nets	\$20,511
PG&E San Leandro St	\$64,422		Wonder Woman Run	\$20,458
Marriott Hotel Strike	\$54,469		Warriors vs. Mavericks	\$20,350
A's vs. Giants 7/21	\$46,123		PG&E Construction	\$20,331
A's vs. Giants 7/20	\$41,309		A's vs. Twins 9/23	\$20,320
Treasure Island Music Festival	\$40,453		Warriors vs. Wizards	\$20,173
LANEY SWAP MEET	\$40,158		Warriors vs. Grizzlies	\$20,151
Bed Bath & Beyond	\$39,792		Warriors vs. Lakers	\$20,085
A's vs. Giants 7/22	\$39,454		Twenty One Pilots	\$19,617
A's vs. Yankees 9/03	\$35,737		Warriors vs. Suns	\$19,334
Levy Restaurants	\$35,660		A's vs. Padres 7/3	\$19,333
A's vs. Yankees 9/04	\$35,300		Warriors vs. Bucks	\$19,188
Oakland Zoo Traffic	\$34,779		Disney on Ice	\$18,350
Oaktown 5K and Half	\$32,974		A's vs. Tigers	\$17,865
CONSTRUCTION	\$32,241		Warriors vs. Trail B	\$17,865
Dia De Los Muertos	\$30,282		Travis Scott	\$17,510
Oakland Triathlon	\$26,821		A's vs. Astros 8/18	\$17,388
PG&E Construction	\$26,244		A's vs. Yankees 9/05	\$16,482
A's vs. Dodgers 8/07	\$24,613		J. Cole Concert	\$16,092
First Friday	\$24,043		Childish Gambino	\$15,810
Warriors vs. Timber	\$22,596		Nick Cannon	\$15,490
Warriors vs. Thunder	\$22,294		385 14th St	\$14,677
Warriors vs. Thunder	\$22,108		Hiero Day	\$14,595
Warriors vs. Kings	\$21,694		A's vs. Twins 9/21	\$14,073
TBS World Tour	\$21,500		A's vs. Astros 8/19	\$13,999
A's vs. Mariners	\$21,351		A's vs. Mariners	\$13,912

Event	Amount	Event	Amount
Jeff Lynne's ELO	\$13,830	Raiderville	\$9,600
Fleetwood Mac	\$13,738	A's vs. Blue Jays	\$9,497
Sam Smith Concert	\$13,713	A's vs. Rangers 8/20	\$9,429
A's vs. Rangers 9/07	\$13,711	Hilton Hotel	\$9,321
A's vs. Indians 7/01	\$13,650	Oakland Black Cowboy	\$8,185
Oakland Pride	\$13,564	A's vs. Rangers 8/22	\$8,141
AR Rahman	\$13,520	Oaktoberfest	\$7,978
Warrriors Open Practice	\$13,505	Mike Epps	\$7,883
A's vs. Tigers	\$13,481	5110 Broadway	\$7,718
A's vs. Astros 8/17	\$13,310	532 39th St	\$7,442
Phil Collins	\$13,120	COPA Festival	\$7,125
NA LCS 9/08	\$13,030	Bad Bunny	\$6,985
A's vs. Angels 9/18	\$12,747	Raider Image	\$6,748
Kevin Hart	\$12,066	Oakland A's Watch Pa	\$5,956
Art & Soul Fest	\$11,937	Oakland Turkey Trot	\$5,132
Trans Siberian Orchestra	\$11,893	My Culture	\$5,104
A's vs. Blue Jays	\$11,868	BIG 3	\$4,942
A's vs. Mariners	\$11,831	Family Bridges	\$4,861
J. Balvin Concert	\$11,586	Our Lady of Guadalupe	\$4,685
Hall & Oates and Train	\$11,482	WWE Live Holiday Tour	\$4,295
A's vs. Mariners	\$11,391	Alameda Point Antique	\$3,879
A's vs. Tigers 8/05	\$11,360	Warriors Practice	\$3,481
A's vs. Padres 7/4	\$11,241	All Day I Dream Fest	\$3,435
A's vs. Indians 6/29	\$11,097	Raider Escort	\$3,400
First Friday 10/05	\$11,041	Burger Boogaloo	\$3,354
A's vs. Rangers 9/09	\$11,010	Slam Magazine	\$3,139
NA LCS 9/09	\$10,927	Apple TV Show	\$2,949
First Friday	\$10,861	1100 Broadway	\$2,931
A's vs. Rangers 8/21	\$10,608	John Legend	\$2,811
A's vs. Rangers 9/08	\$10,595	Brownies & Lemonade	\$2,768
A's vs. Blue Jays	\$10,493	2126 MLK Jr. Way	\$2,719
First Friday	\$10,363	Oakland Grand Prix	\$2,604
A's vs. Angels 9/20	\$10,324	Tenacious D	\$2,239
A's vs. Mariners	\$10,254	Oakland Fam Bam	\$2,058
A's vs. Mariners	\$10,222	Myittar	\$1,881
Smashing Pumpkins	\$10,167	CJ Group	\$1,784
A's vs. Mariners	\$10,014	C.H Wines	\$1,756
Eat Real Festival	\$9,994	Niantic Labs Video	\$1,661
A's vs. Angels 9/19	\$9,885	FESTAC	\$1,499
Chinatown Street Fes	\$9,649	ESPN MNF	\$1,450

Event	Amount	Event	Amount
Championship Boxing	\$9,649	W. VS. CAV'S	\$1,432
Oakland Natives Give	\$1,356	Feed Oakland	\$452
Subaru	\$1,318	KD Fantasy Exp	\$435
Money Mondays	\$1,314	Uber Driver Ambition	\$435
And1 Paint in the Pa	\$1,154	Oversize Load	\$435
Comcast	\$1,153	The Connected Car	\$389
Alameda Point Antique	\$1,128	Raider Image	\$376
1032 Full Throttle	\$1,088	A's vs. Angels 6/15	\$247
Near Future	\$1,071	A's vs. RAYS	\$115
EBRHA	\$1,069	W. VS. CAV'S	\$87
First Friday	\$1,054	AEG 602L Ops	\$75
Blindspotting	\$1,044	W VS. ROCKETS	\$71
PINK Concert	\$958	DIRTYBIRD BBQ	\$28
SantaCon	\$930	Warriors vs. Spurs	\$25
Saweeetie Fan Event	\$870	A's vs. Astros 6/13	\$22
Bishop O'Dowd HS	\$870	Black Cowboy Parade	\$5
COPA Festival	\$856	A's vs. Angels 6/16	\$0
Nina Cried Power	\$798	PINK Concert	-\$19
Levi's	\$785	BLURRY VISION MUSIC	-\$44
Joe Biden	\$765	AC Transit Project	-\$85
Fitbit	\$754	Warriors Watch Party	-\$87
A's vs. Indians 6/30	\$735	A's vs. Royals 6/08	-\$87
W VS. ROCKETS	\$696	WARRIORS W. PARTY	-\$87
W VS. PELICANS	\$674	Oakland Zoo Traffic	-\$339
Sorry To Bother You	\$622	Oakland Zoo Traffic	-\$464
PG&E Construction	\$609	First Friday	-\$502
True Buddha Vijaya	\$479	W VS. PELICANS	-\$827
Warriors Watch Party	\$452	First Friday	-\$954

Total \$ 4,304,789



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GENERAL OFFICE OF THE CITY CLERK
ORDER OAKLAND

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2 Jul 99

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D-1

Index as:

Ref: CALEA
Standards 17.4.1;
22.1.1; 26.1.1

- Court Overtime
- Deferred Overtime Payment
- Grant or Project Overtime, Procedures
- Overtime Policy, Accounting and Compensation
- Overtime Categories and Codes
- Overtime Deferral
- Overtime Reporting – Time Reports

OVERTIME POLICY, ACCOUNTING AND COMPENSATION

The purpose of this order is to set forth policy and procedures regarding overtime management, eligibility for compensation, and reporting and retention of overtime documentation.

I. OVERTIME WORKED (OTW)

A. Policy

Because of its fiscal impacts and possible effects on member/employee wellness, overtime worked must be minimized and controlled. The annual performance evaluation of supervisors and commanders shall be based, in part, on their efforts and results in keeping controllable overtime expenditures within budgeted appropriations. Overtime worked is not a right.

B. Definitions

1. **Overtime Worked or OTW** refers to hours worked by members and employees in excess of their normal daily or weekly tours of duty.
2. **Overtime Rate** is one and one-half times the base hourly rate and approved premium pay for eligible members and employees.

C. General Regulations

1. Bureau commanders shall assign and train one or more members and/or employees to audit the weekly overtime authorization forms before they are sent to the appropriate payroll data entry unit for input. City Auditor staff shall provide the training.
2. Unit commanders and section supervisors permitting personnel to work overtime shall provide a specific and detailed written notification on the overtime authorization form.
 - a. Unit commanders are responsible for analyzing the costs and benefits of scheduled overtime, staffing special events, or conducting special projects.
 - b. Improper requests for overtime shall be rejected and incorrect overtime hours shall be corrected. The member or employee shall be notified of the denial or correction of overtime hours.
3. Members and employees shall not work overtime on the same date that they take time off for Overtime Allowed (OTA).
4. Overtime assignments completed for other units such as conducting background investigations, teaching Academy classes, and backfilling vacancies, etc., shall be coded to the organization code of the division/section/unit receiving the overtime service. Other project numbers and/or overtime codes also shall be used to further define that overtime activity. See Part X of this order for overtime and project codings.
5. The Training Section shall include overtime and fiscal management training in the curricula of the annual in-service training of supervisors and commanders.
6. With the exception of 3rd Watch Patrol Officer lineup pay, all other requests for approval of lineup pay shall be submitted to the Chief of Police or his/her designated representative.
7. Unit commanders and section supervisors shall receive monthly reports of all active members and employees receiving premium and lineup pay and review them for accuracy before submitting them to the bureau commander for approval. The approved reports shall be forwarded to the Research, Planning and Budget

Division (RP&B) Manager, who shall audit and correct payroll records to ensure that only authorized personnel receive specific premium pay.

8. Whenever designated overtime appropriations (grants, contracts, special one-time funding, etc.), are available to fund special projects, the responsible project manager shall ensure that overtime authorization forms are properly coded before submitting them to the appropriate payroll unit for data entry. Copies of overtime forms shall be forwarded to the RP&B Manager for billing.
 - a. For the purposes of this order, a Project Manager is a designated sworn or civilian supervisor or commander responsible for managing the daily activities of a service, project, or grant agreement.
 - b. The Project Manager shall monitor all expenditures to ensure that they do not exceed the authorized funding for the project.
 - c. The RP&B Manager shall:
 - 1) Provide written instructions on coding grant/project overtime to the Project Manager, respective payroll units, and bureau overtime auditors whenever a new grant or project is approved.
 - 2) Send a copy of the monthly project overtime expenditure report and copies of all budget and expenditure transfer documents to the Project Manager.
 - 3) Review the monthly financial reports and correct errors promptly. If grant or contract overtime expenditures are temporarily coded to a non-project General Fund account, direct the responsible account clerk to immediately transfer the expenditures to the proper fund and/or project.

8. The RP&B Manager shall ensure that overtime information is properly captured and reported in the payroll and financial systems.

D. Compensation

1. Overtime shall be compensated as follows: (Per City Auditor)

1-7 minutes	No overtime compensation
8-22 minutes	¼ hour overtime compensation
23-37 minutes	½ hour overtime compensation
38-52 minutes	¾ hour overtime compensation
53-60 minutes	1 hour overtime compensation

2. Members and employees shall be compensated for OTW in pay or accrued compensatory time off, subject to the following conditions:
 - a. The Chief of Police (Unit N), deputy chiefs, and civilian management employees in Unit M are **ineligible** to receive overtime compensation.
 - b. Police Officer Trainees (Unit T) shall be compensated for overtime worked (OTW) at the rate of 1-1/2 times their hourly pay if they work more than 171 hours in the established 28-day work period. All overtime shall be paid in cash.
 - c. Employees in Units B, C, D, H, and W shall be **eligible** to receive overtime compensation.
 - d. Crossing Guards in Unit I are eligible to receive overtime when they work more than 40 hours per Saturday through Friday work week.
 - e. Police Cadets in Unit G are also eligible to receive overtime if they work more than 40 hours per Saturday through Friday work week.
 - f. Members who are required to work while on paid leave (OTA, sick leave, etc.), except for vacation leave, shall be ineligible to receive overtime compensation. Employees

who are on vacation or on other paid leave of up to 30 days shall be eligible to receive overtime compensation. However, members and employees are not permitted to work overtime on the same date that they take time off for Overtime Allowed (OTA).

- g. Members who are required to attend court in response to a Department-related subpoena while they are on suspension leave shall be compensated at their normal straight time rate. If a second appearance is required on that same day, said member will be compensated for the actual time served. (City/OPOA agreement on 23 Jul 97)
- h. The maximum amount of compensatory time (in lieu of overtime pay) which may be accrued shall be:
 - 1) 480 hours - police officers, sergeants, lieutenants, captains, correctional officers, and Jailer III.
 - 2) 240 hours for all other full-time eligible civilian employees.

Overtime hours earned in excess of the above maximums will be automatically paid in cash.

- 3. Overtime worked (OTW) is divided into three categories for the purposes of determining minimum compensation and meal allowances. The categories are defined as follows:
 - a. **Call-Back:** Members and employees work overtime on a call-back basis if they are instructed to return to work after completing their shift and leaving their work site.
 - b. **Extension:** Members and employees work overtime on an extension or hold-over basis if they are instructed to work more than the normal number of hours, immediately prior to or beyond their shift.
 - c. **Day Off:** Members and employees work overtime on a day-off basis if they are instructed to report for an unscheduled tour of duty on a regular day off.

4. Overtime minimum allowances as allowed by current sworn and civilian Memoranda of Understanding are summarized below:

Category	Personnel	Regular OT Minimums
Call Back	Member and full-time employees	2.5 OTW hours
Call Back	Crossing Guards	1.0 OTW hour
Call Back	Police Cadet	No minimum, actual time worked
Extension	Member, full-time and part-time employees	No minimum, actual time worked
Day Off/ Vacation	Member	5.0 OTW hours in addition to any other overtime worked.
Day Off/ Vacation	Full-time employees	2.5 OTW hours in addition to any other overtime worked.

Any questions relating to negotiated overtime benefits shall be directed to the Personnel Section Commander. Citizen Police Review Board Hearings - see Part III, C, for minimum allowances.

5. Meal allowances during overtime shall be as follows:
- a. Members or Employees
 - 1) No meal allowance shall be granted if the City furnishes meals or if the member or employee is notified 24 hours in advance that overtime is required on a call-back or day-off basis. However, a member or employee who works beyond the scheduled overtime 7.5-, 8-, or 10-hour shift shall be entitled to receive meal allowances.
 - 2) One meal allowance shall be paid for every 2 or more hours worked on an **extension** basis. Additional allowances shall be granted for every 4-hour period thereafter provided that this time does not overlap into the individual's regular shift.

- 3) One meal allowance shall be paid for each 4 hours of continuous work on a **call-back** basis.
- 4) Meal allowances shall be earned and paid according to amounts specified in the pertinent Memoranda of Understanding.

b. Members

One meal allowance shall be paid to a member for each 4 hours of work on a **day-off** basis if less than 24 hours notice was given.

c. Employees

An employee who works **scheduled overtime on a day-off** basis shall receive one meal allowance for the first 4 hours of work, if less than 24 hours notice was given. A second allowance shall be paid when an employee works 2 hours or more beyond the scheduled overtime 7.5- or 8-hour shift. Thereafter, a meal allowance shall be paid for each 4 hours of continuous work.

d. Crossing Guards and Police Cadets

Crossing Guards and Police Cadets are not entitled to receive meal allowances when working overtime.

6. Meal Break: Except for an employee whose work schedule provides a paid lunch period, all employees who work a full 7.5- or 8-hour shift on an overtime basis shall take at least one 1/2 hour meal break. The mealtime shall be deducted from the total number of overtime hours worked.

II. OVERTIME (OTW) PROCEDURES

A. Authorization

1. Members and employees shall obtain written advance approval from a supervisor or commander before working overtime except when overtime is necessary to:

- a. Complete a radio-dispatched assignment.
- b. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- c. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- d. Complete a pre-approved overtime assignment for scheduled events and special/grant funded activities.

2. Members and Employees

To request regular overtime compensation, members and employees shall complete and submit one copy of the Overtime Worked Requisition (TF-3081).

- a. Members and employees shall submit completed OTW Requisitions to their immediate supervisors or commanders who shall, in turn, submit the OTW Requisitions to the bureau commander for approval.
- b. Non-BFO members and employees shall enter overtime hours worked on their Time Reports (536-924 or 536-925) only after the OTW Requisitions have been approved by the bureau commander.

B. Commanders and Supervisors

1. Commanders and supervisors shall reject unnecessary or improper requests for overtime, destroy the request forms, notify the member or employee that his/her request for overtime has been denied, and ensure that the OTW is not reflected on the member or employee's time sheet.
2. Commanders and supervisors shall also verify codings on OTW forms and ensure that the approved hours are properly recorded on the member or employee's time reports before forwarding.

3. Non-BFO commanders and supervisors shall ensure that OTW Requisition forms approved by their bureau commanders are retained in their units for a minimum of six years. OTW Requisition forms rejected by the non-BFO bureau commanders shall be returned, through channels, to the person's commander.

C. Bureau of Field Operations (BFO)

1. Designated BFO personnel shall verify overtime hours reported on the OTW Requisitions before forwarding them to the bureau commander for approval.
2. Incorrectly completed OTW Requisitions shall be returned through channels to the member or employee's supervisor.
3. Bureau of Field Operations commander(s) shall return disapproved OTW Requisitions to the person's supervisor.
4. BFO payroll clerks shall audit all overtime forms (OTW and OTWC) for accuracy and proper codings (see Part X) before entering the approved hours from the OTW Requisition forms into the City's Time and Attendance System.
5. BFO OTW Requisition forms shall be attached to the time reports and organized in alphabetical order by pay period before they are forwarded to the Budget and Accounting Section for archiving.

III. COURT OVERTIME (OTWC): DEFINITION, COMPENSATION

A. Definition

Court overtime (OTWC) refers to overtime by members or employees for court appearances before or after regular duty hours. A court appearance is attendance at a civil or criminal proceeding on a matter that arises from Departmental business. Proceedings include trials, hearings, depositions, and attorney conferences, or interviews.

B. Overtime Compensation Forfeited

1. Members who fail to contact the Court Liaison Coordinator in accordance with Departmental General Order E-1,

DEPARTMENTAL SUBPOENA SERVICE, shall forfeit all rights to court overtime compensation for appearances that are subject to the provisions of that order. [All court overtime shall be submitted on the Court Overtime Worked Requisition (TF-455)].

2. Subpoenaed members and employees shall call the appropriate court cancellation telephone number provided by the Court Liaison Unit at the end of their last tour of duty on work days and before going on days off or vacation. No overtime shall be granted if their subpoena was included on the telephone recording notice of cancellation.

C. Court Overtime Compensation and Minimum Allowances

Category	Associated Condition	Personnel	Court OT/ Minimum
Call Back	None	Members and full-time employees	2.5 OTWC hours
Call Back Extension	Court appearance begins less than 2.5 hours before and after regular shift	Members and full-time employees	No minimum. Actual OTWC hours worked.
Day Off Vacation	None	Member	4 OTWC hours
Day Off Vacation	None	Full-time employees	4 OTWC hours
CPRB Hearings	None	Members	4 OTWC hours minimum regardless if the hearing is the 2 nd appearance on the same day.
Day Off Vacation		Full-time and part-time employees	4 OTWC hours; same for members.
Members/ Employees on OTA (Overtime Allowed)	None	Members and full-time employees	No minimum for 2 nd Watch OTA, reduce OTA hours. 1 st /3 rd Watch, 2.5 OTWC hours minimum.
Members on Suspension Leave	1 st and/or 2 nd court appearance on same day	Members	Straight time for actual time worked.

Note: Any questions relating to court overtime benefits shall be directed to the Court Liaison Detail and/or the Accounting Section Supervisor.

IV. COURT OVERTIME (OTWC): AUTHORIZATION, PROCEDURES

A. Criminal and Civil Proceedings

The following procedures apply to both criminal and civil proceedings. Additional requirements for civil proceedings are described under Part IV, B.

1. Signing the Trial Attendance Record (TF-438)

All members and employees shall sign the Trial Attendance Record at the Patrol Division desk immediately before and after all overtime appearances at any proceeding held in Court or City Buildings.

2. Verification of Overtime Court Attendance

- a. The subpoenaed member/employee shall obtain the signature of the attorney, investigator, or hearing officer requesting the appearance, verifying his/her attendance at the hearing, on the OTWC Requisition in the verification box. All boxes on the OTWC Requisition form shall be completed, including case name and docket number.
- b. If a subpoena was not issued, request the court clerk to stamp and write the court date and attendance times on the reverse side of an OTWC slip in lieu of attaching a subpoena. All boxes on the OTWC requisition form shall be completed, including the case name and docket number.

3. Attire for Court Appearances

All members and employees shall be suitably attired for all court appearances, in accordance with the provisions of Manual of Rules Section 398.16, COURT APPEARANCES.

4. Proceedings Continued After the Subpoena Date

- a. When time permits, all cases continued beyond the original subpoena date will be re-subpoenaed and members and employees will be issued a new subpoena

for each continuance that requires a new appearance date.

- b. When time does not permit the issuance of a new subpoena, members and employees will be advised of any change in their appearance date on the Court Cancellation telephone recording.
- c. A member or employee who has been ordered back to court by a hearing officer, commissioner, or judge shall request another subpoena for the next appearance. If another subpoena cannot be issued, the member or employee shall make a copy of the original subpoena for use at the next court appearance and have the copy stamped and attendance times written in by the court clerk.

5. Completion of Overtime Slip for Compensation

- a. One OTWC Requisition (TF-455) shall be completed for each day's court appearance at a continuous court session (e.g., no breaks) for the same case.
- b. If an extended break occurs between court sessions for the same case, or if attending different sessions on the same day for different cases, the subpoenaed member or employee shall complete additional OTWC Requisitions to document appearances at each of these sessions and attach the completed OTWC Requisitions to the original subpoena.
- c. A member or employee not receiving a subpoena for a criminal proceeding but attending a proceeding after being called to testify, shall complete an OTWC Requisition and attach it to the proper documentation.
- d. All members and employees shall file completed OTWC Requisitions and subpoenas with the Trial Attendance Record (TF-438) at the Patrol Division Administrative Office.

6. Bureau of Field Operations

- a. The Court Liaison Coordinator shall also audit all OTWC Requisitions. Properly completed forms shall be forwarded to the BFO payroll clerk for entry into the Time and Attendance System.
- b. Payroll clerks shall review all OTWC slips for accuracy and make the necessary corrections to overtime hours and codings (see Part X) before they are entered into the Time and Attendance System.
- c. At the conclusion of the weekly time entry, BFO payroll clerks shall attach OTWC forms to the time reports, organize them in alphabetical order by pay period, and deliver them to the Budget and Accounting Section for archiving.

7. Other Organizational Units (Non-BFO)

- a. Members and employees shall submit OTWC Requisition forms to the Court Liaison Coordinator for approval.
- b. When the Court Liaison Coordinator returns the approved OTWC Requisition forms to the member or employee, he/she shall enter the approved court overtime hours on his/her time reports in straight hours.
- c. Unit commanders shall verify overtime hours claimed on OTWC forms and ensure that the correct hours and codings (see Part X) are referenced on the time reports before signing and forwarding them to the Budget and Accounting Section for data entry and archiving.

B. Civil Proceedings

Members and employees attending a civil proceeding also shall complete the Civil Action Attendance Record (TF-196) and OTWC Requisition (TF-455) in accordance with the provisions of Departmental General Order E-3, CIVIL ACTION PROCEEDINGS.

V. OVERTIME ALLOWED (OTA)

A. Definitions

Overtime allowed or OTA is authorized leave using accrued compensatory time off.

B. Authorization

1. Members and Employees shall request OTA by submitting a Request for Overtime Allowed form (TF-3097) to their supervisor. The form shall normally be submitted at least 48 hours in advance. The member or employee shall state on the OTA form how many hours of accrued compensatory time are in his/her account at the time of the request.
2. Bureau of Field Operations (BFO)
 - a. Approved OTA forms shall be forwarded to the appropriate BFO payroll clerk for entry into HRIS.
 - b. Payroll clerks shall attach the OTA forms to the proper time reports when forwarding them to the Accounting Section for archiving.
3. Other Organizational Units (Non-BFO Units)
 - a. Members and employees shall record approved OTA on their time reports.
 - b. Unit commanders shall **retain approved OTA forms for six years.**
4. Unit commanders and section supervisors shall not allow members and employees to work overtime on the same date that OTA is used to be off.
5. Unit commanders and section supervisors shall not schedule a member or employee to work overtime on his/her days off on the same date(s) that OTA was granted. Exceptions are scheduled backfilling assignments, special events, projects, etc..

VI. OVERTIME PAYROLL CORRECTIONS

To request overtime corrections, members and employees shall complete Payroll Correction Forms (TF-2062) and submit them to their bureau commanders for approval via the assigned overtime auditors. (See Part I, B, 1.) Approved correction forms shall be forwarded directly to the Budget and Accounting Section for processing.

VII. MIDWEEK ASSIGNMENT TRANSFERS

If the member or employee earns overtime prior to being transferred during mid-week to another unit, he/she shall obtain the signature of the former unit commander on his/her time reports before turning it over to the new unit commander.

VIII. PERSONNEL SECTION RESPONSIBILITIES

The Personnel Section shall be responsible for updating each member or employee's unit of assignment (e.g., Organization Code, Fund, Project and/or Cost Center) and exemption status as he/she is hired, transferred or promoted. This includes Departmental internal files and City personnel and payroll files.

IX. OVERTIME DEFERRAL FOR MEMBERS

Non-exempt members may defer the difference between actual regular and line-up hours worked and 171 hours for each 28-day work cycle. There is no limit to the number of overtime hours an exempt member may defer.

Classifications	28-Day Cycle Total Regular Hrs	28-Day Cycle Total Lineup Hrs (8-hr shifts)	28-Day Cycle Maximum Deferral
Police Officers, Sergeants	160	10	1
Police Officers, Sergeants	160	None	11 hours
Lieutenants, Captains	160	10	No limit
Lieutenants, Captains	160	None	No limit

A. Procedures

1. Members who wish to defer their overtime pay shall mark the "Defer" box on the Overtime Worked Requisitions (TF-3081) or Court Overtime Worked Requisitions (TF-455).
2. Bureau of Services and Bureau of Investigation members shall also enter deferred overtime in straight hours on their Time Reports.
3. Meal allowances cannot be deferred.

B. Deferred Overtime Payment

1. Deferred overtime payments are made on separate checks payable on the first Friday in December which is not a payday. Any remaining or unclaimed deferred overtime will be paid at the end of each fiscal year by separate check on the first Friday in July which is not a payday.
2. Members who wish to receive payment in December for deferred overtime accrued shall submit a memorandum to the Accounting Section by November 1. The memorandum shall include the following information:
 - a. Member's full name and serial number.
 - b. Unit of assignment.
 - c. The dollar amount to be paid.
2. Deferred overtime may not be carried forward from one fiscal year to the next.
3. Payments are made at the rate the deferred overtime was earned.

X. SPECIAL OVERTIME CODES

A. The following letter codes should be recorded on weekly time reports and/or overtime slips to identify reasons for overtime worked **in addition** to any special project, cost center, and work order numbers.

Letter Code	Explanation of Use	Corresponding Project or Cost Center Numbers*
B	Backfilling – Overtime to fill a position during the absence of the regularly assigned person	None
C	Call Backs – Overtime for persons who are on standby or are called back to duty.	None
D	Disturbances or Civil Disorders – Overtime in response to a possible or actual civil disorder or demonstration. (Includes extension of shift due to the incident, unless the member or employee has been dispatched to a different overtime assignment on an extension basis.)	None
E	Extension of Shift – Overtime prior to or at the end of a shift to complete an assignment.	None
G	Games/Events at Coliseum – Overtime at the Oakland Coliseum for sports events, concerts, or other events, including overtime for planning, traffic control and enforcement activities.	None
H	Holiday Overtime – Overtime earned for working normal duties on a holiday. If working on a holiday for other reasons or on a day off, use this code if no other code better describes the overtime.	None
J	Court Overtime – Responding to a subpoena or giving a deposition.	None
L	Lineup Pay – Half-hour straight pay for daily lineups.	None
M	Meetings with Public , including home alert meetings, neighborhood council meetings	None
N	Natural Disaster – Emergency response to a major natural disaster.	Use pre-assigned City cost center or project numbers.
P	Parades/Festivals – Overtime to provide security/traffic control at parades, short-term encroachments, festivals, visits by dignitaries, and other City, community and promotion events that are funded through permit fees, reimbursement, or a City promotional budget.	Special Events Coordinator submits cost summary and copies of overtime authorization forms to Budget and Accounting for billing or transfer to City Promotional Budget.
R	Recruiting/Backgrounds – Overtime to recruit members and employees and conduct background investigations for Departmental employment.	None.
S	Special Enforcement Actions – Overtime for special actions such as violence suppression projects, special task forces, etc.	Obtain proper project and codings from Budget and Accounting if outside funding is available.
T	Training – Overtime to prepare or present a training course, prepare or participate in Police Academy critical incidents.	None
W	Review Panel – Overtime to participate on a Departmental review board or administrative hearing.	None
Y	Mayor/City Manager – Overtime for events, actions, or	None

Letter Code	Explanation of Use	Corresponding Project or Cost Center Numbers*
	other unfunded activities conducted at the request of the Mayor or the City Manager.	
Z	Citizens' Police Review Board – Overtime for attendance at the Citizens' Police Review Board meeting or hearing.	None
U	Unspecified – Overtime that does not fit any of the above categories.	

- B. BFO personnel shall enter the letter code on every overtime form. Personnel in other Departmental Units shall enter the letter code on the overtime form and in the "DEPT SPEC" field on their weekly time sheets and circle the overtime hours to which the code(s) applies.
- C. Payroll clerks shall hold overtime requisitions submitted without the appropriate letter codes and notify the affected member or employee immediately. (In the absence of the member or employee, the payroll clerk may contact the designated bureau overtime auditor for the correct letter codes.)

Corrected overtime forms will be entered the following week on payroll adjustment forms if they can no longer be posted/entered in the current pay week. Cost centers or project numbers shall also be used if one has been assigned for the overtime project.

- D. The RP&B Manager shall issue written instructions to all personnel whenever the codings and explanations under Part X, A, of this order change.

By order of

Joseph Samuels, Jr.
Chief of Police

GO46/ D-1



DEPARTMENTAL GENERAL ORDER

FILED
OFFICE OF THE CITY CLERK
OAKLAND

D-01: OVERTIME

2019 FEB 21 AM 11:19

Effective Date: XX Mar 19
Coordinator: Fiscal Services

The purpose of this order is to set forth policy and procedures regarding overtime management, approval, and reporting.

A. OVERTIME WORKED (OTW)

A – 1. Policy

Due to budgetary constraints, overtime worked must be used only as absolutely necessary. The annual performance evaluation of supervisors, commanders, and managers will include an assessment of managing overtime expenditures.

A – 2. Definitions

1. Overtime Worked or OTW refers to hours worked by members according to the Memorandum of Understanding (MOU) and law (including the Fair Labor Standards Act).
2. Overtime Rate is one and one-half times the base hourly rate.

A – 3. General Provisions

1. Members shall refer to labor agreements for details on exempt and non-exempt positions, circumstances in which overtime pay may be granted, rates of payment for all overtime that qualifies for payment at the premium rate and related matters.
2. Members working reimbursable events shall claim paid time – not compensatory time.
3. Members working large-scale natural disasters or federally reimbursable events (e.g., Urban Shield) shall claim paid time only – not compensatory time or deferred compensation.

B. OVERTIME PROCEDURES

B – 1. Overtime Authorization

1. Approval Process

Members shall obtain advance approval from a commander or manager before working overtime except when overtime is necessary to:

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- a. Complete a radio-dispatched assignment.
 - b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
 - c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).
 - d. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
 - e. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
 - f. Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.

The above list does not apply to callback overtime. Callback overtime is addressed by Memoranda of Understanding.

2. Commander and Manager Fiscal Responsibilities

Commanders and managers are responsible for ensuring any approved overtime is within their approved budgets. In all instances when an org's overtime expenditures are expected to exceed – or actually exceed – budget, the commander or manager shall make every effort to monitor and minimize this overage.

Commanders and managers shall provide the following information in a written memo to their deputy chief or equivalent quarterly when there is a projected or actual overage in the commander's or manager's overtime budget in accordance with Attachment A. This memo shall include:

- a. The reason for the overage.
- b. A plan to get the overtime back within budget.

3. Correct Overtime Forms

- a. Members shall sign the mass overtime form (TF-3504) when working a special event, special enforcement, designated training assignment, or other assignment or event where a mass overtime form has been provided.

Members shall not use individual overtime forms when a mass overtime form has been provided for the overtime worked.

- b. Members shall use the individual overtime form (TF-3171) for all overtime not directly associated with an assignment or event where mass overtime forms have been provided.

B – 2. Overtime Coding

The City's Financial System, Oracle, requires that each member input their Hours Type (pay element), Project, Task, Award (if applicable) and Organization (org) to record their time and attendance.

1. Using the Correct Project, Task and Org

It is imperative that members enter the correct project, task and org codes for all hours worked. This ensures accurate reporting, transparency and proper reimbursement for special events and approved projects and programs.

- a. Members shall charge their home org for all overtime worked related to their normal duties.
- b. Members shall charge the requesting org for overtime worked outside of their normal duties. Members shall receive advance approval from the commander or manager who has oversight and control of the org code or the on-duty Watch Commander.
- c. Members assigned to the Criminal Investigation Division (CID) shall charge CID for all callouts.
- d. Members shall charge their overtime to the Special Operations Section org and the provided task for all special events (i.e. games, parades, festivals, etc.). Members shall ensure their hours and corresponding task entered in Oracle are the same as the hours and task on the mass overtime form.
- e. Members who drive to a location for line-up other than where they are assigned shall add an appropriate amount of travel time in both directions, which is generally fifteen minutes in each direction. **This applies only to events when a member is mandated to work – not events for which the member has volunteered.**
- f. Attachment B provides the current orgs.
- g. Below is a chart of tasks that should be entered in Oracle when working overtime.

When Performing This Task	Use this Task Name
Interview of a victim, subject or witness	Administrative Investigation
General task for routine overtime performed by OCOP, OIG, Personnel, IT, Fiscal and PAS members	Agency-Wide Administration
General task for routine overtime performed by Communications members	Communications
General task for routine overtime performed by CID members	Criminal Investigation
General task for routine overtime performed by Crime Lab members	Criminalistics
General task for routine overtime performed by IAD members.	Internal Affairs
General task for routine patrol assignment	Patrol
General task for routine overtime performed by Records members	Police Records
General task for routine overtime performed by Training members	Police Training
General task for routine overtime performed by R&P members	Research & Planning
General task for routine overtime performed by Special Ops members	Special Operations
General task for routine overtime performed by Traffic Operations members	Traffic Operations
Overtime related to primary sergeant patrol backfill	Primary Sgt Backfill
An arrest late in the shift that caused the member to exceed their normal shift hours due to processing protocol by an outside agency (e.g. long line at Santa Rita and heavy vehicular traffic during return to the City of Oakland)	In-Custody Arrest
Transport of a victim, suspect or witness	Transport
Overtime caused by a UOF incident	Use Of Force
Overtime caused by a pursuit	Pursuit
Overtime related to a crime suppression plan (e.g. violence suppression or robbery suppression)	Crime Suppression
Critical incident such as an OIS, crime scene, in-custody death	Critical Incident
Overtime caused by retrieving and/or downloading videos, gathering witness statements, etc.	Con't Investigation
Hospital Guard not connected to shift	Hospital Guard

When overtime is related to multiple tasks, members shall select the task that initially triggered the overtime worked.

2. Using the Correct Pay Element

Pay Elements (Hours Type) allow the Department to appropriately categorize overtime. It is important that the overtime pay element used matches the type of overtime worked.

- a. **Backfill pay elements shall be used when filling an open shift (WODOP). Members shall not use Extension of Shift pay elements when working Backfill overtime.**

Backfill overtime may be incurred because the regularly assigned member is unavailable due to:

- Sick/Injured
- Vacation
- Comp time
- Training
- Loan
- Special assignment

b. Extension of Shift pay elements shall be used when completing work that started during a member's regular shift. The member working Extension of Shift overtime may be doing so due to:

- In-custody arrest
- Transport of victim, suspect or witness
- Critical incident such as an Officer Involved Shooting (OIS), crime scene, in-custody death
- Use of Force
- Pursuit
- Natural disaster
- Interview of a victim, suspect of witness
- Continuing investigation
- Report writing
- Training

3. Supervisor Responsibilities

- a. Supervisors shall verify correct fund codes and ensure that the approved hours are properly recorded before approval.
- b. Supervisors and managers shall ensure that approved OT forms are sent to the Personnel Section to be retained for one year.

4. Bureau of Field Operations (BFO)

- a. Designated BFO personnel shall verify overtime hours reported on OT forms before forwarding them to the bureau commander for approval.
- b. Incorrectly completed or disapproved OT forms shall be returned to the member's supervisor.

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- c. BFO payroll clerks shall audit all overtime forms for accuracy and proper coding.

B – 3. Managing Overtime

1. OPD Fiscal Services shall provide detailed overtime reports on a regular basis to commanders and managers.
2. All commanders and managers are responsible for managing overtime.
3. Commanders and managers shall take measures, whenever reasonably possible, to reduce or limit the need for overtime. These measures include, but are not limited to, the following.
 - a. Confirming that the work needing to be performed cannot be performed on straight time.
 - b. Ensuring that all other resources have been assigned and cannot be shifted to mitigate the need for overtime. (e.g., confirming that no other patrol officers are available City-wide to fill an open beat).
 - c. Anticipating and managing workload to best utilize regular duty hours.
 - d. Managing and coordinating planned leave, training and special assignments to minimize the need for overtime.
 - e. Members shall have at least eight hours rest between work periods unless authorized by a commander or manager.
 - f. Members shall notify the authorizing commander or manager any time the member is projected to have less than eight hours rest between work periods.

B – 4. Overtime Corrections

1. To request overtime corrections, members shall complete Payroll Correction Forms (TF-2062) and submit them to their bureau commanders for approval via the assigned Payroll Coordinator. Approved correction forms shall be forwarded directly to the Personnel Section for processing.
2. The OPD Personnel Section is responsible for updating each member's unit of assignment (e.g., Organization Code, Fund, Project and/or Cost Center) and exemption status as he/she is hired, transferred, loaned, or promoted. This includes Departmental internal files and City personnel and payroll files.

By order of

Anne E. Kirkpatrick
Chief of Police

Date Signed: _____