



Issue: UPDATE TO POLICE 1014 EMPLOYEE COMPENSATION AND OVERTIME PAY

Date: May 10.2022

Submitted By: Joe Campbell, Chief of Police

Background

On May 9, 2022, Nixa City Council passed resolution 2022-053 which added Juneteenth as a city observed holiday. This added holiday brought the total number holidays observed by the city to 12 calendar days per year.

Because commissioned police officers accrue and use holidays hours differently than other city personnel, minor changes were made to the Nixa Police Department Policy 1014 titled "Employee Compensation and Overtime Pay".

Policy 1014 was modified to state commissioned officers will accrue one additional holiday per year (in the month of December) which will bring their total to 12 holidays per year. The actual number of holiday hours each commissioned officer will receive will be based on their shift length they are working at the time of accrual.

Additionally, officers will be able to bank an additional 12 hours per year bringing the annual bank maximum to 144 hours from 132 hours.

Analysis

To comply with the recent addition of Juneteenth to the City of Nixa holiday schedule, minor changes were made to the police department policy titled "Employee Compensation and Overtime Pay". Those changes added the Juneteenth holiday and outlined how and when it would be accrued. Additionally, the annual holiday bank cap was increased to 144 hours.

Recommendation

Staff recommends approval.

RESOLUTION NO. 2022-058

A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AMENDING POLICY 1014 OF THE POLICE DEPARTMENT'S LAW ENFORCEMENT POLICY MANUAL TO MODIFY PROVISIONS RELATED TO COMPENSATION AND OVERTIME PAY.

WHEREAS the City's Police Department maintains the Department's Law Enforcement Policy Manual; and

WHEREAS from time to time it is necessary and prudent to modify said Manual; and

WHEREAS on May 9, 2022, the City Council, by passage of Resolution 2022-053, added Juneteenth to the City Personnel Code's list of City observed holidays; and

WHEREAS the Law Enforcement Policy Manual contains provisions related to holiday hours which are in need of amendment to reflect the addition of Juneteenth as a recognized City holiday; and

WHEREAS an amended Policy 1014 is attached to this Resolution as "Resolution Exhibit A," this document reflects the changes recommended and approved by the Chief of Police related to the addition of Juneteenth as a City observed holiday.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: The Police Department's Law Enforcement Policy Manual is hereby amended by repealing the current Policy 1014, titled Employee Compensation and Overtime Program, and adopting in lieu thereof a new Policy 1014, which said policy shall read as set forth in the document attached hereto, and incorporated herein by this reference, as "Resolution Exhibit A." Additions to said policy shall be reflected by those provisions which are underlined. Deletions to said policy shall be reflected by those provisions which have been struck through.

SECTION 2: This Resolution shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE CITY COUNCIL THIS 23rd DAY OF MAY 2022.

ATTEST:

CITY CLERK

PRESIDING OFFICER

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47 **APPROVED BY THE MAYOR.**

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54 APPROVED AS TO FORM:

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57 CITY ATTORNEY

MAYOR

DATE OF APPROVAL

Employee Compensation and Overtime Program

1014.1 POLICY

It shall be the policy of the Nixa Missouri Police Department to compensate those employees required to perform tasks that exceed their normal work period or which occur during their scheduled leave period.

All department employees may be required to work hours in excess of their normal work period when necessary and as determined by department management.

1014.2 DEFINITIONS

Court Time - Normal off-duty time required to respond to an official court subpoena that relates to duties performed as an employee of the Department.

Emergency Call-in - Authorized when an eligible employee is called to duty, for emergency or special conditions, while on authorized leave. (Special conditions will be defined by the Chief. Some examples: Emergency Overtime Assignments, Disasters or Internal Affairs Investigations) It will be considered an Emergency Call-in when called to duty without 07 days of advanced notice.

Overtime - Authorized time worked by an employee, caused by no fault of the employee, which exceeds their normal work period. The overtime rate paid for hours worked in excess of their normal work period will be at one and one-half times the employee's normal hourly rate. Your base work period for computing overtime compensation will be the actual hours worked. Exempt employees shall not be paid for overtime worked.

1. "Guaranteed Overtime" - designated hours worked by employees that are paid as overtime regardless of the actual number of hours worked by an employee in a work period.
2. Grant Overtime
 - (a) Officers who work hours eligible for reimbursement through grants which specify those hours must be paid as overtime will be paid at the overtime rate of pay (see "Guaranteed Overtime").
 - (b) Some Highway Safety Grants will allow officers to be paid at a rate of two times an officer's regular hourly rate of pay. The Chief of Police will designate when officers who work hours eligible for reimbursement through these Highway Safety Grants will be paid at a rate of two times their regular hourly rate for those hours worked (see "Guaranteed Overtime").

**See City Handbook for Standby, Callout and Callback Policy for employee exceptions.

Work Period - This is defined as a fourteen-day period. A normal work period will be based on the shift length as follows:

- 08-hour shift = 80 hours
- 10-hour shift = 80 hours

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- 12-hour shift = 84 hours

Compensatory Time - Time off in lieu of immediate overtime pay at a rate of one and one-half hours for each hour of overtime worked.

1014.3 PROCEDURE

1. ADMINISTRATION OF THE COMPENSATION PROGRAM

1. Employee Responsibility

1. All non-exempt employees are required to enter hours into the electronic time entry system.
2. The employee claiming overtime compensation shall appropriately complete an overtime request via our electronic time entry system. Time will be approved electronically by a supervisor or designee.
3. Time shall be entered via fifteen (15) minute increments in the electronic time entry system.

2. Supervisor's Responsibility

1. Each supervisor shall be responsible for organizing and managing the work of staff in a manner to minimize the accumulation of overtime.
2. The supervisor or designee shall review for accuracy and electrically approve time submitted by staff in our electronic time entry system.
3. Should approve compensatory time requests unless it would unduly disrupt City operations.
 1. Supervisors may require employees to take time off to reduce compensatory time balances.
 2. Supervisors should give as much advance notice as possible to employees when mandating the use of Compensatory time.

2. COMPENSATORY TIME - An agreement between the employee and the Department concerning the use of compensatory time must be reached prior to the performance of work. The agreement need not be in writing and may be evidenced by the employee working overtime knowing that the Department utilizes compensatory time in lieu of paid overtime, a Department policy that has been communicated to employees, language in an offer letter or other methods that establish an agreement to accept compensatory time in lieu of paid overtime. The City need not adopt the same agreement or understanding with all employees. Occasional cash payment of overtime hours doesn't negate the compensatory time agreement.

1. Only non-exempt members are eligible for compensatory time.
2. Compensatory time will be managed in the City's payroll system.
 - (a) Failure to follow timekeeping procedures or misrepresentation on timesheets is grounds for discipline up to and including termination.

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3. Members may accumulate a maximum of 40 hours (26.667 hours of actual overtime worked) per year.
 4. Compensatory time is granted at the rate of one and one-half hours for each overtime hour worked.
 5. Compensatory time must be earned before it is taken.
 6. Compensatory time may be taken at the employee's discretion with supervisor approval.
 7. The Department may, in its discretion cash out accumulated compensatory time at the employee's hourly rate of pay.
 - (a) Members who transfer into Exempt status positions will be paid out for any unused compensatory time balances.
 - (b) Unused compensatory time earned between January 1 of the calendar year through December 14 of the same calendar year will be paid out at the employee's hourly rate of pay.
 - (c) Members are prohibited from accruing compensatory time from December 15 through December 31 of the calendar year.
 - (d) Members will be paid out all compensatory time balances upon resignation or termination at the member's hourly rate of pay.
3. **EMERGENCY CALL-IN COMPENSATION** - All nonexempt officers, who report back to work for an Emergency Call-in at the direction of proper authority after leaving their assigned place of work at the end of the regular shift, and who are officially excused before completing three hours of work, shall be credited with a minimum rate of three (3) hours at the normal hourly pay rate. **These hours will be paid at overtime rate of pay (see "Guaranteed Overtime")**. In the event an officer works more than three, hours all additional hours worked which are outside the time period during which the employees' normal work shift hours occur shall be credited with compensation for the actual amount of time it took to complete the Emergency Call-in.
4. **STANDBY COMPENSATION** - The City of Nixa will compensate standby personnel, not compensated within their regular hourly rate, at a flat rate of \$105/week or \$15/day.
5. **COURT TIME COMPENSATION**
1. All employees attending a court session while off-duty shall be compensated at a minimum of three (3) hours at the normal hourly pay rate. **These hours will be paid at overtime rate of pay (see "Guaranteed Overtime")**.
 - (a) Employees must be responding to an official court subpoena relating to any law enforcement duty.
 - (b) Prior to responding to Court, the employee must call the Court Clerk to ensure that their case has not been delayed or canceled.
6. **COMPENSATION OPTIONS**
1. Work Schedule Options

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- (a) Employees assigned to various events or extra duties shall attempt to adjust their work hours so that they are attending the assignment while on-duty if possible doing so in coordination with and approval of their supervisor.

7. TELEPHONE CALLS

1. Off-duty work-related telephone calls which last over 6-minutes (continuous) will be eligible for 0.25 hours of compensation. The breakdown is as follows:
 - (a) 6-20 minutes = 0.25 hours
 - (b) 21-35 minutes = 0.50 hours
 - (c) 36-50 minutes = 0.75 hours
 - (d) 51-65 minutes = 1.0 hours
2. Each phone call is calculated individually, and calls cannot be combined to meet the 6-minute threshold. If you engage in additional work after the phone call, this would be on-duty work and you would be paid accordingly. However, you must keep records of all your time and produce it at the time you request compensation.

8. TEXT MESSAGES

1. Members who engage in work-related communication via text messages while off duty will not be eligible for compensation. Text messaging has not been deemed a substantial interruption to off-duty hours.

1014.4 HOLIDAY HOURS

In lieu of the City of Nixa Holidays and Floating Holidays policies, commissioned officers will accrue holiday hours based on their assigned shift length of 12-hours (144 32 hours max annually), 10-hours (120 40 hours max annually), or 8-hours (96 88 hours max annually). Commissioned officers will accrue hours equivalent to their shift length on the first pay period of the month for the months of January through ~~December~~ November. A supervisor may require the employee to take time off to reduce holiday leave time balances. Commissioned officers will be allowed to use holiday time (in 0.25-hour increments) accrued upon approval from a supervisor. Holiday time will be allowed to be banked to a maximum of 144 32 hours and rolled over from year to year. Since hours will be allowed to roll over, there will not be an annual payout of unused holiday hours. The employee will be responsible to maintain no more than 144 32 holiday hours. When a commissioned officer has reached the maximum allowed, further accrual of holiday hours will be suspended until the commissioned officer has reduced the balance below the 144 32 hours maximum.

All holiday hours should be scheduled 07 days in advance in writing. No more than 80 or 84 hours (depending on shift length) may be taken at a time. Holiday hours and vacation hours cannot be combined or taken "back to back" to circumvent the 80 or 84-hour cap unless approved by the City Administrator**. Holiday hours of less than 80 or 84 hours will be approved by your Supervisor according to departmental needs.

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****Stipulations for more than 80 or 84 hours of holiday time:**

- 1) Must have the time available to use.
- 2) Written letter asking for approval and explaining why the extra time is needed.
- 3) Any holiday time request longer than 80 or 84 hours should be approved by City Administrator at least 30 days in advance.

Upon voluntary resignation from city service, the employee shall be paid 25% of unused holiday hours.

Upon involuntary separation from city service, an employee shall not be entitled to receive payment of unused holiday hours.

1014.5 PERSONAL HOURS

In lieu of the City of Nixa Personal Hours policy commissioned officers will accrue personal hours based on their assigned shift length of 12-hours, 10-hours, or 08 hours.

Personal Hours accrued as follows to be taken at any time approved by a supervisor:

3 months to 15 years

12-hours shift - 12 hours each year (1 day)

10-hours shift - 10 hours each year (1 day)

08-hours shift - 08 hours each year (1 day)

One additional day at 15 years and for every 5 years of service thereafter based on their assigned shift length.

New employees will accrue 1 Day of Personal Time based on their assigned shift length from their date of hire and will be eligible to take the Personal Time (in 0.25 hour increments) upon successful completion of the 90-day introductory period.

Personal hours must be used by December 31 of the year in which they are accrued. Personal hours cannot be rolled over to the following year, as they are "use it or lose it."