



OVERTIME AND COMPENSATORY TIME

Directive 4 - 102

Date of Issue: January, 2018 Amends/Cancel: 4-102 October, 2015

I. PURPOSE

The purpose of this Directive is to establish written policy governing authorization and compensation for hours worked beyond the normal work week or work day for Maryland Capitol Police (MCP) employees.

II. POLICY

MCP Supervisors and Commanders may authorize overtime and compensatory time when necessary to ensure the efficient operation of their command.

III. DEFINITIONS

- A. Commissioned Police Employees: Police employees holding the permanent rank of Lieutenant and above.
- B. Compensatory time: Paid time off in lieu of cash overtime payments.
- C. Exempt Employees: Employees not subject to FLSA who may not earn overtime.
- D. Fair Labor Standards Act (FLSA): The federal law that prescribes standards for minimum wage and overtime pay.
- E. Non-exempt Employees: Employees subject to FLSA who may earn overtime.
- F. Premium Pay: Compensation paid to employees in accordance with statute related to certain schedule changes and work time which occurs during non-business hours and on certain holidays.
- G. Workweek: The workweek consists of 40 hours in a seven-day period which begins on Wednesday and ends on the following Tuesday. The term "workweek" is only applicable to civilian employees.

IV. PROCEDURES

A. GENERAL REQUIREMENTS

1. Authorization to work overtime must be approved by the supervisor prior to the overtime hours worked. Time worked without prior approval will not be compensated in any manner. It is the supervisor's responsibility to justify the need for extra hours worked and insure that accurate

time records are kept concerning the work hours and the availability of funds for payment to those employees eligible to earn cash overtime.

2. Overtime in excess of two (2) hours will not be authorized by supervisors without the Detachment Commander's verbal or written authorization unless it is approved reimbursable overtime.
3. Overtime will not be pre-scheduled without approval of Headquarters. Time permitting, manpower should be adjusted to cover shortages thereby avoiding overtime. Additionally, overtime will not be approved to cover leave requests.
4. Commanders are responsible for the effective and efficient operations of their command and maintain overall responsibility for the proper authorization of overtime.
5. Employees will record overtime and compensatory hours on both their timesheet and MCP Form 197 – Overtime Report. The overtime hours recorded will be signed for by either the supervisor approving the overtime or by the supervisor on duty for the shift in which overtime was worked.
6. Personnel who call-out sick for an entire scheduled shift will not be permitted to work overtime during the sixteen (16) immediately following the end of the shift they called out for.
7. Except during emergency declarations, employees will not be permitted to work in excess of 80 hours of overtime in any bi-weekly pay period.

B. OVERTIME PROVISIONS FOR NON-COMMISSIONED POLICE EMPLOYEES

1. Overtime pay will be made at one and a half (1.5) times the regular hourly rate.
2. Overtime pay will not be included in determining retirement or pension benefits.
3. Police Employees will be paid overtime for all hours worked in excess of their scheduled shifts.
4. Police Employees should not be scheduled to work more than 171 hours in a 28-day pay period, all work hours exceeding 171 hours will result in the employee being paid overtime.
5. Doubling Back: For Police Employees working an eight-hour schedule, "doubling back" occurs when the scheduled ending time of one shift and the scheduled starting time of the next shift are less than sixteen (16) hours apart. For employees working the Alternative Work Schedule (AWS), "doubling back" occurs when the scheduled ending time of one shift and the scheduled starting time of the next shift are less than fourteen (14) hours apart. When doubling back occurs, an employee shall receive Premium Pay at his / her hourly rate for the second shift worked. Customary starting times of shifts may not be modified to avoid paying overtime under this section. This section does not apply:
 - (a) In emergency situations;
 - (b) If the double back occurs as the result of the affected employee requesting a shift change that results in a double back;

(c) If there are fewer than the required number of hours between shifts as the result of overtime that occurs after the first shift or prior to the second shift.

6. Call Back Pay: Employees who are called to report to work on their regular day off or who have been recalled to work after having left the Employer's premises, shall be guaranteed a minimum of two hours of pay plus travel time at the regular rate of pay or for actual hours worked at the applicable overtime rate, whichever is greater. Employees who are currently guaranteed a minimum of pay greater than two hours shall continue to be paid at the greater minimum. Should the employee be paid for at least eight hours, travel time shall not be paid.
7. Work on Holidays: A Police Employee who is required to work four (4) or more hours on New Year's Day, Thanksgiving Day, or Christmas Day, or who is scheduled to be off duty on New Year's Day, Thanksgiving Day, or Christmas Day and is called to duty on any part of that day is entitled to:
 - (a) Compensatory time of one (1) day; and
 - (b) Payment at the rate of one and one-half times the employee's regular hourly rate of pay for each hour worked on that day.

C. OVERTIME PROVISIONS FOR NON-EXEMPT CIVILIAN EMPLOYEES

1. Security Officers, Police Communication Operators and all civilian members of DGS-MCP will be paid cash overtime at time and one-half for those hours worked in excess of 40 hours per week.
2. Call-Back Pay: Civilian employees who are called to report to work on their regular day off or that have been recalled to work after having left the Employer's premises, shall be guaranteed a minimum of two (2) hours of pay plus travel time at the regular rate of pay for actual hours worked or at the applicable overtime rate, whichever is greater. Employees who are currently guaranteed a minimum of pay greater than two (2) hours shall continue to be paid at the greater minimum. Should the employee be paid for at least eight hours, travel time shall not be paid.
3. Doubling Back: For employees working an eight-hour schedule, "doubling back" occurs when the scheduled ending time of one shift and the scheduled starting time of the next shift are less than 16 hours apart. When doubling back occurs, an employee shall receive Premium Pay at his / her hourly rate for the second shift worked. Customary starting times of shifts may not be modified to avoid paying overtime under this section. This section does not apply:
 - (a) In emergency situations;
 - (b) If the double back occurs as the result of the affected employee requesting a shift change that results in a double back;
 - (c) If there are fewer than the required number of hours between shifts as the result of overtime that occurs after the first shift or prior to the second shift.
4. Report Pay: An employee who is pre-scheduled to work an overtime shift in a 24-hour facility and reports to duty will be guaranteed three (3) hours overtime pay at the appropriate rate unless the employee is a holdover from a previous shift. The Employer shall notify employees

as soon as practical prior to their scheduled start time in the event the employee is not required to report for prescheduled overtime.

5. On-Call Pay/Stand-By Pay: Employees are entitled to on-call pay if required to remain on the Employer's premises or so close thereto that he/she cannot use the time effectively for his/her own purposes. On-call payment shall be at the regular, or overtime rate of pay, whichever is applicable. An employee who is not required to remain on the Employer's premises, but is merely required to leave word at his/her home, or with the Employer where he/she may be reached, is not working while on-call.

D. COMPENSATORY TIME FOR COMMISSIONED POLICE EMPLOYEES

1. Commissioned Police Employees will be credited with compensatory time rather than overtime for all work in excess of scheduled shifts.
2. Compensatory time will be credited on an hour-for-hour basis.
3. Compensatory time will be forfeited if not used within one year from the date it was accrued.
4. Scheduling compensatory time or other form of paid leave, then working and reclaiming the time is not permitted.

E. COMPENSATORY TIME FOR NON-EXEMPT CIVILIAN EMPLOYEES

1. Generally, employees who are eligible for cash overtime payments will be compensated accordingly and will not be permitted to earn compensatory leave in lieu of cash overtime payment. However, employees may be authorized by their commander to earn compensatory time rather than overtime subject to the following conditions:
 - (a) Employees must inform their supervisor in writing prior to working overtime and this designation will remain in effect for the entire pay period.
 - (b) Employees who fail to notify their supervisor will receive overtime.
2. Employees authorized to earn compensatory time will be credited with one and a half (1.5) hours of compensatory time for each hour worked.
3. Employees can accrue up to 240 hours of compensatory time.
4. Security Guards and Police Communications Operators can accrue up to 480 hours of compensatory time.
5. After and employee has accrued the maximum allowable compensatory time, they must receive cash payment for their overtime hours.