



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

555 – COMPENSATION AND OVERTIME PROCEDURES

GENERAL ORDER: 2022-XX
ISSUED: July 11, 2022

EFFECTIVE: July 11, 2022

REVIEWED/APPROVED BY:
Assistant Chief Nicole Waldner
DATE: May 31, 2022

ACTION: Amends General Order 2017-10 (June 2, 2017)

WILEAG STANDARD(S): 2.4.1

555.00 POLICY

It is the policy of the Milwaukee Police Department to effectively manage the use of overtime and that of each employee to use overtime in a responsible and judicious manner. All overtime is at the discretion of the Chief of Police in accordance with the terms and conditions of labor contracts and city ordinances covering department members and shall further be subject to requirements of the Fair Labor Standards Act (FLSA). Any conflict between this operating procedure and either a labor contract provision or FLSA provision shall be resolved in favor of those provisions.

555.05 PYRAMIDING PROHIBITED

The provisions of the labor contracts and the overtime ordinance expressly prohibit the pyramiding of overtime.

555.10 COMPENSATION (WILEAG 2.4.1)

A. SALARIES AND RANGES FOR EACH POSITION

All sworn and non-sworn employee salaries within each rank or position are set by the city of Milwaukee's salary ordinance and can be located under the city clerk's tab (city charter and code of ordinances) at www.city.milwaukee.gov.
(WILEAG 2.4.1.1)

B. SPECIAL SKILL, EDUCATION PAY AND NIGHT, HOLIDAY AND WEEKEND DIFFERENTIAL PAY

All special skill, education pay and night, holiday and weekend pay are set by labor contracts and the city of Milwaukee's salary ordinance.
(WILEAG 2.4.1.3)

555.15 HOURS OF WORK – STRAIGHT TIME AND OVERTIME (WILEAG 2.4.1)

The regularly scheduled eight hour shift shall be established by the Chief of Police.

Commanding officers of the respective district, divisions and bureaus are responsible for the authorization of necessary overtime assignments, whenever necessary, of all eligible personnel.

Members of the Milwaukee Police Association (MPA), Milwaukee Police Supervisor's Organization (MPSO) (subordinate to the rank of captain of police), non-represented and non-management, and those in the Management Pay Plan (2BN, 2CN, 2DN) shall submit either paid or compensatory overtime at the discretion of the Chief of Police.

Members not subject to roll call shall not be permitted to perform work for the department prior to the start of their regularly scheduled eight hour shift without specific departmental authorization for overtime.

A. LAW ENFORCEMENT MEMBERS OF THE MPA AND MPSO

The normal hours of work for members covered by contract shall consist of work shifts of eight consecutive hours which in the aggregate results in an average work week of 40 hours.

1. Law Enforcement Members of the MPA Bargaining Unit Only

A regularly scheduled eight hour shift assignment consists of any shift assignment of eight consecutive hours, with each shift starting at the same time and extending for 10 days or more within a bi-weekly pay period. In the case of special assignments, such as the HIDTA, holiday presence or Summerfest detail, with the possibility of different start times, each shift shall be deemed a regularly scheduled eight hour shift assignment.

2. Law Enforcement Members of the MPA and MPSO Only

Overtime includes authorized assignments outside the regularly scheduled eight hour shift as previously defined under section 555.15 - Hours of Work. Replacement or other rescheduling of work assignments authorized by the department at the request of the member which results in work assignments outside of the regularly scheduled eight hour shift shall not be considered overtime.

Except on those occasions when an emergency situation exists, a supervisor may change the off days of a member within a single pay period, however, the member must be given personal notice of the change, at least seven days prior to the start of the pay period. If a supervisor fails to give such notice, all hours worked on either of the off days in question shall be treated as falling outside the regularly scheduled eight-hour shift.

B. NON-SWORN MEMBERS

The normal hours of work shall consist of work shifts of eight consecutive hours. The normal work week must consist of five eight-hour work shifts in each seven day work week. Time physically worked in excess of 40 hours per week is considered premium time. If vacation time, sick time, compensatory time, or other time off is taken during the week, premium time will be paid at a straight time rate until the 40 hour minimum is actually worked. The only exception will be civilian holidays and city appointed furlough days which will count towards the 40 hour threshold.

1. Premium time earned during a 40-hour week must be taken as compensatory time off or paid overtime.
2. Police service specialists (PSS) and police service specialist investigators (PSSI) must be carried as holiday off during city appointed holidays and shall not be scheduled to work.

C. NON-MANAGEMENT CIVILIANS CHANGE IN SHIFTS

1. All non-managerial civilian members must be given 48 hour notice to any change in shift hour's assignment. Members who were not given 48 hours notice shall be paid at time and one half for the subsequent 48 hours that they worked in the change of shift and this will not affect the 40 hours physically worked threshold.
2. Change in shift hours must be recorded on a separate line on the time card and accompanied by the appropriate earned code and program code. The member must also explain the duties performed out of shift in the comment section on the back of the time card.
3. The supervisor(s) authorizing and approving a change in shift without giving 48 hours notice, must sign his/her name in the column associated with the day the out of shift hours were performed.
(WILEAG 2.4.1.2)

555.20 COMPENSATORY TIME OFF (WILEAG 2.4.1)

A. DEFINITIONS

1. Overtime Earned

Overtime earned is the amount of overtime worked times the rate at which it is compensated. For example, one hour of overtime worked that is compensated at straight time rates (1X) shall equal one hour of overtime earned. One hour of overtime worked that is compensated at a rate of time and one-half (1.5X) shall equal 1 1/2 hours of overtime earned.

2. Compensatory Time Off Balance

Compensatory Time Balance (CTB) is the unused amount of overtime the member has earned that was compensated in time off instead of cash.

B. COMPENSATORY TIME BALANCE LIMIT

1. Members of the MPSO

Members of the MPSO (subordinate to the rank of captain of police) shall be paid in cash except if a member's CTB is less than 225 hours as recorded on the most current published *Time Owed and Allowed Report*. If so, the member may elect to be compensated in time off instead of cash for each instance of overtime work

performed until the next published *Time Owed and Allowed Report* indicates the member's CTB is equal to or greater than 225 hours.

2. Law Enforcement Members of the MPA

Members of the MPA shall be paid in cash except if a member's CTB is less than 225 hours, as recorded on the most current published *Time Owed and Allowed Report*. If so, the member may elect to be compensated in time off instead of cash for each instance of overtime work performed until the next published *Time Owed and Allowed Report* indicates the member's CTB is equal to or greater than 225 hours.

3. Civilian Members and Civilian Managers in Pay Grade 2BN, 2CN, 2DN

The accumulated compensatory time credit for an employee shall not exceed 180 hours.

4. Supervisors shall use the most current published *Time Owed and Allowed Report* to ensure that member's submitting the overtime have a compensatory overtime balance of 180 hours or less. *Time Owed and Allowed Reports* are available on the directives intranet site under the Human Resources (HR) - payroll tab.

C. OVERTIME PROCESSING AND REPORTS

1. Within 12 days after the end of each biweekly pay period, the *Time Owed and Allowed Report* shall be posted to the directives intranet. The total hours of compensatory overtime earned by each member, including any time and one-half (1.5X) premium compensatory hours earned, will be listed.
2. The Budget and Finance supervisor shall be responsible for keeping an accurate accounting of all overtime expenditures. A report shall be prepared each pay period containing information as to the amount of money paid out for overtime pay so as to abide by the provisions of the common council salary ordinance.

D. GRANTING COMPENSATORY TIME OFF

1. No employee may work extension of duty overtime while on a compensatory off day.
2. Department members earning compensatory overtime may use earned time off from authorized overtime assignments in units of one hour segments, subject to the terms and conditions of the current labor contract. Members requesting compensatory time off shall submit a *Request for Additional off Day/Trade of Regular off Day Report* (form PR-27) to their commanding officer/supervisor within 30 days of the requested time off. Members shall date/time stamp the report prior to submitting it. Availability of days shall be determined by the commanding officer/supervisor in accordance with needs of the police service. The processing of requests to use compensatory time off shall be on a first-come, first-served basis. Decisions made by a member's commanding officer/supervisor with respect to the availability of the dates the member has requested shall be subject to the provisions of the respective collective

- bargaining agreement. Commanding officers/supervisors shall review the request for compensatory time off and either approve or deny the request. The original report shall be retained at the work location according to the established retention schedule for the period of the current calendar year of requested time off. A copy shall be given to the member.
3. Supervisory officers may grant compensatory time off as long as the CTB on the most current published department *Time Owed and Allowed Report* indicates a positive balance. If any compensatory time off used results in a negative compensatory balance on the *Time Owed and Allowed Report*, the member's pay shall be adjusted for all the negative compensatory time balance on the check following the pay period of the *Time Owed and Allowed Report* recording such negative CTB and the CTB will be adjusted to zero.
 4. Members working overtime may be excused from working their next eight hour shift at their request and the discretion of their commanding officer. In such instances, members shall be charged with eight hours of any earned time (other than sick time) on the *Time Owed and Allowed Report* in accordance with and subject to provisions of this section.
 5. Members may be excused from working their next eight hour shift at their request when alternating from one shift to another (e.g., early shift to late shift) and shall be charged with eight hours of earned time (other than sick time) on the *Time Owed and Allowed Report*.
 6. Nothing herein abridges the option of the Chief of Police to authorize compensatory time off in such other manner he/she deems most practical.
 7. For provisions of the compensatory time off replacement program see section 555.30(K).

555.25 ONLINE OVERTIME CARDS – GENERAL INSTRUCTIONS

Overtime involving extension of duty, special events, court, replacement, uniform fitting, FLSA replacement, FLSA travel, and out-of-shift shall be completed in the online time entry system by all work locations.

- A. Online overtime cards must be authorized by a supervisor, completed, electronically signed by the member and approved by another supervisor as soon as administratively practical on a continual basis within and throughout the pay period. With the exception of pay periods where payroll closes early, all online overtime cards must be completed and approved by 10:00 a.m. on the Monday following the end of the pay period. When pay periods close early, all online overtime cards must be completed and approved prior to the close of payroll. All electronic overtime cards not approved by a supervisor will be voided by the Payroll Section when payroll closes.

B. SUPERVISORS

1. Authority to approve, authorize and/or void electronic overtime cards

Supervisors may authorize and approve electronic overtime cards for members of the same rank or lower. Supervisors may only approve overtime for members whose cards they did not authorize. Two different members of the same rank or higher are required to authorize and approve a member's electronic overtime card.

Supervisors can authorize electronic court overtime cards for members of their location for the same rank or lower, but only a supervisor from Court Administration Division can approve electronic court overtime cards. Any supervisor may void an authorized electronic overtime card. Only a supervisor from Tactical Planning and Logistics can authorize and approve special event and extra duty electronic overtime cards.

2. Authorizing electronic overtime card

- a. Log into the Online Time Entry System, click on the MPD overtime tab, then the "authorize" tab.
- b. Enter the People Soft® ID number of the member requesting overtime in the "Emplid" field.
- c. Confirm that the correct member's information is displayed.
- d. If known, select the correct type of overtime the member is requesting using the drop down arrow for "select OT type" ("paid" or "comp"). If unknown, this option may be bypassed. If comp overtime is requested and the member is over his/her compensatory time balance per their bargaining agreement, the Online Time Entry System will automatically change the card from compensatory to pay. Only when the members published compensatory time balance is under the limit will the system allow the member to submit comp cards.
- e. Click on the "authorize" field. The system will confirm the online overtime card has been authorized.

3. Approving electronic overtime cards

- a. Log into the Online Time Entry System, click on the MPD overtime tab, then the "pending" tab.
- b. Locate the member's unapproved overtime card (highlighted in pink) and open the electronic card.
- c. Verify the accuracy of the card using the corresponding date the overtime was completed with either the respective *Extension of Duty Report* (form PO-26) or *Event Overtime Check In/Out Report* (form PO-26A).

- d. Click on the “Appv” (approve) field located on the bottom right of the electronic card to enter their electronic signature. Only supervisors assigned to the Court Administration Division can approve an electronic overtime court card.
- e. After a member has successfully completed an electronic overtime card, a supervisor can check the status of all authorized cards awaiting approval under the “pending” tab. The status is color-coded as follows:
 - White: Card is authorized.
 - Pink: Card is authorized, completed and electronically signed by member.
 - Green: Card is authorized, completed, electronically signed by member, approved by supervisor, and pending payment.
 - Grey: Card has been voided.

Note: At the end of a pay period the status of all cards should be displayed as either green or grey.

4. Voiding electronic overtime card

- a. Locate the electronic overtime card that needs to be voided (highlighted in either pink or white) and click on it to open.
- b. Click on the “void” field (located on the upper right of the electronic card). This will enter the supervisor’s electronic signature.

5. Electronic overtime card reports

- a. Form PO-26 *Extension of Duty Report* – used to track all extension of duty related overtime.
- b. Form PO-26A *Event Overtime Check In/Out Report* – used to track overtime at special events including Miller Park, Summerfest, and the Bradley Center as well as the deployment of specialty units such as the Hazardous Device Unit (HDU) and Major Incident Response Team (MIRT). Only a supervisor from Tactical Planning and Logistics can approve special event and extra duty electronic overtime cards.
- c. Form PO-26B *Court Overtime Check In/Out Report* - used by the Court Administration Division and the Forensics Division to track court related overtime.
- d. Copies of forms PO-26, PO-26A and PO-26B shall be retained at the respective work locations and the Court Administration Division according to the established retention schedule.

C. SWORN MEMBERS

1. Log in to the Online Time Entry System once a supervisor has created and authorized an electronic overtime card, click on the MPD overtime “My Overtime” and then the “Check OT” tabs.

2. If there are multiple authorized electronic overtime cards, there is a drop-down menu listing the cards. Select the card to be completed. The member's name, rank, PeopleSoft number, program code and personnel assignment code will have automatically populated. If a member's overtime has not been properly authorized, a message stating "There is no unapproved overtime authorized for you" will appear. The member must notify a supervisor to authorize the overtime before proceeding.
3. Complete the following fields:

- a. Date: Use a two digit number for both the month and day and a four digit number for the year for all overtime.
- b. Regular Duty Hours: Enter the hours (standard, not military) a member was scheduled to work on the day overtime is requested. The number of hours will automatically calculate in the "hours" field. This number should typically be 8.0 hrs.

If the member is working overtime on a non-working day, enter regular off, holiday off, etc.; do not enter any hours.

- c. Overtime Hours: The online system assumes that the overtime hours are following the member's regular duty hours. If this is not the case or if the member is working overtime on a non-working day, then the date as well as the start and end times must be entered. The number of overtime hours will automatically calculate in the "hours" field. Any member who is over their contractual compensatory time limit will only be allowed to fill out a paid electronic overtime card, regardless of supervisory approval. The Online Time Entry System will automatically change the compensatory type of card to pay.
- d. Program and Project Grant Code (Work Order number), if applicable: Enter the four digits program code. If overtime is project/grant related, enter "WK" or "CS" before the project grant code with no spaces. If the card has been authorized by a supervisor assigned to Tactical Planning and Logistics, this field will automatically populate.
- e. Additional shift pay: If entitled to additional shift pay, enter the two digits special work code (e.g., "40" for field training officer pay (FTO) or "89" for snow bonus (AFSCME.) Otherwise, this field should be left blank.
- f. Time: Insert only one period of time rounded out to the nearest tenth of an hour. Members shall use four digits when entering time using a zero to proceed time that does not possess four numerals (do not use military time). Click either "am" or "pm."
- g. Location: The location where the overtime work was performed. If CAD related, list the address related to the CAD assignment.
- h. Signature: Once the card has been completed, click on the "sign" box located at the bottom right of the electronic overtime. The system will identify the date and

time the member signed their electronic overtime card. Members who wish to retain a hard copy of their electronic overtime card should click on the "print" box located at the right side of the electronic overtime card.

- i. Sworn members must complete their electronic overtime card immediately following the conclusion of their extension of duty or special event overtime. If the overtime occurred outside the member's work location and the member has no other valid reason to return to his/her work location at the conclusion of the overtime, then the electronic overtime card shall be completed at the nearest and most practical department location with an online time entry system.

If a member completes their electronic overtime card for a date that falls under a previous pay period, the member shall include a valid reason for the late submission.

D. NON-SWORN MEMBERS

With the exception of civilians physically working on a city appointed holiday, civilian members shall record premium time worked on their biweekly timecards. Each day shall record the total number of hours worked. Once the 40 hour worked per week threshold is met, the civilian shall record premium time in the following manner:

1. If premium time is desired as paid time, then all time is carried under the 077 straight time earn code. Premium time will be calculated during payroll processing by the comptroller's office.
2. If premium time is desired as compensatory time, then all time after the 40 hour threshold will be carried under the 086 time-and-one-half earn code. It is the responsibility of the member and the payroll clerk to determine when the threshold is met.

555.30 TYPES OF OVERTIME (WILEAG 2.4.1)

A. COURT OVERTIME

See SOP 150 Court Procedures.

B. FIRE AND POLICE COMMISSION (FPC) OVERTIME

See SOP 150 Court Procedures.

C. EXTENSION OF DUTY OVERTIME

1. General Guidelines

- a. Commanding officers shall establish specific overtime management and control procedures for their work location.
- b. Extension of duty shall not be granted for training purposes unless authorized by

a shift commander.

- c. Extension of duty shall not be granted for writing reports unless authorized by a shift commander.
- d. Members on extension of duty shall report on a half-hourly basis to their shift commander.

2. Members' Responsibilities

- a. Police members shall obtain authorization from their shift commander at their work location before proceeding to work extension of duty overtime. Such authorization shall be obtained as soon as possible given the circumstances involved, and may be obtained by telephone or by means of the appropriate non-dispatch radio channel.
- b. Members shall notify the shift commander of any assignment that may generate extension of duty overtime within 30 minutes prior to the end of their tour of duty. The member shall provide the following information, when applicable:

- 1. Nature of the assignment;
- 2. The reason for extension of duty;
- 3. The number of department resources at the scene;
- 4. The supervisor in charge of the scene.

c. Half-Hourly Reports

- 1. Members performing extension of duty overtime shall, on a half hourly basis, either in person, by telephone or by radio, communicate to their shift commanders the current status of the matter necessitating the extension of duty overtime. This notification to the shift commander may be made on behalf of subordinates by a supervisor who is physically present overseeing the duties being performed (e.g., crime scene, fire).
- 2. It is the responsibility of the shift commander receiving this information to ascertain if continuation of extension of duty overtime by members is absolutely necessary, or whether the duties currently being performed on overtime by those members can be assigned to on-duty personnel.
- 3. Upon completion of any extension of duty overtime, members shall complete their overtime card and personally notify the shift commander at their work location.

3. Shift Commander Responsibilities

- a. Shift commanders are accountable for all extension of duty overtime.

- b. Once the shift commander has been notified, the overtime request by the member shall either be approved or denied. A field supervisor may be sent to the location to determine which units will be authorized extension of duty overtime and shall then notify the shift commander.
 - c. Shift commanders shall determine if the continuation of extension of duty is absolutely necessary or whether the duties being currently performed on overtime can be assigned to on-duty personnel.
 - d. Shift commanders authorizing any extension of duty overtime shall record this information on the *Extension of Duty Report* (form PO-26) which shall be maintained in the shift commander's office. The shift commander shall communicate this information to the succeeding shift commander by means of this form. Each shift, including the power shift, shall maintain a separate PO-26 report.
4. Extension of Duty Report
- a. Shift commanders shall actively monitor the status of all members on extension of duty and record the time(s) of the status updates on this form (PO-26).
 - b. The shift commander shall record the "end time" of a member's overtime on the PO-26 when the member checks out. The PO-26 shall be used to verify the ending time listed on the overtime card.
 - c. Commanding officers shall review the PO-26 reports and affix their signature indicating completeness and compliance with this procedure. If completeness and compliance are not properly met, the commanding officer shall take appropriate corrective action.
 - d. Completed PO-26 reports shall be retained at the work location for three (3) years.
5. Technical Communications Division Responsibilities
- The Technical Communications Division shall not generally assign priority 3 and 4 assignments to field units within the last 10 minutes of their shift unless extenuating circumstances exist.
6. Processing Arrests While on Extension of Duty
- a. Unless authorized by a shift commander, only one member shall be authorized extension of duty overtime in circumstances where individual(s) are arrested.
 - b. The shift commander shall provide relief for any member on extension of duty overtime regardless of the type of arrest, whenever practicable. Circumstances to be considered in determining if relief can be used could include the complexity of the incident, the experience level of the member and the seriousness of the matter.

7. Writing Reports While on Extension of Duty

- a. Generally, reports shall be filed during normal duty hours. Only the shift commander or higher authority may authorize extension of duty overtime for report writing.
- b. Overtime shall not be authorized for writing non-arrest-related traffic and/or municipal citations, unless circumstances arise such as the member will not be present at work for an extended period of time (e.g., vacation, FMLA).
- c. Members' Responsibilities

Members shall be responsible for tracking the reports to be filed during their tour of duty. If the number of reports to be filed reaches three, the member shall contact the shift commander for instructions. The shift commander shall then determine if these members shall be taken out of service in order to complete such reports.

- d. Shift Commanders' Responsibilities

1. Shift commanders shall take appropriate action to ensure that reports are completed during the normal tour of duty whenever possible. Two member squads shall not generally be removed from service for report writing. One of the assigned members shall remain in service, supplemented with additional personnel at the discretion of the shift commander.
2. Shift commanders shall monitor members who are writing reports at the work location and ensure members go in service as soon as practicable.

8. Completion of Unfinished Reports

- a. Shift commanders shall arrange for unfinished reports to be completed at the start of the next tour of duty or as soon as practicable. They shall balance the answering of service calls with the need to complete reports in a timely manner.
- b. In the event that two members are assigned to the same squad, only one shall write reports. The other is to be placed in service, supplemented with additional personnel at the discretion of the shift commander.
- c. Members with numerous or lengthy reports may be assigned to office duty for the shift and the reports shall be completed in conjunction with the duties of that position.

9. Extension of Duty Rates

Overtime earned as a result of an authorized extension of an eight hour shift assignment which falls outside the regularly scheduled eight hour shift that does not fall within exempt provisions, shall be compensated at one and one-half (1.5X) times the base salary rate.

10. Extension of Duty/Online Overtime Cards

- a. A Computer Aided Dispatch (CAD) number must be entered in the CAD number field when overtime is a result of a call(s) for service. If the extension of duty is related to multiple CAD calls, all CAD numbers (up to 5), shall be entered in the CAD field. If the overtime is not related to a CAD call for service, enter nine zeroes (000000000) in the CAD number field.
- b. Any additional information should be documented in the “additional miscellaneous descriptions” field.
- c. After completing the card with an electronic signature, the member must physically check out with the shift commander. The shift commander will note the time the member is securing from their extension of duty on form P0-26 or from their special event on form P0-26A. The member and the shift commander are required to initial the check out time on the applicable form. This check out time is the same end time that the member used on their electronic overtime card.

D. UNIFORM FITTING / ALTERATIONS (MPA Law Enforcement)

1. Members may request compensation pursuant to this section up to three times per calendar year. Any additional requests per calendar year may be permitted by the member’s commanding officer only under unusual or exceptional circumstances.
2. Members shall obtain authorization from a supervisory officer prior to each occurrence of traveling to the department vendor or supplier on overtime. Members assigned to the day shift shall make every attempt to conduct uniform fittings and alterations on regular duty time.
3. Members shall be compensated at one hour at straight time (1x) when they are required to travel to the place of business of any supplier or vendor of replacement of uniform and equipment issue as prescribed by the Chief of Police for the purposes of fitting or alteration of such items.
4. There is no compensation for travelling to businesses for other purposes (such as pick up of items that have already been “fitted” or “altered” or of items not requiring fitting or alteration).

Note: The department shall also be permitted to adopt any and all policies and procedures necessary for control and implementation of this benefit. Nothing herein shall preclude the department and/or the city from entering into alternative contractual or other arrangements with its vendors or suppliers of uniform items and equipment such as would preclude the necessity for members to visit the places of business of said vendors or suppliers, thereby negating the applicability of the benefits set forth herein.

E. ROLL CALL OVERTIME

1. Police members below the rank of captain, except as set forth in this procedure, are eligible for 12 minutes of overtime, paid at the rate of (1.5x) base salary, before the start of their normal eight hour work day. Police members below the rank of captain, except as set forth below, are required to attend roll call 12 minutes before the start of their normal eight hour work day.
2. Members assigned to the following units do not require 12 minute roll call time prior to an eight hour tour of duty, and will not be granted same, unless specifically authorized by the Chief of Police.
 - Building security personnel
 - Central Booking Division (except sergeant in charge and head jailor)
 - Court Administration Division
 - District office personnel (except desk sergeant, acting desk sergeant or booker)
 - Facility Services Division
 - Human Resources Division
 - Information Technology Division
 - Fusion Division
 - Internal Affairs Division
 - Forensics Division (except lieutenants, forensic supervisors, forensic investigators and Extradition Unit)
 - Office of the Chief, including mayor office, city's treasurer's offices and Executive Protection
 - Office of Community Outreach and Education (except school resource officers, school patrol officers and truancy abatement burglary suppression officers.
 - Office of Management Analysis and Planning (including Licensing Unit)
 - Training Division
 - Property Control Division
 - Records Management Division
 - Technical Communications Division
3. Supervisors should be mindful that limited duty personnel are not prohibited from working overtime on a necessary basis, however, those members are ineligible for roll call overtime except when assigned as desk sergeant or acting desk sergeant at the Specialized Patrol Division and district stations.
4. Limited duty personnel assigned as desk sergeant or acting desk sergeant (ADS) shall record account code 2881 and the respective following earn code on their bi-weekly time card:
 - a. For those members who are performing ADS duties and were hired on or after October 3, 2011, members shall use the following ADS earn codes:
 - ADS with no educational pay increase – earn code 017
 - ADS with an associate's degree (or 64 credits or higher) – earn code 17A
 - ADS with a bachelor's degree – earn code 17B

- ADS with a master's or advanced degree – earn code 17M

Earn codes to be used when the member is performing ADS duties on a premium holiday and the member wants paid premium time:

- ADS with no educational pay increase – earn code 129
- ADS with an associate's degree (or 64 credits or higher) – earn code 19A
- ADS with a bachelor's degree – earn code 19B
- ADS with a master's or advanced degree – earn code 19M

Earn codes to be used when the member is performing ADS duties on a premium holiday and the member wants compensatory premium time:

- ADS with no educational pay increase – earn code 429
- ADS with an associate's degree (or 64 credits or higher) – earn code 49A
- ADS with a bachelor's degree – earn code 49B
- ADS with a master's or advanced degree – earn code 49M

- b. For those members who are performing ADS duties and were hired prior to October 3, 2011, members shall use the following ADS earn codes:

- ADS with no educational pay increase – earn code 17N
- ADS with an associate's degree (or 64 credits or higher) – earn code 17O
- ADS with a bachelor's degree – earn code 17P
- ADS with a master's or advanced degree – earn code 17Q

Earn codes to be used when the member is performing ADS duties on a premium holiday and the member wants paid premium time:

- ADS with no educational pay increase – earn code 19N
- ADS with an associate's degree (or 64 credits or higher) – earn code 19O
- ADS with a bachelor's degree – earn code 19P
- ADS with a master's or advanced degree – earn code 19Q

Earn codes to be used when the member is performing ADS duties on a premium holiday and the member wants compensatory premium time:

- ADS with no educational pay increase – earn code 49N
- ADS with an associate's degree (or 64 credits or higher) – earn code 49O
- ADS with a bachelor's degree – earn code 49P
- ADS with a master's or advanced degree – earn code 49Q

5. The maximum amount of time compensated for roll call duty shall be the 12 minute period prior to the start of the normal eight hour workday. Reporting for the required 12 minutes of roll call overtime shall be as follows:

- a. There shall be no pyramiding of roll call with other overtime performed, such as extension of duty, court minimum overtime or replacement as prescribed by the respective collective bargaining agreement.
- b. Members may choose compensatory time off for roll call overtime if the *Time Owed and Allowed Report* used by a supervisor during the current pay period reflects a CTB limit less than that prescribed by the member's collective bargaining agreement. The same choice must be for all roll call earned in a given period.
- c. Members shall record the maximum amount of 0.2 of an hour overtime on their *Biweekly Time Sheet* (form PT-43) in the appropriate box (under earn code 081 for paid and 086 for compensatory as selected). Members reporting late for roll call duty shall record roll call overtime to the nearest tenth of an hour. At the end of the pay period enter the total roll call hours for the correct earn code.
- d. All roll call earned as a result of working an eight hour replacement on a regular off day shall be reported on the PT-43. This roll call time shall be explained by writing "worked as replacement this day" on the time sheet column for that day.
- e. Supervisory officers shall verify the validity of all roll call overtime reported prior to approving and signing a *Biweekly Time Sheet* (form PT-43).

F. FAIR LABOR STANDARDS ACT (FLSA) OVERTIME

See SOP 150 Court Procedures.

G. TRAINING TIME

All training time shall be compensated at base salary rates (1x).

H. OVERTIME CONNECTED WITH POLICE DUTY OUTSIDE OF THE CITY

1. Commanding officers shall review all requests from prosecutors and other governmental entities for follow-up investigations, conferences or any other duties by department personnel.
2. No such duties may be performed on overtime without the prior approval of a commanding officer.
3. Members required to conduct police service for more than eight hours per day while they are out of the city on authorized travel are entitled to overtime compensation for the time worked on the case exceeding eight hours.
4. Members reporting overtime for police work out of the city shall keep a detailed accounting of their police related activity in their memorandum book. Commanding officers will certify the overtime after checking the memorandum book. The hours of work while out of the city on duty days may include one lunch break, but shall not include any other personal time.

I. OVERTIME FOR NON-SWORN PERSONNEL

1. Civilian members shall keep an accurate account of all time worked each day on their biweekly timecard.
2. Civilians are prohibited from earning premium time (time-and-a-half) in one week until 40 hours of physical time is worked.
3. A work week is defined as 12:00 a.m. Sunday through 11:59 p.m. on Saturday night. Only city appointed civilian holidays count toward physical work time.
4. Civilian members shall use earn code 077 for paid premium time or earn code 086 for compensatory premium time after the 40 hour physical week requirement is met.
5. Civilians that physically work on a civilian holiday shall complete a "civilian holiday" electronic overtime card. This is the only instance when a civilian will complete an electronic overtime card. Civilian members may choose either paid or compensatory time off for this type of overtime, regardless of the premium time recorded on their biweekly timecard for the week.

J. OUT-OF-SHIFT OVERTIME

1. Law enforcement members of the MPA bargaining unit
 - a. A member is considered to be working "out-of-shift" when they are required to change the starting time (new time) of their regular eight hour shift.
 - b. Members may submit an out-of-shift online overtime card for up to nine consecutive days working at the "new time".
 - c. If the member is required to work this "new time" for 10 or more consecutive eight hour shifts, then the member is no longer working out of shift and the member is prohibited from submitting out-of-shift overtime cards. Any previously submitted out-of-shift overtime cards for the preceding nine days shall be voided in the online system.
 - d. Pyramiding is strictly prohibited. A member shall not submit an extension of duty overtime card in conjunction with an out of shift card relating to the same hours of work. Only one card and one type of premium pay can be submitted.
2. Out-of-shift online overtime cards
 - a. Utilize the program code of the location where out-of-shift was worked in the "prog/proj" field.
 - b. Enter the hours worked in the "actual shift" field. The out-of-shift overtime hours will automatically calculate at half the premium rate.

K. COMPENSATORY TIME OFF REPLACEMENT PROGRAM

1. Definition

Consistent with a U.S. Department of Labor Wage and Hour Division opinion letter, upon denial of a member's request to use accrued compensatory time off, the department shall attempt operational alternatives to fill its prescribed staffing levels by using a replacement system. Members serving as replacements will be paid at overtime rates as required by the provisions of the FLSA. Accordingly, the department has established a program which allows members who have been denied compensatory time off to obtain a replacement member so that prescribed staffing levels can be met.

2. Eligible members

All law enforcement members of the MPA and members of the MPSO subordinate to the rank of captain of police are eligible to participate in the compensatory time off replacement program.

3. Granting compensatory time off/Replacement Member

- a. An eligible member represented by the MPA or MPSO, after having been denied compensatory time off, shall be eligible to find a replacement member for the shift requested off.
- b. Members seeking a replacement member for compensatory time off, after having been denied such time off by a supervisory officer, may (but are not required to) enter their name on *Notice of Replacement Request* (form PP-7) to indicate their interest in seeking a replacement member. This form is intended solely to assist a member seeking a replacement. Members are not precluded from obtaining a replacement through other means. The PP-7 shall be posted at those work locations affected by this program.
- c. If a replacement member is found, the replacement member shall work in place of the member who has requested the use of compensatory time off as long as the following conditions are met:
 1. Arrangements for the replacement member must be submitted by the requesting member by utilizing the *Replacement Execution Form* (form PP-6) to the work location's shift commander of the member seeking replacement at least 48 hours in advance of the start of the compensatory time requested off.
 2. The replacement member shall be within the same organizational "box" as shown on the Milwaukee Police Department's organizational chart, subject, however, to the following:
 - a. Shift commanders may approve replacements obtained by their members from different "boxes" at their discretion. To ensure the

member from a different organizational “box” qualifies as a replacement, prior to approving the replacement, the shift commander of the member seeking a replacement shall communicate with a supervisor of the proposed replacement member.

- b. It is understood that a lieutenant in a district or division may fill in for any other lieutenant in the same district or division with the exception of the Office of the Chief, Executive Protection Unit, Specialized Patrol Division, HIDTA and Tactical Planning and Logistics.
- c. In circumstances where the member possesses unique technical skills which are required to be available during a particular period of time, a request for use of a replacement can be denied unless the replacement possesses the same technical skill.
- d. The replacement police member must have more than one year of service. The replacement police member must be of the same rank as the police member requesting use of compensatory time off.
- e. In a single pay period, a member shall be permitted to work as a replacement for a maximum of two regular off days and two four hour periods occurring immediately before or after a member’s regular work shift (e.g., the maximum number of hours that can be worked as a replacement in a pay period is 26). However, if, because of staggered shifts, the shift of the member who is being replaced ends or begins one hour before or after the shift of the replacement member, such shift shall be deemed to “immediately” precede or follow the replacement’s regular work shift. When this occurs, the replacement shall work the one-hour gap (for a maximum of five hours work), which shall be compensated as if it was regular replacement time.
- f. The replacement member shall be subject to all of the obligations applicable to any member who is regularly scheduled for duty.
- g. If the replacement member uses sick leave or uses FMLA on a day when he/she is scheduled to work as a replacement, he/she shall be ineligible thereafter to work as a replacement member for a period of 90 days from the date the member reported sick for duty. If the replacement member reports being injured while off-duty on a day when he/she is scheduled to work as a replacement member, the replacement member shall be ineligible thereafter to work as a replacement for a period of 90 days, unless:
 - i. The off-duty injury occurred subsequent to the time at which the replacement member agreed to serve in that capacity.
 - ii. The replacement member provides medical substantiation of the off-duty injury.

- h. Replacement members shall, at the time of his/her selection by the requesting member, complete and sign the *Replacement Execution Form* (form PP-6), which indicates their agreement to be a replacement member in accordance with this procedure. The requesting member who arranged for the replacement shall also complete and sign form PP-6.
- i. The completed form PP-6 shall be turned in to the requesting member's shift commander for review at least 48 hours in advance of the requested use of compensatory time. Whether approved or denied, the requesting and replacement members shall be provided with a copy of form PP-6.

4. Commanding officer's responsibility

Commanding officers shall be responsible for the overall implementation of this program at their respective work locations as prescribed by this standard operating procedure and collective bargaining agreements.

Commanding officers shall ensure that *Replacement Execution Form* (form PP-6) and *Notice of Replacement Request* (form PP-7) forms are readily available to eligible members at all work locations.

5. Shift commander's responsibility

Shift commanders are responsible for the approval of all replacement requests. Shift commanders denying a replacement shall immediately notify the Human Resources Division and a copy of the PP-6 shall be forwarded to the Human Resources Division.

6. Overtime rates

- a. Replacement overtime shall only be compensated in pay.
- b. Replacement members working under this program shall be compensated at (1x) the base salary rate or (1.5x) the base salary rate as required by federal FLSA law.
- c. Replacement overtime shall be recorded under program code 1635 (FLSA-replacement). Members working replacement overtime on January 1, December 25, Labor Day, and July 4, from 12:00 a.m. to 11:59 p.m., inclusive, will be compensated at the rate of 1.5x.
- d. All replacement members recording time worked under the replacement program shall write "replacement for (insert member's rank and name)" in the "additional miscellaneous descriptions" of the online overtime card.
- e. If a member is approved for taking a compensatory day off and has found a replacement, but the department cancels the off day because the member has unique technical skills, the member shall be paid at the following rates:

- 1 ½x hourly rate if off day is cancelled with more than 24 hours' notice.
- 2x hourly rate if off day is cancelled with less than 24 hour notice.

In such situations, commanding officers shall file a *Department Memorandum* (form PM-9E) indicating same and forward it to the Payroll Section.

f. FLSA replacement online overtime cards

1. Utilize program code 1635 in the "prog/proj" field. This same code shall be used when the replacement occurs on January 1, July 4, Labor Day and December 25.
2. Indicate in the "additional miscellaneous description" area the name and rank of the member being replaced.

7. Record retention

All PP-6s shall be retained at the work location according to the established retention schedule of seven years.

L. OVERTIME LESS THAN 0.1 HOUR

No member shall submit overtime for less than 0.1 of an hour.

M. OVERTIME FOR SICK AND INJURED MEMBERS

1. While on sick, FMLA, or injury leave, members shall not be eligible to perform any overtime work, with the exception of subpoenas.
2. Members shall not be eligible for overtime compensation for any treatment required for a duty injury except when treatment occurs during and/or immediately after the work shift in which the duty injury occurred and only under the following circumstances:
 - a. The member is injured on duty and obtains treatment for the injury and returns to duty prior to the end of the work shift.

Note: The foregoing shall not apply to follow-up treatment for any duty injury.

N. OVERTIME FOR SUSPENDED OR DISMISSED MEMBERS

Any member who has been suspended or dismissed with a pending appeal is restricted from submitting overtime.

O. OVERTIME FOR CITIZEN COMPLAINT MEDIATION

Overtime for MPD initiated mediation sessions shall be compensated at time and one-half (1.5x) the base salary rate for any time outside of normal scheduled work hours. Utilize program code 2880 and project code WK33100556 "prog/proj" field.

P. SPECIAL EVENT AND EXTRA DUTY OVERTIME

See SOP 400 Off-Duty, Extra-Duty, and Special Event Employment.

Q. OVERTIME FOR OTHER EXCEPTIONS

No member is eligible for overtime for work performed on a day in which the time changes (daylight savings) until eight hours of work have been completed.

A handwritten signature in black ink, appearing to read 'JBN', with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk