



# DEPARTMENT NOTICE

21-045  
03/12/21

## **Overtime Rules and Reporting** (Supersedes DN 21-020)

The purpose of this Department Notice is to provide members with a summary of the Department's and City's overtime rules and reporting.

Commanding Officers, Division Directors and Officers-in-Charge are responsible for determining the necessity of overtime worked in their districts and assignments and for taking measures to ensure that the amount of overtime worked is kept to a minimum.

### **Eligibility for Voluntary Overtime:**

The work week, for the purpose of calculating overtime, is from Saturday at 00:00 hours through Friday at 23:59 hours.

Members must work in excess of their regularly scheduled work day or work week during that period to be eligible to receive overtime at a compensation rate of time and a half. If a member does not complete their regularly scheduled work day or work week, the member will be paid at straight time for voluntary overtime.

A regularly scheduled work day and work week include the use of vacation (VAP) and legal holiday (LHP) for purposes of calculating voluntary overtime.

If members use any other form of discretionary time off or use sick pay (SLP), they are not eligible for overtime at the time and a half compensation rate for voluntary overtime. However, they will be compensated at straight pay for these hours worked.

### **Mandatory Overtime:**

The current Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P1 and P2A), Article III. Section 2, paragraph 192 states:

“The Chief of Police or designee may require employees to work longer than the normal work day or longer than the normal work week. Any time worked by an employee who holds a permanent rank below the rank of Captain under proper authorization of the Chief of Police or his/her designated representative or any hours suffered to be worked by an employee who holds a permanent rank below the rank of Captain in excess of the regular or normal work day or week shall be designated as overtime and shall be compensated at one-and-one-half times the base hourly rate. Vacation leave and Legal Holidays shall be considered hours worked for overtime purposes. Mandatory, unscheduled overtime shall be calculated at the one-and-one-half (1.5) overtime rate.”

Commanding Officers may require any sworn officer(s) to work an assignment in excess of their regularly scheduled work day, tour-of-duty, or work week, which will be considered “Mandatory Overtime.” Mandatory overtime is not voluntary and shall not be refused or declined by an officer. Although not directed to work, a member availing themselves to work a “Mandatory Overtime” assignment will be compensated at the calculated mandatory overtime rate.

Officers required to work mandatory overtime shall submit a completed overtime card to include all required information and the notation "MANDATORY" written in the comments section/box submitted (back of SFPD 289) to their Commanding Officer through the chain of command.

Examples of mandatory overtime may include, but are not limited, to the following:

- Mandatory arrests and/or investigations extending beyond the officers regularly scheduled shift
- Special events requiring mandatory staffing, where an officer is directed to work beyond their regularly assigned shift or regular work week (Pride Parade, New Year's Eve, etc.)

In order to ensure unscheduled mandatory overtime is calculated correctly, Commanding Officers shall ensure a photocopy of the front and back sides of the approved overtime card is included and attached to the bi-weekly payroll reports submitted to the Payroll Unit in the Staff Services Division. Overtime cards for mandatory planned events with a pre-assigned event code do not need to be photocopied and submitted with the bi-weekly overtime report.

### **Administrative Code Section "10B"**

The current Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P1 and P2A), Article III. Section 2, paragraph 197 states:

"Effective January 1, 2021, employees shall not be eligible for 10-B overtime assignments during: (a) hours on which an employee is regularly scheduled to work; or (b) if the member has used more than twenty (20) hours of paid sick leave (pay code: "SLP") in the prior three (3) months as reviewed on a quarterly basis."

Refer to 2018-2023 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officer Association for further information.

Members may not work any type of overtime assignment while on any type of leave from the Department (e.g., Paid or Unpaid Administrative Leave, Union Leave, Witness or Jury Duty Leave, Religious Leave, Education Leave, Military Leave, Family Medical Leave Act (FMLA), Personal Leave, Family Care Leave, etc. However, members on intermittent FMLA leave may be eligible to work 10-B assignments depending on the circumstances of their leave.

For purpose of calculating compensation rates, members working a 10-B assignment are not restricted to discretionary time off rules as indicated for voluntary overtime. Members working a 10-B assignment will be compensated at a time and a half rate of pay. However, while working 10-B assignment members shall adhere to the Department's overtime limits described below.

Commanding Officers or Officers-in-Charge, and /or members may not alter a member's schedule to permit for the working of a 10-B assignment.

### **Department's Overtime Limits**

Without the advanced written approval of their Commanding Officer or Division Director, members shall not work more than:

- 16 hours in any 24 hour period (including all on-duty hours, overtime assignments and secondary employment),
- 20 hours of overtime in one week (either voluntary or mandatory, whether for time or for pay),



- 40 hours of overtime (either voluntary or mandatory, whether for time or for pay) in a single pay period or 520 hours of overtime in one year.

These restrictions include a combination of overtime and secondary employment within a single pay period. Once an employee has reached the overtime limits and/or secondary employment limits for the week or the pay period, the employee shall not schedule any additional voluntary overtime (including 10B) for the remainder of that pay period. If a member has previously scheduled voluntary overtime but reaches the overtime/secondary employment limits because of unforeseen incidents that compelled the member to work, the member shall contact their Commanding Officer or the 10B coordinator who will attempt to replace the member for the upcoming voluntary overtime assignment(s).

Voluntary overtime includes, but is not limited to, 10B assignments, all government grant-funded operations, all special fund operations (vehicle theft, real estate fraud, etc.), special events, or other EWW overtime where the member is not specifically required by the member's respective Commanding Officer to work. Commanding Officers, Officers-in-Charge, and/or members may not alter a member's schedule to permit for the working of voluntary overtime unless approved by a Deputy Chief.

The type of compensation, both pay and compensatory time, are used to calculate the number of overtime hours worked under these policies.

Members who are scheduled to work Standby Premium (On-Call) are not eligible to work any type of voluntary overtime.

Pursuant to the SFPOA MOU Article III. Section 2, paragraph 199.b, effective June 30, 2010, employees may not accumulate a balance of compensatory time in excess of 300 hours.

### **Overtime Authorization and Management**

Managing overtime costs is an essential element of supervisory and management responsibilities. The underlying goal of these procedures is to use overtime only when necessary; not to impede legitimate policing and investigative work.

Immediate supervisors and Officers-in-Charge/Managers/Lieutenants shall approve all overtime assignments prior to overtime being worked by a member. Advance authorization is required for overtime usage, unless exigent public safety and/or emergency conditions exist which necessitate approval after overtime usage has occurred.

The Commanding Officer/Division Director will provide the final review and approval with a signature along with rank, star number, and/or A-number on the front of the Overtime/Compensatory Time Card.

Commanding Officers/Division Directors and supervisors shall review overtime in retrospect to ensure overtime hours were necessary and whether adjustment can be made for future, similar situations. Any after action reports shall include this type of review of overtime used.

Members may not authorize their own overtime. Members must obtain authorization from the appropriate higher-ranking supervisor. In those instances when the higher-ranking officer in the chain of command is not available to authorize the member working overtime, the member shall notify the next appropriate member in the chain of command.

Prior to authorizing a member to work overtime, the Officer In Charge/Manager/Lieutenant shall evaluate the necessity for the member working overtime.

- Factors when anticipating and reducing overtime in the moment include:
  - whether personnel coming on duty can perform the work
  - when practical, obtain relief or replacement for the member seeking authorization to work overtime, provided that such relief will not adversely affect the police function being performed.
  - whether the work performed on overtime is necessary to the mission of the Department
  - whether there is any significant impact if the work performed on overtime was completed the following day
- As feasible, the Officer In Charge/Manager/Lieutenant shall ensure that members do not work in excess of the established Department overtime hour limits.
- Within the member's unit of assignment, the supervisor monitoring the overtime will be responsible for notifying the Officer In Charge/ lieutenant or manager of the member's work status along with an estimated time need to complete the assignment prior to the conclusion of the supervisor's end of shift.
- An Officer In Charge/Manager/Lieutenant must evaluate and provide additional approval for any member working more than 5 hours beyond their regularly scheduled work day.

Pursuant to the SFPOA MOU, supervisors may shift the hours of officers up to 3 hours for unplanned events. Command staff/managers shall be provided with a report at the end of each pay period for the purposes of monitoring and reviewing the use of overtime to ensure the appropriate use of overtime. This is an essential managerial task, and must be done in conjunction with the approval process for all employees within each respective unit.

#### **520 Hour Limits Imposed by Administrative Code Section 18.13-1**

In addition to the above Department limitations on overtime, the Board of Supervisors amended Administrative Code Section 18.13-1 to regulate the maximum permissible hours of overtime an employee can earn in a year. During each fiscal year, Commanding Officers shall not knowingly permit any employee to work overtime hours that exceed 25% of the number of hours that the employee is regularly scheduled to work on a straight-time basis in that fiscal year. The number of overtime hours an employee can earn for this fiscal year is 520 hours for a full-time 2,080 hour per year employee.

Overtime hours worked as part of the 10B program are not included in calculating whether an employee has reached the 520 hour cap. All other overtime hours (including grant funded overtime) are used to calculate the 520 hour cap.

An employee is not allowed to exceed the 520 hour cap during a fiscal year without the prior approval of the Director of the City's Human Resources Department based upon a critical staffing shortage. The only other allowable exemption from the 520 hour cap is in the case of a disaster or similar emergency situation where overtime assignments become necessary to protect public safety. The Department of Human Resources submits reports to the Board of Supervisors detailing the extent to which each department and its employees are complying with these overtime regulations.

Administrative Code Section 18.13-1 provides that an employee may only work overtime with the prior approval of the member's Commanding Officer or the Officer-in-Charge. No employee may assign themselves to work overtime. Overtime will be assigned only when work cannot be completed within normal schedules.



## **Penalty**

Members who violate these policies are subject to Administrative Investigations. ([Disciplinary Penalty Referral Guidelines Manual](#))

When the Department determines that a member worked in excess of the Department's voluntary overtime limits without prior approval, Commanding Officers shall require the member to complete and submit an Anticipated Voluntary Overtime Work Schedule form (SFPD 501). The member shall submit the form to their Commanding Officer for approval by the Thursday prior to the start of each pay period for a period of 60 days. Commanding Officers shall file the Anticipated Voluntary Overtime Work Schedule form in the member's PIP binder.


## **Completion of Overtime Cards and Required Information**

Members filling out overtime cards must select the appropriate number for the "OT CODE" box, (see below) and provide the additional information required for each type of overtime as detailed below. For an overtime card to be authorized, each card must be certified by a supervisor on the back of the card and approved by the Commanding Officer on the front of the card. Members shall submit the card to the Officer In Charge/ Manager/Lieutenant for review immediately after the end time of the hours worked listed on the overtime card being submitted. Cards without the information detailed below will be returned to the member for correction and will not be approved until the member provides a corrected card with the required information.

On the back of the Overtime Card, members are also required to provide a brief, hourly summary of the work completed. Timekeepers must verify all information that appears on the card before entering the data into the HRMS system. The following overtime codes are used to report overtime in HRMS:

- 10B For overtime relating to 10B PLES. Cards must include the index or 10B billing code.
- OT2 For overtime relating to an investigation. Cards must include the incident report number.
- OT3 For overtime related to an arrest. Cards must include incident report number.
- OT4 For miscellaneous overtime. Cards must include the name of the Commander or Deputy Chief who authorized the miscellaneous overtime. Members shall not work OT4 overtime without the prior approval of the Commander or Deputy Chief in the member's chain of command.
- OT5 For Extended Work Week (event, grant, special fund, work order). Cards must include an event code, grant index code, special fund code or work order from the corresponding operational order that authorized the overtime.

Members with questions about any of the provisions outlined in this Department Notice can call their assigned Payroll Clerk at (415) 837-7340.

  
WILLIAM SCOTT  
Chief of Police

*Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional information.*