

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 6.09
		Issue Date: September 18, 2015
		Revision Date:
CHAPTER: Human Resources		Related Policy: APM Chapter 3, Section 42, Issue 9, Hours Worked, Overtime, and Compensatory Time;
SUBJECT: Compensatory Time Approval and Denial		Related Laws: U.S. 9 th Circuit Court of Appeals, Mortensen v. County of Sacramento, 368 F.3d 1082 (2004)

POLICY: The Sheriff's Office may allow eligible employees to earn compensatory time and to take compensatory time off dependent upon required staffing level to maintain operational services. If there is a provision of this policy which conflicts with the terms of the LCPOA/County Collective Bargaining Agreement, the Collective Bargaining Agreement terms shall prevail.

DEFINITIONS:

1. **Minimum Staffing Level (MSL):** Minimum number of staff needed to operate all posts within any particular Sheriff's Office work section.
2. **Critical Staffing Level (CSL):** Lowest consistent level available to operate a Sheriff's Office work section on all posts and all shifts based on anticipated time off. That is with no more than 12 hour shifts, no mandatory overtime on employee's days off and not using non-assigned Section staff to meet minimum staffing levels.

RULE: Management Staff reserve the right to establish staffing levels needed to provide efficient and continual operational services within each section of the Sheriff's Office. Employees may request compensatory time off at times mutually agreeable between the employee and the Sheriff's Office consistent with Critical Staffing Levels. Supervisors may deny compensatory time off based upon the critical staffing needs of the applicable section. When compensatory time off is not approved, supervisory staff shall notify the affected employee of reason for denial and available alternative options.

PROCEDURE:

- I. **Compensatory Time Accrual**
 - A. Eligible employees, with the consent of the Management Staff, may request to earn compensatory time at a rate of one and one half (1 ½) hours for each hour of overtime the employee works.
 1. Employees may only earn compensatory time on overtime worked in their assigned program. Exceptions to this rule may be approved by the Division Commander.

2. Employees choosing to earn compensatory time shall enter their overtime hours worked on their timecards as “21” time.
- B. Employees may choose to submit requests for compensatory time off by submitting a Schedule Transaction Form (STF) to their shift supervisor.
1. Compensatory time off requests will be made available within a reasonable period of time.
 2. Employees shall strive to submit compensatory time off requests as far as possible in advance of the time off they are seeking.
 - a. Time off requests submitted may or may not be approved depending on critical staffing needs.
 3. Approval or denial of compensatory time off requests shall be based upon the following factors:
 - a. Critical Staffing level to maintain operations;
 - b. Expertise required to perform job function;
 - c. Emergency circumstances exist;
 - d. Special mission or project need;
 - e. Mandatory training assignment;
 - f. Other, as defined by Division Management.
- C. Approved compensatory time off in lieu of the employee’s regular work hours shall be counted as regular time worked in the computation of wages and towards the employee earning benefits.
- D. On the first pay periods of April and October, the employee will receive a cash payment for any unused compensatory time over forty (40) hours.
- E. Upon transfer to another Department, program or bargaining unit, promotion to a management position, termination, or death, the employee’s unused accumulated compensatory time will be paid in cash at the time of effective date of appointment or the applicable incident.

II. Denial of Compensatory Time

- A. When it is necessary for a supervisor to deny an employee’s request for compensatory time off, the supervisor shall notify the employee by completing a Denial of Compensatory Time Request. The following information will be completed on the form by the supervisor:
1. Employee's name;
 2. Dates of denial;

3. Date of employee's requested time off;
 4. A suggested alternative date the employee could have off (should be a similar day of the week as the original request);
 5. Supervisor's signature and date.
 6. Check the applicable box under the "Comments/Operational Concerns" section of the form that best describes the reason for the denial.
- B. The supervisor shall meet with the employee and inform them of the reason for the denial.
- C. The employee will review the Denial of Compensatory Time Request and will check one of the option boxes under the section marked "Employee's Choice". The employee has the option to:
1. Suggest an alternate date to use the compensatory time;
 2. Keep the compensatory time on their accrual account and request payout for hours in excess of 40 on either the April or October payout;
 3. Keep the compensatory time on their accrual account and submit another request at another time;
 4. Place the compensatory time on their current time card and choose to be paid for the hours that were denied as time off (coded at 28).

III. Critical Staffing Level Determination

- A. When staffing requirements and available staffing levels create difficulties in maintaining minimum staffing in any Sheriff's Office Section, instances occur where insufficient staffing on one shift impacts the preceding and following shift's ability to cover the required minimum staffing level.
- B. Division Commanders shall establish Critical Staffing Levels (CSL) by analyzing staffing levels on all shifts and determining the absolute minimum number of staff members needed to operate the section on a 24 hour cycle without requiring an employee to work a sixteen (16) hour shift or for an employee to work overtime on their day off.
- C. The CSL is defined and implemented in order to cover minimum staffing levels based on routine requests for time off.
1. Items to consider regarding the CSL implementation include:
 - a. It will minimize the inconvenience to staff;
 - b. It will minimize the potential for staff fatigue-related issues;

- c. It will assist in providing minimum staffing levels and minimize requirements for staff to work 16 hour shifts or to call staff on their weekends;
 - d. It is the lowest staffing level needed to run section operations while maintaining safety and security;
 - e. It is a temporary response to a temporary staffing issue.
 - f. It is fluid and will change as available staff and staffing levels increase;
 - g. It defines the maximum overtime slots that will be authorized below the established Minimum Staffing Level.
 - h. It defines the limits for the maximum number of staff that should be off on each shift for routine time off requests, while maintaining minimum staffing levels;
 - i. It is defined to allow all staff to understand the minimum requirements to operate the applicable work section;
 - j. It provides consistent and easily identifiable levels to maintain minimum staffing during temporary staffing shortages;
 - k. It provides supervisors with definable staffing levels which will develop consistency when considering time off requests.
- D. When a CSL situation has been implemented, time off requests may be approved even though the section is at or below the Minimum Staffing Level. Each Division Commander will establish the number of time off requests that may be approved and will attempt to accommodate all types of time off requests (i.e., compensatory time, personal time, time management).



LANE COUNTY SHERIFF'S OFFICE

Denial of Compensatory Time Request

Supervisors will use this form for denials of requests to use compensatory time.

Supervisor's Reply

To: _____ Date: _____

I regret to inform you that your request to use compensatory time on _____
_____ 200__ ,

has been denied due to operational concerns. The following alternative date(s) are available at
this time: _____
(Supervisors: Insert at least one alternative date or similar time period that is close to the dates originally requested by the employee)

Since you must report for duty on the date(s) you originally requested leave, please select one of
the options below to resolve your compensatory time use request in another manner.

Supervisor Signature: _____ Date: _____

Employee's Choice

- I will use the compensatory time on the alternate date(s) suggested of _____
- I will keep the compensatory time on my books and request payment for any excess hours over 40 hours on either the April or October payout.
- I will keep my compensatory time on the books and submit a Schedule Transaction Form at another time.
- I will place the compensatory time on my current timecard and choose to be paid for the hours that were denied as time off (coded as 28).

Comments / Operational Concerns

- Minimum Staffing
- Expertise
- Emergency
- Special Mission or Project
- Other: _____