

# Police

## Department

- Compensatory time
- Sick leave
- Vacation leave

**Sec. 34-35. Workweek; overtime compensation; sick leave; vacation.**

- (a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this section, have the following meanings:
- (1) *Compensatory time or compensatory time off.* Hours during which eligible employees are not working and which are not counted as hours worked during the applicable workweek for purposes of overtime compensation and for which the employee's is compensated at the employee's regular rate.
  - (2) *Eligible employee.* All classified members of the police department subject to the provisions of article 1269m of the Revised Civil Statutes of Texas.
  - (3) *Overtime.* Time actually worked in excess of the 40 hours in a workweek.
  - (4) *Regular rate of pay.* The regular rate of pay shall include:
    - a. Base pay;
    - b. Longevity pay;
    - c. Educational incentive pay;
    - d. Assignment pay; and
    - e. Higher classification pay, where authorized.The term "regular rate of pay" shall not include compensation excluded under Section 7(e) of the Fair Labor Standards Act of 1938, as amended or the interpretative regulations and administrative or judicial opinions construing that section.
  - (5) *Time actually worked or actual work.* The time the employee is actually on duty or on a council declared holiday, on authorized sick leave, vacation leave, compensatory time off, death in the family leave or any other authorized leave. Hours spent by a police officer doing the work of an injured or ill police officer pursuant to section 26(h) of article 1269m shall not count as time actually worked for purposes of overtime compensation.
  - (6) *Workweek.* The workweek shall consist of a maximum of 40 hours of actual work within the consecutive 168-hour period beginning with the day shift Saturday.
- (b) Eligible employees shall have a regularly scheduled workweek of 40 hours on a schedule established by the department.
- (c) The police chief shall cause to be maintained accurate, complete and permanent records of all employee attendance and time actually worked during each workweek, and shall make reports of attendance and time actually worked as may be prescribed by the civil service commission. He shall certify the correctness of the reports. The reports shall be forwarded to the human resources department on a weekly basis.
- (d) All eligible employees shall be compensated for working overtime beyond their regularly scheduled workweek by the payment of either monetary compensation at the rate of 1½ times their regular rate of pay or compensatory time at the rate of 1½ hours for each overtime hour worked. The following shall apply to the payment of overtime compensation:
- (1) The chief of police or his designated subordinate shall verify that the overtime is needed to complete a required city service or operation.
  - (2) Any eligible employee shall elect to have his or her overtime paid in cash or compensatory time. Such election shall be made on a form prescribed by the chief and filed with the department's payroll clerk prior to the end of the applicable pay period. Failure to file the prescribed form will be deemed to be an election for compensatory time. Where overtime is paid in cash it shall be paid in the pay period in which it is earned or as soon thereafter as is possible, taking into consideration both the work cycle and the payroll system used.

- (3) Where the employee is granted compensatory time the following shall apply.
- a. The number of hours of compensatory time which may be accumulated shall not exceed 480.
  - b. Accrued compensatory time which is given must be used within 365 calendar days from the date accrued, provided that it does not unduly disrupt departmental operations. The police chief shall issue appropriate regulations governing the use of compensatory time.
  - c. Accrued compensatory time not taken within 365 days from the date of accrual shall be paid for, in cash, at the greater of:
    1. The employee's regular rate of pay over the last three years of employment by the city preceding the date of payment; or
    2. The employee's regular rate of pay as of the end of the pay period preceding the date of payment.Such payment shall be made in the pay period following the expiration of the 365-day period.
  - d. The police department shall maintain detailed records of the accumulation and use of compensatory time on a form prescribed by the human resources director.
  - e. Accumulated compensatory time shall be used in accordance with the first-in-first-out (FIFO) accounting principle.
  - f. Any compensatory time accrued prior to April 15, 1986 and not used shall be carried on the records of the department until such time as it is used by the employee. The employee shall be entitled to monetary compensation for any compensatory time accrued prior to April 15, 1986, subject to the preceding limitations and restrictions.
- (e) The police chief, or a designated subordinate may, subject to the operational requirements of the department, require an employee to work on a holiday subject to the following:
- (1) An employee who is scheduled to work on a holiday may be given a day off in the same workweek in lieu of the holiday or the employee shall receive half-pay in addition to regular pay for the hours actually worked on the holiday.
  - (2) An employee who is called to duty on a holiday by virtue of an operational emergency shall be paid time and one-half for the hours actually worked on such holiday in addition to regular pay for the holiday.
  - (3) Where an employee's regularly scheduled day off falls on a holiday, the employee shall, subject to the operational requirements of the department, be given a day off in lieu of the holiday.
  - (4) For purposes of scheduling a holiday where an employee is unable to take the holiday as specified in (e)(1) or (e)(3) above, a holiday shall have an hour value equal to the number of hours in the employee's regularly scheduled shift or workday. However, for purposes of computation of overtime, the holiday shall have a value of eight hours.
  - (5) When a council declared holiday occurs during any paid leave of absence (vacation, sick time, injury on duty, etc.) the holiday is considered observed and that day's absence shall not be charged against the paid leave.
- (f) The police chief may prepare and issue administrative guidelines to implement the provisions of section 26(h) of article 1269m wherein police officers are authorized to voluntarily do the work of an injured or ill police officer. The police department shall maintain records of all such assumed duty and the pay of the sick or injured police officer shall be continued only for that time during which a volunteer actually works on the behalf of the sick or injured police officer. This subsection shall provide the sole mechanism by which police officers may substitute themselves in the performance of the duties of another police officer.

- (g) Employees of the police department who are classified pursuant to chapter 143 of the Texas Local Government Code, shall be granted sick leave consistent with applicable provisions of state law and article III of chapter 14 of this Code.
- (h) Employees of the police department classified pursuant to article 1269m of the Revised Civil Statutes of Texas, shall earn 15 days of vacation with pay per year to be accrued at a rate of 1¼ days per month. After 15 years of service employees shall be entitled to a vacation according to the following schedule:
- 16 years .....16 days
  - 17 years .....17 days
  - 18 years .....18 days
  - 19 years .....19 days
  - 20 years .....20 days
  - 21 years .....21 days
  - 22 years .....22 days
  - 23 or more years .....22 days

Employees whose absences on authorized vacation leave are for periods other than a full working day as defined herein shall be assessed vacation leave in proportion to the number of full working days or fractions thereof they are absent.

*(Code 1968, § 34-19; Ord. No. 77-2411, § 2, 11-22-77; Ord. No. 86-490, § 1, 4-9-86; Ord. No. 96-1088, § 5, 10-23-96; Ord. No. 96-1290, §§ 23, 24, 12-4-96)*

# Exhibit XVI, Attachment F

## HPD CLASSIFIED PAID TIME OFF (PTO) PROGRAM PROGRAM DESCRIPTION

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- A. PTO will replace current MSP and CSL Sick Leave and Vacation Plans
- B. PTO will become effective September 1, 2001.
- C. Program Initialization
  - 1. Officer currently in CSL Plan
    - a. Will receive an initial balance based on the number of hours in his/hr CSL balance plus any matching hours to which entitled September 1, 2001. Balance will be available after year-end processing, which is done the first full pay period commencing in October.
    - b. CSL hours will be distributed as follows:

CSL Frozen Balance which will include 25% of CSL hours up to and including 1,040 hours, plus all hours over 1,040. Value will be calculated using hourly rate on September 1, 2001. Hourly rate in this case is defined as average of Base plus Longevity rates during period employee was in CSL Plan.

NVL Balance, comprised of the 75% of the original CSL hours (1,040 and under) not included in the CSL Frozen Balance. These hours will have no value and may only be used for sickness or injury when all other PTO and prior plan hours have been exhausted.
    - c. Personal Leave days will be accrued as Personal Leave, as under the current CSL Plan; they will not be added to the CSL Frozen balance.
  - 2. Officer currently in MSP Plan
    - a. Value of MSP hours for Benefit Year 2001 will be frozen. All MSP balances will remain, unchanged.
  - 3. All Officers
    - a. Vacation hours will assigned a frozen value of average rate of pay (Base + Longevity) for 60 days prior to September 1, 2001. If the Officer has received a higher average rate of pay for a different 60 day period, that rate will be used.

# Exhibit XVI, Attachment F

Balances will not be converted to PTO; each type (MSP, CSL, VAC, LTD) will be frozen and maintained separately to identify correct frozen value.

## D. New Employees

1. New employees will participate in the current CSL plan during Trainee (cadet) and Probationary periods.
2. Upon completion of Probationary period, matching hours and personal leave days will be accrued based on 1-year period immediately preceding first date as an Officer. [Although employees will be in CSL one year or more, they will not be in the plan a full Benefit Year, so will not be eligible to receive either accrual in normal year-end processing.]
3. Upon completion of Probationary period, employee CSL balances will be frozen as above (25% of hours times rate). Vacation balance will also be frozen.
4. PTO Accruals for a new employee will begin on the day he/she gets off probation.

## E. Accruals

1. Accruals will be biweekly. Accrual per day period will be determined by Central Payroll

### 2. Rate of Accrual

<u>Years of Service</u>	<u>Hours Accrued per Benefit Year</u>
Up to 5 <sup>th</sup> year	120 hours
5 <sup>th</sup> – 9 <sup>th</sup> years	160 hours
10 <sup>th</sup> – 14 <sup>th</sup> years	200 hours
15 <sup>th</sup> year	240 hours
16 <sup>th</sup> year and over	8 additional hours for each year to a maximum of 320 hours per year

3. Years of service for PTO are calculated from Compensation (CD) Date.
4. Accruals are per pay period, as shown, regardless of the number of hours in an Officer's work day.
5. At the end of the leave year, no later than the 1<sup>st</sup> pay period commencing in October, balance of unused hours accrued during the previous Benefit Year

# Exhibit XVI, Attachment F

(9/1 – 8/31) will be assigned a frozen value in the same way MSP rates are frozen now [average base + longevity during Benefit Year].

6. HOWEVER, if an Officer's Leave Balance (MSP+CSL+Vacation+PTO) exceeds 5,000 hours, the accrual for the year being valued will be limited to (120 hours). For an Officer with a balance over 5,000 who attempted but was unable to use leave prior to the end of the Benefit Year, a manual entry will be prepared by the Department's Payroll staff for the accrual adjustment.

## F. Usage

1. Usage will be taken from the earliest year frozen balance, proceeding to the next earliest year until all frozen balances have been exhausted (FIFO). Only after all frozen, valued accruals have been exhausted will usage be taken from any LTD balance.

## G. Payout at Termination

1. An Officer will be entitled to payment for all unused PTO, prior vacation, and prior sick plan time at the frozen rate(s) based on years of service from Hire Date. Payment will be 10% of total value for each completed year of service through 10<sup>th</sup> year, at which time payment will be at 100% of value.

1 complete year of service will be paid at 10% of frozen and current value  
2 complete years of service will be paid at 20% of frozen and current value

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10 complete years of service will be paid at 100% of frozen and current value

Example: employee hired 7/1/2001 would be entitled to 10% of total value of balances on 7/1/2002.

Reference Sections C1b, C2a, C3, and D3 for calculation of frozen values

2. Value of current year accruals will be Base + Longevity at time of termination.
3. Frozen and current balances are payable at 100%, regardless of length of service, for an Officer who goes on Disability Retirement or who dies in the line of duty.