



<b>WRITTEN DIRECTIVE</b>	No. PD14-0204	Page: 1 of 11
Subject:  EMPLOYEE COMPENSATION	Effective Date:	07-14-14
	Supersedes/ Amends:	PD10-0204
	Reference:	22.1.1, 22.2.2



**I. Purpose**

The purpose of this directive is to outline the compensation program for employees of the Lynchburg Police Department.

**II. Policy**

It shall be the policy of this department that employees will be compensated in compliance with the *Fair Labor Standards Act*, the *Code of Virginia* and guidelines established by the City of Lynchburg.

**III. Procedure**

A. CITY SALARY PROGRAM

22.1.1 A,B,C

1. All Lynchburg Police Department positions currently fall within the guidelines of the City's salary classification system (see the *City of Lynchburg Job Classification Listing*).
2. *General wage increases* are annual salary increases earned through regular job performance and based upon:
  - a. supervisory evaluations of employee job performance, and
  - b. related supervisory recommendations, and
  - c. the formula used by the City Human Resources Department regarding the *Pay for Performance* system.
3. *Promotional increases* are salary increases earned through a competitive process.

22.1.1 G, 22.2.2

4. Tuition assistance
  - a. Eligible employees may apply for tuition assistance for certain job-related educational expenses (see the *City of Lynchburg Tuition Assistance Program Policy*).

- b. All full-time classified civilian employees who have completed their initial employment period will be eligible to participate in the tuition assistance program.
- c. Police Cadets will be eligible to receive agency funding for up to four (4) college level classes per school year.
5. Department salary range assignments are reviewed annually by the City Human Resources Department, as part of an annual study of the City's compensation structure.
6. The Chief of Police may request reevaluation of an employee's salary range assignment or job description at any time he deems it appropriate (see the *City of Lynchburg Position Classification/Reclassification Policy*).

B. FAIR LABOR STANDARDS ACT (FLSA)

1. Employees of the Lynchburg Police Department exempted from provisions of the FLSA include:
  - a. the Chief of Police
  - b. the Deputy Chiefs
  - c. the Captains
  - d. the Information Systems Coordinator
  - e. the Programmer/Analyst
  - f. the Network Administrators
  - g. the Systems Analyst/Programmer
  - h. the Records Section Office Manager
  - i. any other exempt employees (sworn and civilian).
2. All other department employees are determined to be non-exempt in accordance with the FLSA.
3. Any time that a non-exempt employee works hours beyond or outside their scheduled work hours, the employee will be compensated with appropriate wages or time earned.

- a. For sworn non-exempt personnel, the department utilizes a 28-day work cycle with 160 regular scheduled work hours. All hours worked beyond scheduled work hours are compensable with overtime pay or compensatory time earned.
  - b. For civilian non-exempt personnel, the department utilizes the 7-day work cycle (Wednesday through Tuesday) with 40 regular scheduled work hours. In accordance with FLSA, non-exempt civilian employees are eligible for overtime compensation for productive hours worked beyond 40 hours in the work cycle.
4. Exempt employees may be eligible for overtime for special events or unusual circumstances deemed necessary by the Chief of Police.
  5. The department will honor paid leave requests by allowing the employee such leave within a reasonable time of the request, providing that such leave:
    - a. does not disrupt the operations of the department, *and*
    - b. is compatible with scheduling demands.

**22.1.1 F****C. COMPENSATION DEFINITIONS**

1. Definitions:
  - a. *Scheduled Work Hours* shall be defined as those work hours that result from the employee's normal tour of duty. This category of work hours includes the following:
    - 1) Regular work hours
    - 2) Training
    - 3) Temporary duty
    - 4) Paid leave time (administrative, compensatory, funeral, holiday, injury, military, personal, sick, sick dependent, stand-by, vacation, workers compensation)
    - 5) Police canine care and maintenance

- b. *Overtime Hours* shall be defined as those hours worked outside the employee's scheduled work hours that do not contribute to the employee's productive hours worked in the work cycle. This category of work hours typically includes (but is not limited to) the following:
- 1) Backfill resulting from staffing shortages
  - 2) Call back and call back "travel time"
  - 3) City special events (paid at the employee's overtime rate or the current off-duty employment minimum hourly rate, whichever is higher)
  - 4) Court attendance
  - 5) Court-funded background investigations
  - 6) Extension of duty
  - 7) Grant-funded enforcement activities (i.e. D.U.I. Enforcement)
  - 8) Out-of-town transports (i.e. T.D.O. transports)
- c. A *tour of duty* shall be defined as that regularly scheduled period of time between the daily beginning and ending of an employee's assigned duties.
- 1) Tour of duty hours may vary depending on assignment and bureau or divisional policy
  - 2) Supervisors may adjust employee work schedules/duty tours as necessary for department operations.
- d. *Productive hours* shall refer to:
- 1) all hours, except sick leave, for civilian employees
  - 2) all hours for sworn personnel in accordance with City Policy (Employee Compensation).

#### D. GENERAL COMPENSATION GUIDELINES

1. All departmental employees are eligible for compensation of overtime hours in accordance with FLSA and the Code of Virginia except for those employees identified in III.B.1 as exempt employees.

2. Approval of overtime hours:
  - a. Any compensation for overtime hours described in this directive must have the approval of the division captain/unit lieutenant, or supervisor in which the request originates.
  - b. An employee may not work before or beyond the assigned tour of duty without prior approval.
    - 1) Assigned or dispatched calls that cause an employee to work past their tour of duty will be deemed approved.
    - 2) A witness summons issued by an officer of the court is considered to be prior approval.
  - c. Any overtime other than that described in this directive must have the prior approval of the Chief of Police.
3. An employee shall *not* be authorized overtime hours for off-duty time spent in connection with an activity which is voluntary in nature, to include:
  - a. participation in a promotion or selection procedure
  - b. interviews regarding transfer or promotion
  - c. attending a training program or college course which is not required or department-sponsored
4. Overtime hours will be compensated in accordance with the FLSA and the Code of Virginia:
  - a. All approved overtime hours will be calculated in increments of 1/2 hour.
  - b. All approved overtime hours will be compensated at one-and-one-half times the employee's hourly pay rate or as compensatory time earned at one-and-one-half the hours worked at the employee's discretion (excluding grant-funded activities and city special events, both of which must be paid at one-and-one-half times the employee's hourly pay rate).
5. A non-exempt employee who is required by the department to report to a scheduled function (staff meeting, departmental inquiry, polygraph examination, etc.) outside their normal work hours shall be authorized compensation as follows:

- a. The employee shall be authorized a minimum of one and one-half overtime hours, *unless* the employee is on:
    - 1) administrative leave
    - 2) sick leave
    - 3) injury leave
    - 4) funeral leave
    - 5) military leave
    - 6) worker's compensation leave
    - 7) any other form of leave not specified in III.F.1.c.
  - b. Should such duty exceed one and one-half hours, the employee shall be authorized compensation based on the amount of actual time involved from the time reported for duty until the time relieved of duty.
  - c. The meeting must be scheduled at least 24 hours in advance or it will be considered a call-back to duty.
6. In extenuating circumstances, employees who are eligible for overtime pay may be required to:
    - a. earn compensatory leave at one-and-one-half times the actual time worked in lieu of overtime pay, *or*
    - b. receive overtime pay in lieu of compensatory leave at one-and-one-half times the employee's hourly pay rate.

**22.1.1 E****E. COMPENSATORY LEAVE EARNED**

1. Compensatory leave may be earned at one and one-half times the actual hours worked in lieu of overtime pay:
  - a. as authorized by an employee's immediate supervisor, and
  - b. in compliance with the conditions and restrictions specified in III.E.2 and 3.
2. Calculation of compensatory leave earned based on actual time spent in performance of an approved function will be calculated in increments of ½ hour.

3. Sworn employees shall not accumulate more than 120 hours and civilian employees shall not accumulate more than 60 hours of compensatory leave earned. Once the maximum hours of compensatory leave earned at one and one-half times is reached, overtime must be paid in instances when an employee requests earned compensatory leave.

**22.1.1 F****F. COMPENSATION FOR COURT APPEARANCES**

1. Eligible employees will receive overtime *compensation* for all job-related court appearances occurring:
  - a. on a work day but outside the employee's scheduled work hours, or
  - b. while the employee is on a regular day off, or
  - c. while the employee is on any of the following types of leave:
    - 1) compensatory leave
    - 2) holiday leave
    - 3) personal leave
    - 4) vacation leave
2. An employee will *not* be eligible for court compensation if on one of the following forms of leave at the time of the court appearance:
  - a. injury leave
  - b. funeral leave
  - c. military leave
  - d. worker's compensation leave
  - e. administrative leave with pay
  - f. any other form of leave not specified in III.F.1.c
3. An employee shall be authorized court compensation based on the actual time spent in court in excess of the employee's scheduled tour of duty (e.g. an employee required to remain in court past the end of the assigned shift).

4. An employee shall be authorized a minimum of 1 1/2 hours court compensation if required to appear in court:
  - a. while on a regularly scheduled day off or on paid leave as specified in III.F.1.c, or
  - b. after the completion of a tour of duty, or
  - c. at least one and one half hours before a scheduled tour of duty.
  - d. Should the actual time spent in court exceed one and one half hours, the employee shall be authorized court compensation based on the actual time involved (so long as the court appearance does not extend into the employee's scheduled tour of duty).
5. An employee appearing in court as outlined in III.F.4 above will begin to be compensated for their appearance fifteen minutes prior to the scheduled court appearance.
6. An employee required to appear in court less than one and one half hours prior to a scheduled tour of duty shall be authorized either:
  - a. a minimum of one hour court compensation, *or*
  - b. court compensation based on the actual time involved, whichever is greater.
7. When an employee is required to appear in more than one court session during the same day, the following policies will apply:
  - a. When the court sessions convene within two hours or less of each other, the employee shall be authorized either:
    - 1) a minimum of 1 ½ hours court compensation, or
    - 2) court compensation based on the amount of actual time involved, whichever is greater.
  - b. For court sessions convening more than two hours apart, the employee shall be authorized a minimum of 1 ½ hours court compensation for each court session.
  - c. Only one court session is involved when the court takes a recess and the employee is required to return, unless the court reconvenes on a subsequent day.

8. An employee required to appear in a civil case which resulted from or involved on-duty performance of duty will be authorized court compensation: *the employee shall not accept any other compensation for testifying in a civil case resulting from on-duty activities.*
9. Exempt employees will be eligible to receive court pay when court appearances occur outside their normal tour of duty.

#### G. COMPENSATION FOR CALL BACK

1. An employee called back to duty prior to the start of a scheduled duty tour, while on a regularly scheduled day off, while off on compensatory, holiday, personal or vacation leave, or after completion of the assigned tour of duty shall be authorized overtime pay based on:
  - a. the time the employee reports for duty until the time the employee's regular tour of duty begins, *or*
  - b. the actual time involved in performance of the assignment.
2. An employee called back to duty also receives 45 minutes of travel time at their overtime rate in addition to actual time involved in performance of the assignment. Travel time compensation must be taken as overtime pay.
3. In the event that an employee receives more than one "call back" during the same day, the employee will be eligible for call back and call back travel time for each time they are subject to call back.

#### H. FLEXIBLE SCHEDULING

1. *Flexible Scheduling* shall be defined as the practice of altering the employee's regular work schedule without affecting the total number of hours worked during the work period.
2. An employee may be relieved from a regular tour of duty and assigned to work certain hours for training, temporary duty, or a special event.
3. The flexing of the schedule should be as close to an hour-for-hour trade as possible and must occur during the same 28-day work cycle.

#### I. OTHER COMPENSATION

1. The Chief of Police may make temporary acting appointments for positions vacant due to:
  - a. resignation or retirement,
  - b. termination,

- c. extended leave, or
  - d. long-term training.
2. For acting appointments meeting the nature and time-in-position criteria set by City policy, the acting pay of the acting appointee will be adjusted for the duration of the appointment to the minimum salary of the grade in which appointed or to 10% above the employee's base salary, whichever is greater.
  3. If an employee is in an acting capacity on the employee's merit date, any salary action taken as a result of merit will be based on the employee's performance in the non-acting position and will be calculated using the employee's base salary.
  4. The Chief of Police or his designee will be responsible for notifying City Human Resources and the Payroll FT III in the LPD Financial Office in writing to begin acting pay for an acting appointment, and to remove the acting pay at the end of acting status.

#### J. RECORD KEEPING SYSTEM

##### 22.1.1 F

1. Employees shall document overtime hours for which payment or time earned is requested by means of the department T&D Form.
  - a. The employee is responsible for completing the T&D form, using black ink, when requesting compensation for:
    - 1) call back,
    - 2) court attendance, or
    - 3) other overtime pay (see section III.C.1.b).
  - b. The T&D form will be submitted by the employee to their immediate supervisor as soon as possible upon the completion of the work.
  - c. The immediate supervisor will ensure that all forms are accurate and complete, and will *sign* and date each form once approved.
2. Each employee will be responsible for the accuracy of the information recorded on their *Time and Distribution (T&D) Record*.
3. Each Division Captain or unit supervisor will be responsible for documenting the T&D information for employees under their supervision.
  - a. All attendance data will be recorded on the T&D record.

- b. Employees will be compensated based upon the information provided on the T & D record.
- 4. For any compensation requested after the end of the pay period:
  - a. The employee must personally submit (with explanation for the delay) a T&D form requesting the compensation to their immediate supervisor for approval.
  - b. The employee may be required to take compensatory leave in lieu of overtime pay.
- 5. The Division Captain or unit supervisor will maintain all written T&D forms in a secure file for a period of three years or until audited, whichever is sooner.
- 6. All computerized T&D information will be maintained for a period of five years by a Department Systems Analyst or until audited, whichever is sooner.

*Original Signed*

---

Parks H. Snead  
Chief of Police

July 14, 2014

---

Date