

General Order

Houston Police Department



ISSUE DATE:

May 23, 2018

NO.

200-26

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-26, dated February 15, 2006

SUBJECT: WORKDAY AND WORKWEEK

POLICY

All employees, regardless of exempt status, are accountable for working a full shift. This General Order applies to all employees.

DEFINITIONS

Adjusted Days Off. A variation from an employee's regularly scheduled days off as posted on the employee's current divisional personnel record. The variation must occur within the same workweek.

Adjusted Shift. A variation from a nonexempt employee's regularly scheduled shift as posted on the employee's current divisional personnel record. The variation must occur within the same workday.

Buddy Punching. A prohibited action when someone modifies his own, or has another person modify his or another person's time card, whether electronic or manual. Such action may include punching into the time system for an employee who is not at work at that time. The only person who may punch in for the employee is the individual employee. Using someone else's card or punching in for someone else is considered, at a minimum, to be theft of City time and falsification of a government record.

Exempt Employee. For the purposes of this General Order, an exempt employee is either a civilian employee whose job classification is exempt from the Fair Labor Standards Act (FLSA) overtime requirements and has been designated as such by the City of Houston Human Resources Director and the Civil Service Commission, or a classified employee who holds the rank of lieutenant or higher or classified pay grade VII or higher.

Flextime or Flexing. The adjustment of regular workday hours (e.g., 8- or 10-hour shift) by an exempt employee to make up for a reduced workday or an extended workday.

Nonexempt Employee. An employee eligible for overtime compensation. For the purposes of this General Order, a nonexempt employee is either a civilian employee whose job classification is covered by the FLSA overtime rules and has been designated as such by the City of Houston Human Resources Director and the Civil Service Commission, or a classified employee who holds the rank of sergeant or below.

Pay Period. A 14-calendar-day period beginning at 0500 hours on the Saturday in the week before a department payday Friday and continuing through 0459 hours on the Saturday in the week following that payday Friday.

Police Personnel System (PPS). A computer system used by the department to manage employee records such as general employee information, emergency contacts, assignment,

classification, transfer history, weapons qualification, commendation history, and disciplinary history. PPS provides employee information to other computer systems in HPD as needed.

Police Roll Call and Equipment (PRE) System. A computer system used by the department to manage roll call information, *Red Book* entries, and equipment assignments.

Reporting Period (a.k.a. Workweek). For purposes of this General Order, a reporting period begins at 0500 hours on a Saturday and ends at 0459 hours the following Saturday. All hours shall be reported in 15-minute increments.

1 WORKDAY

The standard workday for full-time, nonexempt employees is eight hours of performing job-related duties. An exception to the standard workday of eight hours for full time, nonexempt employees requires the approval of the Chief of Police (e.g., 40 hours worked over four ten-hour regularly scheduled shifts).

The standard workday for exempt employees is typically comprised of an eight-hour shift unless flextime has been approved (see section 5, *Flextime*). Consistent with the principles of public accountability under Title 29 of the Code of Federal Regulations (C.F.R.) Sec. 541.710, exempt employees who work less than their regularly scheduled workday (e.g., 8- or 10-hour shift) must account for the time through (1) approved paid leave, (2) flexing their schedule with prior supervisor approval as described in section 5, *Flextime*, or (3) docking their salary.

Commanders shall set appropriate shift beginning and ending times to accomplish management objectives.

An employee's mealtime period shall be counted as *time actually worked* when computing the hours in a workday. Meal period restrictions are outlined in General Order 200-27, **Meal Period**. In all other instances, the amount of time an employee spends performing activities not related to their duties shall not be counted toward the hours required for the workday.

Employees are required to be at their assigned post, completely dressed in proper attire, and ready to perform the work of their assigned job function at the start time of their workday, shift, or assignment. Employees shall notify their supervisor of any delays in reporting to an assigned post.

2 WORKWEEK

The workweek for full-time nonexempt employees and exempt civilian employees consists of 40 hours of *time actually worked* within a consecutive 168-hour period beginning at 0500 hours on a Saturday and ending at 0459 hours the following Saturday.

The standard workweek for exempt classified employees consists of 40 hours of *time actually worked* within a consecutive 168-hour period as described above, unless flextime has been approved. See section 5, *Flextime*.

Exempt classified employees shall refer to General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**, for further clarification.

Overtime compensation for nonexempt classified employees shall be handled in accordance with General Order 300-07, **Overtime Compensation – Classified**. Overtime compensation for nonexempt civilian employees shall be handled in accordance with General Order 900-07, **Overtime Compensation – Civilian**.

3 REGULAR DAYS OFF

An employee usually works five days and receives two regular days off in each workweek. The regular days off shall be consecutive and the same from week to week unless the employee and the division commander agree to a variation for the employee's benefit.

4 ADJUSTED SHIFT AND/OR DAYS OFF

Federal and state law and the Meet and Confer Agreements recognize the department's right to manage an employee's assignment, shift, and days off for the best interest of the department and the community, and to ensure that all essential police services are provided.

Although employees are assigned regularly scheduled shifts and regular days off, the department may adjust employees' shifts and/or days off, whether for classified or civilian employees, based on operational requirements.

The department may, based on operational requirements, adjust the shift and/or days off of officers assigned to Method B positions on a regular basis.

The department may adjust the shifts and/or days off of officers assigned to Method A positions when exceptional circumstances arise such as emergency conditions or the scope of an event requires officers in Method A positions. In these rare instances, adjusting the shifts and/or days off of officers assigned to Method A positions requires prior approval by the concerned executive assistant chief.

The occasional adjustment of an employee's shift and/or days off at the employee's request requires prior approval by the employee's supervisor.

Officers attending on-duty training shall abide by the department's policies regarding overtime compensation. See General Order 300-07, **Overtime Compensation – Classified**.

Exempt classified employees holding the rank of lieutenant or captain or classified pay grade VII or IX attending on-duty training shall abide by the department's policies regarding exempt time compensation and exempt time credit. See General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**.

Civilian employees attending on-duty training shall abide by the department's policies regarding overtime compensation. See General Order 900-02, **Training – Civilian** and General Order 900-07, **Overtime Compensation – Civilian**.

Kronos® is the City of Houston's time and attendance system. Any adjusted shift for nonexempt employees must occur within the same workday. Adjusted shifts for nonexempt employees must be recorded in the Kronos system by an employee's supervisor or division timekeeper.

Any adjusted days off for exempt employees and nonexempt employees must occur within the same workweek. Adjusted days off must be recorded in the Kronos system by an employee's supervisor or division timekeeper.

5 FLEXTIME

Flexing of an exempt *classified* employee's workday (i.e., changing the hours or duration of the shift) may be allowed if all of the following are true:

- a. The flexing of time has prior approval by the supervisor.
- b. The hours *flexed* are accounted for within 14 *calendar* days following the date of the initial flexed time.
- c. No exempt time compensation or exempt time credit has been approved for the hours flexed unless the exception outlined in General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**, applies.
- d. The flexing of time does not violate the directives of General Order 300-36, **Exempt Time Compensation and Exempt Time Credit**.

Flexing of an exempt *civilian* employee's workday (i.e., changing the hours or duration of the shift) may be allowed if both of the following are true:

- e. The flexing of time has prior approval by the supervisor.
- f. The hours flexed are accounted for within the same workweek.

Flextime approval is not guaranteed and may be granted only if it does not negatively impact the operations of the department. Approval is at the discretion of the exempt employee's supervisor.

6 COMPLIANCE

Unless flextime has been approved as set forth herein, all employees shall work the full length of their approved workday and full workweek. It is the responsibility of commanders to ensure that all employees comply with this policy.

All commanders shall develop work schedules for all units, offices, and divisions under their direction and submit them to the Chief of Police. In executing this policy, all personnel shall comply with the Fair Labor Standards Act (FLSA).

All department entities shall utilize the Police Roll Call and Equipment (PRE) System and the Police Personnel System (PPS) to record and maintain the following data:

- a. Divisional personnel data
- b. Divisional equipment records
- c. Roll calls

7 BUDDY PUNCHING

“Buddy Punching” is strictly prohibited. It is not considered buddy punching when a timekeeper or supervisor makes an entry in Kronos to make necessary adjustments to avoid errors or omissions. If a nonexempt civilian employee is unable to punch in or out because of a time clock malfunction, network problem, or accidental oversight, the employee shall as soon as possible inform the appropriate supervisor or timekeeper.

8 KRONOS

Kronos is used to record the time and attendance for both classified and civilian employees.

Nonexempt Civilian Employee Responsibilities

Nonexempt civilian employees shall clock in and out at the beginning and end of their shift. Nonexempt civilian employees with an Internet enabled workstation shall use Kronos on their computer to clock in and out. However, with approval from a supervisor and under certain circumstances (e.g., training or working at an off-site location), nonexempt civilian employees may (1) report time worked to their supervisor or timekeeper, (2) use on-site time clocks, or (3) make use of a telephone time entry system, if available.

Nonexempt civilian employees required to log in, clock in, or scan in at a location other than their regular assigned post shall immediately report to their assigned post after doing so.

If a nonexempt civilian employee is unable to punch in or out because of a time clock malfunction, network problem, or accidental oversight, the employee shall as soon as possible inform the appropriate supervisor or timekeeper.

In the case of a time clock malfunction and in the absence of a supervisor and timekeeper, the nonexempt civilian employee shall call the Payroll Services Help Desk using the telephone number located on the time clock to report the malfunction.

Timekeeper/Supervisor Responsibilities

When notified by nonexempt civilian employees they are unable to punch in or out because of a time clock malfunction, network problem, or accidental oversight, the supervisor or timekeeper who is notified shall manually clock the employee in or out. However, when a timekeeper is notified about a time collection problem, prior to manually clocking the employee in or out, the timekeeper shall verify a supervisor has approved the manual entry.

To ensure Kronos is updated in a timely manner for the *pay period*, supervisors shall submit to their timekeepers any needed time adjustments or overtime worked or personal leave taken by employees under their command before the end of each *pay period*. This applies to classified and civilian employees. Timekeepers shall enter into Kronos all approved time adjustments, overtime worked, and personal leave taken by employees in their division before the end of each pay period.

9 MAXIMUM WORK HOURS

16-Hour Limit

Employees shall not work more than 16 hours in any continuous (rolling) 24-hour period measured in 15-minute increments (this includes days off). For example, a 24-hour period is measured from 0000 hours to 0000 hours, then from 0015 hours to 0015 hours, 0030 hours to 0030 hours, and so on. Using this concept, a 24-hour period may encompass a portion of one day and a portion of the next day.

Exceptions to this rule may be approved by only a lieutenant (or civilian equivalent) or higher *prior* to the employee exceeding the 16-hour limit. The approval may be granted only when the need for the employee to exceed the 16-hour limit is essential to the department's mission or if not allowing the employee to exceed the 16-hour limit could be detrimental to the department's interests.

Departmental sponsored overtime initiatives, Strategic Officer Staffing Program (SOSP), or other department related activities do not automatically justify approval to exceed the 16-hour limit. The intent behind the 16-hour work limit is to provide employees the opportunity to obtain an appropriate amount of rest between work periods. Therefore, exceptions to the 16-hour work limit should be infrequent and restricted.

When an employee is required to attend court and attending court will cause the employee to exceed the 16-hour limit, the employee shall attend court as required unless the employee is disregarded or placed on on-call status as described in General Order 300-25, **Court Attendance and Compensation**. Court attendance is an exception to exceeding the 16-hour limit only when it occurs at the end of the maximum work hour period.

For example, if an officer works a regular 10-hour shift then works 6 hours of overtime, the officer shall still attend court. However, if an officer works a regular 10-hour shift, then has 6 hours of court time, any additional work except for court attendance within the continuous (rolling) 24 hours is strictly prohibited and would be in violation of the 16-hour limit.

See the *Attachment* of this General Order, which provides a visual display of an example of an employee's hours worked over a 48-hour period and shows a violation of the 16-hour limit in a rolling 24-hour period.

Employees who have exceeded or may exceed 16 hours worked in any continuous 24-hour period shall not work lag overtime *prior* to court without authorization from the on-duty shift commander who is a lieutenant or higher. When shift commanders approve lag overtime, they must sign the officer's overtime request form noting they are aware of the number of hours the officer has worked. See General Order 300-25, **Court Attendance and Compensation**.

Employees are prohibited from working lag overtime, SOSp, any other form of overtime, or extra employment *after* the court appearance when the 16-hour limit has been exceeded.

168-Hour Limit

Employees shall not work more than 168 hours in any two-week period consisting of the current *reporting period* and the last *reporting period*. Exceptions to this rule may be approved by only a division commander (or civilian equivalent) or higher *prior* to the employee exceeding the 168-hour limit.

When an employee is required to attend court and attending court will cause the employee to exceed the 168-hour limit, the employee shall attend court as required. Employees are prohibited from working lag overtime or any other form of overtime or extra employment *after* the court appearance when the 168-hour limit has been exceeded.

Calculation of Maximum Work Hours

When calculating the *maximum work hours* (i.e., 16-hour limit and 168-hour limit), the work hours shall include, but are not limited to:

- a. Employee's assigned shift
- b. Adjusted shift hours worked
- c. Call-up time involving compensable hours as provided in General Orders 300-07, **Overtime Compensation – Classified** and 300-36, **Exempt Time Compensation and Exempt Time Credit**, and call-back pay hours as provided in 900-07, **Overtime Compensation – Civilian**
- d. Court time
- e. Extra employment
- f. Flextime worked
- g. Overtime worked
- h. Lag overtime worked
- i. Special enforcement programs
- j. SOSp
- k. Volunteer time

Paid leave hours (PTO, PD, etc.) shall not be used in the calculation process.

Avoiding Violations

Prior to reporting to their next regular shift, employees who have exceeded a work hour limit shall notify an on-duty shift commander or division commander, as applicable, that they have

exceeded the maximum work hours. The employee may be allowed to work only if authorized as noted above in this section, *Maximum Work Hours*. Otherwise, the employee shall be required to take off and use whatever form of accrued time the employee chooses, excluding unscheduled leave related to a health related issue.

Violations

All violations of the maximum work hours shall be handled as outlined in the department's *Corrective Action Manual*.

10 LEAVE REQUESTS

Whenever a timekeeper or Payroll Services of the Administration and Regulatory Affairs Department enters leave for an employee and that leave is in excess of the balance in the requested bank, the timekeeper shall first follow item (a) below. If the employee is unavailable, the timekeeper shall then follow item (b) below. However, Payroll Services shall follow only item (b).

- a. Contact the employee to determine from which bank the time is to be deducted.
- b. Automatically take the time from the following banks in the below listed order, emptying each bank in turn until the requested amount is met. Time taken should be the time that expires if not taken, then time from the least valued to the most valued.
 1. Personal Days (Classified)
 2. Personal Leave Hours (Civilian)
 3. Floating Holiday (full-day increment only) (Classified and Civilian)
 4. Exempt Time Credit (Classified)
 5. Frozen Compensatory Time (Classified)
 6. Compensatory Time (Civilian)
 7. Accrued Holiday Hours (Civilian)
 8. Deferred Holiday Time (Classified)
 9. Compensatory Time (Classified)
 10. Paid Time Off (Classified)
 11. Vacation (Civilian)

Wellness hours and sick leave hours are special purpose hours and must be specifically requested by the civilian employee.

If there is insufficient accrued time to cover the request in all applicable banks, the employee's timekeeper or supervisor shall make an effort to contact the employee so the employee may return to work before being docked or handled as Absent Without Leave (AWOL) or Absent Without Permission (AWOP) (see General Orders 300-09, **Absence from Duty – Classified** and 900-01, **Absence from Duty – Civilian**). If the employee cannot be contacted, the employee's supervisor shall handle the situation as warranted.

If an employee is absent more than 14 consecutive *calendar* days in which AWOL or AWOP codes are entered for such absence, supervisors and timekeepers shall immediately notify their division commander. Division commanders or their designee shall contact Payroll Services of the Administration and Regulatory Affairs Department to notify them of such absence so the employee does not accrue paid leave.

11 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-27, **Meal Period**

300-07, **Overtime Compensation – Classified**

300-25, **Court Attendance and Compensation**

300-34 **Strategic Officer Staffing Program**

300-36, **Exempt Time Compensation and Exempt Time Credit**

900-07, **Overtime Compensation – Civilian**

Meet and Confer Agreement (Civilian and Classified)

City of Houston Administrative Procedure 2-4 Revised, Electronic Timekeeping Policy

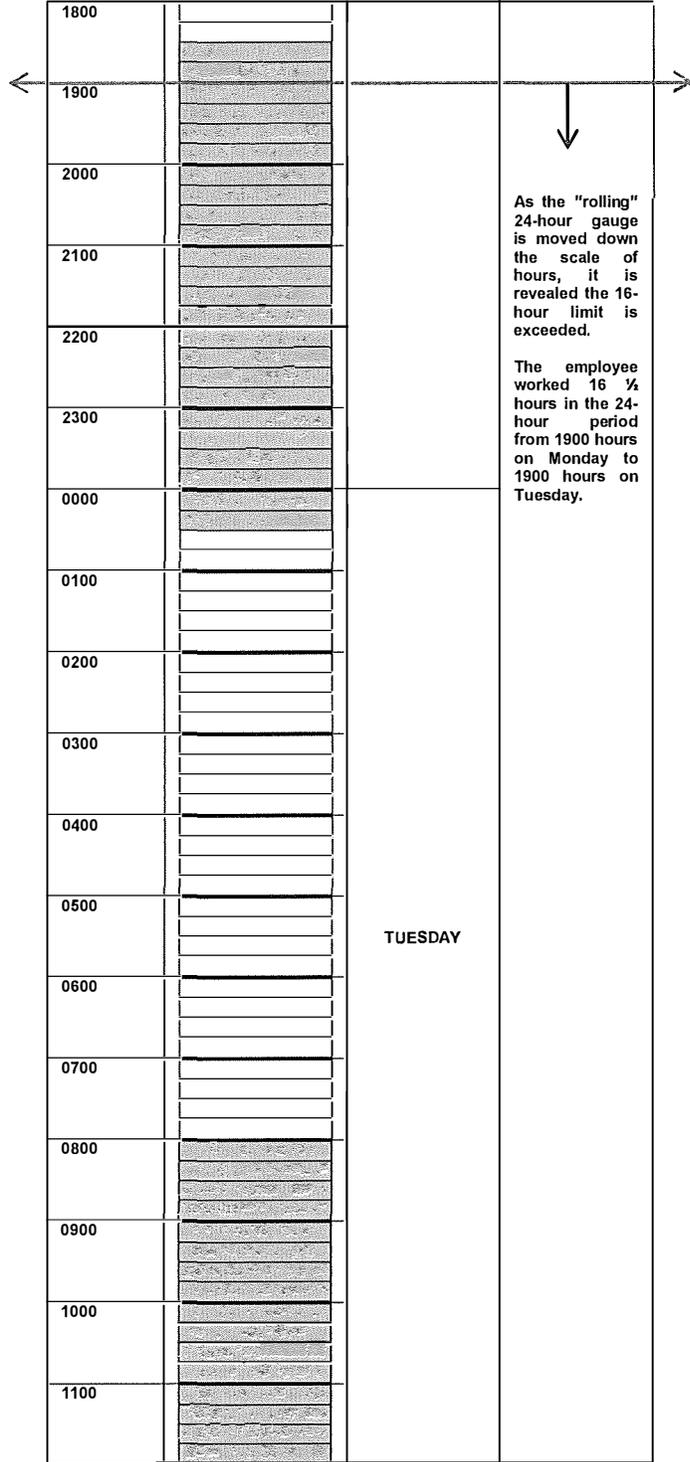


Art Acevedo
Chief of Police

ATTACHMENT GENERAL ORDER 200-26, WORKDAY AND WORKWEEK 16-HOUR LIMIT

The following provides a visual display of an employee's hours worked over a 48-hour period. The illustration is divided into 15-minute increments under work hours. The hours worked are shaded gray. A rolling 24-hour period is shown between the horizontal arrows.

Time	Work Hours	Day	16-hour limit
0000		MONDAY	
0100			
0200			
0300			
0400			
0500			
0600			
0700			
0800			
0900			
1000			
1100			
1200			
1300			
1400			
1500			
1600			
1700			



As the "rolling" 24-hour gauge is moved down the scale of hours, it is revealed the 16-hour limit is exceeded.

The employee worked 16 1/4 hours in the 24-hour period from 1900 hours on Monday to 1900 hours on Tuesday.

**ATTACHMENT
GENERAL ORDER 200-26, WORKDAY AND WORKWEEK
16-HOUR LIMIT**

1200			
1300			
1400			
1500			
1600			
1700			
1800			
1900			
2000			
2100			
2200			
2300			