



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Court Overtime

Eff. Date 01/31/2023

### Purpose

To clarify the contractual compensation and payroll entries associated with court testimony in person and via telephone as well as court cancellation provisions.

### Procedure

#### WHEN AN EMPLOYEE IS SUBPOENAED FOR COURT DURING NON-DUTY TIME

- Employees who are under subpoena and physically appear in court to provide testimony, including revocation hearings, will use the overtime work code **OT Court**.
- Effective January 2019, the Court Standby Memorandum of Understanding (MOU) with the Madison Professional Police Officers Association (MPPOA) codified that employees who are under subpoena and directed to provide testimony by telephone will be compensated pursuant to standard contract provisions as if they had reported for duty to testify.
- When employees are asked to meet in-person with the prosecutor to prepare in advance of subpoenaed testimony, the work code is OT General and the detail code is TRP (or PTRP).
- If officers are called to testify in either an emergency detention or emergency detention return hearing, the appearance will be compensated in the same manner as other court testimony regardless of the issuance of a subpoena.

#### Regular Day Off (RDO), Bereavement, or Vacation Day:

- If court attendance is on an regular day off (RDO), bereavement leave day, or vacation day, the correct detail code is CRDO or PCRDO.

#### Regularly Scheduled Work Day (including leave usage other than Vacation and Bereavement Leave) or Compensatory Overtime Accrued (COA/Comp) Day

- For any shift beginning before 8:00 PM (1st, 2<sup>nd</sup>, or 3<sup>rd</sup> detail personnel), the appropriate detail code is either COU or PCOU.
- For any shift beginning 8:00 PM or later (4th or 5th detail personnel), the appropriate detail code is COU3 or PCOU3.
- If an employee is scheduled for court during regular work hours when leave time (other than vacation or bereavement leave) is used, no overtime is earned. Instead, the leave time will be reduced to accommodate court attendance during regularly scheduled work time.
- Examples of leave types other than vacation and bereavement leave include the following: sick, exigent, administrative, Family Medical Leave Act (FMLA), City-paid parental leave, military, earned time, worker's comp, and Field Training Officer (FTO), and wellness days (referring to MPD wellness days accompanied by an appointment with a provider, which is different from the Floating Wellness Days for MPPOA and AMPS members).

#### Floating Wellness Day (MPPOA Only):

- If on a floating wellness day approved outside of the vacation pick process and if court occurs during regular shift or ordered in for an emergency during regular shift, leave time would be adjusted accordingly (time worked becomes regular time and leave time would be reduced by the amount of time worked).
  - If the floating wellness time was scheduled during the annual vacation pick process as part of the 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> pick vacation, court-related overtime is the only type of overtime which can overlap with floating wellness time.
- Phone calls are covered under Article VIII, E, 5 of the MPPOA contract that covers payment for off-duty phone calls regarding testimony. When contacted by phone by the prosecutor, for trial prep or

scheduling, the employee is eligible for overtime if the call is longer than 10 minutes. The employee enters the exact duration of the phone call as follows:

- The appropriate overtime code is OT Misc OT Pay; the detail code is TRP (or PTRP).
  - The employee is paid for the exact time of the phone call only - no minimum call back to duty times apply.
  - Trial prep which occurs virtually will be treated the same as if it had occurred over the phone, and thus should be entered as OT Misc OT Pay (TRP or PTRP). Trial prep which occurs in-person should be coded as OT General (TRP or PTRP).
- If an employee is under subpoena but placed on “stand-by” (not required to physically appear for the duration of the subpoena but must be available during certain periods), the correct overtime code is **OT Standby – Court**. The detail code is STB (or PSTB).
    - a) Officers will receive a minimum two (2) hours of pay or compensatory time at the rate of time-and-one-half their regular rate of pay for each calendar day that they are under subpoena and put on “stand-by” (“Stand-by” time periods may not directly reflect the time periods on the written subpoena).
    - b) If an officer is on “stand-by” for a period that extends beyond two (2) hours, the officer is entitled to an additional one-third (1/3) of an hour of compensation (rate of time-and-one-half their regular rate of pay) for each hour that they are under subpoena and on “stand-by”. If the officer is not contacted and released from their “stand-by” status, they are presumed to be released at 4:30pm, unless specifically directed otherwise.
    - c) If an officer is under subpoena and on “stand-by” and is then called to physically appear, standard contractual compensation provisions will apply. The officer will receive hourly compensation under (b) for time on “stand-by” prior to court appearance, but will not receive the two (2) hour minimum compensation mentioned above under (a).
    - d) If an officer is under subpoena and on “stand-by” during a time period immediately before or after their regular shift for a period of two (2) hours or less, they will not receive the minimum compensation under (a), but will receive compensation only for the actual time on “stand-by” (rate of time-and-one-half their regular rate of pay).
    - e) Employees receiving compensation for “stand-by” are not eligible for court cancellation compensation.
    - f) If an officer is under subpoena and is directed to provide testimony by telephone, they will be compensated pursuant to standard contract provisions as if they had reported for duty to testify. This only applies to testimony provided by telephone pursuant to a subpoena and does not apply to other telephone communication (trial preparation, scheduling, etc.).
    - g) An OT Standby – Court entry will need to be entered in TeleStaff by an officer for each calendar day directed to be on “stand-by”. The work code defaults to the hours 08:00 to 16:30, requires a detail code, a case number and name in the note field, and will need to be approved by a supervisor.
  - **Court for OT Extraordinary cases:**
    - When a case number is designated as OT Extraordinary, all overtime for this case number – including overtime earned at a later date for investigations, court, and debriefings – should be classified under the extraordinary case code. The one exception is court cancellation, which would always be OT Court/COL or PCOL.
    - For in-person trial prep, the work code should be OT Extraordinary with the same detail code as the original case (example: OT Extraordinary/HOM).
    - For virtual/phone trial prep, the work code should be OT Misc OT Pay with the same detail code as the original case (example: OT Misc OT Pay/HOM).

## LESS THAN 24 HOUR NOTICE OF COURT CANCELLATION

- If an employee is subpoenaed to attend court and is later notified they will be testifying by phone, they can enter overtime for court cancellation if the notification was less than 24 hours notice. (Note:

an employee is only eligible for court cancellation overtime, if court was scheduled outside of normal working hours, on a regular day off, or on a vacation or bereavement leave day.)

- If an employee has a court cancellation and then testifies by phone, they can only enter one type of overtime. Either they are paid the minimum 2 hours for a court cancellation or they are paid the time of the phone testimony - the employee cannot request both.
- Court cancellations are as follows:
  - The work code is OT Court and the detail code is COL or PCOL.
  - An employee is eligible if they are notified that court has been canceled less than 24 hours before they are scheduled to testify. If the start time for court is moved, but the appearance remains on the same date originally scheduled, then the employee is not eligible for court cancellation overtime.
  - If court is scheduled to start during an employee's regular work shift, even if that is the end time for the work shift, then the employee is not eligible for court cancellation overtime. An employee's regular duty shift includes their normal work hours and any continuous work beyond their scheduled shift.
  - The overtime entry should be made with a start time that is the same date and time that appears on the subpoena or, when required, an earlier time as directed by the City Attorney, or District, of United States Attorney. The entry is always for 1 hour, unless the 1 hour overlaps the start of a work shift or any other overtime. In that situation, the end time is the start of the shift or overtime to avoid overlapping.

MPPOA Earned Time Off cannot be used during the time an employee is subpoenaed for court.

Original SOP: 06/10/2014  
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