

*Maryland-National Capital Park Police
Prince George's County Division*

DIVISION DIRECTIVE

TITLE OFF-DUTY COURT COMPENSATION			PROCEDURE NUMBER PG1600.0
SECTION Employee Benefits	DISTRIBUTION A	EFFECTIVE DATE 08/01/04	REVIEW DATE 08/01/06
REPLACES PG1600.0 "Off-Duty Court Compensation", issued 05/01/02			
RELATED DIRECTIVES PG316.0, 1602.0	REFERENCES CALEA 22	AUTHORITY Commander Larry M. Brownlee, Sr. - Division Chief	

I. PURPOSE

This directive establishes policy and procedures for the compensation of bargaining unit employees attending court during their off-duty time.

II. POLICY

This Division's policy is to provide each bargaining unit employee with monetary compensation for attending court during his/her off-duty time in accordance with the provisions of Section 5.4 of the current contractual agreement between the Maryland-National Capital Park and Planning Commission and the Fraternal Order of Police, Lodge 30.

III. PROCEDURES

- A. All bargaining unit employees shall receive a minimum of three hours pay at one and one-half times their regular rate of pay whenever they are required to attend court or judicial proceedings while off-duty, unless Section III. D. 1, applies of this directive and in accordance with the Collective Bargaining Agreement with the M-NCPPC and FOP #30 Article V. 5.4 (f).
- B. If it is necessary for bargaining unit employees to obtain evidence, reports, or other documents at headquarters prior to their court appearance, they shall be compensated from the time they leave headquarters until they return to headquarters after the court appearance. If it is not necessary to report to headquarters for evidence, reports, or other documents, officers may respond to court directly, in which case they shall be compensated from the time they arrive at the court location until the time they leave the court location.
- C. If an off-duty bargaining unit employee is required to attend court only in the morning or only in the afternoon on a single day, the officer shall receive only one

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minimum guarantee of three hours pay at one and one-half times the officer's regular rate of pay, regardless of the number of cases involved in the dockets.

- D. If an off-duty bargaining unit employee is required to attend both morning and afternoon court dockets on the same day, the officer will receive a minimum of six hours pay at one and one-half times the officer's regular rate of pay, regardless of the number of cases involved in the dockets. The officer may be required to perform other police duties, as assigned, during the time between the morning and afternoon dockets. If such work is performed, the officer will be paid only the six-hour minimum set forth above, unless he/she actually works longer than six hours. Officers who work the midnight shift preceding the day of the court proceedings will not be required to work between the morning and afternoon dockets.
 - 1. If an officer is required to attend court within three (3) hours prior to his/her regularly scheduled shift, the officer will receive overtime pay for those hours prior to his regularly scheduled shift. (i.e. – if an officer is scheduled to begin his/her shift at 1500 hours, and he/she attends court at 1300 hours, the officer shall receive two (2) hours of overtime pay).
- E. No off-duty bargaining unit employee will receive more than a minimum guarantee of more than six hours pay at time and one-half for attendance at multiple court proceedings during any twenty-four (24) hour period running from midnight to 11:59 p.m., regardless of how many dockets or cases he/she attends. This paragraph does not preclude payment of more than six hours if the officer actually works the additional time.
- F. Bargaining unit employees who are required to attend court or judicial proceedings while off-duty will be paid at one and one-half times their regular hourly rate of pay for all hours worked in excess of the above minimum guarantees.
- G. In accordance with the provisions of the Agreement (Section 5.5), bargaining unit employees, who are off-duty and placed on standby by the State's Attorney's office for a court appearance, will be compensated at time and one-half for all hours. In order to qualify for this pay, the officer must submit a copy of the subpoena or written instruction placing the officer on standby status or verify in writing the date, time, and purpose of the standby. For all other kinds of “standby” time, the Fair Labor Standards Act will govern.
- H. If an officer is scheduled for court but cannot attend for a legitimate reason, i.e., illness, emergency, he/she must notify the court and Communications immediately.

IV. RESPONSIBILITY

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A. All Officers

1. Shall report to headquarters prior to attending court when it is necessary to obtain evidence, reports or other documents. Officers may report directly to the court location if these documents are not needed.
2. Shall obtain the necessary verification from the court clerk or the State's Attorney when arriving at and leaving the courthouse. Said documentation will be submitted with employee's overtime request to their immediate supervisor upon reporting for their next regular tour of duty.
3. Shall report to headquarters and return evidence and reports immediately after their court appearance.
4. Shall notify the Operations Duty Officer should they be required to attend morning and afternoon court sessions on a given day. They shall seek instructions from the Operations Duty Officer on how to utilize productively their time between morning and afternoon court dockets.

B. Shift Supervisors

1. Shall insure that all officers under their supervision attend court as required by the court or by appropriate subpoena.
2. Shall review all court overtime requests and forward, with appropriate verifications (see A.2. above), to the affected officers Area Operations Assistant Chief for approval.

C. Operations Duty Officers

1. Shall determine, based on the amount of time involved, how an officer can most productively utilize their time between morning and afternoon court appearances. This time may be spent at the courthouse awaiting the next court appearance or, if sufficient time is available between court appearances, the officer may be recalled to his/her normal duty station to perform such duties as the Operations Duty Officer or supervisor shall direct.

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