

GENERAL ORDERS
CHAPTER 202
PERSONNEL

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WORKING BEYOND NORMAL WORK HOURS
G.O. 202.10

I. PURPOSE

To identify rules, regulations and procedures for employees who work beyond normal work hours.

II. POLICY

- A. Before any work duties are performed outside of a Department employee's normal work hours, the employee must first request and obtain authorization from his/her immediate supervisor or the supervisor on duty to work outside the employee's normal work shift. A failure to request and obtain authorization in a timely manner shall result in disciplinary action.
- B. In the event that an employee is unable to first obtain such authorization, the employee shall contact his/her immediate supervisor or the supervisor on duty (if his/her immediate supervisor is not on duty) as soon as possible following the start of the work duties in order to obtain authorization to continue to perform the work duties outside of the employee's normal work hours. A failure to request and obtain authorization in a timely manner shall result in disciplinary action.
- C. All work duties that are performed outside of a Department employee's normal work hours, whether authorized or not, shall be reported by the employee on the day the work is performed to the employee's immediate supervisor or to the supervisor on duty. The supervisor shall record the report number or justification and time worked on the employee's Daily Work Status report. The work performed shall also be recorded on the employee's time sheet.

Once the timesheet is prepared, the employee shall review his/her timesheet for accuracy before signing. If the timesheet is inaccurate, the employee shall inform the on-duty supervisor or clerk of the error so that the timesheet can be corrected before the employee signs. If the employee becomes aware of an error on the timesheet after it has been signed, the employee shall inform the on-duty supervisor or clerk of the error and shall verify the correction.

- D. If work is verified as actually performed, the employee will be paid for the time worked, unless otherwise directed by the Chief of Police. However, failure to obtain authorization to perform work outside of the employee's normal work hours or failure to follow these required reporting procedures shall result in disciplinary action.
- E. These general policies shall apply to all work circumstances covered by this General Order.

III. PROCEDURES

A. Attending Medical, Physical, or Psychological Exams

Each officer shall be responsible for arranging his/her own appointments for pre-laboratory tests and physical examination. Every effort should be made to schedule Department-required medical or physical examinations during the month of the officer's respective birthday and during working hours.

Psychological or Psychiatric evaluations shall be scheduled by the Business Administrator via the Office of the Chief.

If it is not possible to schedule a Department-required examination or evaluation during an officers' working hours, the officer shall be scheduled for examination during the officer's off-duty time. Appointments that can only be scheduled during off-duty hours must be approved by the element commander.

Department-required examinations and evaluations that occur during an officer's off-duty hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

This section does not apply to industrial injuries. Medical examinations, physical therapy, and other treatment for industrial injuries should be scheduled during off-duty hours. Time spent attending medical examinations, physical therapy, and other treatment for industrial injuries is not compensable work time.

B. Cleaning and/or Maintaining Firearms

Officers shall clean and maintain their issued and authorized firearms for police service only while on duty at the station to which they are assigned. This shall be done at least once per month and supervisors shall be responsible for ensuring that officers are provided adequate time to perform this task while on duty. Element Commanders are responsible for ensuring that there is an adequate supply of cleaning kits and supplies at their respective facilities to enable officers to clean and maintain their firearms while on duty. Officers shall also clean and maintain their issued and authorized firearms at Ukumehame Firing Range in conjunction with annual recall training. For safety and other reasons, officers are not authorized to clean and/or maintain department-issued and/or authorized firearms at home or while off-duty.

Cleaning and/or maintenance of issued and/or authorized firearms for police service that occurs outside an officer's normal work hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

C. Preparing for Court

An employee who needs to prepare for court shall do so during his/her regular working hours. If this is not possible, the employee shall request and obtain authorization from his/her immediate supervisor or the supervisor on duty prior to performing any work to prepare for court during his/her off-duty hours.

Court preparation work that occurs during an employee's off-duty hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

D. Performing Stakeouts/Surveillance

Stakeout or surveillance work shall only occur with authorization from an officer's immediate supervisor or the supervisor in charge of the assignment or investigation. Officers do not have the discretion to engage in stakeout or surveillance work without such prior authorization.

Stakeout or surveillance work that occurs outside an officer's normal work hours shall be regarded as compensable work time, regardless of whether the stakeout or surveillance was successful, and shall be subject to Article II of this directive.

E. Washing and/or Maintaining Take-home Vehicles

Employees who are assigned to District I and authorized to take home a Department vehicle, shall utilize the services of the Wailuku Station's car wash and Motorpool personnel for the maintenance of their vehicles. In addition, maintenance and washing of these vehicles shall only be conducted during the employee's normal work hours. Employees are not authorized to wash or maintain a take-home vehicle at home or during their off-duty hours.

Employees assigned to other Districts who are authorized to take home a Department vehicle may utilize the Wailuku Station's car wash and Motorpool personnel or the employee's District authorized repair facility for the maintenance and washing of their vehicles. The maintenance and washing of these vehicles shall only be conducted during the employee's normal work hours. Employees are not authorized to wash or maintain a take-home vehicle at home or during their off-duty hours.

Maintenance and/or washing of a Department take-home vehicle that occurs outside an employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

F. Responding to Post Shift Calls

Unless the situation precludes an officer from doing so, an officer shall inform his/her immediate supervisor or the supervisor on duty prior to responding to, or rendering service for, a post-shift call.

Where the situation precludes obtaining prior approval, the officer shall contact his/her immediate supervisor or the supervisor on duty as soon as practical after responding to the call and the situation has been stabilized. The immediate supervisor or the supervisor on duty shall then decide whether the officer will continue with the post-shift call or turn over the responsibility to other officers. An officer who has been relieved of such post-shift duties does not have any discretion to continue the post-shift work.

All time spent responding to calls that run over normal scheduled hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

G. Completing Paperwork or Other Similar Duties Before or After Shift

An employee who is unable to complete his/her paperwork or reports during his/her normal work hours shall request authorization from his/her immediate supervisor or the supervisor on duty before performing any work outside his/her normal work hours to complete such paperwork or reports. Where it is not necessary that paperwork or a report be completed that day, authorization shall be denied by the immediate supervisor or the supervisor on duty. Paperwork and reports must be completed at the station or worksite to which the employee is assigned. Employees shall not take work home to complete.

All time spent performing paperwork and/or completing reports that occurs outside an employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

H. No Work to be Performed Prior to the Start of Shift

Employees shall be properly attired at the start of their respective shifts.

Employees shall not perform any work prior to the start of their shifts. Employees shall be given time after roll call to pick up their follow-up folders, pick up their vehicles and equipment, and complete outstanding paperwork (unless they have first requested and obtained approval to do so in accordance with Article II of this directive).

However, designated supervisors and acting supervisors shall be provided adequate time and shall be compensated to prepare for roll call, as determined by the Element Commander.

Time spent by a designated supervisor or acting supervisor preparing for roll call, even when it occurs outside an employee's normal work hours, shall be regarded as

compensable work time and shall be subject to Article II of this directive.

I. Training by Field Training Officers and Communications Training Officers

A Primary Field Training Officer (F.T.O.) or Communications Training Officer (C.T.O.) is required to make weekly contact with his/her pupil officer/trainee from the date of Police Officer III/RTO III assignment until the completion of recruit class/RTO training. This contact may be made on any day of the Primary F.T.O./C.T.O.'s work week, but shall only be done during his/her scheduled work day.

A F.T.O./C.T.O. with an assigned pupil officer/trainee for a Phase shall complete a Daily Observation Report at the end of every scheduled work day. The F.T.O./C.T.O. should normally be able to complete the Daily Observation Report within .5 hours. Any other work relating to the training of a pupil officer shall be done during the F.T.O./C.T.O.'s scheduled work day.

To the extent a F.T.O./C.T.O. believes that additional work is required on a scheduled work day in order to properly train or complete work related to an assigned pupil officer/trainee, the F.T.O./C.T.O. shall first request and obtain authorization from the F.T.O./C.T.O.'s immediate supervisor or the supervisor on duty before engaging in the work beyond the F.T.O./C.T.O.'s scheduled work day.

All time spent by a F.T.O./C.T.O. relating to the training of pupil officers/trainees that occurs outside a F.T.O./C.T.O.'s normal work hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

J. Executing Warrants

An officer shall only be involved with the execution of a warrant with authorization from his/her immediate supervisor or supervisor in charge of the assignment or operation. Unless otherwise required, officers who have been authorized to be involved with the execution of a warrant shall be paid from the time they report to duty until they are relieved of duty, or as otherwise required by the applicable collective bargaining agreement.

All time spent by an officer in the execution of a warrant that occurs outside an officer's normal work hours shall be regarded as compensable work time, regardless of whether the warrant was successfully executed, and shall be subject to Article II of this directive.

K. Locating Witnesses

An officer who is locating a witness shall do so during his/her regular working hours. If an officer believes that working outside of regular work hours is necessary to locate a witness, the officer shall first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before engaging in any work outside of regular work hours.

All time spent by an officer in locating a witness that occurs outside an officer's normal work hours shall be regarded as compensable work time, regardless of whether the officer successfully located the witness, and shall be subject to Article II of this directive.

L. Making Traffic Stops

An officer who conducts an off-duty traffic stop shall follow procedures set forth in General Order 405.6: Traffic Enforcement, unless otherwise directed by the on-duty supervisor. The officer shall immediately notify Central Dispatch once the decision has been made to conduct a stop, and request that a supervisor on duty within the District be notified of the stop.

The on-duty supervisor has the authority to decide whether the officer shall continue to handle the incident or return to off-duty status. An officer who has been relieved from duty and has been instructed to leave the scene does not have any discretion to continue the off-duty work.

All time spent by an officer in an off-duty traffic stop shall be regarded as compensable work time and shall be subject to Article II of this directive.

M. Responding to Radio Calls during Scheduled Meal Periods

Officers on a scheduled meal period shall not respond to radio calls assigned to other officers. If an officer believes that additional assistance may be needed for a radio call assigned to other officers, the officer is required to first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before ending his/her scheduled meal period to provide assistance. Without such authorization, the officer shall remain on his or her scheduled meal period and shall not return to duty until the scheduled meal period has ended.

When an officer assists other officers during his/her scheduled meal period, the provisions of Article III. Section Q (working through meal periods) of this directive should be followed.

All time spent by an officer responding to radio calls during scheduled meal periods shall be regarded as compensable work time and shall be subject to Article II of this directive.

N. Transporting Employees or Equipment

Employees shall only transport employees or equipment during normal work hours. If an employee believes that transporting employees or equipment outside the employee's normal work hours is necessary, the employee is required to first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before engaging in any work related to the transporting of employees or equipment

outside the employee's normal work hours.

All time spent by an employee in performing transportation of employees or equipment outside of the employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

Nothing in this section shall preclude employees from carpooling to or from work for their personal benefit and convenience. Carpooling is not compensable work time.

O. Taking Equipment to be Repaired or Replaced

An employee shall only transport equipment to be repaired or replaced during his/her normal work hours. If an employee believes that transporting equipment to be repaired or replaced outside his/her normal work hours is necessary, the employee is required to first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before engaging in any work related to transporting equipment to be repaired or replaced outside the employee's normal work hours.

All time spent by an employee in transporting of equipment to be repaired or replaced outside the employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II of this directive.

P. Responding to Phone Calls from Informants

Officers should attempt to communicate with informants during their normal work hours.

If an off-duty officer answers a phone call from an informant, the officer shall notify his/her immediate supervisor or the supervisor on duty about the phone call immediately or upon the start of his/her next regularly-scheduled shift, the substance of the call and the amount of time spent by the officer related to that call. The officer shall procedurally document the phone call from the informant in accordance with Department procedures.

All time spent by an officer relating to the off-duty phone call from an informant shall be regarded as compensable work time and shall be subject to Article II of this directive.

Q. Working through Meal Periods

An employee shall not perform any work including, but not limited to, working on reports or other paperwork, or responding to radio calls, during his/her meal period, unless the employee first requests and obtains authorization from his/her immediate supervisor or the supervisor on duty.

Under the Fair Labor Standards Act, hereinafter FLSA, if an employee is not provided at least 30 consecutive minutes during which the employee is free from work-related

interruptions for the meal period, the employee is entitled to be compensated for 0.75 hour of work for the missed or interrupted meal.

Under the FLSA, if an employee is given at least 30 consecutive minutes during which the employee is free from work-related interruptions for his/her meal period, but less than 45 consecutive minutes for the meal period, the employee is entitled to be compensated for only the amount of time that the employee spent working during the meal period.

The Department has historically compensated employees 0.75 hour of work for any meal that has been missed or interrupted. This practice shall continue, as long as the employee requested and obtained authorization from his/her immediate supervisor or supervisor on duty. Time or monetary compensation of 0.75 hour shall be provided to the employee for any meal that has been missed or interrupted.

All time worked during a meal period shall be regarded as compensable work time and shall be subject to Article II of this directive.

R. Volunteer Time

Employees are prohibited from (a) providing off-duty voluntary service or volunteering to participate in an off-duty activity as a representative of the Department, and (b) performing any services on a volunteer basis to any department, division, or political subdivision of the County of Maui where the volunteer services are the same or similar to the services that they are otherwise employed to perform for the Department. If the Department seeks to have an employee participate in an off-duty activity as a representative of the Department, the Department shall authorize in writing the off-duty participation. The time spent in the activity shall be regarded as compensable work time and shall be subject to Article II of this directive.

1. Participation in Community Service Activities

Nothing in this section shall preclude employees from participating in civic and/or charitable activities that are for the benefit of outside organizations or individuals. For example, employees may speak at "career days" at their children's school, coach Little League baseball teams, attend neighborhood board meetings as members of the community in which they live, participate in church fundraisers, pass out water at charity walks, and serve meals at local soup kitchens.

Likewise, nothing in this section shall preclude employees from participating in community service activities for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Thus, employees may volunteer to participate in community service activities such as the "Shop with a Cop" program sponsored by the Kiwanis and the "Cop on Top," "Tip a Cop," and the Troy Barboza Law Enforcement Torch Run events sponsored by the Hawaii Special Olympics.

Finally, nothing in this section shall preclude employees from performing volunteer services to the County of Maui where their services are offered freely and without pressure or coercion, provided that the volunteer service provided by an employee are not the same type of services which the employee is employed to perform for the County. For example, a patrol officer could serve as a volunteer youth leader in a Maui County Department of Parks and Recreation summer program and a dispatcher could volunteer to provide non-enforcement security services at a County event, provided that their services were offered freely and without pressure or direct or implied coercion. On the other hand, a patrol officer could not volunteer to provide traffic control or security services at a County event because such services would be of the same type as the services the officer is employed by the County to perform. The examples listed in this section are for purposes of illustration only and are not exhaustive.

On the other hand, if an employee is ordered by the Department to work at a booth sponsored by the Department at a career fair, attend a neighborhood board meeting as a representative of the Department to field questions, or to provide a police response to an incident, then time spent performing these activities shall be regarded as compensable work time and shall be subject to Article II of this directive.

2. Special Off-duty Assignments

Officers may engage in special off-duty assignments in accordance with General Order 202.4 (Special Off-Duty Assignment) and will be paid directly by the hiring party. Officers may, at their option, donate the fees collected for their services by the hiring party. The Department is currently evaluating the circumstances under which officers may be permitted to voluntarily waive their fees where special off-duty assignments are performed for non-profit organizations or for governmental entities other than the County of Maui.

S. Traveling on Regularly Scheduled Days Off for Work-related Business

Employees traveling inter-island or out-of-state for work-related business on a regularly scheduled day off will normally not be paid for their travel time except for the time they are actually performing work during the travel. However, when an employee is on a scheduled day off and travels overnight, it shall be regarded as work time during the hours that would correspond to the employee's scheduled work hours.

The following examples are provided for purposes of illustration only, as employees' scheduled work hours depend on their position, the division and watch to which they are assigned, the current shift schedule, and whether any adjustments have been made to the schedule.

For instance, if an employee is normally scheduled to work from 7:45 a.m. to 4:30

p.m. and the employee travels for 8.0 hours from 7:45 a.m. to 3:45 p.m., on an overnight stay, the 8.0 hours of travel time will be considered compensable because it cuts across the employee's normal work hours.

On the other hand, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels for 8.0 hours during the hours of 10:30 p.m. to 6:30 a.m., the 8.0 hours of travel time is not compensable unless the employee actually worked during the travel time (e.g., if the employee was escorting a prisoner, writing a report, or preparing for court) because the travel time does not cut across the employee's normal work hours.

Further, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels for 7.5 hours during the hours of 1:00 p.m. to 8:30 p.m., the 3.5 hours of travel time from 1:00 p.m. to 4:30 p.m. (which cuts across the employee's normal work hours) would be compensable, but the 4 hours of travel time from 4:30 p.m. to 8:30 p.m. (which does not cut across the employee's normal work hours) would not be compensable unless the employee actually worked during the travel time.

When an employee travels overnight, the employee shall not perform any work during hours that do not correspond to the normal work hours (*i.e.*, during travel time that would otherwise be non-compensable) without prior approval. For example, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels during the hours of 10:30 p.m. to 6:30 a.m., the employee shall not perform work during the travel time unless he/she has received prior approval. If an employee performs work during his/her travel time, all time spent working shall be regarded as compensable work time and shall be subject to Article II of this directive.

All travel time hours that meet the terms of this policy shall be regarded as compensable work time and shall be subject to Article II of this directive.

T. Preparing for, or Participating in, a Training Course

Employees who are required to prepare for a training course shall do so during their normal work hours. Employees shall provide advance notice to their immediate supervisor or the supervisor on duty of their need for regular work time to prepare for a training course.

No employee shall participate in, or prepare for, a training course outside his/her normal work hours without first requesting and obtaining authorization to do so from his/her immediate supervisor or supervisor on duty.

All off-duty time spent participating in or preparing for a training course shall be regarded as compensable work time and shall be subject to Article II of this directive.


U. Assisting Motorists

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Officers who provide assistance to motorists while off-duty shall contact Central Dispatch as soon as possible to request that a supervisor on duty with the District be notified of the assistance that is being provided to the motorist.

The on-duty District supervisor shall determine whether the off-duty officer shall remain and continue to provide assistance to the motorist or whether other on-duty officers will take over and provide the assistance. The officer who has been relieved from duty and has been instructed to leave the scene does not have any discretion to continue to provide assistance.

All time spent by an off-duty officer to provide assistance to a motorist shall be regarded as compensable work time and shall be subject to Article II of this directive.


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