

# Memorandum

**TO:** ALL DEPARTMENT PERSONNEL      **FROM:** Anthony Mata  
Chief of Police

**SUBJECT:** SWORN OVERTIME AND      **DATE:** October 20, 2023  
COMPENSATORY TIME  
BALANCES

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APPROVED

Memo #2023-026

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## **BACKGROUND**

The control of overtime for both pay and comp is an ongoing issue, and controls must be maintained for continued success. To date, overtime (COMPENSATORY and PAY) is forecasted to exceed the budgeted amount for this fiscal year. It is imperative the Department control its use of overtime, including compensatory time controls and the accumulation of compensatory time, to ensure the availability of funds throughout the fiscal year.

Under the current Memorandum of Agreement section 13.6.2, the outstanding amount of accrued compensatory time owed to an employee shall not exceed 240 hours by the end of each calendar year. An employee may exceed the 240-hour limit during the year but shall be responsible for bringing the balance back to the 240-hour maximum level by taking the time off prior to the end of the calendar year.

## **ANALYSIS**

In order to stay within the Department's budget, overtime and compensatory time controls will be put into place. Compensatory time balances will be monitored and Department members will be held accountable to the MOA to be within the maximum level of 240 hours by the end of the calendar year.

Section 13.6.2 of the MOA states:

*"The outstanding amount of accrued compensatory time owed to an employee shall not exceed 240 hours by the end of each calendar year. An employee may exceed the 240 limit during the year but shall be responsible for bringing the balance back to the 240hour maximum level by taking the time off prior to the end of the calendar year. This time off must be pre-approved by the supervisor."*

Sworn employees are responsible for bringing compensatory time balances to 240 hours or less by December 31, 2023, and are encouraged to discuss a plan with their supervisor to meet this goal. Section 13.6.5.1 of the MOA allows for a carryover of hours in excess of 240 hours to March 31<sup>st</sup> of the next calendar year if an employee submits a written plan to his/her immediate supervisor by

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December 1<sup>st</sup> outlining how the excess hours will be reduced. If a Department Member does not submit a plan by December 1<sup>st</sup> and their compensatory time balances exceeds 240 on December 31, 2023, they may be sent home to immediately reduce their compensatory time balances.

With the exception of Patrol, anyone who believes they will not be able to take the excess time off before the end of the calendar year shall submit a plan to their immediate supervisor, consistent with MOA section 13.6.5.1, by December 1, 2023. Written plans should outline how you will reduce your compensatory time by March 31, 2024. If employees do not adhere to the plan submitted and compensatory time balances exceeds 240 by the extended time of March 31, 2024, they may be sent home to immediately reduce their compensatory time balances.


Any Department Member who submits a plan by December 1st shall receive a ninety (90) day carryover (to March 31, 2024) to reduce accrued compensatory time to the 240-hour maximum level. Refer to the San Jose Police Officer's Association MOA, section 13.6.2 for any questions.

The Department does not anticipate a buy down for any employees who have a balance over 240 hours of compensatory time at any time during the current fiscal year.

While Patrol staff members do not need to submit a plan, they shall make every effort to reduce their compensatory time to the 240-hour maximum level by the end of the calendar year.

**ORDER**

With the exception of the Patrol, anyone who believes they will not be able to take the excess time off before the end of the calendar year shall submit a plan to their immediate supervisor, consistent with MOA section 13.6.5.1, by December 1, 2023. Written plans shall outline how you will reduce your compensatory time by March 31, 2024.

  
Anthony Mata  
Chief of Police

AM:PH:LP

Attachment 1: Compensatory Time 90-Day Carryover Request Form

