

MEMORANDUM

February 13, 1984

TO: Walter Bader, President, Fraternal Order of Police, Lodge 35
FROM: Lewis T. Roberts, Chief Administrative Officer
SUBJECT: Contract Grievance -

The following is a response to a contract grievance filed by the Fraternal Order of Police (FOP), Lodge 35, on December 17, 1983, and submitted for review to this office consistent with Section V, Contract Grievance Procedure, Paragraph C, Second Step of Grievance Procedure, of the Collective Bargaining Agreement.

Summary of Grievance

Police Officer III scheduled days off were changed during the week of November 27, 1983, from Sunday, November 27, 1983 and Monday November 28, 1983, to Sunday November 27, 1983 and Friday December 2, 1983, as a result of a Circuit Court summons for Monday, November 28, 1983. PO III has requested payment of court time compensation (a minimum 3 hours overtime) for his court attendance on a regularly scheduled day off.

Discussion of Issue

The net effect of requiring PO III to work on Monday, November 28, 1983, was to require the officer to appear in court on a day which was otherwise scheduled as a regular day off. Section VI, Court Time, of the Collective Bargaining Agreement states in part:

"Each officer attending court on his or her regular-day off or during non-regularly scheduled working hours shall be guaranteed minimum compensation of three (3) hours at the rate of one and one-half (1.5) times the members regular hourly rate ..."

Court attendance on a previously scheduled, i.e. regular, day off therefore entitles Officer to a minimum three hours compensation at the overtime rate. No further overtime is required for work performed on Monday, November 28, 1983, as the officer was given an alternate day off.

Decision

It is my understanding that Officer has previously received one and one half hours overtime for work performed on the day in question, therefore the Department of Police is directed to pay Officer an additional one and one half hours at the overtime rate, consistent with the minimum compensation for a court appearance covered by Section VI, Court Time, of the bargaining agreement.

LTR:bjm

APPENDIX B