

Result on Survey
on
Minimum Hour Compensation for Court Appearances for Police Officer

<i>City</i>	<i>Contact Person</i>	<i>Comment</i>
San Diego	Steven Villalobos (619) 531-2888 svillalobos@pd.sandiego.gov	<p>An officer is required under subpoenas or other formal notification of appear in court or any other administrative hearing (excluding telephone hearings) during non-duty hours, he/she shall receive premium pay for all such court time (excluding noon recess) with a four hour minimum of compensation.</p> <p>If an officer makes an appearance in court and is dismissed by the attorney representing the City, within four hours of reporting, the officer is considered dismissed. The officer is not eligible for separate or additional compensation for a different assignment within the original four-hour period.</p>
Santa Clara	Kevin Kyle (408) 615-4893 kkyle@santaclaraca.gov	<p>If a represented employee is placed on a standby status to appear in court by the Police Department, or on less than 24 hour direct advance notice by the DA's office, he/she will have the option of remaining on a standby or reporting to the Police Department prepared to testify.</p> <p>If the Officer elects to remain in a standby status, no compensation will be provided to him/her. If the Officer voluntarily reports to the Police Department under the conditions established by the Chief of Police, he/she will be compensated for a minimum of three (3) hours at the overtime rate on a regularly scheduled workday and for a minimum of four (4) hours at the overtime rate on a day off.</p>
Martinez	Tom Simonetti (925) 372-3446 tsimonetti@cityofmartinez.org	Normally, they do not pay the officer if the case is cancelled; if the Court calls the PD to cancel a subpoena, the Records person notifies the officer via phone and e-mail. On occasion, the Records persons gets notified late and forgets to call the officer, the officer gets paid for showing up to a case that has been cancelled.

El Monte	Tom Armstrong tarmstrong@elmontepd.org	The officer does not get paid if the hearing is cancelled the day before the court date. .
City	Contact Person	Comment
Susanville	Jeff Atkinson (530) 257-5603 jatkinson@cityofsusanville.org .	They pay four (4) hours of court time (straight time) on appearances, and time and a half for actual time after that. If they are called off after 1700 hours the day before their appearance, but prior to them actually going to court, we pay two hours of straight time.
Woodland	Dan Bellini (530) 661-7837 Dan.Bellini@cityofwoodland.org	The Officer is compensated 4 hours OT for off-duty court appearances or the number of hours the officer was in Court, whichever is greater. If the subpoena was canceled with less than 48 hours notice and the subpoena was issued for a regularly scheduled day off, compensation shall be paid at the rate of \$70.00 per occurrence. Only one occurrence can be claimed for any one day off. If the subpoena was canceled on a duty day, but the employee was not on duty at the time of cancellation, compensation shall be paid at the rate of \$40.00 per occurrence. Only one occurrence can be claimed per day.
Albany	Mike McQuiston (510) 525-7300 mmcquiston@albanyca.org	If the Court case is canceled prior to the appearance date, the officer receives no compensation.
Redlands	Tom Fitzmaurice tfitzmaurice@redlandspolice.org	The officer gets paid for three (3) hours of overtime up front when called back to duty or called back to attend court from their off-duty time, plus overtime for any hours worked. They must actually go to court/back to duty to get the pay.
San Luis Obispo	Deborah Linden dlinden@slocity.org	An officer reporting for court duty shall be guaranteed three (3) hours inimum payment at time and one-half.

		If a scheduled court appearance is canceled on the day the officer is to appear, he/she shall be eligible for the minimum payment in the POA MOA.
Hollister	Jeff Miller jmiller@police.hollister.ca.us	If court/hearing is canceled before the appearance time (even on the same day as the subpoena), there is no compensation if the officer is notified before leaving home for court or before the standby time would have started.
Chowchilla	Jay Varney (559) 665-8600 x500 policechief@ci.chowchilla.ca.us	If the court case is dismissed or continued, and the officer does not receive notification until he arrives at court, the officer gets compensated for 3 hours minimum for court attendance.
Los Alamitos	Todd Mattern TMattern@ci.los-alamitos.ca.us	Los Alamitos Police officers are entitled to a minimum of four hours of overtime for off-duty court appearances. If they are not called off before noon the previous day, they are entitled to standby pay, which is two hours of overtime (time and a half).
La Mesa	Raul Garcia RGarcia@ci.la-mesa.ca.us	Employees shall receive one (1) hour overtime pay if the case is called off the day of the subpoena.
Dixon	Don Mort dmort@ci.dixon.ca.us	All represented employees required to appear in court during off-duty hours shall be compensated at one and one half (1 ½) times their regular hourly rate of pay for four (4) hours for appearances in court, or the number of hours actually spent in court, whichever is greater. For calculation purposes, four hours commences from the time it takes to leave the Dixon PD to arrive at the court destination. Likewise, for calculation purposes, the return journey to the Dixon PD from the court destination will conclude the calculation of compensation for attendance at court while off duty. Effective the date of ratification of this MOU, it will be the responsibility of the off duty officer to confirm with the Night Watch Commander, prior to departing for attendance at court, that attendance at court is still required for the off duty hours in question. If an employee fails to confirm with the Night Watch Commander that attendance at court is still required for the day in question, and court is in fact canceled for that day, no payment will be made.

		<p>2.10.2 An employee who is called back to work while off-duty, shall be paid for a minimum of two (2) hours work at overtime rate. Such compensation shall be computed from the time of reporting on duty through the time of going off duty.</p> <p>This section shall not apply if the employee is being called back to complete work that should have been finished prior to the end of his/her shift.</p> <p>2.10.3 Employees required to conduct departmental business by telephone.</p>
Elk Grove	<p>Bob Risedorph Brisedorph@elkgrovepd.org</p>	<p>Minimum 4 hours or the actual hours worked if more than 4</p> <p>If cancelled and notification is given after 5:00 PM the workday immediately preceding the appearance, 2 hours</p> <p>If cancelled and notification is given prior to 5:00 PM the workday immediately preceding, 0 hours</p>
Foster City	<p>Jon Froomin jfroomin@fostercity.org</p>	<p>Our officers receive a minimum of 4 hours at a time and a half for off-duty court appearances. If appearance falls within an hour before or after officer's regularly scheduled shift, minimum pay is 2 hours at time and a half. We would not pay an officer if we were able to contact them the day before the court appearance to advise it was cancelled. If they learn of the cancellation on the way to court or when they get to court, we feel it is only fair to pay.</p>
Berkeley	<p>Douglas Hambleton dhambleton@ci.berkeley.ca.us</p>	<p>In Berkeley, our MOU with the police association provides that we pay a minimum of 4 hours, unless the court appearance is at a time close to the officers regular shift, in which case we pay for the hours spent in court. For example, if an officer has a subpoena for traffic court at 3 PM, but normally starts work at 4 pm, we pay one hour of OT. If the same officer goes to court for one hour at 9 AM, the officer received 4 hours of paid overtime.</p> <p>Our subpoena clerk checks with the court/DA the day prior to all appearances. IF the appearance is cancelled it is posted and the officer must call in and check the status. If the appearance is cancelled up to the</p>

		<p>day prior they do not receive any compensation. Often with jury trials, but also with other cases we don't know if the case will go or not. In those situations, the officer is placed on phone stand-by and must call the DA's office on the date of the appearance. While on telephone stand-by on a regular duty day they get one hour minimum compensatory time and hour for hour thereafter. On a scheduled day off they get 2 hours minimum compensatory time and then hour for hour thereafter.</p>
Moraga	<p>Mark Ruppenthal rupp@moraga.ca.us</p>	<p>Per the MOU of the town of Moraga, with the POA officers are compensated at a rate of five (5) hours the overtime rate on a day off. If the case is cancelled with less than 24 hour notice, the officer will be compensated at a rate of two (2) hours the overtime rate of the officer.</p>
Ripon	<p>Richard Bull rabull@cityofripon.org</p>	<p>Ripon PD as a 3 hour minimum court or call back overtime. If we call them off before they start to travel to court, there is no charge to the agency. If they get to court and it is called off, they do get the three hours minimum overtime.</p>
Pinole	<p>Peter Janke pjanke@ci.pinole.ca.us</p>	<p>They sent an attachment, but I did not receive it.</p>
Redwood City	<p>Ed Hernandez ehernandez@redwoodcity.org</p>	<p>Officers are paid a minimum of 4 hours court time for their off-duty court appearances. If an officer's shift ends at 0800 hrs, on the morning of a court appearance that starts no later than 0930 hrs, the officer continues to perform regular duties until the court appearance and the employee will receive one and one half times the regular rate of pay for the hours worked and for the court appearance, with no minimum. Attached is the MOU for that bargaining group and the exact language is on page 8. Our practice is that if an officer's court appearance is cancelled before they are scheduled to appear, there is no compensation.</p>
West Covina	<p>Marc Taylor Marc.taylor@wcpd.org</p>	<p>Section 17. Call Back, Court "On-Call" and Court Call-Back A. Call-Back "non court time" 1. Call-back is unscheduled time work, performed by an off duty unit employee called back to work after they have completed their regular work schedule and have left work or are on their day off. 2. Unit employees must physically return to the worksite in order to</p>

		<p>receive call-back pay. Travel time to work and returning home shall not be counted as time worked.</p> <p>B. Court "on-call"</p> <ol style="list-style-type: none">1. Court "on-call" is when a unit employee is subpoenaed and placed "on-call" during their assigned off duty non-work time.2. "On-Call" is for subpoenas for job-related matters only. <p>C. Court Call-Back</p> <ol style="list-style-type: none">1. Court call-back time shall be defined as non-contiguous work hours performed by an off duty unit employee called back to work after they have completed their regular work schedule or are on their day off for time.2. Court call-back time shall be for time spent pursuant to a subpoena to appear in the performance of the unit employee's duty. <p>Section 18</p> <p>A. Call-back Compensation: Unit employees shall be paid at time and one have with a two (2) hour minimum for call-back time, which fall within their normal off duty period.</p> <p>B. Court "On-Call" compensation</p> <ol style="list-style-type: none">1. For each court day a unit employee is placed "on-call" by the Courts, the City shall pay the eligible employee one hundred fifty dollars (\$150) per court day, provided such "on-call" occurs beyond the employee's regular assigned shift.2. The one hundred fifty dollars (\$150) payment will be the maximum paid to any sworn unit employee for all "on-call" assignments per court day, except when additional compensation is authorized by the Police Chief. <p>C. Call-back Court time Compensation</p> <ol style="list-style-type: none">1. Time spent in court by a unit employee beyond their regular scheduled work shift will be paid at time and one half their regular hourly rate of pay with a two (2) hour minimum guarantee.2. Effective January 1, 2006, the minimum guarantee for call-back court time shall increase from two (2) hours to four (4) hours.3. If the minimum carries into the unit employee's scheduled work hours, overtime will be paid for the time up to the start of the scheduled work
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Hemet	Anthony Margis Tmargis@cityofhemet.org	Hemet PD has a two hour minimum for court which is included in the MOU. Officers are not compensated if the court appearance is cancelled prior to the officer arriving in court.
Galt	Loren Cattolico lcattolico@galtpd.com	At Galt PD we have a 3 hr minimum and a mandated 1 hour call into records prior to the subpoena time. IF the case is called off when the call is made the officers get 2 hours call off time, if not, the officers come to the PD or go to court and get 3 hr minimum at time and a half.
Los Gatos/Monte Sereno	David Gravel dgravel@losgatosca.gov	Does not have a "policy" in the manual; but rather an agreement as part of the POA MOU. I've attached a copy of the section for your review and information (section 25 at the bottom of the page that lists the 3 or 4 hour call back pay). If the court case gets cancelled prior to the appearance date, the officer is notified and there is no compensation.
Monterey	Phil Penko Penko@ci.monterey.ca.us	Our officers receive a four hour minimum for all court appearances. This only takes effect if the officer actually appears at court or comes to the station to take a patrol car to court. If the court appearance is called off prior to the court date, the officer receives no compensation.
Burlingame	Jack Van Etten vanetten@burlingamepolice.org	Burlingame PD has a 4 hour minimum @ time and a half (this includes travel time). Officers are required to check with the DA (on either the evening before – if it's a morning case or the morning of – if it is an afternoon case) to insure that the matter is actually going and that they are needed to testify in court. If they are not needed and don't attend court- they are not compensated. If they are needed and appear, they are compensated at the above rate. Officers are not paid for the lunch hour.
Redding	Scott Mayberry smayberry@reddingpolice.org	In our MOU with the police officers we agreed to a 4 hour minimum OT on their day if the court was not cancelled two days prior to the appearance date. On a day of work we agreed to a 3 hour minimum OT if the court was not cancelled by 1800 hrs the day prior.

		There are other agreements in the MOU about going to court in the morning then getting called back in the afternoon.....we only pay the 3 or 4 hour OT, then if called back in the afternoon, its hour for hour.
Manteca	John Orcutt jorcutt@ci.manteca.ca.us	Manteca PD has a minimum 3 hour call-back for all off-duty court appearances (as part of the police associations MOU). If the court is canceled prior to their appearance, there is no compensation. If they end up showing up only to find it was canceled and nobody notified the officer, they get their 3 hours.
Jackson	Scott Morrison smorrison@ci.jackson.ca.us	Our MOU provides 3 hour minimum pay for off duty subpoena response, court phone standby from home and DMV phone hearings. Personnel are not compensated if canceled before (they) respond (actual travel) to either the police station or the court building.
Ceres	Mike Borges Mike.borges@ci.ceres.ca.us	We have not policy in place, court appearances are addressed in the POA MOU. They will receive two hours of overtime if the are placed "on call" for their case, if they have to appear they can receive four hours for appearing before 1200, and if they have to return in the afternoon, they can receive another four hours, for a total of eight hours. If the case is called off prior, our records bureau notifies the officer, and they receive no pay for call offs. The only case would be a last minute call off on the day of the subpoena and the officer could not be reached prior to arrival at court.
Chico	Melanie Sanders Msanders@ci.chico.ca.us	Call-Back Pay A. Generally. Employees who are called back to work from off-duty status shall receive a minimum of three (3) hours of overtime credit to be compensated in accordance with Subarticle 5.2, above. Should the necessary job tasks require more than three (3) hours of call-back time, Employee shall be compensated for the actual time worked. Call-back time shall begin at the time Employee reaches the job site, as may be appropriate for performing the required job duties, and shall end at such time as Employee completes the required job duties and leaves the job site and travel time back, the Police Department facility and the court will be included in call-back time worked.

		<p>B. Call back pay for court appearances. Only one minimum three (3) hour callback will be credited per any court business day, except and unless Employee is required to make an appearance on two or more different cases and there is a minimum of three (3) hours between the end of the appearance for one case and the beginning of the proceedings of another case, in which instance Employee shall be credited with a minimum three (3) hour call-back for each different case.</p> <ol style="list-style-type: none">1. Telephone Standby. Employees placed on telephone stand-by by the court, the District Attorney, the City Attorney, or the defense attorney in lieu of reporting to or waiting in the courthouse shall receive three (3) hours call-back credit for telephone stand-by. Employees on telephone stand-by who subsequently are required to make a court appearance shall not be eligible to receive call back pay for a court appearance pursuant to Section B, above. Only one minimum three (3) hours for telephone stand-by shall be credited per any court business day. Employees who appear pursuant to Section B, above, and are placed on telephone standby for a period of less than three (3) hours after such appearance shall not be eligible to receive call-back pay for telephone stand-by but shall only receive call-back credit.2. Cancellation of Court Appearance. Employees who are scheduled for a court appearance at a time outside of Employees' scheduled work hours, which court appearance is subsequently cancelled after being confirmed to Employees by the Police Department, shall receive three (3) hours of overtime pay. However, to be eligible for overtime pay, Employees must confirm such court appearance with the Police Department pursuant to the procedure established by Chief of Police between 4:00 PM and 5:00 PM on the court business day prior to such court appearance. <p>C. Reporting and Verification. All of the above shall be subject to the reporting and verification requirements set forth in the General Orders.</p>
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Pacifica	James Tasa tasaj@pacificapolice.org	Per their negotiated MOU, our officers are compensated a minimum of 4 hours @ 1 ½ rate for off-duty court appearances. If the case is cancelled prior to their appearance, there is no compensation.
Capitola	Tracie Hernandez Thernandez@ci.capitola.ca.us	<p>Policy Statement: It is the policy of the Capitola Police Department, unless exigent circumstances exist, to assure the appearance of Capitola Police employees on their scheduled court dates. The importance of meeting court commitments cannot be overstated. Any failure to comply with this policy may result in disciplinary action. Regularly scheduled days off are NOT considered justification for requesting cancellation or continuance.</p> <p>I. General Information</p> <p>A. The Administrative Assistant is designated as the Police Department court liaison.</p> <p>B. All requests for continuances or cancellations must be routed via memo form to the police department court liaison as delineated below.</p> <p>II. Criminal Cases</p> <p>A. An employee who finds it necessary to cancel or reschedule a court appearance must adhere to the following:</p> <ol style="list-style-type: none"> 1. Upon receipt of the subpoena, submit a memo to their immediate supervisor who will approve or disapprove the request. 2. The supervisor, if approving, will initial the memo and send it to the court liaison who will contact the court. 3. The court liaison is responsible for contacting the witness coordinator in requests for continuance or cancellation. 4. The court liaison is responsible for contacting the officer to advise if the cancellation or continuance was approved. 5. If new court dates are made, the court liaison will advise the officer. <p>Departmental Order No. 9 - 2</p>

		<p>II. A. 6. The court liaison is responsible for notifying all involved employees of cancellations or continuances and assuring that the information is properly calendared in the subpoena book.</p> <p>7. Realizing that oftentimes subpoenas are not received too far in advance of a scheduled court date, every effort will be made to accommodate scheduled time off, other than regular days off, or training commitments. However, if conflicts cannot be resolved, the employee must attend court.</p> <p>B. An employee who wants to be placed on call for a court appearance must adhere to the following. No overtime is authorized for this process. It is strictly a convenience for the employee:</p> <ol style="list-style-type: none">1. The employee must personally call the prosecuting attorney and ask to be placed on call. Voice mail is not acceptable. The employee must make personal contact with the Deputy District Attorney.2. If the prosecuting attorney grants the request to be placed on call, the employee should then call the witness coordinator and inform the witness coordinator that the prosecuting attorney has approved the request to be placed on call.3. The employee should inform the witness coordinator where and how they can be reached during the period of time they are on call. The witness coordinator will call the employee direct.4. The administrative assistant (court liaison) will not be involved in requests to be placed on call.5. This arrangement will be taken by the District Attorney's Office as a promise that the officer will answer the phone number or pager number given and be available at all times during the agreed upon on-call time. <p>Departmental Order No. 9 - 3</p> <p>III. Traffic Court</p> <p>A. Officers requesting a cancellation or continuance of a matter scheduled for traffic court must adhere to the following process.</p> <ol style="list-style-type: none">1. Upon receipt of a notice to appear, and the
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		<p>employee has a legitimate conflict, the employee should prepare a memo for the court liaison and forward via the employee's supervisor.</p> <p>2. The employee must describe the reason for the request for cancellation or continuance. If the request is approved by the supervisor, then the memo will be forwarded to the court liaison.</p> <p>3. The court liaison is responsible for notifying the traffic court and all other involved parties, in writing, of the request for continuance or cancellation. The traffic court must receive that request no less than 15 days prior to the scheduled court appearance.</p> <p>4. The court liaison is responsible for notifying the court, in writing, of the request. The letter must contain the names and address of all people involved in the matter, and to what address each letter was sent.</p> <p>5. The traffic court referee will consider the legitimacy of the request and make a determination as to whether or not a continuance or cancellation will be granted.</p> <p>6. IF THE REQUEST FOR THE CONTINUANCE OR CANCELLATION IS GOING TO BE GRANTED, THEN THE EMPLOYEE AND THE DEPARTMENT WILL BE NOTIFIED BY THE TRAFFIC COURT. IF NO COMMUNICATION IS RECEIVED FROM TRAFFIC COURT, PRIOR TO THE SCHEDULED APPEARANCE, THEN IT IS UNDERSTOOD THAT THE REQUEST HAS BEEN DENIED.</p>
Chula Vista	Roxana Kennedy rkennedy@chulavistapd.org	Court Time-Employees on scheduled time off, who are subpoenaed in the line of duty or required by the Chief of Police or his/her designee to be present in criminal or juvenile court, or other judicial proceedings, shall be compensated as provided under 2.06.I.C above for all time actually spent and required to be in court and all actual travel time required between the court and either the Police Station or the employee's home, as the case may be. Employees shall be guaranteed a minimum of three hours for each separate court appearance, including any travel time. Said employee shall be reimbursed for all actual mileage said employee travels between the court and either the Police Station or the employee's home, as the

		<p>case may be, at the mileage reimbursement rate as set out in Section 2.04</p> <p>For purposes of calculating payment, if a court appearance is scheduled to begin at time contiguous with the end of an employee's shift, payment shall be made under the provisions of Section 2.06 II (Court Time). If, however, a court appearance begins during and employee's shift and extends beyond the normal end of that shift, payment shall be made under provisions of Section 2.06 II (Holdovers Beyond Regular Shifts).</p>
Santa Monica	Sandy Terhune Sandy.Terhune@smgov.net	The court liaison office makes every attempt to contact the officer and cancel. If they are not able to contact the officer (before he/she leaves home), the officer receives a 3-hr minimum. The same applies to civilian personnel (we have some civilian report writers but their compensation is not 1.5, like sworn).
Fremont	Linda Miranda lmiranda@ci.fremont.ca.us	<p>SECTION 17: COURT APPEARANCES</p> <p>Employees required to attend court during normal duty hours will receive no additional compensation.</p> <p>17.1 When an employee is working and a court appearance is required either (1) immediately before his/her shift, or (2) at the start of his/her shift, or (3) immediately after the end of his/her shift, he/she shall not be eligible for any minimum number of hours under this Section, but shall be compensated for such overtime worked at 1.5 times the regular rate of pay.</p> <p>17.2 An employee who appears in court on a regularly scheduled day off or on a vacation day approved prior to receipt of the subpoena will receive payment of four (4) hours minimum at 1.5 times the regular rate of pay. Except as</p>

provided in
Section 17.7, below, an employee, after receiving a subpoena, may not take the day off on the date of a court appearance and also receive one and one-half time credit during the same time period of his/her scheduled shift.

17.3 The court appearance minimum, where applicable, shall be four (4) hours, but said minimum shall not apply to employees appearing in court during their regular scheduled work hours or whose appearance is required less than four (4) hours prior to the start of their regularly scheduled work shift.

ARTICLE 2 – SALARIES AND OTHER COMPENSATION
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17.3.1 Court Appearances at the Conclusion of Shift. Appearances in court within one-half (1/2) hour following the end of the regular shift, regardless of the length thereof, shall be deemed a continuation of the shift and shall not be eligible for the 4 hour minimum.

17.3.2 Court Meal Breaks. When a court meal break exceeds one (1) hour, the amount of the meal break in excess of one (1) hour shall be counted towards the court appearance minimum.

17.4 In the event that an employee appears in court for a period of time prior to his/her regular shift and subsequently takes time off during a portion of the regular shift, the employee will nevertheless be entitled to his/her court time payable at 1.5 times the regular rate of pay.

		<p>17.5 If an employee receives a subpoena and subsequently takes sick leave for their regular shift on the date of the actual court appearance, he/she shall receive court time pay at 1.5 times the regular rate of pay for the court appearance, and the four-hour minimum shall be applicable to each such appearance. This shall not apply to employees whose normal work shift includes any portion of the normal court hours covered by Article 2, Section 16.6.1.</p> <p>17.6 When an employee is scheduled to appear in court, for an afternoon court appearance on a day which is a regularly scheduled day off, or on a day which has been previously approved as a vacation day and his/her court appearance is canceled, the employee shall be notified, via assigned Department internal voice mail, of such cancellation no later than 11:30 a.m. on the day of the scheduled court appearance. It is the employee's responsibility to check his/her assigned Department voice mail at or prior to 11:30 a.m. on the scheduled court date. Should the employee not be notified of such cancellation on or before 11:30 a.m., the employee shall be entitled to and shall be paid for his/her court appearance for four (4) hours at 1.5 times the regular rate of pay.</p> <p>17.6.1. If the employee is scheduled for a morning court appearance it is</p>
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		<p>the responsibility of the employee to check their assigned Department voice mail at 6:00 p.m. the day before the court date to determine if the court appearance has been canceled. Should the employee not be notified of such cancellation on or before 6:00 p.m. the day prior to the court appearance, the employee shall be entitled to and shall be paid for his/her court appearance for four (4) hours at 1.5 times the regular rate of pay.</p> <p>17.7 No employee's shift shall be altered to prevent the payment of overtime or court time credits, except in the case of an employee who has taken leave time during his/her regular shift and who then works hours in excess of regular shift, in which case the amount of overtime which would otherwise be paid to the employee shall be reduced by the number of hours of leave taken during said shift and the balance shall be paid at 1.5 times the regular rate of pay. This section shall not apply to court time, and all transactions involving leave time and court overtime occurring on the same day will be processed separately.</p>
Roseville	Stanley Lumsden slumsden@roseville.ca.us	When our officers receive a subpoena for a day off and they are not notified prior to their last regularly scheduled shift and they actually show up and get cancelled at the courthouse, they get 4 hours. If they get cancelled after their last regularly scheduled shift and don't go to court they get 2 hours.
Orange	Jeff Burton Jburton@orangepd.org	Our officers are paid a minimum of two hours of overtime for each court appearance that occurs during their off-duty time. If their appearance in court exceeds two hours, they are compensated for the actual number of hours they are in court. Our officers are also compensated for their stand-by time for court. The majority of our subpoenas are for stand-by and officers are only called in when needed to testify. They are given two hours of stand-by time for the morning of the subpoena and, if they are placed on stand-by for that afternoon, they are given an additional two hours. If the officer is not needed in court, they are generally notified the day prior. In this case, they receive no compensation. If they are cancelled the night before we are off the hook and they get no

		compensation. In fact, they are cancelled in many cases.
Pleasanton	Brian Laurence blaurence@ci.pleasanton.ca.us	Our MOU provides for four hours OT (pay or Comp) if the court is local, five if it's over the hill in Hayward, Oakland, Etc. If the case is cancelled, there is no OT if the officer didn't at least come in or go to court. We do not have a provision that specifies any compensation dependent upon when they received the cancellation, nor is there a requirement that they call to check first before coming in.
Vallejo	David Jackson djackson@ci.fairfield.ca.us	Pursuant to the MOU with the VPOA, our officers receive a four hour minimum at 1½ rate for any court appearance occurring outside of their normal work hours. If they receive a subpoena for an appearance on a scheduled a day off, and the subpoena is canceled, they receive a two hour minimum at 1½ rate. If they receive a subpoena for an appearance on normal work day (regardless of the appearance time), and the subpoena is canceled up to the prior day, they receive no compensation.
Oxnard	Randy Latimer randylatimer@oxnardpd.org	As far as the cancellation: It's the officer's responsibility to check on the status of an ongoing case via Witness Coordination or our Subpoena Desk. Our Subpoena Desk keeps officers informed of the status via email. If the case was cancelled the day before and the officer decides to show up without checking, he/she does not get paid. If he/she checked and was advised by the D.A. or Subpoena Desk that he was still needed but was not, he/she gets compensated.
Dinuba	Jack Tyler jtyler@dinuba.ca.gov	Dinuba Police Department pays our officers a minimum of two hours if they actually go to court. If they are placed on call (and most officers do request to be placed on call) on their work day, they do not get paid unless called for court. If they are on call on their day off, and they do not get called, they receive three hours pay. If they are called to court, they get the minimum two hours and if it lasts longer than that, they get the actual time
Bakersfield	Paula Kitchen pkitchen@bakersfieldpd.us	The Bakersfield Police Department Court Appearance and Subpoena Policy is attached per your inquiry regarding the compensation policy for

		<p>court appearances by officers. You will find the compensation policy in section 348.2.5, page 162. You will also find an excerpt from the City of Bakersfield Memorandum of Understanding on the last page of the attachment which addresses the subject.</p>
Oakdale	<p>Lester Jenkins Ljenkins@ci.oakdale.ca.us</p>	<p>We compensate officers four hours of time and a half for morning appearances and the same again if they are held to return after lunch. We require that they call the night before to a recorded line (established by DA's Office) to see if the case is still going. If it is not, they are not compensated.</p> <p>Also, If they are put on-call we pay them three hours of straight time for each four-hour block (morning & afternoon) with a limit of one day, unless approved prior by admin.</p>
Colma	<p>Robert Lotti Rlotti@colma.ca.gov</p>	<p>I have included the language in the current POA regarding court overtime. As for call off's: Our policy is to leave a message on the officers work voice mail if we get a cancellation, even a late one. It is their job to check their voice mail prior to attending court. If they show up at court and did not check the VM, they are not compensated. So far we have not had any problems with this system, which we have used for about 18 months thus far.</p> <p>A. A Member who is subpoenaed to testify on his or her day off at any judicial, civil or administrative hearing, including but not limited to Superior Court, Municipal Court, Traffic Court, DMV hearing, civil deposition or parole hearing, on a matter arising out of the Member's course and scope of employment, shall earn overtime as follows:</p> <p>(1) While at the place of the hearing, the Member shall earn overtime from the time first required to be there until the time released, except for meal breaks. The Member will be paid for only one block of time in a day, regardless of the number</p>

		<p>of matters that may require the Member's appearance. Except for the circumstances described in paragraphs 2 and 3, the Member will earn a minimum of four hours of overtime for the day.</p> <p>(2) If placed on telephone standby by the District Attorney, the Member shall earn two (2) hours of overtime for all time on standby. If the Member is called to court, he or she will receive overtime from the time first required to be there until the time released, except for meal breaks. The Member called to court will receive court overtime in lieu of stand by overtime. In all cases, members must have authorization from a supervisor prior to accepting the telephone standby.</p> <p>(3) When a Member is required to be at the place of the hearing within four hours prior to or one hour after his or her shift, Member shall earn overtime from the time first required to be there until the time released, except for meal breaks.</p> <p>(4) While testifying by telephone, Members shall earn overtime for the time the Member is required to be on the telephone.</p>
Inglewood	<p>Mike McBride mmcbride@cityofinglewood.org</p>	<p>We pay our officers a minimum of 2 hours overtime when they are subpoenaed to Court. They get paid as long as they appear in Court (i.e., check-in) and regardless of how long they are physically there.</p> <p>If they are called off prior to making an appearance, they are not paid.</p> <p>It should be noted this is a negotiated item in the Officer's MOU.</p>
El Cerrito	Michael Regan	We pay our Department members a minimum of 4 hours OT for an

	mir@ci.el-cerrito.ca.us	<p>appearance on their off time, unless the appearance is within four hours of their duty time and they are paid OT for the number of hours prior or after their duty time. If the court appearance is canceled on their day off with less than 24 hours notice, there are paid 4 hours of straight time.</p>
<p>Huntington Beach</p>	<p>David Bunetta dbunetta@hbpd.org</p>	<p><u>Subpoena Compensation</u></p> <p>a. <u>Court Appearance Time</u> - Employees required to appear in court during other than their scheduled working hours shall be paid a minimum of three (3) hours overtime pay; provided, however, that if such time overlaps with the employee's scheduled working hours, said rate shall be limited to those hours occurring prior to or after the employee's scheduled work time.</p> <p>The City shall recognize administrative subpoenas the same as criminal and civil, including subpoenaed hearings conducted by telephone. Telephone Business under subpoena is differentiated from Telephonic Work as described in Section 6 below.</p> <p>b. <u>On-Call Court Time</u> - Employees required to be on-call for a court appearance during other than their scheduled working hours shall be paid a minimum of three (3) hours pay at their regular rate of pay for each morning and afternoon court session provided, however, that if such time overlaps with the employee's scheduled working hours, said rate shall be limited to those hours occurring prior to or after the employee's scheduled work time. On-Call Court Time shall not be considered hours worked for the purpose of calculating overtime. Notwithstanding Article IX(B)(1), an employee may not deposit more than sixty (60) hours per calendar year of compensatory time in lieu of pay for On-Call Court Time. At any time after one year from the ratification of</p>

this Agreement, the sixty (60) hour limitation will be removed if the Chief of Police determines there is no undue burden on staffing. Employees shall not be paid On-Call Court Time if Court Appearance Time is paid.

c. Cancelled Subpoenas - Employee shall be paid two (2) hours of pay at their base hourly rate of pay for subpoenas cancelled with less than twenty-four (24) hours notice.

(This is the MOU Language)

2/1401.25 COMPENSATION – ON CALL/APPEARANCE COURT TIME
1 of 1 **2/1401.25 COMPENSATION – ON CALL/APPEARANCE COURT TIME**

Each employee, on off duty time, who is placed on call or who appears in court shall be compensated according to the appropriate and current MOU.

It is the officer's responsibility to accurately report all on call/appearance court time on the Payroll Exception Report. It is mandatory to include in the "Reason" section, the DR# and/or the defendants name which is on the subpoena. The officer shall also attach a copy of the subpoena or appropriate court roster to the Payroll Exception Report. In the event of a court case being trailed over several days, a copy of the subpoena or court roster shall be attached to each Payroll Exception Report. The Payroll Exception Report shall then be submitted through the employee's chain of command for review and approval.

Court related OT will be periodically audited using the court roster, along with the individual Payroll Exception form and subpoena serving as verification.

MANUAL OF THE HUNTINGTON BEACH POLICE DEPARTMENT
8/29/20

2/1401.22 ON-CALL STATUS/REQUIREMENTS **1 of 2** 2/1401.22 ON-CALL STATUS/REQUIREMENTS

Employees who are placed on-call for court appearances must:
Be available at the telephone number currently listed in the employee's personnel record or,

Advise the Court Liaison Clerk in advance of an alternate telephone number where the employee can be reached. This includes when the employee is working an overtime assignment or attending training.

Be capable of being in court, dressed in appropriate attire, within 45 minutes.

In order for an employee to be eligible for on-call status and receive compensation, the employee must be at a location (either residence or an alternate location) that is within 45 minutes response time. This is the maximum response time the court will allow.

Many employees' residences are not within 45 minutes driving time to the court, even under optimum weather, traffic, and parking conditions. This does not take into account the amount of time needed to be appropriately dressed. When considering these additional time-consuming factors, the mileage radius that an employee must be located within in order to arrive in court within 45 minutes after notification is greatly reduced and should be taken into consideration.

Any employee refusing to accept a subpoena shall indicate on the Subpoena Expedite Form the date the employee will return from vacation, CTO, or training session. The Court Liaison Clerk can then inform the court when the employee will be available for a court appearance.

When employees accept a subpoena for a particular date, but know they will be unavailable for court for an authorized reason within the next 30 days, they should document this on the Subpoena Expedite Form. This information will assist the Court Liaison Clerk in scheduling future court dates related to the subpoena.

If an employee who is under subpoena becomes sick and cannot appear at court on a particular day, the employee shall telephone the Court Liaison Clerk by 0800 hours and advise the clerk of this status. The

		<p>employee will no longer receive compensation for being on a mandatory appearance or on-call status for that day. Relying on a pager or cellular phone is done at your own risk. Pagers and cellular phones do not always work in all locations, and under all circumstances. Personnel who claim that their pager or cellular phone did not alert them will still be held responsible for not appearing in court when called.</p> <p>Court Liaison Clerk's Responsibilities In the event one of the following circumstances should occur: 2/1401.22 ON-CALL STATUS/REQUIREMENTS 2 of 2</p> <ul style="list-style-type: none"> • The employee was not available when called (this applies regardless of whether the Court Liaison Clerk was calling the person to notify him/her to appear or to notify him/her that his/her case had been disposed of). • The employee was responsible for a case being dismissed due to his/her arriving in court more than 45 minutes after being notified. <p>The Court Liaison shall notify the employees Division Commander.</p>
Union City	Greg Stewart Gstewart@unioncity.org	<p>2.04 MINIMUM COURT TIME A bargaining unit employee who is required to attend court during off-duty time in response to a valid subpoena received as a result of their City employment shall be paid a minimum of four (4) hours at time-and-one-half their regular rate of pay for their classification. The following conditions and exceptions shall apply:</p> <p>A. An employee may receive a minimum court time allowance of four (4) hours of overtime pay only once in any day. The four (4) hour minimum will be paid only for the first appearance of the day.</p> <p>B. An employee shall not be paid for a lunch period of one (1) hour or less when courts take an actual luncheon</p>

recess.

- C. An employee who has received the minimum court time pay of four (4) hours at the overtime rate for their first appearance shall be entitled to a minimum pay of one (1) hour at the overtime rate for their second appearance on the same day.
- D. An employee subpoenaed to court one-and-one-half (1 1/2) hours or less after the end of a regularly scheduled shift shall extend their previous shift to make their court appearance. The four (4) hour minimum shall not apply.
- E. An employee subpoenaed to court four (4) hours or less before the beginning of a regularly scheduled shift shall extend the beginning of their upcoming shift to the time they are subpoenaed to appear in court. The four (4) hour minimum shall not apply.
- F. To be entitled to compensation under this section, employees in an off duty status at the time of the scheduled court appearance shall confirm with the police department subpoena clerk on or before 1700 hours (5:00p.m.) on the court day preceding the scheduled court date to determine if an appearance is required. If the court appearance is canceled after it has been confirmed by the police department subpoena clerk and the employee reports for court, then compensation will be authorized. If the employee fails to contact the police department subpoena clerk but reports for court and the appearance has not been canceled compensation will be authorized. However, if the employee does not contact the police department subpoena clerk but reports for court and the police

		<p>department subpoena clerk had been notified of the cancellation the employee will not be compensated.</p>
<p>Oceanside</p>	<p>Sean Marchand smarchand@ci.oceanside.ca.us</p>	<p>501.05.6 Court Call-off. When a member receives a subpoena that indicates a recording should be called to check for cancellation, he/she is advised to make such a call. Any member claiming overtime for a court appearance in which the case was canceled, and the member failed to call and ascertain the case status, may be subject to disciplinary measures.</p> <p>501.05.7 Court Overtime. Court overtime will be verified with the member's subpoena. Members attending court will have the subpoena time stamped on the back when they arrive at court and when the business for which they were subpoenaed is completed. Additionally, members will fill out the stamp on the back of the subpoena indicating if they testified and the name of the District Attorney who handled their case. The supervisor who approves a member's overtime will collect the member's subpoena, sign it on the back in the space provided and route the document back to the Field Operations Support Office.</p> <p>501.05.8 Telephone Stand-by. Members who agree to be placed on telephone standby must provide the party who issued the subpoena with an on-duty and off-duty phone number or pager number to facilitate their being called to court. Overtime compensation is not authorized for telephone standby.</p> <p>Additionally the MOU between the City of Oceanside and the Oceanside Police Officers Association states the following regarding this matter:</p> <p>Section 2.09. <u>Court Appearance Pay</u></p>

		<p>All employees of the City of Oceanside Police Department who, on scheduled time off, vacation and/or holiday time, are required to be present in court (or other similar legal proceeding) in connection with the performance of their duties, shall receive a minimum of three (3) hours at time and one-half. This three hour minimum shall commence when the employee departs their place of residence and concludes upon arrival back at their residence. If the employee is called back to the same court on the same day in the afternoon, the employee will be paid at time and one half for all time spent in the afternoon court. If the employee is required to appear in two different cases (one court in the morning and one court in the afternoon) on the same day, the employee shall receive the three hour minimum for each court appearance. Personnel on I.O.D. status may claim overtime benefits only for that amount of time in excess of eight (8) hours for each appearance.</p>
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