

Ron Darden gave me your e-mail concerning overtime for the academy.

The Wage and Hour office of the Department of Labor has determined that all time spent in training at the police academy is compensable time. The time should be turned in at the same time regular time is turned in, rather than at the end of the six weeks at the academy.

Putting the employee on "salary" really doesn't make much difference. "Salary" does not necessarily exempt an employee from the overtime requirements of the Fair Labor Standards Act. In fact, there are two different classes of salaried employees, exempt and non-exempt. Exempt employees, such as the city manager or police chief are "exempt" from the overtime requirements of the Fair Labor Standards Act. Non-exempt employees, such as police officers are not. Designating an employee as salaried may provide some relief, however. The overtime threshold for police officers is 43 hours in a one week work period, 86 hours in a two week work period or 171 hours in a four week work period (work periods are not the same as pay periods and can be longer than pay periods). An employee paid a salary for 43 hours, or 86 hours, or 171 hours is paid the same for working a traditional 40 hour week, 80 hours in two weeks, or 160 hours in four weeks as he/ she is paid for any hours up to 43, 86, or 171. The time-and-a-half overtime premium is only paid for hours worked in excess of the threshold. If the employee is paid "hourly," the employee is paid for each and every hour at straight time, up to the threshold and paid the time-and-a-half premium for all over the threshold.

The City of Kingsport has a unique way of dealing with academy overtime. They normally compensate all overtime with cash payments, except for overtime earned at the academy. All overtime for the academy is compensated with compensatory time (one-and-a half hours for each hour worked over the overtime threshold) At the conclusion of the six week academy (the employee has been away from home and family) the employee is schedule for one week off. Forty hours of the accrued compensatory time (depending on the number of hours your folks are normally scheduled to work each week, is used for that week. Since most new employees do not get much or any leave time (vacation or sick leave) during the first year of employment, the accrued compensatory time gives them an opportunity for some time off. (Remember, police officers have to work nights and weekends) The employee is required to take off all accrued time before the end of the year. If the employee has not done so, the city schedules the employee off enough hours to take care of the rest of the accrued time. The employee cannot be made to "lose" it if it not taken, but the city can force them to take it.

Another note: I would require the employee to produce an academy training schedule defining the time that has been turned in for compensation, and I would require the employees to reduce the time by any hours or increments of hours that classes ended early. The academies are known for ending some classes early, especially on the last day of each week, or for cancelling some blocks of instruction for various reasons.

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