

Carlsbad Police Department

Policy Manual Special Order 2023-04

Pursuant to Carlsbad Police Department Policy 204, this Special Order becomes effective January 1, 2024.

Policy section 216 reads as follows:

216.1 PURPOSE AND SCOPE

It is the policy of the Carlsbad Police Department to maintain proper staffing and operational readiness and to maintain a degree of flexibility concerning the overtime policy due to the nature of police service work and the needs of the department. The purpose of a minimum staffing policy is to manage overtime, maintain a high level of service, ensure officer safety and accountability, and promote constitutional, effective policing. This policy does not apply to Communication Operators.

216.2 PATROL MINIMUM STAFFING LEVELS

At least two supervisors should be on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch, in addition to the Watch Commander.

With Watch Commander approval, a senior officer on duty, may be used as a field supervisor in place of a Sergeant. With prior authorization from the Watch Lieutenant, a Sergeant or senior officer on duty may serve as the Watch Commander.

216.3 PATROL SHIFTS-MINIMUM STAFFING

It is the Watch Commander's responsibility to ensure proper staffing for their respective shift. The below staffing standards should be maintained. Ultimately, it is at the Watch Commander's discretion to call in additional employees when he/she deems necessary. These minimum staffing levels are guidelines for each shift.

- Day Shift – 9 officers during summer months (Summer=Memorial Day to Labor Day) and 8 officers during all other months of the year. 1 field supervisor in addition to the Watch Commander.
- Night Shift –10 officers during summer months (Summer=Memorial Day to Labor Day) and 9 officers during all other months of the year. 1 field supervisor in addition to the Watch Commander.

These numbers may not be maintained hour by hour, throughout the entire 12-hour shift, due to officers' 8-hour days and other scheduling circumstances but are meant as guidelines for Watch Commanders to make discretionary decisions each shift.

216.4 INTRA-DIVISIONAL ASSIGNMENTS

The Watch Commander may at their discretion have on-duty personnel not regularly assigned to the patrol division serve as patrol personnel. The Watch Commander should discuss the need to

use personnel from other divisions with the Division Commander that regularly supervises that employee, if there is no exigency and time allows.

216.5 OVERTIME PROCEDURES

Circumstances may require increased staffing at the discretion of the Watch Commander or Lieutenant in charge of a division. A Watch Commander or Divisional Lieutenant has the discretion to schedule overtime as they deem necessary to ensure operational readiness.

216.5.1 VOLUNTARY FILL PROCEDURE – ALL SHIFTS

- a) Individuals wishing to be considered first for overtime opportunities may post their availability to work overtime in the scheduling system. The scheduling supervisor may use that posted availability to immediately fill overtime opportunities. If there are multiple individuals who have indicated availability during the overtime opportunity time period, the scheduling supervisor may assign the overtime opportunity prioritized by the scheduling system's list, which is based on availability qualifications, least total overtime hours already completed, and most seniority.
- b) When a staffing need is identified, if reasonable under the circumstances, an announcement will be sent to qualified and available personnel. The overtime opportunity will be posted in the scheduling system and an email will be sent out.
- c) Generally, employees will be asked to sign up in the scheduling system. However, if circumstances require staffing more urgently, the Watch Commander may order personnel to work.
- d) Generally, employees are limited in the number of hours they may work within a pre-determined time period pursuant to Policy 1032.7.
- e) Once an employee has voluntarily signed up for a shift/detail, they are responsible to work that shift. If, after signing up for a shift, the employee learns that they cannot work the shift/detail, they are responsible for notifying an on-duty supervisor of the change and if deemed necessary by the supervisor for coverage purposes, finding a replacement to work the shift.

In this instance, their replacement is considered as having completed discretionary (also known as voluntary) overtime. The employee who originally signed up is again eligible for mandatory overtime.

- f) In the event an employee voluntarily fills an overtime shift/detail the employee filling the shift/detail will have been considered as working discretionary overtime. Completed discretionary worked hours will be included in the calculation for ordering of the mandatory overtime hire lists.

216.5.2 MANDATORY OVERTIME

If staffing needs are urgent, the Watch Commander or Divisional Lieutenant has the discretion to order any employee to work. However, if reasonable time permits, the following guidance should be followed when identifying employees who shall be ordered to work. This order to

work is to be called a "Mandatory Hire":

- a) A mandatory hire list will be calculated in the following order:
 1. Closest rank match for mandatory hire shift. Divisional assignments (e.g., Patrol, Investigations, Traffic, etc.).
 2. Qualifications and/or availability to work. Criteria will be applied to exclude people from the mandatory hire list when appropriate. This criterion will consider if an individual:
 - i. is already working a regularly scheduled shift
 - ii. is a patrol trainee
 - iii. is currently on paid standby (although nothing in this policy precludes personnel on paid standby from being called in to work, if needed)
 - iv. is assigned to VNIU/Task Force, assigned as a non-uniformed detective, or an Accident Investigator
 - v. would work more than 16 hours in a 24-hour period, or 30 hours in any 48-hour period, or 84 hours in any 7-day period, as outlined in policy 1032.7
 - vi. is on extended leave which would include IOD or any other leave that extends beyond 2-weeks
 - vii. has prior approved leave during the time of the shift
 - viii. is unavailable. Unavailability will be granted when the employee has a vacation/comp or bereavement leave planned during their regular workdays that has been approved by a supervisor and runs into their normal days off. The employee's supervisor must add and approve the unavailability in the scheduling system for the days off that they will be unavailable.
 3. Least total hours of both discretionary/voluntary and mandatory overtime hours completed. The overtime calculations to determine total discretionary and mandatory hours worked shall consist of overtime work that has been already completed. It will not consider future scheduled overtime that has not been worked at the time of the mandatory overtime shift being filled. All total overtime hours will be included in the calculation including shift, training, meeting and special event overtime hours. Those with the least amount of total overtime hours completed will be mandatory hired prior to individuals with more total overtime hours.
 4. Least Seniority. Individuals with matching overtime hours since the start of the year will be ordered with the least seniority being mandatory hired first.
 5. The mandatory overtime calculations starts on January 1st and is not connected to any pay cycle and remains active until the end of the calendar year, at which time the mandatory hire list will reset on January 1 of each year.
- b) This mandatory hire list is calculated to prevent the lowest seniority individuals from being constantly re-selected for mandatory overtime.

- c) Efforts will be made to notify the employee of mandatory overtime assignments at least 14 days prior to the overtime shift. However, it is recognized that there will be situations where a 14-day notice is not possible, including the need to fill a shift that same day. However, regardless of notice provided, an employee is required to work when ordered to do so by a supervisor, which includes being held over past a regular shift.
- d) The lieutenant in charge of patrol scheduling will be responsible for ensuring the above criteria has been deployed and is correct for the mandatory hire list. Each individual is responsible for monitoring the seniority list and their overtime hours log in the scheduling system to ensure the list's accuracy with respect to that individual.
- e) Every employee will have access to the mandatory hire list in the scheduling system and will be able to monitor when they are next up on the list.

216.5.4 EMPLOYEE WITH A LEGITIMATE CONFLICT

- a) If an employee assigned to work overtime has a legitimate conflict with the assignment, they must immediately contact the supervisor making the assignment. Legitimate conflicts include employees who have pre-approved training that cannot reasonably be rescheduled or pre-approved leave during the required mandatory overtime period.

In these instances, the assigning supervisor or Watch Commander shall have the discretion to add an unavailability code and to not order the employee to work and move to the next employee on the mandatory hire list.

217 EVENT STAFFING

The Officer In Charge of the event is responsible for establishing the minimum staffing requirements.

- a. In order to meet the minimum staffing requirements, the following process will be employed:
 - 1. A minimum of a 2-week notice or greater should be provided for mandatory overtime for special events, when reasonably possible.
- b. The same criteria outlined above in 216.5.2 will be deployed for mandatory hires for special events.

William S #5221
Mickey Williams, Chief of Police

12/4/23
Date