



Winters Police Department

John P. Miller, Chief of Police

702 Main Street, Winters, CA. 95694

GENERAL ORDER #16-01 SCHEDULING AND STAFFING

Date: September 30, 2016

Revised: June 12, 2017

I. PURPOSE

Taking into consideration numerous officer-safety factors and the law enforcement needs of our growing community, situations in which only one scheduled Police Officer, Corporal, or Sergeant is working should be avoided during times identified below and altering schedules or authorizing overtime shall be considered to adequately staff vacancies.

II. POLICY

Nothing in this General Order should be interpreted as an amendment or “side letter” to the current Memorandum(s) of Understanding entered into between the City of Winters and the Winters Police Officers Association or the City of Winters and the Winters Police Sergeants Association. There is no employment right as to the assignment of overtime details, special events, or shifts; therefore, management retains all management rights in regards to this matter.

Supervisors should carefully scrutinize and assess previously scheduled or anticipated meetings or other tasks that take a scheduled Police Officer or Corporal out of jurisdiction leaving only one Police Officer, Corporal, or Sergeant available within the city. Supervisors will seek approval directly from the Chief of Police for previously scheduled or anticipated meetings or other tasks that will take them out of jurisdiction leaving only one scheduled Police Officer or Corporal available within the city. This does not include mid-shift incidents such as transports to county jail or mental health or other unexpected emergencies and is aimed at avoiding predictable and preventable vacancies.

For scheduled events such as training, vacation, or other accrued leave bank use that will leave only one scheduled Police Officer, Corporal, or Sergeant available within the city between the hours of 1200-2200 or on Friday and Saturday until 0200 hours, Supervisors shall consider adjusting the work schedules of available personnel to fill the vacancy. This includes the Police Officer or Corporal assigned as the Detective/School Resource Officer. If this is not feasible without creating a similar overtime situation during another shift, Supervisors should consider filling the vacancy with overtime. Additionally, if the vacancy occurs at such short notice that it would prohibit the consideration of adjusting work hours, such as use of prescriptive sick leave, then authorization of extending the hours of personnel currently on-duty may be considered.

It should be noted that it is recognized Compensatory Time Off (“CTO”) may or may not necessarily be accrued pursuant to 29 CFR §207(o)(5) of the Fair Labor and Standards Act (FLSA), therefore, the granting of CTO shall comply with current law as decided in *Mortensen*



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v. County of Sacramento, 368 F.3d 1082 (9th Cir 2004). The Department will generally grant CTO requests only if the request is made within a “reasonable period” and is not “unduly disruptive” to functions.

If the scheduling of overtime in any situation described above would cause Article 11 A. (“10 hour rest period”) of the Memorandum(s) of Understanding entered into between the City of Winters and the Winters Police Officers Association or the City of Winters and the Winters Police Sergeants Association Memorandum(s) of Understanding to trigger, it will require the notification and explicit approval of the Chief of Police.

Supervisors shall not make changes to another shift’s schedule without notifying the Supervisor of the affected shift. Supervisors will also notify any affected officers of any changes made to their working hours or days within a reasonable time, and at least 24 hours in advance, of the change.

If members that have had their shift altered have a conflict with previously scheduled function, consideration can be made on a case-by-case basis. The affected officer shall notify the supervisor adjusting the schedule of the conflict. The supervisor shall consider the extenuating circumstances and may consider other scheduling alternatives.

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