

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Police Officer Overtime Pay

Date: November 29, 2022

STAFF RECOMMENDATION

Staff presents for the Mayor and Town Council's review and consideration of current police officer overtime pay calculations and requested modifications. I recommend that the Town adjusts the police officer overtime pay policy to pay overtime for any hours worked over their regularly scheduled full-time work hours. This would currently be 161 hours for patrol units and 160 hours for other units in a 28-day pay period.

GENERAL INFORMATION

Through continual reviews of Police Department staffing and operations a renewed request for reversal of previous Town overtime pay calculation changes is being presented for consideration. A brief history of this topic and summary is as follows.

Prior to unionization and collective bargaining of Town police officers from 2010-2012, overtime pay was provided for all hours worked after the first 160 hours in each 28-day pay period. This was consistent with other Town general employees at the time and is still provided to other Town general employees. As the result of a collective bargaining impasse in January of 2012, the Town Council and then Town Manager Elwell imposed a change to this policy to be in line with the maximum of the Fair Labor Standards Act (FLSA) which was overtime pay provided after the first 171 hours in each 28-day pay period (Attachment A). In 2012, the Town's police officers ended their unionization and collective bargaining efforts.

In 2014, then Director of Public Safety Kirk Blouin along with former Mayor Jack MacDonald made requests on behalf of the Town's police officers to re-visit the imposed changes to the overtime policy in order to address staffing concerns due to fewer officers working extra assignments voluntarily and its negative affect on morale. This matter was brought before the Mayor and Town Council on July 17, 2014, where then Town Manager Elwell recommended no change be made primarily due to cost and overall police officer position competitiveness (Attachment B). Ultimately, the Town Council decided to adjust the police officer overtime pay policy to match the pay policy of the Palm Beach County Sheriff's Office (PBSO) deputies. PBSO provided overtime pay for all hours worked after the first 167 hours in each 28-day pay period. It should be noted that the current PBSO policy now allows for overtime pay for all hours worked after the first 161 hours in each 28-day pay period.

Essentially, this current overtime pay policy mandates that police officers are paid regular “straight” time rates for the first 7 hours worked over their regular full-time scheduled hours in a pay period. This is inconsistent with general Town employees as well as with PBSO which serves as a useful indicator for the local marketplace. The same concerns with staffing and morale that former Director of Public Safety Blouin related to the Mayor and Town Council in 2014 persist today. Mr. Elwell’s justifications for his recommendation are no longer accurate in the current year. The Police Department has maintained tight control over our overtime costs in the past few years, using only 46 percent and 44 percent respectively of the patrol services allotted overtime budget in the last two fiscal years (\$75,000).

Additionally, we applied for and received reimbursement for overtime work conducted in accordance with applicable grant programs, such as Operation Stonegarden and Presidential Protection. We do not anticipate a large fiscal impact, due to internal fiscal controls and limited use of overtime not already covered by the Critical Incident Pay policy (e.g. demonstrations, protests, natural disasters, etc.). Mr. Elwell’s comments regarding market information are not applicable in today’s highly competitive police officer employment marketplace, as we do not maintain the top-tier marketplace position described in his 2014 memorandum. Below are the results of collective bargaining agreement reviews for overtime in the local law enforcement market place.

Agency	Overtime Threshold
Boynton Beach	Paid OT for all hours in excess of regular scheduled
Boca Raton	Paid OT for all hours in excess of regular scheduled
Delray Beach	Paid OT for all hours in excess of regular scheduled
Jupiter	Paid OT for all hours in excess of regular scheduled
Lantana	Paid OT for all hours in excess of regular scheduled
Ocean Ridge	Paid OT for all hours in excess of regular scheduled
PBSO	Paid OT for all hours in excess of regular scheduled
Palm Beach Gardens	Paid OT for all hours in excess of regular scheduled
Riviera Beach	Paid OT for all hours in excess of regular scheduled
West Palm Beach	Paid OT for all hours in excess of regular scheduled

In sum, I firmly believe that providing the recommended change to the police officer overtime pay policy will be accommodable within existing budget request amounts, provide for greater management flexibility in scheduling staff and covering vacancies, bring the Town into a more competitive and equitable position in the marketplace, and improve the morale among the Town’s police officers.

FUNDING / FISCAL IMPACT

The estimated cost of implementing the recommended change would be approximately \$13,000 on an annual basis, which as indicated herein would be absorbed within the existing allocated overtime budget.

Attachment

cc: Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager, Finance and Administration
Gillian Barth, Director of People & Culture
Jane LeClainche, Director of Finance