

# Pinole Police Department

## MEMORANDUM

Date: August 17, 1995  
To: Assistant City Manager Evelene Payne  
From: Lieutenant John C. Miner  
Subject: Local 1 MOU language

---

At your request, the following is language related to court appearance overtime for Community Service Officers.

Any Community Service Officer appearing as a witness during off-duty hours and arising out of his or her employment by the City shall receive compensation. If the time is considered overtime then the employee shall be compensated at the overtime rate; otherwise, it shall be compensated at the regular hourly rate. Any Community Service Officer so appearing shall be paid at this rate for actual time required, with a minimum of three hours of compensation, except as listed below;

1. Multiple court appearances where the subsequent appearances are within three hours of each other, shall be paid a three hour minimum. If the appearance time exceeds the three hour minimum time, consecutively, then the Community Service Officer will be paid on the additional actual time basis.
2. If the subsequent court appearance time is beyond a three hour minimum time of the first appearance, the Community Service Officer shall be compensated for a second three hour minimum.
3. If the court appearance is prior to and less than three hours before the Community Service Officer's scheduled shift the compensation shall be only for that time from the subpoena appearance time to the beginning of the scheduled shift.
4. If the court appearance is within 30 minutes of the time the Community Service Officer goes off duty, the appearance will be considered an extension of his or her working day. The compensated time will start at the time the Community Service Officer goes off duty.

### Examples:

1. Community Service Officer Smith receives three subpoenas for October 27, 1995. The appearance times are 8:30 a.m., 10:30 a.m., and 1:30 p.m. Community Service Officer Smith arrives at court at 8:30 a.m. and appears on the first

subpoena and concludes at 9:00 a.m.; appears on the second subpoena at 10:30 a.m. and concludes at 12:00 p.m.; and appears on the third subpoena at 1:30 p.m. and concludes at 4:00 p.m.

Community Service Officer Smith is compensated in the following manner: Minimum of three hours pay for the first court appearance. Since the second court appearance extended beyond the three hour minimum time of the first appearance by 30 minutes, Community Service Officer Smith receives an additional 30 minutes of compensation. The third subpoena appearance time starts outside the first three hour minimum and is not contiguous any other appearance time, Community Service Officer Smith receives an additional three hour minimum compensation. This brings the total compensation for Community Service Officer Smith to 6 hours and 30 minutes for October 27, 1995.

2. Community Service Officer Smith receives a subpoena for October 27, 1995 at 3:00 p.m. Community Service Officer Smith is scheduled to go on-duty at 5:00 p.m. Community Service Officer Smith arrives at the court at 3:00 p.m. and concludes his appearance at 4:30 p.m. Community Service Officer Smith is compensated for two hours only.
3. Community Service Officer Smith receives a subpoena for October 27, 1995 at 5:15 p.m. Community Service Officer Smith goes off duty at 5:00 p.m. on this date. Community Service Officer Smith arrives at court at 5:15 p.m., concludes his testimony arriving at the Department at 7:00 p.m. Community Service Officer Smith will be compensated for two hours only.
4. Community Service Officer Smith receives a subpoena for October 27, 1995 at 8:15 a.m. Community Service Officer Smith goes off duty at 7:00 a.m. on this date; however, works overtime (report writing) until 7:45 a.m. Community Service Officer Smith arrives at court at 8:15 a.m., concludes his testimony arriving at the Department at 9:00 a.m. Community Service Officer Smith will be compensated for the report writing and court appearance in the amount of two hours only.
5. Community Service Officer Smith receives a subpoena for October 27, 1995 at 8:15 a.m. Community Service Officer Smith goes off duty at 7:00 a.m. on this date. Community Service Officer Smith arrives at court at 8:15 a.m., concludes his testimony arriving at the Department at 9:00 a.m. Community Service Officer Smith will be compensated for three hours.

Let me know if you need further.