

## 12.820 COMPENSATION FOR COURT ATTENDANCE, HEARINGS AND OTHER ADMINISTRATIVE RECALLS

### **Reference:**

Procedure 12.815 - Court Appearances, Other Hearings, and Correspondence to  
Other City Departments  
Procedure 12.816 - On-Call Court Appearance  
Procedure 12.825 - Compensatory Time and Paid Overtime  
Procedure 19.105 - Sick/Injured With Pay & Special Leaves  
FOP/City Labor Agreement  
AFSCME/City Labor Agreement

### **Purpose:**

Provide uniformity in the compensation of sworn personnel for appearances in court and at hearings.

### **Definitions:**

Compensation - Pay or time, determined by the type and number of court appearances on a given day, at time and one half the hourly rates.

Court Appearance - Required attendance at any of the following:

1. Local and state courts of record - civil and criminal
2. Grand jury
3. Federal court - civil and criminal
4. Ohio Liquor Control Board, probation or parole hearings, Ohio Board of Nursing, Ohio Board of Pharmacy, or any other similar agency
5. Out-of-town courts (1. through 3.) - other counties and states required attendance - subpoena (including defense attorney) or other officially recognized notification to attend a court or hearing (juvenile court, court referee, small claims court, probation/parole, deposition before notary included) as a representative of the Cincinnati Police Department.
6. Grievance hearings involving the city and the FOP.

Off duty - Those hours between normally scheduled tours of duty, excluding off days (i.e., between 0600 and 2200 hours, 2200 and 1400 hours, 1400 and 0600 hours, and 0400 and 2000 hours).

Off days - Those days commencing with the last hour worked on a normal tour of duty when the employee is not required to return to work within the next 24 hour period, and ending when the employee actually returns to duty. This includes preplanned vacation and compensatory time off granted before the employee received the notification to appear in court.

Dead time - If the member's regular shift ends less than eight hours before any scheduled court appearance, that time will be considered dead time.

**Procedure:**

A. Compensation Policy for Off-Duty Attendance:

1. Sworn personnel will be compensated with time, minimum of three hours compensation (two hours x 1-1/2), for a solitary appearance in traffic or criminal cases up to and including preliminary hearings.
  - a. This includes civil cases in the Hamilton County Municipal Court System. Witness fees will be surrendered.
2. Sworn personnel will be compensated for a solitary dead time appearance with pay at a rate of two hours above and beyond the normal compensation, as outlined in Sections A.1., A.4., A.5., and A.7. No more than two hours dead time compensation can be received for any one day.
3. Sworn personnel will be compensated for a solitary off-day appearance with pay at a rate of two hours above and beyond the normal compensation, as outlined in Sections A.1., A.4., A.5., and A.7. No more than two hours off-day compensation can be received for any one off day.
4. Personnel will receive compensation with pay for the first two hours at 1-1/2 rate for a solitary appearance in Cincinnati federal court or federal court in Covington, Kentucky.
  - a. This includes civil cases. Witness fees will be surrendered at the Court Control Unit.
  - b. Cash/check issued by the federal court in Cincinnati and Covington will be surrendered at the Court Control Unit, attached to an Overtime and Court Appearance Report (Form 68P) describing the court or hearing.
5. Personnel will receive compensation with pay for the first two hours at 1-1/2 rate for a solitary appearance in grand jury, common pleas court, or juvenile court.
  - a. Officers will take their signed subpoena from the above courts to the Common Pleas Clerk of Court's Office and deposit it in the basket located at the Criminal Witness Fee Desk. Officers will not need to wait for a check to be issued. Court Control Unit personnel will respond to the Clerk's Office each business day and receive one voucher for all court appearances for the previous court day.
    - 1) Officers will verbally advise the Court Control Unit when checking out that they have appeared in one of the above courts.

6. Non-sworn personnel will be compensated according to the AFSCME contract.
7. Off-duty time spent in any of the previously mentioned courts or hearings in excess of two hours will be compensated with time, in increments of 10 minutes, at a time and one-half rate (1 to 10 minutes = 15 minutes compensation). (See computation chart on Page 13.)
8. When multiple appearances are required in one day, compensation will be as follows:
  - a. The first two hours will be compensated with pay or time depending on the court or hearing attended.
  - b. Pay can be received for only two hours at the 1-1/2 rate in one day, with the exception of dead time and off-day compensation (see Sections A.2. and A.3.).
  - c. Time in court beyond the first two hours will be computed in increments as directed in Section A.7.
  - d. Multiple appearances beginning before noon and extending into the afternoon will be compensated as previously indicated, unless one hour or more elapses between the end of the previous court and the start of the last court appearance. In this instance the last court will be treated as a separate appearance with a minimum of two hours compensation at the 1-1/2 rate.

Example #1: Officer's off-duty appearances for one day consisted of the following:

Grand Jury 1100-1200 hours  
 Municipal Court 1300-1310 hours

Compensation:

Pay - Grand Jury 2 hours (x 1-1/2) 1100-1200 hours  
 Time - Municipal Court 2 hours (x 1-1/2) 1300-1310 hours

Total - 3 hours pay, 3 hours time

Example #2:

Grand Jury 1000-1015 hours  
 Common Pleas 1100-1230 hours  
 Juvenile Court 1315-1415 hours

Compensation:

Pay - Grand Jury 2 hours (x 1-1/2) 1000-1200 hours  
 Time - Common Pleas & Juvenile 2-1/4 (x 1-1/2) 1200-1415 hours

Total - 3 hours pay, 3.50 hours time

Example #3:

Grand Jury 1000-1130 hours  
Common Pleas 1130-1210 hours  
Municipal Court 1300-1330 hours  
Juvenile Court 1435-1440 hours

Compensation:

Pay - Grand Jury 2 hours (x 1-1/2) 1000-1200 = 3 hours  
Time - Common Pleas & Municipal Court 1-1/2 hours (x 1-1/2)  
1200-1330 = 2.25 hours  
Time - Juvenile Court 2 hours (x 1-1/2) 1435-1440 = 3 hours

Total = Time 2.25 hours + 3 hours = 5.25 hours Pay = 3 hours

Example #4: Off-day compensation is computed in the same way as above examples with an automatic additional two (2) hours pay.

Grand Jury 1100-1200 hours  
Traffic Court 1300-1310 hours

Compensation:

Pay - Off day - 2 hours  
Pay - Grand Jury 2 hours (x 1-1/2) 1100-1200  
Time - Traffic Court 2 hours (x 1-1/2) 1300-1310

Total = 2 hours pay + 3 hours pay + 3 hours time = 5 hours pay + 3 hours time

Example #5: Dead time compensation is computed in the same way as above Examples 1 - 3 with an automatic additional two (2) hours pay.

Grand Jury 1100-1200 hours  
Traffic Court 1300-1310 hours

Compensation:

Pay - Dead time - 2 hours  
Pay - Grand Jury 2 hours (x 1-1/2) 1100-1200  
Time - Traffic Court 2 hours (x 1-1/2) 1300-1310

Total - 2 hours pay + 3 hours pay + 3 hours time = 5 hours pay + 3 hours time

9. Officers required to appear in court while in a sick with pay status will be compensated the same as if it were an off-duty appearance (see Section A.1.). Officers in an injured with pay status are considered on duty and will receive no compensation.

10. Personnel appearing at the following places will retain the check issued by that agency as compensation for the appearance:
  - a. Federal court outside Cincinnati and Covington, Kentucky.
  - b. An Ohio Liquor Board Hearing, Ohio Board of Nursing, and the Ohio Board of Pharmacy.
    - 1) An appearance at the above places or an appearance at a Parole Board Hearing outside Hamilton County or nonlocal federal courts count as a work day. The check is retained for miscellaneous expenses incurred while in that city.
11. An appearance in an out-of-city court other than those in Section A.10. will be treated as if it were a common pleas appearance in the city.
  - a. Witness fees will be surrendered.
  - b. Mileage fees will be surrendered if a city vehicle is used.
  - c. Mileage fees received from the subpoenaing jurisdiction for use of a private vehicle may be retained. If the fee is less than that paid by Cincinnati, a claim for the difference may be made to the Fiscal and Budget Section.
  - d. The member's supervisor will consider reasonable time for travel to out-of-city courts and will include such time as part of the compensated court time.
  - e. Any appearance involving lengthy travel, overnight stays, etc., will be compensated depending on the time involved, duty status, and compensation given by the subpoenaing authority. In these instances the member involved will obtain a statement from a responsible court official describing time spent in court or time involved in preparing for case presentation. These facts will be presented to the Chief, via chain of command, for his review and determination of compensation.
12. Off-duty time spent in court before or extending beyond the member's normal work period will be treated the same as in Sections A.1., A.4., A.5., and A.7.
13. Taking time off or changing normal work hours in order to receive extra compensation for appearing in court is prohibited.
14. Personnel will only be compensated for court appearances that are a direct result of legal activities as an employee of the Cincinnati Police Department. This rule may be waived provided the detail is initiated and planned by the Police Department.

- a. Personnel engaged in employment by a private company or business establishment in a security, law enforcement, or other capacity, will use compensatory or other off time for court attendance in cases which evolve from arrests made on behalf of the private employer. The employing company is responsible for proper compensation for these court appearances.
15. The terms of Sections A.2., A.3., and A.8. will be subject to the terms of this section:
- a. Department personnel can qualify for either off-day or dead time compensation, but not both at the same time or on the same day. In addition, afternoon court appearances, which are treated as separate court appearances under Section A.8., do not qualify for additional off-day or dead time compensation.
16. When officers are released from court, and receive permission from their supervisor to start their tour of duty early, there must be a 15 minute separation between clocking out of court and starting their tour of duty.
- B. On-Duty Attendance:
- 1. Department personnel will receive regular pay and no other compensation for appearances in court while on duty except as noted in Section A.10.
    - a. When the start of your tour of duty and scheduled court time are the same, you will be compensated a minimum of two hours at time and one half for time spent in court prior to the scheduled court appearance.
  - 2. Checks received for on-duty court appearances or hearings will be endorsed, listing the duty status of the officer, and turned in at the Court Control Unit. This includes checks received from the following local and state courts of record - criminal and civil:
    - a. Probate court
    - b. Local federal court - criminal and civil
      - 1) Cash will be surrendered at the Court Control Unit, attached to a Form 68P describing the court or hearing.
      - 2) In lieu of claims for overtime, mileage, and other miscellaneous expenses, personnel attending Ohio State Liquor Board, Ohio Board of Nursing and Ohio Board of Pharmacy or Parole hearing outside Hamilton County and nonlocal federal courts will retain the witness fee check to cover their own expenses, even though these are all considered on-duty appearances.

3. On-duty personnel responding to juvenile court, grand jury, or common pleas court will follow Section A.5.a.
4. Reimbursement for mileage and parking is normally part of the witness fee for out-of-town appearances. These fees will be submitted along with the witness fee check except as noted in Sections A.10. and B.2.b.2).

C. Attendance While Suspended:

1. Personnel receiving a subpoena while suspended and attending a court hearing are only entitled to compensation from the subpoena. No compensation will be provided by the Police Department.

D. Verification of Court Appearances:

1. Normally the only records accepted by the Police Department as verification for off-duty court appearances will be the Form 68P and witness fee checks issued by the various clerks of courts.
  - a. The Form 68P must be signed, verifying the member's appearance by the officer of the court delegated that task.
    - 1) Time will be noted on the court slip in ink by this court officer.
  - b. An appearance where the usual record is a witness fee check, time beyond the first two hours will be documented and signed on the Form 68P by the Court Control Unit supervisor.
2. Recording and processing time earned for the appearances will be in accordance with Procedure 12.825.

E. Grievance Hearings:

1. Personnel who are on duty and required by either the city or the FOP to attend a grievance hearing will be released from duty to attend. Personnel who are off duty and required to attend a grievance hearing by the FOP will not be compensated by the city.
2. Personnel who are off duty and required to attend a grievance hearing by the city will be granted a minimum of three hours compensation (2 hours X 1-1/2). Any time over two hours will be compensated for at the 1-1/2 rate.

F. CCA Appearances:

1. Personnel who are off duty and required to respond to the Citizen Complaint Authority will be granted call back pay as stated in Section 4 of the Labor Agreement.

**COURT TIME COMPENSATION FOR TIME  
IN TEN MINUTE INCREMENTS - 1-1/2 RATE**

0:01 TO 0:10 =	.25	5:01 TO 5:10 =	7.75
0:11 TO 0:20 =	.50	5:11 TO 5:20 =	8.00
0:21 TO 0:30 =	.75	5:21 TO 5:30 =	8.25
0:31 TO 0:40 =	1.00	5:31 TO 5:40 =	8.50
0:41 TO 0:50 =	1.25	5:41 TO 5:50 =	8.75
0:51 TO 0:60 =	1.50	5:51 TO 6:00 =	9.00
1:01 TO 1:10 =	1.75	6:01 TO 6:10 =	9.25
1:11 TO 1:20 =	2.00	6:11 TO 6:20 =	9.50
1:21 TO 1:30 =	2.25	6:21 TO 6:30 =	9.75
1:31 TO 1:40 =	2.50	6:31 TO 6:40 =	10.00
1:41 TO 1:50 =	2.75	6:41 TO 6:50 =	10.25
1:51 TO 2:00 =	3.00	6:51 TO 7:00 =	10.50
2:01 TO 2:10 =	3.25	7:01 TO 7:10 =	10.75
2:11 TO 2:20 =	3.50	7:11 TO 7:20 =	11.00
2:21 TO 2:30 =	3.75	7:21 TO 7:30 =	11.25
2:31 TO 2:40 =	4.00	7:31 TO 7:40 =	11.50
2:41 TO 2:50 =	4.25	7:41 TO 7:50 =	11.75
2:51 TO 3:00 =	4.50	7:51 TO 8:00 =	12.00
3:01 TO 3:10 =	4.75	8:01 TO 8:10 =	12.25
3:11 TO 3:20 =	5.00	8:11 TO 8:20 =	12.50
3:21 TO 3:30 =	5.25	8:21 TO 8:30 =	12.75
3:31 TO 3:40 =	5.50	8:31 TO 8:40 =	13.00
3:41 TO 3:50 =	5.75	8:41 TO 8:50 =	13.25
3:51 TO 4:00 =	6.00	8:51 TO 9:00 =	13.50
4:01 TO 4:10 =	6.25	9:01 TO 9:10 =	13.75
4:11 TO 4:20 =	6.50	9:11 TO 9:20 =	14.00
4:21 TO 4:30 =	6.75	9:21 TO 9:30 =	14.25
4:31 TO 4:40 =	7.00	9:31 TO 9:40 =	14.50
4:41 TO 4:50 =	7.25	9:41 TO 9:50 =	14.75
4:51 TO 5:00 =	7.50	9:51 TO 10 =	15.00