

OVERTIME**A) OVERTIME**

1) Subject to the provisions of Regulation 25 and this Determination, a member of a police force of the rank of constable or sergeant shall be compensated in respect of time:

a) for which the member remains on duty after their tour of duty (or in the case of a member working in accordance with variable shift arrangements, a rostered shift) ends; or

b) for which the member is recalled between two tours of duty (or in the case of a member working variable shift arrangements, rostered shifts); or

c) which forms part of a tour (or in the case of a member working variable shift arrangements, a rostered shift) which the member is required to begin earlier than the rostered time without due notice and on a day when the member has already completed their normal daily period of duty (or in the case of a member working variable shift arrangements, a rostered shift);

and such time is referred to in this determination as "overtime".

2) Only a member of a police force of the rank of constable or sergeant may be eligible for compensation for overtime.

3) The member shall not be compensated under this determination for overtime for which an allowance is payable under Regulation 26 and the determination under that regulation.

4) Subject to paragraphs (5) and (7), a full-time member of a police force of the rank of constable or sergeant shall be granted an allowance in respect of each week at the rate of a twenty-fourth of a day's pay for each completed period of 15 minutes of overtime worked by the member on any occasion during that week, except that on each of the first four occasions on which overtime in respect of which the member was not informed as mentioned in paragraph (7) is worked during a week 30 minutes of the overtime worked is to be disregarded.

5) Where such a member of a police force of the rank of constable or sergeant, before the expiry of any pay period, elects in respect of specified overtime worked by the member during the weeks ending within that period to be granted in lieu of an allowance time off subject to and in accordance with paragraph (6), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (4).

6) Subject to the exigencies of duty, where by virtue of an election under paragraph (5) time off falls to be granted to a member of a police force of the rank of constable or sergeant in respect of any overtime worked by the member in any week

then, within such time (not exceeding 3 months) after that week as the Chief Constable may fix, the Chief Constable shall grant to the member time off equal, subject to paragraph (7), to the period of that overtime worked by the member during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off, except that on each of the first 4 occasions on which overtime in respect of which the constable or sergeant was not informed as mentioned in paragraph (7) is worked during a week 30 minutes of the overtime worked is to be disregarded.

7) For the purposes of paragraphs (4) and (6), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion other than a period of 15 minutes of overtime in respect of which the member was informed at the commencement of the member's tour of duty that they would be required to remain on duty after their tour of duty ended.

8) In computing any period of overtime for the purpose of this determination:

a) where the member of a police force of the rank of constable or sergeant is engaged in casual escort duty, account shall be taken only of:

i) time during which the member is in charge of the person under escort;

ii) such other time as is necessarily spent in travelling to or from the place where the member is to take charge of, or hand over, the person under escort, as the case may be; and

iii) any other time that may be allowed by the Chief Constable, so however, that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the Chief Constable may exclude such period not exceeding eight hours, during which the member is not in charge of the person under escort as the Chief Constable considers appropriate in the circumstances;

b) subject to paragraph (4), where the tour or tours of duty does not or do not amount in the aggregate to more than the normal daily period of duty, no account shall be taken of any overtime except so much as together with the tour or tours of duty exceeds the normal daily period of duty. This paragraph does not apply to members working in accordance with variable shift arrangements;

c) where a member is recalled to duty between two rostered tours of duty (or in the case of a member working variable shift arrangements, shifts) and is entitled to reckon less than 4 hours of overtime in respect of any period for which the member is recalled, disregarding any overtime reckonable under regulation 22(1)(e) and the determination made under that regulation, the member shall be deemed to have worked for such period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 22(1)(e).

d) where the time at which a member is required to begin a rostered tour of duty (in the case of a member working variable shift arrangements, a rostered shift) is brought forward without due notice so that the member is required to begin that

tour of duty (in the case of a member working variable shift arrangements, that shift) on a day on which the member has already completed their normal daily period of duty (in the case of a member working variable shift arrangements, a rostered shift), the time for which the member is on duty before the rostered commencement time shall be reckonable as overtime and shall be taken into account as part of that tour of duty (in the case of a member working variable shift arrangements, that shift).

B) FOR THE PURPOSES OF THIS DETERMINATION

- 1) A "day's pay" means the member's pay for the week in question divided by 5.
- 2) "normal daily period of duty" shall be construed in accordance with a determination under regulation 22(1)(a).
- 3) "Pay period" means the period for which a member is paid.
- 4) "Week" means the period of 7 days beginning with such day as is fixed by the Chief Constable.
- 5) In this determination and determinations made under regulations 22 and 33, "day", in relation to members of a police force, means a period of 24 hours commencing at such time or times as the Chief Constable shall fix and the Chief Constable may fix different times in relation to different groups of members.
- 6) In discharging the Chief Constable's functions under paragraph (5) above, the Chief Constable shall have regard to the wishes of the joint branch board.

C) FOR PART-TIME MEMBERS

This section has effect for part-time members of a police force below the rank of inspector.

- 1) A part-time member of the rank of constable or sergeant who has been on duty for more than 40 hours in any period of 7 days beginning with a day fixed for the purposes of this determination by the Chief Constable (a relevant week) is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed 15 minutes in excess of 8 hours, on any day during that period on which the member was on duty for more than 8 hours, except that on each of the first 4 occasions on which overtime in respect of which the constable or sergeant was not informed, as mentioned in section A, paragraph (7) above, is worked during a relevant week 30 minutes of the overtime worked is to be disregarded;
- 2) In the case of a part-time member of a police force of the rank of constable or sergeant working a variable shift arrangement, the number of hours on duty shall, for the purposes of paragraph (1) above, be determined by adding together;
 - a) The average number of hours the member is contracted to work in a relevant week;

b) The number of hours (if any) the member worked on any rest day during that period; and

c) The number of hours (if any) the member worked on any public holiday during that period.

3) A part-time member of a police force of the rank of constable or sergeant may, before the end of a pay period (as determined under regulation 30), elect to receive time off in lieu of an allowance, in respect of any long duty day that occurred during a relevant week ending within the pay period.

A "long duty day" means a day on which more than 8 hours is worked.

4) Subject to the exigencies of duty, where a member of a police force of the rank of constable or sergeant has chosen to receive time off in lieu of an allowance for overtime, the Chief Constable shall, within three months of the end of the relevant week, grant the member time off equal to the total of:

a) the time in excess of 8 hours spent on duty on the day or days in respect of which the choice was made; and

b) 15 minutes in respect of each completed 45 minutes of that time;

except that on each of the first four occasions on which overtime in respect of which the part-time member of a police force of the rank of constable or sergeant was not informed as mentioned in section A paragraph (7) is worked during a week, 30 minutes of the overtime worked is to be disregarded.

5) Any time counting for the purposes of regulation 24(1) (pay) as time spent on duty, except:

a) time for which an allowance is received under paragraph (7) or under regulation 26 and the determination thereunder; and

b) any period of less than 30 minutes during the first 30 minutes after the end of a rostered shift, except a period of 15 minutes which the member was told at the beginning of the shift would be required;

counts as time spent on duty for the purposes of paragraph (3).

6) For the purposes of paragraph (2) a period of duty:

a) which resulted from a member's being recalled and returning to duty between two rostered shifts, and

b) the length of which, after deducting any travelling time counting as a period of duty by virtue of regulation 22, was less than 4 hours;

counts as a period of duty lasting for the aggregate of 4 hours and any period counting by virtue of regulation 22 (travelling time treated as duty).

7) Where the time at which a member of a police force of the rank of constable or sergeant is required to commence a rostered shift is brought forward:

- a) without giving the member notice 8 hours or more before the new commencement time, and
- b) so that the member is required to commence that shift on the day on which their previous shift ended;

the member is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed 15 minutes of the time for which the member is on duty before the rostered commencement time.

8) A member who has become entitled to an allowance under paragraph (7) above may, before the end of the pay period during which the day on which the member was required to commence the shift occurred, elect to receive time off instead of the allowance.

9) Subject to the exigencies of duty, where a member has chosen to receive time off in lieu of an allowance as mentioned in paragraph (8) above, the Chief Constable shall, within 3 months after the date of that decision, grant the member time off equal to one and one third times the number of completed quarters of an hour for which the member was on duty before the rostered commencement time.

10) Where:

- a) on any day on which the member has a rostered shift, a member has been on duty for a period exceeding the length of that shift, and
- b) the member is not entitled in respect of that day to any allowance under paragraph (1) or (7) of this determination;

the member may, not later than 4 days after the end of the relevant week in which the day in question occurred, decide to be granted time off in respect of the excess over the length of shift ("the excess period").

11) For the purposes of paragraphs (1) and (10), a continuous period of duty which began before and ended after the beginning of a day shall:

- a) if the day on which it ended was not:
 - i) a public holiday,
 - ii) a rostered rest day, or
 - iii) a free day,

in respect of which the member became entitled to an allowance under regulation 26 (public holidays and rest days) be treated as having fallen wholly within, and

b) in any other case, be treated as having consisted only of so much of the period as fell within, the day on which the period began.

12) Subject to the exigencies of duty, where a member has chosen to receive time off in lieu of an allowance as mentioned in paragraph (10), the Chief Constable shall, within 3 months of the decision, grant the member time off equal to the excess period.

13) For the purpose of Regulation 24(1) (pay) any extra period of duty in respect of which time off is granted under paragraph (4) or (9) counts as one and one third times the number of completed quarters of an hour comprised in the extra period of duty, and a period falling within paragraph (6)(a) and (b) counts as one of 4 hours.