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CITY OF BELLINGHAM
HUMAN RESOURCES

MEMORANDUM OF UNDERSTANDING
CITY OF BELLINGHAM
AND
BELLINGHAM POLICE GUILD

Clarification of 10 Hours of Rest Provision in Articles 4.5 and 22.4

I. PURPOSE:

This Memorandum of Understanding (MOU) outlines comprehensive guidelines for administration of the provision for 10 hours of rest in Articles 4.5 and 22.4.

II. SCOPE:

This Memorandum of Understanding includes all employees covered under the Collective Bargaining Agreement between the City of Bellingham and the Bellingham Police Guild.

III. AGREEMENT:

Whereas, it has been recognized by both the Bellingham Police Guild and Administration of the Bellingham Police Department that the application of Articles 4.5 and 22.4 has been inconsistent; and

Whereas, the Department and Guild have a mutual interest in providing clarity and consistency to Guild members who wish to exercise their right to take 10 hours of continuous rest time away from work; and

Whereas, this agreement is intended to both provide clarity and consistency to Guild members and command staff in the correct application of Articles 4.5 and 22.4;

Now, the parties hereby agree as follows:

The following contract language shall be altered to reflect the new language as shown below in red, and with the deleted wording shown in strike-through:

4.5 Employees in the following instances will be allowed 10 hours of continuous rest time away from work in each 24 hour day without loss of pay before they are required to return to regular duty:

- Court appearances as outlined under 22.4
- Employees involuntarily recalled to duty or held over (mandatory extension of regular shift) for the purpose of participating in any police related activity (e.g. SWAT, K9, DRE, CSI, Patrol, Investigations) ~~Mandatory overtime~~
- Department required training or instruction scheduled less than 10 days in advance
- ~~Nonrecurring special details~~

For the purposes of this Article, a 24 hour day shall begin at the start of the employee's regularly scheduled shift.

"Continuous" rest time away is not considered interrupted, thus causing the time to start over, by telephone inquiries (e.g., supervisory or judicial clarifications of work products).

In the event that an operational necessity exists, the department may require employees to return to work without 10 hours of rest time. If the department determines that an operational necessity exists and requires an employee to work during the period of rest time, the employee will receive pay at the overtime rate of time and one-half for the remaining rest time hours.

In no circumstances will this paid time apply to the following instances (unless mandated):

- Special emphasis
- DUI emphasis
- Party patrols
- Off-duty voluntary employment
- This provision shall not apply to training sessions, police related schools or department meetings that are scheduled at least 10 days in advance. The Department shall adjust the employee's duty schedule during the period of training to provide ten hours of continuous rest in each 24 hour day provided that the employee is not required to be on duty for more than 16 consecutive hours.

The following scenarios are intended to provide clarification of the correct application of Article 4.5:

1. **Call-out :** Ofc Sully is regularly scheduled to work 0700-1700 Monday – Thursday. She is involuntarily recalled to duty on Tuesday from 0400-0630. Ofc Sully does not receive 10 hours of rest before returning to regular duty because she received 11 hours of rest (1700 – 0400) prior to the call out in the 24 hour period beginning with the start of the her regularly scheduled shift.
2. **Call-out:** Ofc Hanson is regularly scheduled from 1620 hours till 0300 hours. She has been off for five days and is scheduled to return to work on Monday at 1620 hours. She is ordered in to work that day prior to her scheduled shift start time at 0100 hours for an emergency at BPD. Her call-out lasts for 6 hours and she is off at 0700 hours. She goes home and since this is a **call-out** and she would otherwise not receive 10 hours of rest in a 24 hour period, she gets 10 hours of rest prior to returning to her scheduled shift. She then reports for duty at 1700 hours and works the remainder of her scheduled shift. She gets overtime for her call-out. Ofc Hanson would indicate rest time taken on her time sheet from 1620-1700.
3. **Mandatory training:** Ofc Miller is regularly scheduled from 2020 hours till 0700 hours. He is slated to work tonight but is scheduled to attend a mandatory

training the following day which he needs for his current assignment. Ofc Miller's training starts at 0900 hours. Ofc Miller is released from duty at 2300 hours to provide his 10 hours of rest prior to his training. He attends training from 0900 – 1700. Ofc Miller's training day is a **shift adjustment** and this is his work day. He indicates 8 regular hours on his timesheet for the day. *Employees are expected to report for duty following any training less than 8 hours to work the remainder of their regularly scheduled shift duration.

22.4 Any employee who is on the 1620 or 2020 shift and required to be in attendance at court for ~~2 or more hours~~ under this section shall be relieved of all or part of the employee's shifts so as to allow the employee ten (10) hours of continuous time away from work in each 24 hour day. For the purposes of this Article, a 24 hour day shall begin at the start of the employee's regularly scheduled shift.

~~Employees required to be in attendance at court for less than 2 hours shall be relieved of all or part of the employee's shifts so as to allow the employee eight (8) hours of continuous time away from work.~~ This does not apply to officers on the 1620 shift who are scheduled for court that begins after noon. The department may adjust the employee's duty schedule during the period of court appearances to provide the ten hours of rest in each 24 hour day. It is the responsibility of the employee to notify his supervisor of any such court appearances. If the employee is relieved of all or part of the employee's shift to allow for 10 hours of continuous rest time prior to a court appearance, the employee shall not receive additional rest time after the court appearance before they are required to return to regular duty. Employees who receive rest time prior to a court appearance who are then required to be in attendance at court for six or more hours will automatically have their duty schedule adjusted to begin with the start of the court appearance. The employee will be required to report for regular duty and work the remainder of their shift immediately following the court appearance.

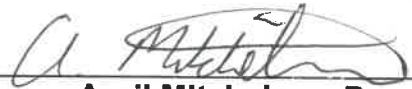
The following scenario is intended to provide clarification of the correct application of Article 22.4:

- 1. Court - under 6 hours:** Ofc Jackson is regularly scheduled from 2020 hours till 0700 hours. He is scheduled to work today but is scheduled for court tomorrow morning starting at 0930 hours. He is released from duty today at 2330 hours to provide 10 hours of rest before court. Ofc Jackson is in court for 3 hours. Due to his court appearance being less than 6 hours, he receives overtime for court and then returns to works at his regularly scheduled start time that night.
- 2. Court - 6 hours or more / shift adjustment:** Ofc Hanson is regularly scheduled from 1620 hours till 0300 hours. She is scheduled to work today but is scheduled for court tomorrow starting at 0830 hours. She is released from duty on her currently scheduled work day at 2230 hours to provide her with 10 hours of rest before court. Her court appearance lasts for a total of 7 hours – so from 0830 hours till 1530 hours. Due to her court appearance being **6 hours or more**, this automatically triggers a **shift adjustment**. She is to report to the on-duty patrol supervisor after court and works an additional 3.7 hours to fulfill her 10.7 hour day.

This is her work day and she does not get overtime for this court appearance – it is a shift adjustment.

3. **Court - 1st day back:** Ofc Jackson is regularly scheduled from 2020 hours till 0700 hours. He has been off for 5 days and is scheduled to return to work Monday night at 2020 hours. Ofc Jackson has court earlier Monday morning prior to his scheduled start time that night. His court appearance starts at 0900 and he is in court for 3 hours. Ofc Jackson does not get rest time after court as he has been off for 5 days and already received 10 hours of rest in a 24 hour period. He returns to work that night at his regularly scheduled start time. He receives overtime for his court appearance that day.

EXECUTED, this 30 day of October, 2019 for the **Guild:**



April Mitchelson, President

EXECUTED, this 15th day of November, 2019 for the **City of Bellingham**



Mayor

ATTEST:



Finance Director

DEPARTMENTAL APPROVAL:



Police Chief



**Human Resources Services
Manager**

APPROVED AS TO FORM:



Bellingham City Attorney