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Cutting police overtime faces obstacles

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Ideas on how to trim a Cincinnati Police Department overtime tab that will top \$7 million this year face political, legal and logistical obstacles, including objections from officers who have grown accustomed to the extra dollars in their pay checks.

A night court, contract changes giving supervisors greater latitude to change officers' shifts and new rules limiting overtime earned by top police managers are among suggestions worth studying, city leaders and others say.

Each, however, can expect to encounter strong opposition, objections some dismiss as simply rationales for preserving a status quo that has been financially rewarding to hundreds of police officers. Through November, 238 police officers and civilian staffers earned more than \$10,000 in overtime.

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One of the shortest paths to cutting police overtime may come during City Council's current budget talks.

Three council members propose reducing police overtime in 2010 by up to \$3 million. If adopted, that cut would compel police supervisors to be more tight-fisted - and creative, given a contract laced with chances to earn overtime.

Beyond council action, any serious dent in police overtime costs - which total nearly as much as that for the rest of city government - would likely need to start in the contract between City Hall and the Fraternal Order of Police, because much of the extra pay stems from generous provisions governing officers' schedules and court appearances.

Under the contract, for example, the city may change an officer's regularly scheduled off day only twice a year, and if the starting time is altered by more than two hours, he or she gets overtime.

Similarly, court appearances falling in off-duty hours, as many do, entitle officers to a minimum of two hours of overtime pay, even if the appearance lasts only minutes.

Council members recognize considerable overtime savings could be achieved via changes on those points and others in the contract, but also acknowledge the challenge of persuading the union to give back what it already has. The next round of contract talks is expected to begin next spring.

The union's negotiating stance could soften, some suggest, if ongoing budget constraints such as the \$51.5 million shortfall the council now is attempting to erase make it clear that in the future, concessions on overtime and other perks may be the only feasible way to avoid layoffs and furloughs.

"If the decision comes down to protecting jobs or protecting overtime, that might change some

thinking," said Councilwoman Leslie Ghiz.

Changing not only what, but whom, the FOP contract covers also could significantly reduce police overtime costs.

The contract now covers all sworn personnel except Chief Thomas Streicher and Lt. Col. James Whalen, one of five assistant chiefs. The fact that so many supervisors benefit from the same overtime provisions as rank-and-file officers makes it more difficult to control that spending, public payroll experts say.

"It's a prescription for the overuse, if not the abuse, of overtime," said Jerry Newman, a professor in the University of Buffalo's School of Management.

With police officers' court appearances consuming a sizable percentage of the department's overtime, ideas on ways to chip away at that figure also are being explored.

For officers who work anything but a day shift, court cases almost always occur in off-duty hours, requiring overtime.

To address that issue, City Councilman Cecil Thomas, a former police officer, has floated an old idea - creation of a night or mayor's court to extend court hours beyond the Hamilton County Courthouse's routine 8 a.m.- 4 p.m. schedule.

The cost of such a court, supporters argue, ultimately would be offset by savings realized by making it possible for more officers to testify in the evening while on duty.

The initial feedback Thomas received from police and others implied that any savings would be minimal. As with normal daytime court, a night court, skeptics note, would preclude overtime only for officers whose shifts overlap with its hours. In addition, some officers appearing might need to be replaced on the street by overtime-earning colleagues so as not to deplete police manpower levels.

"No matter what time you hold court, at least two-thirds of officers are going to be off," Streicher said.

When combined with existing court hours, however, a night court could double the hours daily when officers could testify without overtime being contractually mandated.

"I still think it's an idea worth a closer look," Thomas said.

The real, if largely unspoken, objection to night court, some argue, is that it potentially could narrow the steady stream of overtime earned by officers. To date, at least 86 officers each had earned more than \$5,000 for court appearances alone, city records show.

"A lot of younger officers have incentives to go to court as much as they can until they reach that 480-hour cap" on comprehensive time off earned through overtime for those ranking below sergeant, Thomas said.

"Once they reach that, they know that every hour afterward is more money in their pay check," he said.