

Office of Grants and Research (OGR)
Executive Office of Public Safety and Security

OVERTIME POLICY

The following policy applies to all law enforcement subrecipients (state and local) as well as contractors that receive a state or federal grant award administered or passed through by the Office of Grants and Research (OGR).

This policy is intended to provide general guidance applicable to all OGR state and federal funding streams. Subrecipients are responsible for complying with award-specific state/federal requirements, which may be more restrictive - in which case, the most restrictive requirement applies.

Note: Each grant award has different criteria governing which personnel may be reimbursed for overtime costs, whether overtime or backfill is allowable, and what documentation is required. Subrecipients must:

- Review their specific grant application and award conditions;
- Consult with their OGR point of contact for clarification regarding any questions; and
- If questions persist, consult department or municipal counsel for legal advice.

For the purposes of this policy, the following definitions apply:

Overtime - Expenses limited to the additional costs that result from state and local first responders such as sworn law enforcement personnel working over and above their weekly full-time/part-time schedule as a direct result of their performance of approved activities related to the project receiving grant funding.

Backfill-related Overtime - - Expenses limited to overtime costs that result from personnel who are working overtime (as identified above) to perform the duties of other personnel who are temporarily assigned to an approved grant activity outside of their core responsibilities.

Subrecipient - An entity receiving a grant award from OGR.

First Responder - State or local law enforcement, fire services, emergency medical services, emergency management, health care, hazardous materials, public safety communications, public health, public works, and government administrative type employees.

- If the grant award permits, state and local first responders eligible through their department for backfill and/or overtime costs (must be pre-approved by OGR) may be reimbursed for these costs when necessary, reasonable, and **solely** related to grant-funded activities.
- A copy of the department's overtime policy (which may include an excerpt from a collective bargaining agreement) **must** be submitted with the application.
- Overtime rates charged to a state or federal grant award shall be consistent with the subrecipient's established overtime policies and applicable wage laws. If an agency does not have an established overtime policy, rates must be calculated in accordance with federal and state laws and applied consistently across federal and non-federally funded activity.

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- Reimbursement for overtime hours being charged against a state or federal grant award administered by OGR may only be sought for **actual hours worked**, regardless of union contract rules and minimum overtime guarantees.
 - For example, an officer working two (2) hours of overtime on a federally-funded project is **prohibited** from charging the grant award for four (4) hours of overtime mandated under a union contract rule. A department that must pay officers for a minimum number of overtime hours must cover any hours exceeding actual time worked using **their own state or local budget**. Departments violating this policy will be subject to immediate termination of a grant award and repayment of all misspent funds to OGR.
- Permissible grant-funded overtime may not be created or manipulated for the purpose of charging a state or federal grant a higher rate of pay than would otherwise apply. Subrecipients shall not approve, schedule, or encourage the use of paid leave (e.g., paid time off) in a manner designed to shift grant-funded activities into overtime status that would otherwise not exist (e.g., fall within regular hours of an officer's full-time/part-time schedule.)
 - For example, subrecipients may not encourage or approve of the use of paid leave (e.g., paid time off), **regardless of union contract rules**, for officers attending permissible grant-related training during hours that would otherwise constitute the officer's regular full-time/part-time schedule for the purpose of charging a state or federal grant a higher rate of pay than would otherwise apply.