



# Off Duty Court Appearance

Section: 2.414  
Effective Date: March 30, 2011  
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## **2.414 Off Duty Court Appearance**

### **2.414.02 Requesting payment for off-duty court or other specified appearances**

- A. Sworn members of the department summoned to court or other specified hearing/meeting on their off-duty time, and in connection with their official duties, shall be compensated at one and one-half (1 ½) times the regular straight rate of pay for a minimum of three (3) hours.
- B. In order to be compensated for off-duty court appearances, members must complete the Off-Duty Court Appearance Form

### **2.414.04 Time Stamping**

- A. Most, but not all courts should have a time stamp machine.
- B. Upon arrival at a court with a time stamp machine, members shall stamp the "Off-Duty Appearance Form."
- C. When the case and/or testimony is completed, or the member has been excused by proper authority, the member shall immediately time stamp the "Off-Duty Appearance Form" and have the appropriate court official certify the time stamp.
- D. If a time stamp machine is not available, members shall present the "Off-Duty Appearance Form" to the Assistant State's Attorney or clerk of the proceeding, who will write-in the starting and ending times, certified by their signature and title.

### **2.414.06 Slip For Each Court Appearance**

- A. An officer summonsed to more than one court on the same date is to follow the above protocol for each court attended.
- B. A separate "Off-Duty Appearance Form." is required for each court attended.

### **2.414.08 Failure To Follow Protocol**

- A. Members failing to have their Off-Duty Appearance Form properly timed and certified shall forfeit compensation.**
- B. Additionally, and under no circumstances will on-duty members have an Off-Duty Appearance Form certified.

### **2.414.10 Submission of Forms**

- A. Court Appearance slips must be submitted to the Lieutenant, via immediate supervisor, on the same day as the court appearance or explained on reverse side (i.e. vacation, travel, etc.)

- B. Members shall attach their court summons or verification letter to the Off-Duty Appearance Form prior to submitting the form to their supervisor. If there is no summons or letter, a full explanation shall be written on the reverse side of the form.** Facsimiles or other substitutes for a summons are not to be attached.
- C. Any member arriving for court later than the time specified on the summons must explain lateness on the reverse side of form. Should a member's late arrival in court be the cause of a dismissal or postponement, they shall be subject to disciplinary action.** An exception to this shall be allowed when a member is directed by the ASA or the Court to appear at a specific time, and in spite of this direction, the case is heard prior to their arrival. In these instances, an explanation must be written on the back of the appearance slip, to include names, titles of person (s) who advised of the time change.

#### **2.414.12 Supervisor's Responsibility**

A. Supervisory review is critical to the disbursement process. Upon receipt of a completed and certified "Off-Duty

Appearance Form", the immediate supervisor shall:

1. Review court slip and insure a factual explanation of date/time frames reflecting extremely short appearance time.
2. Conflicts in dates between the summons and the court appearance must be explained.
3. Compute the total overtime hours and record as appropriate on the Off-Duty Appearance Form.
  - In determining overtime, supervisors shall consider the officer's normal working shift and record only that number of hours spent in court before or after the regular working shift – only the off-duty hours spent in court.
  - When court appearance time extends beyond an on-duty officer's normal work day, the court appearance time beyond the normal work day shall be paid as regular overtime, provided it meets with the current MOU relative to overtime pay.
  - When summoned to court prior to the start of the officer's shift, Pre-Arranged Duty Assignment Pay, provisions shall prevail – 3-hour minimum at 1 ½ times the regular straight time rate of pay.
  - After thoroughly reviewing the Off-Duty Appearance Form, indicate approval by endorsement and forward to the Lieutenant.

#### **2.414.14 Lieutenant Responsibilities**

- A. Upon receipt of a completed, certified, reviewed Off-Duty Appearance Form, the Lieutenant or designee shall review and indicate approval by endorsement.
- B. Ensure the proper marking of the timesheet to reflect the overtime/court pay.

#### **2.414.16 Compensation Rate**

- A. The three (3) hour minimum applies to the calendar day and not the number of court appearances as may be on any one day.
1. If more than one court appearance is made on any one calendar day and the total time spent in court is less than three hours, the minimum three-hour rule shall apply.

2. If an officer is required to appear during a morning session and again in the afternoon session for the same case or a different case in the same day, the officer shall receive one (1) minimum payment of three (3) hours.
3. Under no circumstances will compensation begin before the starting time of the court/hearing as stated on the summons/letter.

**Example:** *A member receives a summons to appear in court with a starting time of 0830 hours and stamps the form at 0815 hours. Hours for compensation shall be calculated beginning with 0830 hours.*

**2.414.18 Eligible Court Appearances**

- A. Listed are eligible court appearances:
- Any Circuit Court in Maryland
  - Any Grand Jury in Maryland
  - Any District Court in Maryland
  - Any Federal Court in Maryland
  - Motor Vehicle Administration (Maryland) Hearing Board
  - UBPD Trial Board
  - Depositions in connection with official duties
  - Mandated Prosecutory Review
  - Any Administrative hearing