

SR to compensate police officers for getting dressed

City to pay \$240,000, invoke new rules to settle lawsuits over duties performed off the clock

By [MIKE McCOY](#)

THE PRESS DEMOCRAT

Published: Wednesday, July 9, 2008 at 3:43 a.m.

Santa Rosa's police officers will soon begin getting paid to put on and take off their uniforms, holsters and bulletproof vests during their regular work shifts, after winning the right to be paid overtime for doing it on their own time. In a federal court-directed settlement expected to be formalized next week, the city has agreed to pay 80 officers who sued the city an average of \$2,000 each and the officers' lawyers \$84,000 to settle the lawsuit.

The total cost to the city: \$240,000 and a new policy that sets aside 10 minutes at the start and end of their regular shifts for the city's 140 police officers to change into and out of their work clothes. "We were expected to be fully dressed and ready to go to the half-hour briefing at 7 a.m.," said Officer Ken Johnson, president of the Santa Rosa Police Officers Association, which led the fight.

But Johnson said by the time briefing begins, most officers already have arrived 15 to 20 minutes early to conduct myriad other work-related duties for which they weren't paid -- from putting on their uniforms and safety equipment, reading e-mails, cleaning their weapons, checking out their patrol cars and making sure all their equipment is working.

"A lot goes on before briefing. It's a lot more than getting dressed or undressed," he said. City Attorney designee Caroline Fowler said that practice will end in the coming weeks as the police department transitions to the new work rules. "As part of the settlement, we have agreed there will be no off-the-clock work," she said. "That means they won't be doing any type of (police-related) work beyond their normal working hours, including reading their e-mails, washing their motorcycles or getting dressed before their shift begins," Fowler said.

According to a U.S. Supreme Court decision, getting dressed and undressed can be considered work. The high court ruled in 2005 that meatpackers deserved to be paid overtime because they were required to "don and doff" mandatory uniforms and safety equipment before and after their official shifts began and ended.

Suits across country

The decision has spurred a number of work-related lawsuits throughout the United States, particularly among police officers and their unions.

The lawsuit filed on behalf of Santa Rosa's police officers in November 2006 charged they were owed overtime for performing work-related duties, including getting dressed and undressed, before and after their shifts. Their original lawsuit, filed in U.S. District Court in San Francisco, sought \$4.4 million for 56,000 hours of unpaid overtime on behalf of 80 officers over a period of more than two years, plus attorney's fees.

Fowler said Fremont, Union City and Martinez recently reached settlements with their police officers over the same issues.

Compensation estimates

The average Santa Rosa police officer, who works four 10-hour days a week, currently averages \$10,000 to \$15,000 in extra pay annually for working 200 to 300 hours of overtime. Estimates indicate 20 minutes of overtime a day would have cost the city more than \$5,000 a year in overtime compensation per officer had the policy not been changed.

Fowler said the new policy is clear. "If you work an 8 a.m.- to-5 p.m. shift, you come in at 8, you don't come in at 7:45 and read your e-mails. Under the law, we would have to pay for any time they actually worked," she said. Johnson said the change in policy will save the city money in the future. "We will take care of the business on duty that we use to do off duty," he said.

All officers may be paid

Human Resources Director Fran Elm said while the issue began as a dispute over getting paid to get dressed for work, "once the attorneys began taking depositions, we realized there were a lot of other off-the-clock activities we should have been compensating them for."

Fowler said it's still up in the air whether the city will offer similar compensation to the 60 officers who did not join the suit. "We might consider it," she said, adding "You don't want to ding people who didn't sue you."

Fowler said the settlement, reached under the watch of a court-appointed mediator, can be rescinded should the courts eventually decide that getting dressed and undressed, at least for police officers, is not part of their job. What is already paid out would not be recoverable, she said.

Elm said until then, the city's officers, except in emergency situations, must remember to conduct their routine job-related duties at work, during their regular shift. "That means they will have to wash their motorcycles at work," she said.

You can reach Staff Writer Mike McCoy at 521-5276 or mike.mccoy@pressdemocrat.com.

Copyright © 2010 PressDemocrat.com — All rights reserved. Restricted use only.