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Police FLSA overtime claims have resulted in recoveries for K-9 Officers, Detectives and Investigators, "Special Services" Officers, Rank and File Officers, and (in some cases) Command Officers.

The most common police FLSA overtime claims involve "off-the-clock" work. The following activities may be compensable when performed during "off-the-clock" time: Care and maintenance of police equipment (e.g., police dogs, vehicles, guns, uniforms), work performed before or after regular shifts, police-related paperwork and telephone calls, working through meal periods, training time (to the extent such hours are not included in regular pay).

Other police FLSA overtime cases have involved employers' computing FLSA overtime rates improperly by not factoring in "wage augments" such as longevity pay or shift differentials, or when employers have improperly classified officers as exempt employees.

Liquidated damages and attorneys' fees are available to police officers under the FLSA.

Some "Special Rules" for Police:

K-9 Handlers. Police K-9 handlers have recovered substantial FLSA overtime for off-the-clock time spent feeding, exercising, training, grooming, and cleaning up after police dogs. (Similar considerations may apply to other police "special services" officers.)

A police K9 handler's FLSA pay is supposed to be calculated based on all the time spent performing K9 activities which are reasonably related to maintain the police dog for the job. This may vary from handler to handler, dog to dog, and job to job. There is no "industry standard" recognized by the law. Some Departments use a "stipend" or other system to compensate K9 handlers. To comply with the FLSA, a stipend should be "hours based" (and not merely a percentage of wages), and the amount should be based on a reasonable estimate of the actual amount of time spent. Historically, many stipends do not comply with the Act.

Each K9 handler's circumstances will vary. Evaluation of individual situations is required to determine whether a handler is being paid properly. In addition, it is impossible to predict how much money any particular handler's FLSA lawsuit might be worth with any degree of accuracy, except on an individual basis. The number of hours worked will vary from handler to handler. The number of hours worked which are compensable will also vary, depending on the handler's work records and schedules, and not all compensable hours worked will be overtime hours. The "arithmetic" necessary to compute a handler's

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potential recovery can be somewhat peculiar under the FLSA. Nonetheless, many K9 handlers have recovered quite substantial sums as a result of FLSA cases.

Detectives and Investigators. Most police detectives and investigators are "nonexempt" and therefore eligible for overtime under the FLSA. Detectives and Investigators may perform "off-the-clock" work including job-related telephone calls at home (e.g., with informants, prosecutors or other officers), police paperwork at home, going to meetings, work performed before and after regular shifts (e.g., "roll calls," or finishing up reports without "putting in" for overtime), working through meal periods.

Command Officers. Many police command officers (typically lieutenants and above, and maybe some sergeants) will likely be exempt employees, and not entitled to overtime pay under the FLSA. Occasionally some police command officers may be mistakenly classified as overtime exempt. To be exempt, police command officers must meet the "salary tests" and "duties tests" requirements (see, "Coverage under the FLSA").

The "7(k) Exemption." Police employers may establish "alternative work periods" for police officers. If properly set up, these may increase the FLSA overtime thresholds beyond the normal 40 hour week, which means that officers in such departments are not entitled to FLSA overtime until they have exceeded the "7(k)" thresholds.

Compensatory Time. Police employers may pay some FLSA overtime with "comp. time" instead of cash. Comp. time systems must be set up properly, and there are some fairly technical rules governing FLSA comp. time. Comp. time in lieu of cash for FLSA overtime must be paid at time and one-half. A department may "cap" the number of hours officers may carry in the FLSA comp. time banks, in any amount up to 480 hours. Employers may not impose a "use it or lose it" requirement, however employers may require officers to "burn" accrued FLSA comp. time, or may buy out FLSA comp. time accruals in cash. Employees do not have the right to trade FLSA comp. time for cash (except when they leave the job). The case law on the right to use comp. time is in flux. The current weight of the law is that employers may require reasonable advance notice when an employee wishes to use accrued FLSA comp. time. Employers must permit employees to use accrued FLSA comp. time within a reasonable time after request, provided that the officer's absence will not create a genuine operational problem for the employer.