



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-20 (Formerly 1-11) Effective: 01/18/2022 Review: 01/18/2023 Replaces: 03/10/2016

3-20 OVERTIME, COMPENSATORY TIME, AND WORK SHIFT DESIGNATION

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[1-75 Planning Division](#)

[2-56 Use of Force: Reporting by Department Personnel](#)

[4-1 Operations Review](#)

B. Form(s)

Interoffice Memorandum Upgrade Request

C. Other Resource(s)

Chief's Overtime (COT) Handbook

Chief's Overtime (COT) Program Access Database

City of Albuquerque and Albuquerque Police Officers' Association Collective

Bargaining Agreement (CBA)

Fair Labor Standards Act of 1938

Family and Medical Leave Act of 1993

ROA 1994, § 3-1-10 Compensation

United States of America v. City of Albuquerque, No. 1:14-cv-01025 – Document 465
(D.N.M. 2019)

D. Rescinded Special Order(s)

SO 20-85 Amendment to SOP 3-20 (Amended)

SO 20-104 Overtime—Community Meetings

3-20-1 Purpose

The purpose of this policy is to outline the rules and procedures for Albuquerque Police Department (Department) personnel who work and are compensated for overtime or compensatory time. This policy also provides for the designations of shifts worked by Department personnel, as well as Chief's Overtime (COT) Program review, approval, and oversight.

3-20-2 Policy

It is the policy of the Department to compensate Department personnel for all overtime worked in the form of wages or compensatory time, as provided by federal, state, and local laws, and consistent with the Collective Bargaining Agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association (APOA).



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N/A 3-20-3 Definitions

A. Backfill

Substitute personnel working as a replacement for personnel of the same rank or role.

B. Call-Back

The status in which Department personnel are expected to respond to phone calls during all hours of the day. A call-back status differs from being in an on-call status because personnel are not expected to respond to a call-out to resume their regular duties during off hours.

C. Call-Out

The status resulting from a request by a supervisor for Department personnel to return to duty from an off-duty status in order to perform unanticipated and unscheduled work assignments.

D. Differential Pay

The shift classification (Watch I, Watch II, or Watch III) used to calculate shift differential pay, consistent with the CBA.

E. Eligible Personnel

All non-exempt personnel under the Fair Labor Standards Act (FLSA).

F. On-Call

A routine rotating assignment within specific units to cover the periods of time when on-duty Department personnel are unavailable. The on-call status is used for flexibility in scheduling for certain unit personnel in lieu of providing continuous coverage by that unit.

G. Overtime

1. Any hours worked by eligible Department personnel in excess of eighty (80) hours during a fourteen (14) day work period or any hours worked by eligible nonsworn personnel in excess of forty (40) hours in a work week. The different types of overtime include:

- a. Administrative: Time accrued in order for Department personnel to complete paperwork or other administrative tasks;
- b. Call-Out: Time accrued as a result of Department personnel being called to resume normal duties while in an on-call status;



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- c. Call for Service: Time accrued as a result of Department personnel responding to a call for service outside of their regular duty shift;
- d. Community Engagement: Time accrued as a result of Department personnel attending or participating in community engagement activities approved by the Office of the Chief of Police;
- e. Community Meeting: Time accrued as a result of Department personnel attending or participating in community meetings;
- f. District Court: Time accrued as a result of Department personnel participating in proceedings at the Bernalillo County District Court;
- g. Federal Court: Time accrued as a result of Department personnel participating in proceedings in the Federal Court;
- h. Grand Jury: Time accrued as a result of Department personnel participating in grand jury proceedings;
- i. Grant: Time accrued as a result of Department personnel performing duties or functions funded by a grant;
- j. Holiday Worked: Time accrued when Department personnel work an observed holiday. Department personnel may refer to the City of Albuquerque observed holiday list;
- k. Investigative: Time accrued as a result of Department personnel conducting an investigation that continues or occurs when they are not on their regular duty shift;
- l. Metropolitan Court: Time accrued as a result of Department personnel participating in proceedings in Metropolitan Court;
- m. Motor Vehicle Division (MVD) Hearings: Time accrued as a result of Department personnel participating in MVD hearings;
- n. Reimbursable: Time that is subject to funding or reimbursement from another City department or outside source;
- o. Special Events: Time accrued as a result of Department personnel working a special event that is authorized by the Office of the Chief;
- p. Tactical Operations Plan overtime is accrued as a result of personnel participating in a tactical operations plan;
- q. Training: Time accrued as a result of Department personnel attending training approved by the Office of the Chief of Police; and
- r. Use of Force: Time accrued as a result of Department personnel performing duties related to use of force documentation.

H. Shift Designations

1. Permanent work shifts of the Department that are classified into one (1) of the following categories:
 - a. Watch I (Graveyard Shift): Any shift that begins between 1700 hours and 0329 hours;
 - b. Watch II (Day Shift): Any shift that begins between 0330 hours and 0959 hours; and
 - c. Watch III (Swing Shift): Any shift that begins between 1000 hours and 1659 hours.



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I. Special Assignments

Any shift or portion of a shift worked by Department personnel outside their normally scheduled shift or location.

J. Types of Compensation

1. Regular Time: Time that is paid at the employee's regular hourly rate.
2. Overtime Compensation: Time that is paid at the rate of one-and-one-half (1.5) times of the eligible employee's regular hourly rate.
3. Regular Comp Time: Overtime hours compensated as future time-off at the rate of one-and-one-half (1.5) hours for each overtime hour worked.
4. Straight Comp Time: Time compensated with future time-off at the rate of one (1) hour for each hour worked.

K. Temporary Upgrade

Department personnel who completed the required training who are temporarily upgraded to a higher rank or role in the event the regular supervisor is absent for more than eight (8) consecutive hours.

5 3-20-4 **Rules, Responsibilities, and Procedures**

A. Overtime

1. Eligible Department personnel shall receive overtime compensation for any overtime worked.
2. Department personnel shall not exceed sixty-five (65) hours per week. This includes overtime paid or comp time earned through hours worked.
 - a. This does not include court overtime.
 - b. This does not include comp time earned through on-call status or City of Albuquerque firearms range practice.
 - c. All COT, grant overtime, and any other overtime worked per week shall be counted towards the weekly sixty-five (65) hour cap.
 - d. If unscheduled overtime, either by being held over or for Department needs, other than backfill, causes Department personnel to go over the weekly sixty-five (65) hour weekly cap, they must notify their direct supervisor by the end of their work shift.
 - e. The Chief of Police or their designee, through issuance of a Special Order, can waive the weekly sixty-five (65) hour cap to meet the Department's operational needs.



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3. The appropriate supervisor in the employee's chain of command shall approve all overtime, if it is considered acceptable.
4. The on-duty supervisor shall pre-approve all overtime, with the exception of court overtime and COT. On a daily basis, the on-duty supervisor shall record overtime within the payroll time keeping system to which the employee has been assigned. The on-duty supervisor shall review the dates or any COT worked, and confirm that the officer was not in an on-call status that would have prohibited the over time.
5. When possible, Department personnel working during normal business hours shall schedule work-related meetings, interviews, or appointments during their shift(s). If Department personnel cannot schedule meetings, interviews, or appointments during their shift(s), they shall notify their immediate supervisor and obtain approval from their commander before scheduling meetings, interviews, or appointments during off-duty hours. This section does not apply to Department personnel whose entire shift occurs during non-business hours.
6. When possible, Department personnel shall consolidate meetings, interviews, or appointments to reduce overtime expenditures.
7. Department personnel shall not sign-up for or accept an assignment for overtime if they are:
 - a. In an on-call status, except:
 - i. Sworn personnel who work for the Honor Guard Team, Horse Mounted Unit (HMU), or Emergency Response Team(s) (ERT). If these units are working overtime or comp time and there is a mandatory call-out, no disciplinary action will be taken for the missed COT assignments, if any; and
 - ii. Sworn personnel who work in an on-call status may sign-up for traffic grant overtime. If there is a mandatory call-out, no disciplinary action will be taken for the missed grant overtime.
 1. The entry within the payroll system must reflect the actual hours worked for each overtime event.
 - b. On an administrative leave/assignment;
 - c. On suspension;
 - d. On sick leave, Family Medical Leave Act (FMLA) leave, or educational leave;
 - e. Have physical or medical restrictions that impact their ability to perform the essential functions of a Field Services Bureau (FSB) officer;
 - f. On military leave; or
 - g. On injured light duty (ILD).

B. Compensatory (Comp) Time

1. The accumulation and use of comp time in lieu of paid overtime on a voluntary basis is prohibited, except as authorized by the employee's union contract and the



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Fair Labor Standards Act (FLSA), and is subject to the following guidelines and restrictions:

- a. Comp time shall require the same approval process as overtime;
- b. Department personnel working in excess of forty (40) hours per week can choose to get paid at the rate of one and one-half (1.5) of their regular rate of pay or to earn comp time at the rate of one and one-half (1.5) hours for each hour worked; and
- 4 c. The maximum amount of comp time that is accrued by any one Department employee is stipulated in their respective, current union contract.
 - i. Once Department personnel have achieved eighty-five percent (85%) of the comp time as permitted by their union contract, the Payroll Officer and Payroll Tech shall notify Department personnel and their commander or, when no commander is assigned, the Bureau Deputy Chief.
 - ii. The commander shall set a meeting with Department personnel who have achieved eight-five percent (85%) of the comp time threshold to ensure Department personnel do not exceed one-hundred percent (100%) of the union contract comp time threshold.
 - iii. Department personnel may have one-hundred percent (100%) of the union contract comp time threshold in their comp time bank.
 - iv. Department personnel shall ultimately be responsible for staying below the maximum comp time threshold.
 1. If Department personnel exceed the union contract comp time threshold due to a serious operational readiness concern, the supervisor of the affected employee shall prepare an Interoffice Memorandum to obtain written approval to exceed the comp time maximum for that employee. The Interoffice Memorandum shall be addressed to the supervisor's Bureau Deputy Chief.
2. Supervisors shall not request Department personnel to work overtime based on their preference for choosing comp time in lieu of paid overtime.
3. Time sheet entries must include the use of comp time and any additional comp time accrued.

4 C. Overtime and Comp Time Approval

1. Department personnel shall be logged on to a Computer-Aided Dispatch (CAD) system for all instances of overtime.
2. Administrative Overtime

Prior to accrual, Department personnel shall obtain the Bureau Deputy Chief's approval of all administrative overtime.

3. Calls for Service/Late Call Overtime



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- a. Department personnel who must work outside their normal duty hours or who are being held over for calls for service shall obtain prior approval from an on-duty supervisor.
- b. Department personnel shall complete documentation of all overtime in their respective payroll systems, which shall include:
 - i. The name of the supervisor authorizing the overtime;
 - ii. The area command in which the overtime was completed;
 - iii. A minimum of two (2) CAD or case numbers documented within the comments; or
 - iv. If Department personnel are held over for a single late call, the CAD or case number of the single call shall be documented.
- c. As soon as feasible, Department personnel working calls for service/late call overtime shall go off-duty. Every hour, an on-duty supervisor must review calls for service/late call overtime to evaluate the need for the continued use of overtime.
- d. This overtime is included in the weekly sixty-five (65) hour cap.
 - i. The direct supervisor of the employee must verify and audit the comments prior to approval of the overtime.
 - ii. If a supervisor requires an employee to work calls for service/late call overtime, the employee shall not be disciplined for going over the weekly sixty-five (65) hour cap.

4. On-Call Compensation

- a. Department personnel in an on-call status must remain fit for duty and available to assume full responsibility of their duties within one (1) hours' notice. Department personnel in this status must be readily available to respond and provide a phone number that they shall immediately respond to.
- b. Department personnel in an on-call status shall receive eight (8) hours of straight comp time for each seven (7) days of such assignment. If Department personnel are on-call on a day-to-day basis, they shall receive two (2) hours of straight comp time for every twenty-four (24) hours of such assignment, not to exceed eight (8) hours in a week.

5. Call-Out Compensation

- a. An on-scene supervisor may call-out Department personnel in cases requiring immediate action by personnel who are off-duty.
 - i. The on-scene supervisor shall only call-out Department personnel necessary for the intervention.
- b. Every hour, the on-duty supervisor shall evaluate the need for the continued use of employees in a call-out status.
- c. Department personnel in a call-out status shall receive two (2) hours overtime compensation or overtime compensation for actual hours worked, whichever is greater.

6. Call-Back Compensation



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Department personnel who are authorized to be in a call-back status for six (6) or more days during a fourteen (14) day work period shall receive five (5) hours of comp time.

7. Community Meeting Overtime

- a. Department personnel shall continue to make every effort to attend community meetings during their shift and/or adjust their hours.
 - i. However, in order to ensure that Department personnel are able to attend the required community meetings per the Court-Approved Settlement Agreement (CASA), commanders may approve overtime for Department personnel who are unable to attend a meeting during their shift and/or adjust their hours.
- b. Department personnel shall not attend a community meeting for overtime without prior approval from their commander.

8. Court Overtime

- a. Court overtime is not counted towards the weekly sixty-five (65) hour cap.
- b. Payroll entries related to court overtime shall be consistent with the current union contract.
- c. Sworn personnel who are involved in the arrest of individual(s) shall not involve other personnel with the incident solely for the addition of court overtime.
- d. In cases where more than one (1) employee is involved in an arrest, the same employee shall write the Uniform Incident Report and citations whenever possible.
 - i. The last line of the Uniform Incident Report shall state which Department personnel are necessary for the prosecution of the case.
 - ii. If other Department personnel were only a witness to the incident, they shall state that in the Uniform Incident Report.

9. Grant Overtime

- a. All grant overtime must be pre-approved by Planning Division personnel and the Chief of Police or their designee at the beginning of the grant cycle.
- b. All grant overtime shall be clearly identified on the overtime entry.
- c. The grant overtime shall be monitored and reviewed by the respective division commander or their designee.
- d. Planning Division personnel shall be responsible for the monitoring and validation of all grant-funded overtime. In order to properly monitor grant overtime, it shall be necessary to forward a summary of the grant activity to Planning Division personnel, along with a detailed list of Department personnel working the assignment, their rate of pay, and hours worked. The summary shall be completed by the respective division commander or their designee.

10. Holiday Overtime



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Eligibility for holiday overtime pay shall be consistent with the current CBA.

11. Investigation Overtime

- a. An investigative unit supervisor may pre-approve investigation overtime only where the overtime is necessary to conduct or complete an investigation.
- b. Whenever possible, investigators shall adjust their hours or have other sworn personnel who are on-duty assist in obtaining necessary statements or conducting follow-up investigations.

12. Reimbursable Overtime

Any overtime that is worked and subject to reimbursement from an outside funding source shall have that information noted within the payroll entry system. This does not include COT, consistent with this SOP.

13. Special Event Overtime

- a. The Operations Review Section Lieutenant and/or the Special Services Section Lieutenant or their designee shall coordinate and assign overtime for a special event.
- b. The request for additional overtime shall be pre-approved by the Chief of Police or their designee for all special events.
- c. The Chief of Police or their designee may waive the weekly sixty-five (65) hour cap through a Special Order to provide sufficient staffing for special events.

14. Tactical Operations Plan Overtime

- a. The Department personnel's commander and their Bureau Deputy Chief shall pre-approve all tactical operations plan overtime.
- b. All written tactical operations plans must include clear language as to whether overtime is authorized.

15. Training Overtime

- a. Training
 - i. Training shall normally be conducted during designated duty hours.
 - ii. Work hours shall be adjusted to meet training needs.
 - iii. All training overtime shall require the approval of the Chief of Police prior to accrual.
- b. Range Practice Comp Time Incentive
 - i. Range practice time is incentivized by allowing straight comp time.
 - ii. Sworn personnel shall categorize range practice time as straight comp time in their payroll system.
 - iii. Sworn personnel are ineligible for any compensation unless the practice is conducted at a Department-authorized firearms range.



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- iv. Sworn personnel shall sign-in on the firearms range logbook.
 1. The firearms range logbook shall be retained for one-hundred-and-eighty (180) days and shall be available for audit purposes.
- v. A total of two (2) hours of straight comp time shall be earned or permitted per month.

D. Backfill Overtime

1. No backfill overtime is permitted if minimum staffing levels can be maintained.
 - a. If staffing levels cannot be maintained, the supervisor requesting backfill overtime levels shall request prior approval from the respective division commander or their designee.
 - b. Department personnel shall add comments to their payroll entries, identifying the name of the supervisor who approved the backfill overtime.

E. Overtime/Comp Time Usage and Review

1. If a supervisor authorizes comp time or time off that causes manning levels to fall below seventy percent (70%), the supervisor shall obtain prior authorization from the division commander.
 - a. No shift vacancy shall be filled by use of overtime, if the vacancy was caused by the use of comp time or vacation time of other Department personnel, without the division commander's authorization.

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2. Payroll Oversight

- a. Payroll Section personnel shall only compensate personnel on overtime/comp time additions or usage with documented comments within the payroll system.
 - b. The Payroll Officer shall follow-up and ensure that all payroll entries are documented with comments or the entry shall go unpaid/unapproved.
 - c. The Payroll Officer shall produce a written report at the end of each payroll cycle with a list of all Department personnel who have exceeded and earned over twenty-five (25) hours of overtime in one (1) week.
 - i. This report shall be provided per pay period and to the employee's entire chain of command, up to and including the commander of their division.
 - ii. Commanders shall investigate every instance of excess overtime that is not pre-approved and follow Department SOP regarding excessive overtime. Commanders shall initiate an Internal Affairs Request (IAR) no later than twenty-four (24) hours after obtaining the knowledge of a potential policy violation as necessary.
3. All overtime and comp time usage requests shall be approved by supervisors no later than the Monday following close of the current pay period at 0800 hours.
 - a. All exception entries must have comments included.



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- i. Exception entries are defined as any scheduled or unscheduled hours outside of an employee's regular duty shift.
- ii. The supervisor must audit and verify the entry for accuracy prior to approval.

6 F. Chief's Overtime (COT) Program

1. Department personnel who wish to participate in the COT Program shall contact the COT Coordinator and provide all necessary information. Department personnel shall refer to the Chief's Overtime Handbook for additional requirements of the COT Program.
2. Patrolman Second Class (P2/C) who are off on-the-job (OJT) training through the rank of lieutenant may sign-up for COT assignments.
 - a. Compensation for working COT shall be paid at the Department employee's current rank/pay rate at one-and-one-half (1.5) times per hour worked and only for jobs that they are trained to perform.
3. Supervisors Working COT
 - a. Supervisors may sign-up for any assignment requiring a supervisor.
 - b. Department personnel may not sign-up for or accept assignments designated for personnel at a lower paygrade.

4 4. COT Hour Limitations

- a. Department personnel are prohibited from working more than twenty-five (25) hours of COT per week.
- b. Any COT hours worked are counted towards the weekly sixty-five (65) hour cap.
- c. It is the employee's responsibility to monitor their total number of hours worked in any capacity.
 - i. If a COT assignment causes the Department employee to exceed the weekly sixty-five (65) hour cap, the employee working the assignment must advise a supervisor and note the overage on the COT paperwork.
 - ii. If unscheduled overtime causes the Department employee to exceed the weekly sixty-five (65) hour cap, and they have additional COT assignments scheduled for later in the pay period, the additional assignments must be posted on SharePoint to attempt to obtain coverage.
 1. If coverage cannot be found after posting, the approval to work the assignment must be granted by one (1) rank above the employee and at the minimum rank of lieutenant.
 2. The COT Coordinator shall note the approval in the COT Program Access Database.
- d. Department personnel shall not send City-wide emails to broadcast any COT assignments.



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- e. If a vendor makes a request to exclude sworn personnel from specific assignments, an email describing the reason the officer should not work at the assignment shall be sent to the COT Supervisor.
 - i. The COT Supervisor shall forward the email to the officer's supervisor.
 - ii. The officer's supervisor shall initiate an investigation and submit an IAR no later than twenty-four (24) hours after obtaining the knowledge of a potential policy violation.
5. Approval of COT Documents
 - a. Department personnel receive a minimum of two (2) hours COT pay for any time worked under two (2) hours.
 - i. If Department personnel arrive at an assignment that has been canceled without their knowledge, they shall receive two (2) hours pay.
 - ii. If the assignment ends early, Department personnel shall only claim the hours they actually worked above the two (2) hours.
 - iii. The vendor must sign the COT work order to confirm that personnel worked the hours indicated at the vendor's place of business. If the vendor does not sign the COT work order, the employee shall not be paid.
 - b. The COT Coordinator shall conduct an audit of thirty percent (30%) of all COT entries per pay period to ensure there is an appropriate CAD entry to support the assignment.
 - i. Any discrepancy between the CAD entry and the assignment shall be reported to and investigated by the employee's direct supervisor.
 - ii. A copy of the discrepancy report shall be copied and sent through the chain of command to one (1) rank above the employee's direct supervisor.
6. Department personnel working COT assignments shall adhere to the following standing orders:
 - a. While working a COT assignment, Department personnel shall adhere to all Department rules and regulations;
 - b. Civilian ride-alongs shall not be permitted on any COT assignments;
 - c. Department personnel shall not leave their assignment to respond to other calls for service except in the event of a Priority 1 dispatch in the immediate area of the COT assignment;
 - d. Sworn personnel who make an arrest during their assignment are responsible for transporting the prisoner(s) to the Prisoner Transport Center (PTC) or the Metropolitan Detention Center (MDC). Department personnel are to immediately return to their COT assignment after booking prisoner(s) if they are still within the assignment time frame;
 - e. Department personnel shall wear their unit's duty uniform with the exception of plainclothes personnel who shall wear a standard or alternate duty uniform;
 - f. All COT assignments shall require at least one (1) fully marked police vehicle capable of transporting a prisoner with a cage;



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- g. Department personnel working a COT assignment may assist with unrelated requests when approached by a community member, provided it does not interfere with their current COT assignment; or
 - h. If the request does interfere with the assignment, the employee shall assist the community member by having sworn personnel dispatched from FSB.
7. For any complaints or disciplinary action generated during COT assignments, an IAR shall be generated, consistent with SOP Complaints Involving Department Personnel, by the supervisor assigned to the outside activity, or if there is no supervisor for the outside activity, the sector supervisor, at the time of the incident occurred.
8. Sworn personnel on COT involved in all uses of force, including shows of force, shall immediately report the incident, consistent with SOP Use of Force: Reporting by Department Personnel, as follows:
 - a. To the supervisor assigned to COT, if assigned;
 - b. To the on-duty supervisor, if a supervisor for the COT had not been assigned; or
 - c. The supervisor shall have the investigative responsibility, consistent with SOP Use of Force: Reporting by Department Personnel.
9. Department personnel who violate any provision of this SOP relating to the COT Program shall be subject to suspension or disqualification from the COT Program as follows:
 - a. A one (1) month suspension from working COT assignments for every missed assignment within one (1) calendar year of the date of the missed assignment;
 - b. Suspension from signing up or working COT shall commence with the next scheduled sign-up period; or
 - c. Suspension or disqualification from COT shall not be subject to a grievance under the City's Merit System Ordinance on compensation.

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G. Upgrades and Certified Acting Sergeants

1. When a supervisor is scheduled to be away from work for eight (8) consecutive hours or more, a subordinate may temporarily be upgraded to the higher graded position.
 - a. A supervisor shall submit a Department Interoffice Memorandum Upgrade Request their division commander through the employee's chain of command to their division commander when upgrading their subordinate.
 - b. Temporary upgrades to commander and above shall be submitted to the Bureau Deputy Chief.
 - c. If required, all temporarily upgraded supervisors must be certified for the respective position by the Academy Division.



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6 H. Special Assignments and Temporary Duty (TDY) Assignments

1. During a TDY assignment, the Department employee's TDY supervisor or chain of command shall accept all responsibilities, consistent with this Standard Operating Procedure (SOP).
 - a. A case agent/primary investigator does not have the authority to approve leave or overtime.