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# MEMORANDUM

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Date: February 6, 2017

To: Keith Dommer, Director  
Finance and Risk Management Department

From: C.H. Huckelberry  
County Administrator 

Re: **January 31, 2017 Letter from Sheriff Mark Napier Regarding Sheriff's Department Salary Analysis**

Attached is a January 31, 2017 letter from Sheriff Mark Napier regarding the Sheriff's Department salary analysis. The letter includes documents signed by former Sheriff Chris Nanos regarding the Department's premium pay policy. It appears these letters and/or policies award overtime regardless of whether the employee is actually working overtime during a particular pay period. Such is justified based on "services that go beyond their regular responsibilities."

I would suggest that court appearances by deputies, Honor Guard duties, Field Training Officer duties and working on federal grants do not go beyond deputies' regular responsibilities and are part of the job descriptions associated with law enforcement personnel.

Please review these policies, as they appear to be problematic and may violate the Fair Labor Standards Act.

Item 4 in the attached documents is with regard to work hours paid for grants, intergovernmental agreements, memoranda of understanding and other legal documents, including federal, state and other grants. This may potentially violate grant conditions. While we were reviewing operation Stonegarden Grants, it appears we should review a number of other grants referenced in the Department's Premium Pay Policy and Practice document.

CHH/anc

Attachment

c: Tom Burke, Deputy County Administrator for Administration  
John Voorhees, Assistant County Administrator for Administration  
Allyn Bulzomi, Director, Human Resources  
Robert Johnson, Budget Manager, Finance and Risk Management



# PIMA COUNTY SHERIFF'S DEPARTMENT

*Mark D. Napier, Sheriff*

1750 East Benson Highway, Tucson, Arizona 85714-1758

Phone: (520) 351-4600 • Fax: (520) 351-4622 • www.pimasheriff.org

January 31, 2017

Mr. C.H. Huckelberry  
Pima County Administrator  
130 W. Congress, 10<sup>th</sup> Floor  
Tucson, AZ. 85701

Re: Sheriff's Dept. Salary Analysis

*overtime  
issues.*

Dear Mr. Huckelberry:

This letter is to address the questions in your memorandum dated January 19, 2017.

The "Sheriff's Task Force" or STF is an ADP pay code that was created when the new payroll system was implemented in November 2014. The STF code records the worked hours that are reimbursable by other governmental jurisdictions such as the Department of Homeland Security (DOHS), High Intensity Drug Trafficking Areas (HIDTA), Governor's Office of Highway Safety (GOHS), and other federal task forces. Many longstanding grants such as the DOHS Operation Stonegarden (OSG) and GOHS DUI enforcement will only reimburse worked hours that were paid at time and one-half of the current rates on the date of deployment or service.

Please see the attached memorandum from then Chief Deputy Nanos to Ms. Mary Komadina that explained the policy and practices of the pay code. The amount of STF pay will vary each year based on the amount of grant funds, training requirements, and work assignment. For example, OSG is generally available to most deputies depending on operational needs, but the GOHS DUI grants are limited to those individual who have received specialized training in this area.

In regards to employer's retirement contributions, OSG provides full reimbursement for this cost. The OSG program is our largest grant and is audited almost annually by the Arizona Auditor General's Office. Justice Assistance and Department of Public Safety grants cover all or most of the retirement cost. The GOHS DUI grants will only reimburse a maximum benefits rate of 40%. The HIDTA grant and other smaller task force programs do not pay for benefits on premium pay. Any unreimbursed benefits are charged to the General Fund.

The payroll costs in the "Other" column include the following pay categories:

- uniform allowance - \$1,050 for deputies, \$900 for corrections, and \$600 for civilians
- hazardous duty pay

- court appearance pay – minimum of 3 hours at time and one-half of current rate (1)
- call back regular
- call back telephone
- call back overtime
- field officer training– minimum of one hour at time and one-half of current rate when training (2)
- corrections officer training - minimum of one hour at time and one-half of current rate when training
- honor guard duties - minimum of 3 hours at time and one-half of current rate (3)
- payouts of leave hours for terminating or retiring employees
- CAT bank pay
- sick ICA

Similar to STF, the "Other" pay will fluctuate annually based on the employees' assignments, special duties, and other operating factors. I hope this information will assist you in analyzing this important subject as we go forward in the budget preparation cycle.

Please do not hesitate to contact my staff if you have any questions. Thank you for your review of these matters.

Sincerely,



Mark D. Napier  
Sheriff

Cc: Chief Karl Woolridge, Administrative Bureau  
 Captain Harold Janes, Administrative Services Division  
 Mr. Tom Burke, Deputy County Administrator for Administration  
 Mr. Keith Dommer, Director, Finance and Risk Management  
 Mr. Robert Johnson, Budget Manager



# Pima County Sheriff's Department

1750 E. Benson Highway • Tucson, AZ 85714-1758  
Phone 520-351-4600 • Facsimile 520-351-4622  
www.pimasheriff.org

Clarence W. Dupnik  
Sheriff

Christopher Nanos  
Chief Deputy

Keeping the Peace and Serving the Community Since 1865

November 6, 2014

Ms. Mary Komadina, Division Manager  
Financial Operations  
Dept. of Finance & Risk Management

Re: Sheriff's Department Premium Pay

Dear Ms. Komadina:

Pursuant to your meeting with Captain Janes and members of our Financial Services Unit, attached is the Policy and Practice for premium pay events that are unique to the Sheriff's Department. Historically, employees have been compensated based upon these policies to ensure compliance with Federal/State programs and be paid equitably for services that go beyond their regular responsibilities. Your assistance in implementing these policies into the ADP system would be greatly appreciated.

We will update you accordingly if there are future changes or updates to our premium pay procedures. Please do not hesitate to contact Captain Janes at 351-6250 or Ron Jee at 351-4619 should you have any questions. Again, thank you for your time and effort in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Nanos".

Chris Nanos  
Chief Deputy

cc: Chief Karl Woolridge, Administrative Bureau  
Captain Harold Janes, Administrative Services Division  
Mr. Ron Jee, Financial Administrator, Pima County Sheriff's Dept.

**PIMA COUNTY SHERIFF'S DEPARTMENT  
PREMIUM PAY POLICY & PRACTICE - FY 2015**

This document outlines the policies and practices for certain types of premium pay that are specific to Pima County Sheriff's Department. Premium pay is defined as compensation that is in addition to an employee's regular pay. An employee is eligible for premium pay when he or she is given a mission or task that exceeds the scope of their normal work duties and functions. Below are examples of the Department's premium pay events.

1. Worked Hours Paid by Grants, IGAs, MOUs, and other Legal Documents

In general, work hours funded or reimbursed by other governmental jurisdictions are paid at one and one-half (1 1/2) times the employees current hourly rate. Examples include, but are not limited to:

- Arizona Dept. of Homeland Security grants such as Operation Stonegarden
- HIDTA grant initiatives such as BANN, PCHITF, and DHE
- Governor's Office of Highway Safety grants
- Arizona DUI Abatement Council grants
- Arizona Dept. of Public Safety grants
- Reimbursements from Federal Task Forces such as DEA, ICE, FBI, ATF, and the USCS
- United States Forest Service funds

*These work hours are not included as time worked for County overtime purposes.*

2. Field Training Officer (FTO) and Corrections Training Officer (CTO)

All FTOs and CTOs are paid a minimum of one hour at one and one-half (1 1/2) times of the employees current hourly rate. This premium pay is to compensate training officers for their time to document and complete the performance reports of their trainees.

*These work hours are not included as time worked for County overtime purposes.*

3. Court Appearance Hours

Commissioned officers who are subpoenaed to appear for any court, hearing, or board during off-duty hours are paid a minimum of three hours at one and one-half (1 1/2) times of the current hourly rate.

*These work hours are not included as time worked for County overtime purposes.*