Wilton Police Commission



240 Danbury Road Wilton, Connecticut 06897 Tel: (203) 834-6260

Fax: (203) 834 6258



POLICE COMMISSION SPECIAL MEETING 10 OCTOBER 2013

CTO

Chairman Chris Weldon called the meeting to order at 8:16 a.m. In attendance were Commissioner David Waters, Commissioner Don Sauvigne, Chief Michael Lombardo, Deputy Chief Robert Crosby, Captain John Lynch, Sergeant Robert Kluk, as President and Officer Richard Muth, respectively members of AFSCME Local 1429, Sarah Taffel Director of Human Resources and Labor Counsel Don Houston.

MINUTES

Commissioner Waters made a motion to approve the minutes of the September 9, 2013 regular meeting. The motion was seconded by Commissioner Sauvigne. Motion carried 3-0.

Chairman Weldon suggested that the Commission scramble the agenda to hear the two grievances. Commissioner Sauvigne made a motion to scramble the agenda. The motion was seconded by Commissioner Waters. Motion carried 3-0.

OLD BUSINESS

D. Union Step II Grievance - Military Stipend

Chairman Weldon opened the continuation of the Step II grievance hearing by setting forth the process that would be followed. The hearing had already commenced, and a decision had been made by the Commission to continue the matter at the Town's request to consider the Town's interpretation as to the issue of whether Section 28.1(g) of the current Collective Bargaining Agreement (the "CBA") became effective by default pursuant to Connecticut General Statutes § 7-474(e) on signing by the parties, or on July 1, 2011 as the stated effective date of the CBA.

Sarah Taffel clarified that the request to continue the matter was not to present new evidence but to focus on the statutes. The Municipal Employee Relations Act establishes a framework and attempts to balance the legal position in order that labor and management have tools to work with. The statutes include a "no strike" law in order to maintain proper governmental functions while labor negotiations occur, and in return the labor side of the negotiations has the security of continued employment under the prior agreement until a new agreement is reached.

Sarah Taffel turned the presentation of the Town's position over to Labor Counsel Don Houston. The Town's position is as follows: (1) referring to general statutes, the old contract remains in effect and rolls over unchanged until the implementation of the new contract; (2) there is no provision in the tentative agreement as to the effective date of the Military Stipend; (3) the application of the relevant statute expressly states that retroactivity only applies to changes to the old contract; (4) there is no stated intent to apply the military stipend retroactively in the agreement; and (5) referring to retroactivity in the change of salary step percentages in the CBA, there is no similar reference to retroactivity of the military stipend in § 28.1 of the CBA.

Chairman Weldon asked Labor Counsel Houston if there was any case law. Labor Counsel Houston responded that not everything is retroactive unless agreed otherwise, and read from a Bristol case but did not provide a cite or a copy of that decision. The Town's position is that the military stipend takes effect as of the date the CBA was signed by all parties. Chairman Weldon pointed out that the reference to retroactivity in the CBA with respect to the change of salary step percentages is appropriate because the calculation of those changes requires one to look at salaries in effect before effective date of the CBA, which is July 1, 2011.

Labor Counsel Houston stated that an employer cannot be obligated to pay compensation retroactively, but rather it is to be agreed upon in the bargaining process. He also claimed that the Union did not bargain for application of the military pay stipend to become effective as education pay on July 1, 2011, the effective date of the CBA.

Sarah Taffel stated that the reason the Duration Clause has an effective date of July 1, 2011 is because, under General Statutes §4-475 there cannot be a break between the expiration of the prior CBA and the date of the new CBA. Commissioner Waters noted that the Duration Clause does not itself make any exception as to what provisions of the CBA would apply upon signing rather than on the effective date of the CBA, and if it was the intent of the Town that certain provisions would only be effective upon signing then the clear language of the Duration Clause could have been expanded to provide either that all provisions are effective upon signing unless stated otherwise, or that all provisions are effective as of the effective date of July 1, 2011 unless stated otherwise.

Chairman Weldon stated that when there are competing views of the parties on the intent of the parties in the negotiations, the trier of fact must look to the four corners of the contract and, where not ambiguous, the trier of fact must apply the clear terms of the contract. The Duration Clause had specifically stated that the effective date of the CBA

Officer Muth stated that Article 7.2 of the CBA states that an officer cannot work 24/7 hour shifts unless it is an emergency. The Chief can then assign and order officers in, unless it is unreasonable. He also stated that SEU DUI Grant jobs have always been extra duty and voluntary. It has always been treated as voluntary. In the past there have been sign-up slots unfilled. But, he did admit, he was not aware of a situation where there were not enough volunteer officers to conduct the operation. He also conceded that DUI Checkpoints are a normal police function.

Referring to Section 7.2 of the CBA: The Chief can order officers to fill empty spots. In the past if officers were needed, officers' shifts would be changed to cover other shifts.

Officer Muth stated it has always been past practice that SEU Grant DUI checkpoint assignments have been voluntary special duty assignments but again conceded there were events like July 4th and Memorial Day Parade which are not consider Special Duty but rather to be treated as normal overtime.

The Chief interjected that DUI roadblocks put the public on notice and could be a deterrent.

Chief Lombardo presented:

Exhibit Department #1 – FY 2013 DUI Enforcement Grant, Safety/Sobriety Checkpoint, Friday, September 6, 2013. (assignment sign-up sheet)

Exhibit Department #2 – Extra Duty Job Sign-Up Sheet

Exhibit Department#3 – Extra Duty Voucher, which is completed and turned in by the officer after the extra duty assignment has been completed.

According to the extra duty section in the CBA, officers would have been paid an extra \$3.00 per hour if it had been and extra duty assignment. The extra money was never requested by the officers who worked. Extra duty jobs are posted on Sign-up sheets referring to Exhibit #2. The SEU DUI Enforcement Grant was never posted on a sign-up sheet. Referring to Exhibit #3, no officer completed or turned in an extra duty slip for the assignment. Extra Duty assignments are paid for by the requesting vendors.

DUI detection is a public safety issue. Wilton has one of the highest DUI rates in the state. For the proper operation of a DUI checkpoint and for the safety of the officers involved, a DUI checkpoint cannot be performed unless the minimum appropriate staffing is present, and although the first recourse is to officers who volunteer if there are not enough volunteers then the minimum staffing must be met through assignments by the Chief. All incident specific assignments are compensated with overtime and not as Extra Duty. Special public safety issues are always paid from the overtime account.

Sgt. Kluk interjected that specific assignments are always voluntary. There was no immediate threat. If there was, it would be an assignment every day and every night. It would be considered an immediate public safety issue the entire time. However, Sgt. Kluk did concede there were times where the Chief could order officers to work overtime where there was no immediate threat and it would not be considered Extra Duty, like seatbelt enforcement, which the officers have not objected to in the past when ordered to carry out this function.

The grievance hearing was then closed. Chairman Weldon stated that a written determination will be made by the Commission, and observed that the Commission has a period of within ten days from this date to notify the Union of its decision.

DISCUSSION OF MONTHLY REPORTS

Monthly reports were reviewed and discussed. The Chief expressed satisfaction with the consistency of the number of stops and the level of activity that this represents. Domestic Violence calls are up compared to last month and the same time period in 2012 and the overall average is down. The number of MVA's is down and the number of MVA's with injuries is down. The DUI assignment was cancelled due to the weather.

The Activity Report was reviewed. The number of EMS calls is up slightly. There were no reporting concerns.

The MAC Report was reviewed. Officer MacLean has been mostly on patrol duties and therefore she is limited in the other activities that she can perform. She has also been spending a significant amount of time discussing security in town facilities, private companies and private and public schools. Both Officer MacLean and Sgt. Kluk have been speaking to private employers and staff about how to react should there be an incident.

SEU – The state will be replacing the school bus sign with more visible signage at the Crown Pond bus stops. The Commission discussed Nu-metrics and the issue that it still indicates what appears to be an abnormally high volume of truck traffic. Captain Lynch advised that calibration will be re-set, re-programmed and re-tested. They talked about doing a study on car vs. truck traffic, pointing out that speed is the predominant element.

The SRO Report was reviewed.

Chief Lombardo noted that approval was received from the State for a designated school zone on Route 7. On December 4th, Officers Tyler, Barrett and Tornello will be receiving awards.

REPORT OF CHIEF LOMBARDO

Letters of thanks and jobs well done and other miscellaneous matters were reviewed.

Letters:

 An anonymous letter was sent to Chief Lombardo complimenting Officer Frank Razzaia.

Miscellaneous:

 Chief Lombardo sent letters to Chief Hale and Retired Chief Coyle of the New England Association of Chief of Police concerning the Medal of Valor awarded to Sergeant Thomas Tunney.

Chief Lombardo notified the Commission that David Hartman was appointed by the Chief as Training Officer.

NEW BUSINESS

Commissioner Waters made a motion to request that the State install skip lines on Route 7 at the intersection of School Road, so that traffic traveling in the southbound lanes of Route 7 will be guided to the southerly side of the intersection. The motion was seconded by Commission Sauvigne and carried 3-0.

After reviewing, discussing and consideration of a request by a resident to place no parking signs on Whipple Road in proximity to the Montessori School, and at the recommendation of the research done by Lt. Conlan, the Commission agreed with Chief Lombardo and decided not to take action to install no parking signs on Whipple Road. Commissioner Waters made a motion to accept the recommendation. The motion was seconded by Commissioner Sauvigne and passed 3-0.

Chief Lombardo pointed out that effective October 1st, 2013 fines have increased for distracted driving (cell phone usage and texting). The first offense is \$150 and the 2nd offense is \$250. Assessment points will be applied to drivers' licenses. After reviewing three signs that refer to distracted driving, Commissioner Weldon made a motion to follow the Chief's recommendation and chose the sign reading "NO TEXTING WHILE DRIVING IT'S THE LAW" to be placed on roadways within Wilton. The motion was seconded by Commissioner Sauvigne and passed 3-0. The SRO is addressing texting while driving in the schools as well.

Commissioner Sauvigne made a motion to remove Lt. Thomas Conlan and Sgt. Robert Cipolla from probationary status. The motion was seconded by Commissioner Waters and passed 3-0.

REPORTS OF THE COMMISSIONERS

There were no reports of the Commissioners.

EXECUTIVE SESSION

At 10:30 a.m., the Commissioners went into Executive Session to deliberate on the two Step II Grievances presented by the Union. At 11:05 a.m., the Commission came out of Executive Session. No action was taken in Executive Session.

OLD BUSINESS (CONTINUED)

Commission Waters made a motion to sustain the Step II Grievance filed by the Union with respect to the effective date for qualification for payment of the military stipend, i.e. that the effective date is July 1, 2011. The motion was seconded by Commissioner Weldon. Motion carried 3-0. Commissioner Weldon will draft a written memorandum of the decision of the Commission.

NEW BUSINESS (CONTINUED)

Commissioner Sauvigne made a motion to deny the Step II Grievance filed by the Union claiming that the Chief's assignment of officers to fill positions on a DUI checkpoint should be treated as extra-duty and not regular overtime. The motion was seconded by Commissioner Waters. Motion carried 3-0. Commissioner Weldon will draft a written memorandum of the decision of the Commission.

EXECUTIVE SESSION (CONTINUED)

At 11:10 a.m., the Commissioners with the Chief went into Executive Session for a second time to consider personnel issues. At 11:25 a.m., the Commission came out of Executive Session. No action was taken in the Executive Session.

ADJOURNMENT

At 11:30 a.m., a motion to adjourn the meeting was made by Commissioner Waters seconded by Commissioner Weldon and passed 3-0.

Respectively submitted,

Claire Furano, Acting Recording Secretary

Main: (203) 834-6260

Direct: (203) 834-6324

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FY 2013 Xmas Final.doc



FY 2013 DUI Enforcement Grant Christmas / New Years Eve

The below listed dates will be tentatively scheduled pending the acceptance of the 2013 DUI Comprehensive Grant. The following overtime is available for officers to participate in the FY 2013 DUI Enforcement Grant. Officers may sign up for the entire eight hour block or may split the block. Preference will go to those desiring an entire eight hour block. I am looking for two officers for each block. Lt. SJB

Section 1 and 1 country for two officers for each plock. Lt. 30B								
December 13, 2012 1900-0300 hrs								
Hartman / Kluk - (All)								
December 14, 2012 1900-0300 hrs:								
Kluk (AII) / Tor nello (2300-0300) - Opening								
December 15, 2012 1900-0300 hrs								
Dempsey / Trahan – (AII)								
December 20, 2012 1900-0300 hrs:								
Hartman / Cocco - (AII)								
December 21, 2012 1900-0300 hrs:								
Kluk (AII) / Cipilla (2300-0300) & Smaldone (1900-2300)								
December 22, 2012 1900-0300 hr s:								
Smaldone (1900-2300) & Tor nello (2300-0300) / 1 Opening								
December 23, 2012 1900-0300 hrs:								
December 24, 2012 1900-0300 hr s:								
December 25, 2012 1900-0300 hr s:								

December 26, 2012 1900-0300 hrs:

Cocco / Trahan - (AII)

December 27, 2012 1900-0300 hrs:

Hartman / Cocco - (AII)

December 28, 2012 1900-0300 hrs:

Hartman / Trahan - (AII)

December 29, 2012 1900-0300 hrs:

Hartman (AII) / Cipolla (2300-0300) & Tanner (1830-2230)

December 30, 2012 1900-0300 hrs:

Hartman (AII) / Cipolla (2300-0300) & Tanner (1830-2230)

December 31, 2012 1900-0300 hrs:

Trahan (AII) / Tanner (1830-2230) - □ Opening

<u>January 1, 2013</u> <u>1900-0300 hrs</u>:

Tanner (1830-2230) - 1.5 Openings

"Brennan, Stephen" <Stephen.Brennan@WILTONCT.ORG>

To:

"PD_OFFICERS" <PDOFFICERS@WILTONCT.ORG>

Sent:

Tuesday, August 07, 2012 12:00

Attach:

FY 2012 Sign Up Labor Day.doc

Subject:

DUI Comprehensive Grant: Labor Day

I have posted the Labor Day 2012 DUI Selective Enforcement dates on the board. Those who are interested, please sign up by August 23, 2012.

Lieutenant Stephen J. Brennan Patrol Commander Wilton Police Department 240 Danbury Road Wilton, Connecticut 06897

Main: (203) 834-6260 Direct: (203) 834-6324 Cell: (203) 216-8373 Fax: (203) 834-6258

www.wiltonpolice.org

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FY 2012 DUI Enforcement Grant August / Labor Day

The following overtime is available for officers to participate in the FY 2012 DUI Enforcement Grant. Officers may sign up for the entire eight hour block or may split the block. Preference will go to those desiring an entire eight hour block. Two Officers will be selected per block. Lt. SJB

August 31, 2012 1900-0300 hrs: September 1, 2012 1900-0300 hrs:	
September 1, 2012 1900-0300 hrs	
September 2, 2012 1900-0300 hrs:	
September 3, 2012 1900-0300 hrs:	
September 4, 2012 1900-0300 hrs:	
September 5, 2012 1900-0300 hrs:	



Robert Kluk <talonsf49@gmail.com>

FW: Grant Approval

Fridinger, Timothy <Timothy.Fridinger@wiltonct.org>
To: Robert Kluk <talonsf49@gmail.com>

Mon, Oct 7, 2013 at 2:48 PM

Officer Timothy J. Fridinger #41

Wilton Police Department 240 Danbury Road Wilton, CT 06897

Phone: (203) 834-6260 Fax: (203) 834-6258

PD Website: https://owa.wiltonct.org/owa/redir.aspx?C=82bfe599616c435f9fd297a14ce8ee59&URL=http%3a%2f

%2fwww.wiltonpolice.org%2f

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From: Brennan, Stephen

Sent: Wednesday, December 12, 2012 10:01 AM

To: PD_OFFICERS

Subject: Grant Approval

The DUI Comprehensive Grant 2013 has been approved and the official start date will commence on Thursday 12/13/2012. The DAS have been marked and Officers have been notified. I will be contacting those who are working Thursday, Friday, Saturday and Sunday for notification purposes.

Thank you.

Lieutenant Stephen J. Brennan

Patrol Commander

Wilton Police Department

240 Danbury Road

Wilton, Connecticut 06897

Main: (203) 834-6260

Direct: (203) 834-6324

Cell: (203) 216-8373

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"Lynch, John" <John.Lynch@WILTONCT.ORG>
"PD_Everyone" <Police@WILTONCT.ORG>

To:

Sent:

Subject:

Wednesday, May 13, 2009 11:28 SEU Grant Memorial Day week and Fourth of July Week.

I have made the assignments for the SEU Grant that has been posted since April 13th. There are still time slots available. I will re-post the sheet. Please sign up if you are interested. I will be checking the sheet periodically.

Thank you,

Lt. Lynch

"Brennan, Stephen" <Stephen.Brennan@WILTONCT.ORG>

To:

"PD_OFFICERS" <PDOFFICERS@WILTONCT.ORG>

Sent:

Saturday, May 08, 2010 19:09

Subject:

Memorial Day and July 4th SEU Grant

There are currently two shift available on July 4^{th} . from 1900 – 0300 hours and a ½ of shift on July 3^{rd} . from 2230 – 0300 hours. Anyone interested, please see me ASAP.

Thank you.

Lt. Brennan

Lieutenant Stephen J. Brennan Patrol Commander Wilton Police Department 240 Danbury Road Wilton, Connecticut 06897

Main: (203) 834-6260 Direct: (203) 834-6234 Fax: (203) 834-6258

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"Brennan, Stephen" <Stephen.Brennan@WILTONCT.ORG>

To:

"PD_AllStaff" < PDAllStaff@WILTONCT.ORG>

Sent:

Friday, July 23, 2010 10:54

Subject:

DUI Checkpoint

I am setting up a combined DUI checkpoint with Westport PD which will be held in Wilton under the DUI Grant. I would like to schedule it for Friday August 27 or Saturday August 28, from 1900 to 0300 hours. I have 6 positions to fill. Those that are interested please let me know before I put the sign-up sheet on board.

Lt. Brennan

Lieutenant Stephen J. Brennan Patrol Commander Wilton Police Department 240 Danbury Road Wilton, Connecticut 06897

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"Brennan, Stephen" <Stephen.Brennan@WILTONCT.ORG>

To:

"PD_AllStaff" < PDAllStaff@WILTONCT.ORG>

Sent:

Friday, December 10, 2010 11:46 FY 2011 Sign Up Completion.doc

Attach: Subject:

Holiday SEU OT

I have assigned the Holiday SEU OT for those who signed up. There are still openings and I encourage each of you to sign up to fill the positions. I have also been in contact with New Canaan PD to set up plans to work together this Holiday Season. Additional information to follow.

Lt. Brennan

Lieutenant Stephen J. Brennan Patrol Commander Wilton Police Department 240 Danbury Road Wilton, Connecticut 06897

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FY 2011 DUI Enforcement Grant Christmas / New Years Eve

The following overtime is available for officers to participate in the FY 2011 DUI Enforcement Grant. Officers may sign up for the entire eight hour block or may split the block. Preference will go to those desiring an entire eight hour block. I am looking for two officers for each block. Lt. SJB

<u>December 17, 2010 1900-0300 hrs:</u> Dempsey (1900-2230) & Hartman (2200-0230); Phillipson (All)

December 18, 2010 1900-0300 hrs: Phillipson (All) 1 Opening

December 19, 2010 1900-0300 hrs: Trahan (All) 1 Opening

<u>December 20, 2010 1900-0300 hrs:</u> Barrett (All) & Phillipson (All)

December 21, 2010 1900-0300 hrs: Barrett (All) & Dempsey (All)

<u>December 22, 2010 1900-0300 hrs:</u> Phillipson (All) & Dempsey (All)

December 23, 2010 1900-0300 hrs: Trahan (All) Tornello (1900-2300) ½ shift Open

December 24, 2010 1900-0300 hrs:

December 25, 2010 1900-0300 hrs:

December 26, 2010 1900-0300 hrs:

Hartman (All) 1 Opening

December 27, 2010 1900-0300 hrs:

Hartman (all) 1 Opening

<u>December 28, 2010</u> 1900-0300 hrs: Hartman & Dempsey (All)

December 29, 2010 1900-0300 hrs:

Hartman (All) 1 Opening

<u>December 30, 2010</u> 1900-0300 hrs: Hartman (All)

1 Opening

December 31, 2010 1900-0300 hrs:

Trahan (all) 1 Opening

<u>January 1, 2011</u> 1900-0300 hrs: Trahan & Hartman (All)

"Brennan, Stephen" <Stephen.Brennan@WILTONCT.ORG>

To:

"PD_AllStaff" <PDAllStaff@WILTONCT.ORG>

Sent:

Thursday, June 16, 2011 12:51

Subject:

SEU Grant Sign-up

For those who are interested in the Fourth of July SEU, the sign-up sheet has been posted.

The dates are: Friday July 1, 2011

Saturday July 2, 2011 Sunday July 3, 2011 Monday July 4, 2011

The sign-up sheet will be removed on June 24, 2011. If positions are vacant, I leave the sheet up on the OT board.

Lt. Brennan

Lieutenant Stephen J. Brennan Patrol Commander Wilton Police Department 240 Danbury Road Wilton, Connecticut 06897

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"Bartek, Stephen" <Stephen.Bartek@WILTONCT.ORG>
"PD_Everyone" <Police@WILTONCT.ORG>

To:

Sent:

Thursday, August 28, 2008 16:37

Subject:

State Grant SEU

Just a reminder to those officers who participate in working selective enforcement under the State grant. Make sure you turn in an activity sheet to my mail tray. The sheets are stored in a file folder in the Sgts desk outside Communications. I need this paperwork to submit our claims to the State.

"Bartek, Stephen" <Stephen.Bartek@WILTONCT.ORG>

To:

"PD_Everyone" <Police@WILTONCT.ORG>

Sent:

Wednesday, May 21, 2008 14:27

Subject:

DUI Selective Enforcement

For those of you who are participating in the holiday DUI SEU grant, I have placed daily activity sheets in my mail tray in the back hallway. At the conclusion of your tour please complete an activity report and leave it in my mail tray prior to going off duty. Please be neat as they are a permanent part of the file. Do not complete any of the pay or hourly compensation rows. I will figure the math for you.

If you have any questions, please don't hesitate to call me.

Lt. Stephen Bartek III



Deportuet #1 COPY

FY 2013 DUI Enforcement Grant Safety / Sobriety Checkpoint Friday September 6, 2013

The Wilton Police Department will be hosting a Safety / Sobriety Checkpoint thru the DUI Comprehensive Grant. It will be held on Friday September 6, 2013 from 1900-0300 hours. Those of you who are interested please sign up.

Friday September 6, 2013 (1900 - 0300): 8 Officers 1 1. Smaldock 2300-0300 3. Harthon (M) 1. Kazzai a 900-2300 (ML) 2. KLJK (ML) 4 1510 (ML)

ORDERED: EVES MIDS

4. TUNNEY COLLINS

5. Fridinger BARGETT

SELL

ZIMNOCH

(8) (LICHTENBERGEY) (RESEGLY)

1900 - 2300 2300 - 0300 KLUK i. KLUK HARTMAN " 2. HARTMAN SMALDONE RAZZAIA 1 3. COL PURNEY PRIZAR / TUNNEY COLLINS / 4. 5. FRI DINGER BARRETT 6. SELL V DULENK / (LICHTENSONGER) 7. ZIMNOCH / (RESLELY)/

- BRENHAN

Department #2

Wilton Police Department EXTRA DUTY JOB SIGN-UP SHEET

Date of Job:		Time E	Begins:			Time Ends:			
Location of Job:									
Requested By:					Phone #: ()				
Number of Officers:	Job Function:								
Date	Officer		Officer		Office	r	Officer		
							V		
				-					
				The same that the same to the same to					
Billing To:									
Address:									
Request Received By:					Date Posted:				
Page Made: Ye	s	No		Calls Mad	e: Ye	es	No		

Department #3

Wilton Police Department Extra Duty Voucher

OfficerAssigned	OfficerAssigned Assignment #								
Employer									
Street		City/Town	State	Zip					
Nature of Duty		Location							
Date	Start	Finish	Total						
Changes / Switches									
Officer Worked		Rate	Amount	#Error					
APPROVED: SIGNED: Lt.									
Extra Duty Assignment Voucher Assignment #									
Location of Assignment:									
Date:	Time:	-							
Officer Assigned		Veh. # Used:	_ Veh. Hours Use	d:					
Officer Worked (If Different Than Assigned) :									
Total Hours:	Of	ficer's Signature:							
Contractor's Signature / Date									