

**EMPLOYEE RELATIONS ADMINISTRATOR
OFFICE OF THE CHIEF OF STAFF**

NOTICE
2.2.3

January 20, 2010

TO: All Commanding Officers

FROM: Employee Relations Administrator

SUBJECT: NO CODE 7 PILOT PROGRAM FREQUENTLY ASKED QUESTIONS (FAQ)

This Notice is intended to answer some of the more frequently asked questions pertaining to the No Code 7 Pilot Program. In order for the pilot program to succeed, personnel choosing to participate in it must exercise common sense and must adhere to certain requirements. Sworn Department employees should be aware that the No Code 7 Pilot Program is not a negotiated benefit, but rather a privilege accorded by the Chief of Police (COP). As such, the pilot program may be modified, suspended or rescinded at the discretion of the COP.

QUESTIONS, SCENARIOS AND EXAMPLES

Question No. 1: Generally, how does the No Code 7 work for different assignments (i.e., patrol, traffic, detectives and administrative)?

Answer: The No Code 7 Pilot Program works differently in patrol and traffic functions than in investigative and administrative support positions. Due to the mobile nature of patrol and traffic division assignments, officers so deployed may choose to purchase a restaurant meal. In doing so, the officers must remain available for dispatch and must immediately interrupt their purchase and/or their meal if called upon. In the above scenario, the unit status of the participating officer(s) shall be "CLEAR." This does not mean patrol and traffic field personnel may be Code 6 or extend the disposition of a radio call to sit down and eat a restaurant meal.

Conversely, sworn investigative and support positions are generally working in static, non-mobile assignments. Given that fact, such employees are encouraged to bring a meal with them to work. Should a detective or support employee choose to leave the work site to purchase a "to-go" meal and/or dine at a restaurant, the employee must extend their shift time to cover the absence or deduct an equal amount of time from their accumulated overtime bank.

Question No 2: Can a patrol officer still take a Code 7 break via Communications Division, off the queue?

Answer: No. Only officers assigned to investigative and administrative support positions have the option of taking a Code 7 break, but must either extend their shift or deduct an equal amount of time from their accumulated overtime bank.

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Question No. 3: If I decide to participate in the program and I am eating at my desk do I still have to answer the telephone or participate in other work?

Answer: Yes. You are being compensated to perform work activities on a continuous basis throughout your shift.

Question No. 4: If I eat at my desk, does that mean that I have taken an official Code 7 period and must extend my shift?

Answer: No. You may eat at your desk but must continue to perform your job.

Question No. 5: If I take Code 7 do I have to sign out on the timekeeping log?

Answer: Yes. Your absence from the work site must be recorded for timekeeping and compensation purposes.

Question No. 6: Can civilian employees participate in the No Code 7 Pilot Program?

Answer: No. At this point only sworn employees may do so.

Question No. 7: As a sworn employee, do I not still receive two rest breaks each day? Can I not use those breaks to leave the office and eat a meal?

Answer: No. Sworn employees do not receive any rest breaks during their work shifts. Sworn employees are exempt from California regulations regarding work breaks.

Question No. 8: How do we handle Code 7 if my work group has an off-site luncheon?

Answer: The concerned commanding officer may use their discretion in the manner in which they choose to handle such events.

Question No. 9: How should we handle Code 7 for in-service training?

Answer: If the course curriculum calls for a Code 7 break, then those affected must extend their shift by the amount of time allocated for the break by the course administrator. Officers are not compensated for such a break.

Question No. 10: What if an officer is subpoenaed to court and the court takes a lunch break?

Answer: If a break is mandated by the court, the concerned employee shall take a 45-minute Code 7 break. Officers are not compensated for such a break. Officers must extend their work shift to compensate for the mandated Code 7 by the court.

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Question No. 11: My work group likes to make a quick coffee run. Will this now be considered a Code 7 break requiring me to extend my shift?

Answer: Commanding officers are encouraged to handle this in the same manner as they did prior to the No Code 7 Pilot Program being implemented.

Question No. 12: Some officers like to take several restaurant breaks during their shift. Is that ok?

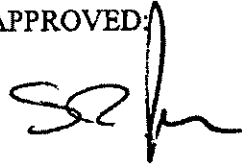
Answer: No. Regardless of dispatch queue availability, all officers, including "Deuce Watch," Z-Cars, etc., are not permitted to make multiple restaurant visits during their shift. The public have a right to expect that police officers remain vigilant, visible and proactive during their work shifts. Multiple restaurant visits would contradict that expectation.

Any questions regarding this Notice should be directed to the Employee Relations Administrator, at (213) 486-7600.



JOSE PEREZ, Jr., Commander
Employee Relations Administrator

APPROVED:



STEPHEN R. JACOBS, Commander
Chief of Staff
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