

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL

APPENDIX II-K

COVER SHEET FOR EMERGENCY RULE

Document Number 12041 Rule Number Pol 302.11

<p>1. Agency Name & Address:</p> <p style="padding-left: 40px;">Police Standards and Training Council</p> <p style="padding-left: 40px;">17 Institute Drive</p> <p style="padding-left: 40px;">Concord NH 03301</p> <p>5. Date of Filing: 4-8-2020</p>	<p>2. RSA Authority: <u>RSA 106-L:6, III</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption <u>X</u></p> <p style="padding-left: 20px;">Amendment <u>X</u></p> <p style="padding-left: 20px;">Repeal _____</p>
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6. Short Title: Emergency Exception for Part-Time Officer Hours

7. Contact person for copies and questions:

Name: **John V. Scippa** Title: **Director**

Address: **Police Standards and Training Council** Phone #: **603-271-1793**
17 Institute Drive
Concord, NH 03302

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

9. A summary of the effect if the rule were not adopted.

10. A description of those affected.

***PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: April 9, 2020

Signature: David P. Cahill

Name: DAVID P. CAHILL

Title: CHAIRMAN PSTC

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

Doc. #13025 (eff 4-9-20) @ 10:04 a.m.

Emergency Rule EXPIRES: 10-6-20

Readopt with Amend Pol 302.11 effective 11-16-16 (Document #12041) cited and to read as follows:

Pol 302.11 Limitation of Hours, Part-Time Officers.

(a) No part-time police officer shall work a cumulative total of more than 1300 hours in a given calendar year without successfully completing the full-time police academy.

(b) The hiring authority shall submit within 30 days after the conclusion of each calendar year an affidavit certifying that it has complied with the requirement that officers not work more than 1300 hours in a calendar year, and further, provide the council with a list of all part-time officers employed by them and the number of hours worked by each officer in the last calendar year.

(c) In cases where this total is exceeded by an officer who is employed by more than one agency, it shall be the responsibility of the individual police officer to forthwith notify each hiring authority that he or she has reached the maximum permissible hours and is unavailable for further duty during the calendar year unless and until a hiring authority has enrolled the officer in the police academy.

(d) No hiring authority shall schedule an officer for further duty once it becomes aware by any means that the officer has exceeded the cumulative total hours.

(e) Part-time police officers serving as radio dispatchers shall not count the hours spent dispatching if they are prohibited from functioning as a police officer during those hours.

(f) Dog officers and animal control officers who do not have the power of arrest for other types of violations shall not be considered to be police officers and shall not report their hours as such.

(g) Bailiffs shall be considered police officers and shall be certified as such unless their duties are limited to maintaining order in the courtroom, custody of prisoners at the courthouse, and carrying out related activities such as security on jury views at the discretion of the presiding justice.

(h) Part-time police officers shall not report their on-call time if they are remaining at home out of uniform, engaged in personal pursuits and awaiting calls.

(i) Part-time police officers while serving as an animal control officer shall count their hours toward the 1300 hours requirement unless all of the following conditions apply:

(1) The officer's uniform or insignia shall be differentiated from that of a police officer with the same department;

(2) The officer shall not be armed with a firearm other than a weapon necessary for the destruction of an animal; and

(3) The officer shall not drive a vehicle marked or identified as other than an animal control vehicle.

(j) Part-time police officers shall not report time spent actually attending court as witnesses or waiting for a case to be called.

(k) Part-time police officers shall not report their time spent training in law enforcement topics.

(l) All hours worked shall be documented pursuant to Pol 602.03.

(m) Upon the declaration of a state of emergency by the Governor, hours worked during the duration of the state of emergency will not count towards the 1300 annual limit. This rule change is to be retroactively applied during the present Declaration of Emergency # 2020-04 issued March 13, 2020.

Doc. #13025 (eff 4-9-20) @ 10:04 a.m.
Emergency Rule EXPIRES: 10-6-20

<u>Rule Number</u>	<u>NH Statute Implemented</u>	<u>Federal Statute Implemented</u>
<u>Pol 302.11</u>	<u>RSA 106-L:6, III</u>	