



Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of both pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: CITY OF DuBois (Attn: AORO)

Date Request Submitted: 10/26/24 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: LINDA S. CLARK

Company (if applicable): N/A

Please send response via: Email U.S. Mail or pick-up

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: [REDACTED]

Mailing Address: 501 REANIS STREET

City: DuBois State: PA Zip: 15801 Telephone: [REDACTED]

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.

Please provide ^{Copies of} the City of DuBois Police Department overtime log book for the calendar years 2021, 2022, 2023, and current 2024. I request this to include each and every documented entry.

Form continues on page 2. Retain a copy of both pages.

RECORDS REQUESTED (continued):

including but not limited to each and every date overtime was requested, the shift affected, the reason for the overtime request, a further breakdown of A.) name or badge number that covered B.) each + every name that declined or denied the specific overtime C.) specific reason OT Requested (ie: sick, pro, vac, injury ect)

specific Amount of overtime hours requested for: (1) Court (2) training (3) callout deployment or special detail (4) Community Days + DuBois Days Name + badge # of officers each by separate category. DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$_____.

Do you want certified copies? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.



CITY OF DUBOIS, PENNSYLVANIA

PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801

TELEPHONE: 814-371-2000

FAX: 814-371-1290

December 2, 2024

Linda Clark
501 Reams Street
DuBois, PA 15801

Dear Ms. Clark,

Thank you for writing the City of DuBois with your request for information pursuant to the Pennsylvania Right- To-Know law. On November 26, 2024, you requested copy of records regarding overtime logs for the DuBois Police Department for the years of 2021 through current 2024.

Pursuant to Section 902(a) of the Right to Know Law, the City of DuBois requires an additional 30 days to respond to the request:

- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.
- A legal review is necessary to determine whether the records are subject to access under this act.

The City of DuBois expects to respond to your request on or before January 2, 2025.

Respectfully,

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County

“Gateway to Big Game Country”



CITY OF DUBOIS, PENNSYLVANIA

PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801

TELEPHONE: 814-371-2000

FAX: 814-371-1290

December 23, 2024

Ms. Linda Clark
501 Reams Street
DuBois, PA 15801

RE: RTK request 11.26.2024

Dear Ms. Clark,

The City of DuBois ("the City") acknowledges receipt of your request ("the request") filed under the Right to Know Law ("RTKL"), 65 P.S. §§ 67.101-67.3104. Upon review, your request is denied.

The request seeks copies of all records of and relating to "overtime log books" of the City of DuBois Police Department for the years 2021, 2022, 2023, and 2024. Reduced to its essentials, the request seeks access to and disclosure of hours and days officers of the City of DuBois Police Department worked. In denying the request, the City relies upon *Delaware County v. Lacy Wheeler, III*, 23 Pa. D. & C.5th 173 (C.C.P., Delaware County, 2011) (hereinafter referred to as "*Wheeler*").

Wheeler involved a request for copies of all records showing the hours and days worked by a particular officer of the Park Police over the course of a certain timeframe. In agreeing with the county's argument that the records requested were exempt under Section 708(b)(1)(ii) of the RTKL – which exempts from disclosure "record[s], the disclosure of which . . . would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual" – the court held that because the records requested related to a specific officer; were personnel records; were records of a police officer and a first responder; and would reveal a pattern of where and when the officer was on duty, "common sense dictates that the records sought could be used to put the officer and others at risk." *Id.* at 175-176. *Wheeler* stands for the proposition that, *as a matter of law*, a request for, or in any way relating to, records of the days and hours worked of a police officer is *not* subject to disclosure under the RTKL, since "[t]he release of these records, without question, puts the officer at a clear and demonstrable risk to his personal safety." *Id.* at 179 (emphasis added).

Under the clear, bright-line rule announced in *Wheeler*, because the request would reveal the days and hours worked by individual officers of the City of DuBois Police Department, these records are exempt from disclosure under Section 708(b)(1)(ii) of the RTKL. Consequently, the request is denied in its entirety.

Respectfully,

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County