

SEP 13 2021

Approved

**REQUEST FOR AGENDA PLACEMENT FORM**

**Submission Deadline - Tuesday, 12:00 PM before Court Dates**

**SUBMITTED BY:** Randy Gillespie      **TODAY'S DATE:** September 7, 2021

**DEPARTMENT:** Personnel

**SIGNATURE OF DEPARTMENT HEAD:**

**REQUESTED AGENDA DATE:** September 13, 2021

**SPECIFIC AGENDA WORDING:** Consideration to approve amended Johnson County overtime policy.

**PERSON(S) TO PRESENT ITEM:** Randy Gillespie

**SUPPORT MATERIAL:** (Must enclose supporting documentation)

**TIME:** 10 minutes

**ACTION ITEM:**        X  

**WORKSHOP:**      \_\_\_\_\_

(Anticipated number of minutes needed to discuss item) **CONSENT:** \_\_\_\_\_

**EXECUTIVE:**      \_\_\_\_\_

**STAFF NOTICE:**

**COUNTY ATTORNEY:** \_\_\_\_\_      **IT DEPARTMENT:** \_\_\_\_\_

**AUDITOR:** \_\_\_\_\_      **PURCHASING DEPARTMENT:** \_\_\_\_\_

**PERSONNEL:** \_\_\_\_\_      **PUBLIC WORKS:** \_\_\_\_\_

**BUDGET COORDINATOR:** \_\_\_\_\_      **OTHER:** \_\_\_\_\_

\*\*\*\*\*This Section to be Completed by County Judge's Office\*\*\*\*\*

ASSIGNED AGENDA DATE: \_\_\_\_\_

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE \_\_\_\_\_

COURT MEMBER APPROVAL \_\_\_\_\_ Date \_\_\_\_\_

## COMPENSATION

### B. Overtime/Compensatory Time

1. **Overtime Application.** Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under FLSA regulations except for employees working as Deputies in the Patrol Division or Jailers with the Sheriff's Office as explained in item 5.
2. **Overtime Definition.** Overtime shall include all actual time worked for the County in excess of 40 hours in a workweek. Holiday hours will be counted towards hours worked for purposes of calculating overtime.
3. **Authorization.** Except in emergency situations as determined by the Elected Official or Department Head, employees must have authorization from their supervisor prior to working overtime. Working unauthorized overtime will subject the employee to disciplinary action.
4. **Overtime Compensation.** Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered, non-exempt employees shall receive compensatory time off at a rate of 1 ½ times the amount of overtime worked.
5. **Deputies assigned to Patrol Division and Jailers.** Johnson County Commissioners Court adopted the FLSA Section 207(k) exemption for the Deputies within the Patrol Division and Jailers employed by the Sheriff's Office. The Sheriff's Office Patrol Division and Jailers shall contain one work period each bi-weekly payroll. The work period shall consist of 86 hours and run from Sunday at 12:00am, 14 consecutive calendar days. This establishes for the Johnson County Sheriff's Office Patrol Division and Jailers a 14 Day – 86 Hour work period beginning September 1, 2021. Commissioner's Court has elected to calculate overtime at a rate of 1 ½ for hours worked over 80 during the 14 day work period. The Employee must work 80 hours each work period or use available accrued time.
6. **Exempt Employees Compensatory Time.** Elected Officials may establish a plan for their department that allows their exempt employees to take compensatory time off at straight time rate for hours worked in excess of 40 in a workweek. Overtime pay and compensatory time plans for exempt employees are not required by the FLSA, but may be implemented at the discretion of the Elected Official. This policy allows for time off only, monetary payments in lieu of time off will not be made. Exempt employees with accrued, but unused compensatory time whose employment with the County terminates for any reason will not be paid for unused compensatory time.
7. **Paid Overtime.** The Sheriff's Office non-exempt certified peace officers (employed in CID or the Patrol Division), Jailers, and non-exempt Jail Medical staff payment for overtime hours worked has been established by Commissioners Court. All other non-exempt employees must have prior approval by Commissioners Court to receive payment for overtime worked in lieu of compensatory time off.
8. **Maximum Compensatory Time.** The maximum amount of accumulated compensatory time for non-exempt employees shall be 120 hours.
9. **Compensatory in Excess of Maximum.** Should a non-exempt employee exceed the maximum accrual, any additional overtime worked will be compensated in pay at a rate of 1 ½ times the employee's rate of pay upon Commissioner Court approval.
10. **Use of Compensatory Time.** Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested as approved by their supervisor. Once an employee has accrued 100 hours of compensatory time, the employees must use available

compensatory time in excess of 100 hours prior to using accrued vacation, personal, or bonus time. The only exception to this requirement is when an employee is in jeopardy of losing acquired bonus, personal, or vacation time; Elected Officials or Department Heads can allow the employee not to use compensatory time in this situation. Compensatory time cannot be advanced or taken before it is earned.

11. **Termination.** Non-exempt employees whose employment terminates for any reason prior to using all earned compensatory time will be paid for any unused compensatory time in accordance with FLSA regulations.
12. **Buy Back of Compensatory Time.** The County shall retain the right to buy back all or part of a non-exempt employee's unused compensatory time. Any decision to buy back unused time must have prior Commissioners Court approval.
13. **Record Keeping.** Each non-exempt employee shall be responsible for recording any compensatory time used within a pay period. All compensatory time claimed during employee's pay period must be verified as to accuracy and approved by the employee's supervisor.
14. **Overtime Records.** The Personnel Office will maintain records of compensatory time earned and used by each non-exempt County employee and will update the balance due to each employee at the end of each pay period. A report of employee balances will be furnished to the supervisor each pay period and individual balances will be reflected on the employee's time sheet. It is the employee's responsibility to verify balance accuracy and report any discrepancies as soon as possible.
15. **Other Overtime Issues.** Any issues regarding overtime compensation not addressed in this policy shall at least meet the minimum requirements of the FLSA and the regulations issued to administer the Act by the Department of Labor.

Policy amended February 23, 2015