

In Commissioners Court on 9/25/2018, Item # 11, Employee Personnel Policy 3.07, approved removing Comp Time from the Policy and replaced it with Overtime Compensation, as follows:

3.07 OVERTIME COMPENSATION Overtime compensation is due to employees as follows:

7-day work weekafter 40 hours

14-day work period.....after 86 hours

Vacation leave, sick leave, personal leave, emergency leave and designated county holidays will not be counted as actual hours worked toward the calculation of overtime, but will be calculated as straight time.

If a full-time employee who is subject to the overtime provisions of the Fair Labor Standards Act is required to work extra hours during a workweek in which he or she has used banked leave, the leave time should be reduced to prevent overtime. Leave time may be counted towards hours worked for overtime purposes in the event of an emergency (safety or security) as determined by the department head.

Flex time or equal time off in the same work period may result in changes to the time record.

Non-exempt employees will be paid at one and one-half times their regular rate of pay for each hour actually worked in a work week or work period above their respective limits as listed above (all overtime must be approved by the department head ahead of time).

In Commissioners Court on 2/14/2023, Item # 8, Employee Personnel Policy 3.07, approved an implementation of Comp Time Leave In lieu of Overtime Pay to be effective on June 1, 2023.

In Commissioners Court on May 23, 2023, Item # 6, Employee Personnel Policy 3.07, approved an extension of implementation of Comp Time Leave In lieu of Overtime Pay to be effective September 30, 2023.

The Comp Time Leave In lieu of Overtime Pay was never implemented. The above Overtime Compensation Policy 3.07, approved on September 25, 2018 is in the Employee Personnel Policy and has been continuously followed since that date.

The recommendation for implementation of Comp Time on February 14, 2023 was submitted to lessen the burden of overtime pay that was far exceeding budgeted amounts. That issue has corrected itself and I ask the court to rescind the recommendation dated 2/14/23 along with the extension dated 5/23/23.

J. Dally

9/25/18

It is being proposed that Burnet County return to a policy of monetary compensation only for overtime work.

Under our current policy, SO shift employees are accruing comp time in lieu of paid overtime. This proposed change in policy would do away with that comp time and replace it with paid overtime.

Current policy:

3.07 OVERTIME COMPENSATION

Overtime compensation (either in the form of pay or compensatory leave) is due to employees as follows:

7-day work weekafter 40 hours

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Vacation leave, sick leave, personal leave, emergency leave and designated county holidays will not be counted as actual hours worked toward the calculation of overtime, but will be calculated as straight time.

If a full time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used banked leave, the leave time should be reduced to prevent overtime. Leave time may be counted towards hours worked for overtime purposes in the event of an emergency (safety or security) as determined by the department head.

Flex time or equal time off in the same work period may result in changes to the time record.

Compensation Options: Non-exempt employees will be compensated for overtime by one of the following methods:

- 1) Overtime pay - Employees will be paid at one and one-half times their regular rate of pay for each hour actually worked in a work week or work period above their respective limits as listed above, (all overtime must be approved by the department head ahead of time) or
- 2) Compensatory time - Compensatory time off in lieu of cash payment for all licensed Peace Officers and Corrections Officers employed by departments that are open and working twenty-four (24) hours per day and will be calculated at the rate of one and one-half hours for each hour actually worked.
- 3) Comp Time Leave. An employee who has accumulated comp time may request to take it, and such comp time leave must be given within a reasonable amount of time so long as it does not unduly disrupt the department's operations. Comp time must be taken in the fiscal year it is earned. Department Heads can dictate employee schedules in order to avoid overtime worked. However, the Department Head is mandated to require employees to fill out time sheets to reflect actual hours worked. At the end of each fiscal year, all accumulated comp time will be paid to the employee and reset for the next fiscal year. NO CARRY OVERS WILL BE GRANTED.

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Proposed Revision

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02/14/2023:ComCt

Item #8:

Section 3.07

Personnel Policy

The court discussed Review/Update to Section 3.07 (Overtime Compensation) of the Burnet County Personnel Policy to allow for compensatory time in lieu of paid overtime as compensation for hours worked in excess of a regularly scheduled work period. Sara Ann Luther, Human Resources, spoke informing the court that state and local governments can use **Comp Time**, but not as a private employer. Ms. Luther spoke saying that eventually that time will have to be paid if that employee leaves or retires and the county cannot replace the position until the **Comp Time** has been paid out. Ms. Luther recommended that this go into effect April 1, 2023. Karin Smith, County Auditor, recommended this be pushed out to June 1, 2023. Alan Trevino, Chief Deputy Sheriff, spoke stating the state's process was you could only bank 11 hours of **Comp Time** in a month period. Ms. Luther informed the court that if employee retires and uses the full 480 hours, then that position may not be filled until the hours are paid to the employee that retires. Judge Oakley said as for now the recommendation is effective June 1, 2023.

Item #6:

Extension of Policy for comp time

The court discussed an extension for implementation of a comp. time in lieu of overtime policy

Sara Ann Luther, Human Resources Director, addressed the court about the overtime policy.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve the extension for implementation of a comp. time in lieu of overtime policy through September 30, 2023

Vote: 4 - 0 Passed - Unanimously

5/23/23