

REQUEST TO PAY ACCUMULATED COMPENSATORY TIME

To: The Hidalgo County Commissioners' Court

From: A. A. Tony Pena, Jr.  
(Elected Official / Department Head)

Employee #  
154008

Date: April 1, 2009

I am respectfully requesting that \_\_\_\_\_ (Employee Name) \_\_\_\_\_ Asst. Emergency Mgmt. Coord. (Title) be paid 69 hours of accumulated comp-time because his employment status was changed without his knowledge and without approval from his department.

I understand that law enforcement personnel may accumulate up to 480 hours of compensatory time (320 hours of actual overtime hours worked) and all other non-law enforcement personnel may accumulate up to 240 hours of compensatory time (160 hours of actual hours worked) before the Fair Labor Standards Act (FLSA) requires payment in cash for any time exceeding these limits.

This employee is a non-exempt employee under the Fair Labor Standards Act (FLSA) and has accumulated 106.50 hours of compensatory time through the last pay period which ended 05/11/08.

(check one)

The funds are available within my current budget.

The funds are not available within my current budget, and I am further requesting the approval of the attached line-item transfer(s) and/or amendment to my budget.

Antonio A. Pena, Jr.  
Elected Official / Department Head Signature

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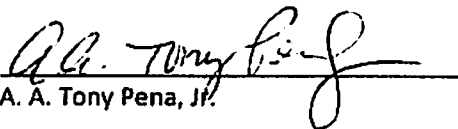
Approved by Commissioners' Court on \_\_\_\_\_

Denied by Commissioners' Court on \_\_\_\_\_

After action by Commissioners' Court, this request must be immediately returned to the Elected Official/Department Head. If this request is approved by Commissioners' Court, then it must be attached to the employee's time sheet which is due for the pay period following the Commissioners' Court approval.

## AFFIDAVIT

I am respectfully requesting your consideration for compensation for employee number 154008, \_\_\_\_\_, for overtime hours worked while employed with the Hidalgo County Judge's Office of Emergency Management. He was hired on March 12, 2007, as a Non-Exempt FLSA status employee. Copies obtained of Employee's Change of Status form, effective September 18, 2007, states a change in FLSA status from Non-Exempt to Exempt. I initiated the Employee Change of Status in an effort to increase the employee's salary after completion of a six month probation. I had no intentions of changing his FLSA status. Neither Mr. \_\_\_\_\_ nor the department were aware of the change in status. It was not until March of 2008, that Mr. \_\_\_\_\_ became aware that his status had changed without his knowledge. An emergency response which required overtime revealed that he was unable to earn overtime due to his FLSA status. Several attempts were made to the Human Resources and Payroll departments to remedy the situation, however it remained unresolved. Mr. \_\_\_\_\_ responded to several emergency incidents that required him to work overtime. Although the Time Clock did not allow for overtime input, I instructed the department Time Keeper to continue to manually enter the time he had worked. These hours were never reflected on the employee's Time Sheet, but the Punch Log Report would serve as a record of the aforementioned overtime. Assistance in this matter was requested from the IT Department on instructions to enter hours worked which were in excess of 24 hours. Although instructions given were strictly followed, it did not alleviate the problem. A revised Punch Log Report has been submitted with the correct times, including overtime Mr. \_\_\_\_\_ worked. I have also submitted copies of Overtime Request Forms that were signed by Mr. \_\_\_\_\_ which I approved for working over the regular eight hour day. Even though my department was filling out the request form for overtime needed on a daily basis, several requests had been done by events/assignments which lasted longer than 24 hours. As for the current status of slot #007, it was officially changed to Exempt status by Commissioner's Court on June 3, 2008. I respectfully request the review and approval for payment for the overtime hours worked, which are reflected on the attached documentation. I attest to all the information included in this affidavit and believe it to be true to the best of my knowledge. If you have any questions pertaining to this matter, please do not hesitate to contact me at 956-318-2615.

  
A. A. Tony Pena, Jr.

17 APR 09  
Date

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**REVISED PUNCH LOG REPORT**

**DATE : 04/01/2009**

**EMPLOYEE NO: 154008**

**EMPLOYEE NAME:**

**Date: 3/8/2008 Saturday**

In	4:00 PM	
Out	8:00 PM	4HRS
In		
Out		

**Note: Response to brush fire South of 492 in Palmview & North on Desert Palm Drive in Palmview.**

**Date: 3/9/2008 Sunday**

In	12:00 PM	
Out	3:00 PM	3HRS
In		
Out		

**Note: Response to brush fire South of 492 in Palmview & North on Desert Palm Drive in Palmview.**

**Date: 3/18/2008 Tuesday**

In	8:00 AM	
Out	12:00 PM	
In	1:00 PM	
Out	11:59 PM	15 HRS

**Note: Burns Ranch Fire Incident from 3/18-3/20. Incident Command was activated and staff member did not leave the area until 3/20/08 @ 11:59 PM. Although assistance was received to enter time into the payroll system, it was done incorrectly.**

**Date: 3/19/2008 Wednesday**

In	12:01 AM	
Out	11:59 PM	24 HRS
In		
Out		

**Note: Burns Ranch Fire Incident from 3/18-3/20. Incident Command was activated and staff member did not leave the area until 3/20/08 @ 11:59 PM. Although assistance was received to enter time into the payroll system, it was done incorrectly.**

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**Date: 3/20/2008 Thursday**

In	12:01 AM	
Out	11:59 PM	24 HRS
In		
Out		

**Note: Burns Ranch Fire Incident from 3/18-3/20. Incident Command was activated and staff member did not leave the area until 3/20/08 @ 11:59 PM. Although assistance was received to enter time into the payroll system, it was done incorrectly.**

**Date: 3/21/2008 Thursday**

In	11:00AM	
Out	04:00 PM	5 HRS
In		
Out		

**Date: 4/12/2008 Saturday**

In	12:00 PM	
Out	6:00 PM	6 HRS
In		
Out		

**Note: Paul Hillards Orchard Controlled Burn.**

**Date: 4/14/2008 Monday**

In	8:00 AM	
Out	12:00 PM	4 HRS
In	1:00 PM	
Out	5:00 PM	4 HRS
In	6:00 PM	
Out	11:59PM	6 HRS - 14 HRS TOTAL

**Note: Hights Fire 755 & 281. Response was 4/14/08 and continued through 4/15/08.**

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Date: 4/15/2008 Tuesday

In	12:01 AM	
Out	12:30 AM	.50 HRS
In	08:00 AM	
Out	12:00 PM	
In	01:00 PM	
Out	05:00 PM	8 HRS - 8.5 HRS TOTAL

Note: Hights Fire 755 & 281.

Date: 4/22/2008 Tuesday

In	8:00 AM	
Out	12:00 PM	4 HRS
In	1:00 PM	
Out	5:00 PM	4 HRS
In	5:00 PM	
Out	8:00 PM	3 HRS - 11 HRS TOTAL

Note: Response to fire at 1017 & Puerto Rico.

Date: 4/30/2008 Wednesday

In	8:00 AM	
Out	12:00 PM	4 HRS
In	1:00 PM	
Out	11:59 PM	11 HRS - 15 HRS TOTAL

Note: Las Cuatas Fire Response. Staff member responded during working hours and continued until morning hours of Thursday, 5/1/08.

Date: 5/1/2008 Thursday

In	12:01 AM	
Out	5:30 AM	5.5 HRS
In	10:00 AM	
Out	12:00 PM	2 HRS
In	01:00 PM	
Out	05:00 PM	4 HRS - 11.5 HRS TOTAL

Note: Las Cuatas Fire Response.

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I certify that the above computations are true and correct to the best of my knowledge.

Belinda Alvarez  
Time & Attendance Clerk Signature

4/1/09  
Date

Belinda Alvarez  
Printed Name

Antonio A. Peña  
Department Head Signature

03 APR 2009  
Date

Antonio A. Peña Jr.  
Printed Name

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