

## Proposed Policy and Definitions

### Public Accountability and Partial Day Deductions

5.00<sup>1</sup> Hidalgo County employees are held to a higher level of responsibility under the public trust which demands effective and efficient use of public funds in order to serve the public interest. The use of public funds should always be in the public interest and not for individual or private gain, and public employees should not be paid for time they do not work that is not otherwise guaranteed to them (such as personal or sick leave). The public interest does not tolerate wasteful and abusive excesses such as padded payrolls or "phantom" employees. Hidalgo County is entrusted with public resources and must be answerable for fiscal responsibility to those who have assigned such responsibilities to them. As such, under the principles of "public accountability," Hidalgo County employees should not be paid for time they do not work, except as otherwise permitted by leave policies.

It is the policy of Hidalgo County to compensate salaried employees for the work they perform in compliance with the Fair Labor Standards Act (FLSA). Employees who are classified as exempt from the overtime provisions of the FLSA are paid bi-weekly and receive a salary which is intended to compensate the employee for all hours worked during the core workweek ("Exempt Employee"). While the salary may be subject to review and modification from time to time, the salary will be a predetermined amount. Nonetheless, under certain circumstances, the salary of an Exempt Employee is subject to deduction as follows:

- a. An Exempt Employee who has used all Paid Leave and is absent during the core workweek for a time greater than [thirty (30) consecutive minutes]<sup>2</sup>, shall have his/her salary deducted for the time not worked ("Docked Time"). The deduction calculations are based upon the employee's regular work schedule and rate of pay in effect during the pay period in which the Docked Time occurs.
- b. An Exempt Employee may be subject to Docked Time under the following circumstances:
  1. Permission for the use of Paid Leave has not been sought or has been sought and denied;
  2. Paid Leave has been exhausted;
  3. The employee chooses to use leave without pay; or
  4. When the County orders a furlough for budgetary reasons.
- c. Hidalgo County prohibits Elected Officials/Department Heads from making or authorizing any improper deductions from an Exempt Employee's salary. Employees should be aware of this policy and report any improper deductions to the immediate supervisor or to the Payroll Director of Hidalgo County. Reports of

<sup>1</sup> Renumber Non-Discrimination to 5.01 and Sexual Harassment to 5.01A

<sup>2</sup> Time to be determined by Commissioners Court

improper deductions will be investigated promptly. An Exempt Employee whose salary has been reduced in violation of this policy will be reimbursed. Retaliation against an employee who files a report under this section is prohibited. (Adopted September \_\_, 2010).

Definitions to be added:

2.28B. Paid Leave means those absences for which the County pays an employee and may include Administrative Leave (7.35), Annual Leave (7.37), Bereavement Leave (7.225), Court Leave (7.67), [Discretionary Leave (7.60)]<sup>3</sup>, Holidays (7.108), or Sick Leave (7.130). (Adopted September \_\_, 2010).

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<sup>3</sup> Add to policy if Discretionary Leave for exempt employees is approved by Commissioners Court.