

## Nelda Olivarez

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**From:** Roy Cazares <roy.cazares@da.co.hidalgo.tx.us>  
**Sent:** Thursday, January 10, 2013 10:40 AM  
**To:** Nelda Olivarez; 'Nelda Olivarez'  
**Subject:** FW: Overtime Policy

Nelda,

According to Victor we need to go back to Commissioners' Court and get approval to pay straight overtime pay.

*Roy Cazares*  
*Human Resources Coordinator*  
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**From:** Victor M. Garza [mailto:victor.garza@da.co.hidalgo.tx.us]  
**Sent:** Wednesday, January 09, 2013 4:37 PM  
**To:** roy.cazares@da.co.hidalgo.tx.us  
**Subject:** RE: Overtime Policy

Roy,

Based on my review of the policy, I believe payroll is correct. As to your example, because you only "physically" worked 32 hours you are only entitled to 8 out of 16 hours of overtime pay at time-and-a-half. When you include the 8 hours of sick leave in this equation you actually accumulated 56 hours (32 physically worked + 8 hours sick leave = 40 hours of regular pay + 16 hours of overtime). Since you did not "physically" work 40 hours of your regular schedule, your overtime is reduced by the number of "sick leave" hours taken. Therefore, only 8 hours are paid, the remaining 8 hours are banked as compensatory leave on an hour-for-hour basis. See Example No. 3 under Section 8.48

Sounds like Payroll is calling that hour-for-hour compensatory leave "overtime-straight time", because this type of compensatory time (when you don't physically work 40hours, and you have worked additional overtime hours) is earned hour-for-hour as opposed to a one and one-half time basis. HIDTA may seek approval from CC to be excluded from the new procedure, and include any and all overtime to be paid, rather than banked, but the procedure seems to be in compliance FLSA law; However, there may be another option under Section 8.44, wherein the Elected Official and or department head may request a cash payment for hour-for-hour / overtime-straight time, to the Governing Authority (i.e. Commissioners' Court).

Hope this information is helpful...let me know if you need anything else.

Thanks,

**Victor M. Garza**  
*Assistant District Attorney*  
County Affairs Section  
Office of the District Attorney