

## CHANGES TO THE WEBB COUNTY PERSONNEL POLICIES MANUAL APPROVED BY COMMISSIONERS COURT ON JUNE 12, 2017

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### **6.04 NUMBER OF HOURS WORKED**

Department Heads must submit the number of hours worked by all employees of the department for the compensation to be received through the system of record herein, Time Clock Plus Bio-Metric Systems, subject to laws governing working hours and subject to the provisions of the County budget and approved salary schedules.

Any department head or elected official not in compliance with section 6.01 and 6.04 of this policy will not be allowed to accrue additional hours or receive an electronic paycheck.

### **6.05 OVERTIME AND COMPENSATORY TIME**

**Compensatory Time:** Webb County employees who are non-exempt from the provisions of the Fair Labor Standards Act (commonly known as “hourly paid” employees) will earn compensatory time for overtime hours worked. For purposes of computing overtime and/or compensatory time, time away from the job during the work week, such as annual leave, holidays, sick leave, personal days, and other absences, will not be included in a work week.

**Accrual of Compensatory Time:** Accrual of excessive compensatory time is discouraged. **Accrued compensatory time shall not exceed 120 hours.**

**Use of Compensatory Time:** **Accruals of compensatory time must be used before any other accruals.** An employee may request the use of compensatory time in the same manner as annual leave. Additionally, an elected official or department head has the authority to direct an employee to use compensatory time in accordance with the needs of the department and as a means of managing leave balances and/or department’s budget.

**Non-Exempt / Non-Bargaining Unit personnel:** Employees who are non-exempt under the Fair Labor Standards Act (commonly referred to as “hourly paid” employees) will receive compensatory time in lieu of overtime for time worked in excess of forty hours in a workweek, which runs from Friday to the following Thursday. Compensatory time calculated at one and one-half (1-1/2) times the hours worked in excess of forty hours. Employees may receive a cash payment for compensatory time only if there is a line item for that purpose in the department’s budget and the County Auditor certifies that funds are available and the Elected Official or Department Head approves such request. When a grant allows overtime pay for hourly paid employees, the County will allow the overtime payment subject to the Grant’s provisions.

**Bargaining Unit Personnel:** Compensatory time for Bargaining Unit Personnel shall be determined by the provisions of their collective bargaining agreement.

**Overtime pay for First Responders:** Exemptions under the FLSA rules specifically 13(a)(1) as defined by regulation, 29 CFR Part 541 regarding exemptions from the minimum wage and overtime requirements do not

apply to first responders as defined under the Department of Labor/ Wage and hour division regardless of rank or pay. However, for workweeks when exempt employees (commonly referred to as “salaried” employees) fall under the definition of “first responders”, they will be required to submit a time sheet to their respective department for approval. The County will only permit employees qualified as “first responders” to earn overtime pay but only from grant funds and only when grant funds are available.

**Change of Classification:** A classification change may be recommended by the elected official/department head but the change will not be official until it is certified as to correctness by the County Attorney AND the head of Human Resources. Compensatory time accrued prior to the official classification change must be taken in the same manner as annual leave but may be paid at the rate of pay for the non-exempt position but only when and only if it is approved by Commissioners Court.

**Transfer Employees:** An employee who is transferred from one department to another will be allowed to transfer his or her compensatory time, accrued annual leave, sick leave, and personal days only if the new Department Head is in agreement. If there is no such agreement, the employee must use all accumulated compensatory time, accrued leave and personal days prior to the transfer, but the employee’s sick leave will be transferred with him/her to the new department. The foregoing shall be a condition of the employee’s transfer. Compensatory time is non-transferable and must be used before transfer occurs.

**Transfer of Grant Employees to Non – Grant Funded Positions:** No accruals can be transferred from a grant funded position. All accruals must be paid by the fund grant.

**Transfer of Employee from Hourly to Salary Position:** Hourly employees elected to, promoted or transferred to a salaried position, shall have ~~annual leave and~~ compensatory time paid out prior to transfer. Sick leave ~~and annual leave are~~ retained except when elected.