

FORT BEND COUNTY FY 2010
COMMISSIONERS COURT AGENDA REQUEST FORM
Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 6/29/10

Submitted By: Ed Sturdivant
Department: Auditor's Office
Phone Number: 281-341-3769

Court Agenda Date: 7/6/10

SUMMARY OF ITEM: Take all appropriate action to authorize payment of overtime premiums for eligible exempt Fort Bend County Sheriff Officers pursuant to the High Intensity Drug Trafficking Areas (HIDTA) grants.

RENEWAL AGREEMENT/APPOINTMENT YES ☐ NO ☒
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES ☐ NO ☒

List Supporting Documents Attached: *HIDTA Program Policy & Budget Guidance Section 6.08 (B)*

FINANCIAL SUMMARY:

BUDGETED ITEM: YES ☐ NO ☒

FUNDNG SOURCE: Accounting Unit: 100560999 Account Number: 61200
Activity (If Applicable): Varies by year

DESCRIPTION OF LAWSON ACCOUNT: Grants-Sheriff

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office ☐ (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input checked="" type="checkbox"/> Auditor	(281-341-3774)	<input checked="" type="checkbox"/> Comm. Pct. 1	(281-342-0587)
<input type="checkbox"/> Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/> Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3	(281-242-9060)
<input type="checkbox"/> Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/> Comm. Pct. 4	(281-980-9077)
<input type="checkbox"/> Information Technology	(281-341-4526)	<input checked="" type="checkbox"/> County Clerk	(281-341-8697)
<input checked="" type="checkbox"/> Other: Sheriff Wright		<input checked="" type="checkbox"/> County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Authorize payment of overtime premiums for eligible exempt Fort Bend County Sheriff Officers pursuant to the High Intensity Drug Trafficking Areas (HIDTA) grants.

Special Handling Requested (specify):

(A)(2) **Law Enforcement and Prosecutorial Positions.** HIDTAs that propose using Program funds to pay all or part of the salary of a state or local law enforcement officer, a prosecutor, or prosecutorial support staff must submit a detailed justification explaining why it is necessary to use HIDTA funds for this purpose. ONDCP reviews of such requests will consider the number and salaries of the positions to be supported, the total amount of HIDTA funds requested for this purpose, the number of officers in the agency that will be reimbursed, and other factors. If ONDCP does not approve such a request, the grantee will be notified in writing of the reasons for the disapproval.

(B) **Overtime**

(B)(1) **Eligibility for Overtime.** Only state and local law enforcement officers and uniformed federal agents (e.g. uniformed Customs and Border Protection and U.S. Forest Service) are eligible for HIDTA-funded overtime. In unusual circumstances, non-law enforcement personnel may receive HIDTA-funded overtime if the overtime is performed exclusively for a HIDTA-funded activity.

(B)(2) **Authorized Uses.** HIDTA funds shall be used to pay overtime only if the participant is eligible for such compensation by his/her parent agency and the overtime was performed in support of a HIDTA designated Enforcement Initiative or Intelligence and Information Sharing Initiative. HIDTA funds shall not be used to pay overtime related to training attendance, financial management, drug treatment, drug demand reduction or prevention, or non-investigative related administrative work.

(B)(3) **OCDETF Overtime.** Once an investigation receives OCDETF designation, the OCDETF Program should pay for overtime. While there is no absolute prohibition on the use of HIDTA funds for overtime related to OCDETF cases, HIDTA funds should not be considered the first source of overtime or be used routinely for OCDETF cases. Further explanation of HIDTA/OCDETF funding is provided in the joint DOJ/ONDCP memorandum dated October 1, 2004. That memorandum is posted on the NHAC website at: (URL to be determined).

(B)(4) **Maximum Overtime Amounts.** HIDTA-funded overtime for individual state and local law enforcement personnel and uniformed federal agents shall not exceed the lower of: (1) applicable state and local regulations of officer's parent agency; or (2) 25 percent of the federal GS-12 step 1 level pay scale for Federal Law Enforcement Officers ("Rest of U.S.") in effect at the beginning of the calendar year, the parent agency's fiscal year, or other 12-month period selected by the parent agency. This amount is the maximum that an officer can receive during that 12-month period from the OCDETF and HIDTA Programs combined.

For non-law enforcement officers, the maximum amount shall be the lower of: (1) the applicable state and local regulations of the agency hiring or contracting with the individual; or (2) 25 percent of the federal GS-12 step 1 level pay scale in the General Schedule ("Rest of U.S.") in effect at the beginning of the calendar year, the parent agency's fiscal year, or other 12-month period selected by the parent agency. This amount is the maximum that a non-law enforcement officer can receive during that 12-month period from the OCDETF and HIDTA Programs combined.

- (B)(5) **Calculating HIDTA-Funded Overtime.** HIDTA funded overtime is calculated by multiplying the individual's gross hourly overtime pay rate by the hours of overtime worked.
- (B)(6) **Responsibilities for Compliance.** The parent agency or initiative commander of the individual receiving HIDTA-funded overtime shall ensure the maximum amounts are not exceeded, that the overtime is for HIDTA-related activities, and that the individual does not receive overtime compensation from another funding source for the same hours worked.

HIDTA Directors shall ensure that the parent agency or initiative commander of each individual receiving HIDTA overtime funds is tracking such funds and complying with all HIDTA requirements.

- (B)(7) **Non-Compliance.** ONDCP shall require repayment by the parent agency if overtime payments to an individual exceed the maximum limit or if the hours charged to overtime are found not to be for HIDTA-related activities. If ONDCP finds that a parent agency's recordkeeping is deficient, ONDCP may impose additional reporting requirements on that agency.

(C) **Vehicles**

(C)(1) **Eligible Uses of HIDTA Funds**

- (1)(a) HIDTA funds may be used to (1) pay the purchase price of special purpose vehicles, such as a surveillance van, for a participating agency; (2) provide vehicle allowance to a participating agency to lease or purchase a vehicle; and (3) provide a vehicle allowance for the use of privately-owned vehicles.
- (1)(b) HIDTA funds may be used to purchase, lease, or provide a vehicle allowance only for the HIDTA Director, Deputy Director, and State and local law enforcement officers assigned fulltime to a HIDTA initiative and who are on 24-hour recall status.