

407 WORKWEEK AND COMPENSATORY TIME

Section 407.01 FLSA Status

In 1986, the Fair Labor Standards Act (FLSA) became applicable to public sector employers. The act sets minimum wage and overtime pay practices. Under FLSA, jobs are classified as exempt or non-exempt. The appropriate classification is noted on county job descriptions.

Section 407.02 Workweek and Minimum Time Increments, Non- Exempt Employees

Full-time non-exempt employees in all Fort Bend County departments, with the exception of certain positions in the Sheriff's Office, will work a minimum forty-hour workweek. The workweek begins on Saturday at 12:01 a.m. and ends on Friday at 12:00 midnight.

On February 28, 1995, Commissioners Court adopted Section 207(k) of 29CFR, Fair Labor Standards Act (FLSA), which provides an exemption of a seven calendar day, 43-hour work period, for the purposes of calculating overtime and/or compensatory time for certain law enforcement employees of the Sheriff's Office.

For payroll purposes, Fort Bend County recognizes seven (7) minutes as the minimum time. Increments of time seven (7) minutes or less will not be recognized for payroll purposes. Increments of more than seven (7) minutes will be rounded to the nearest quarter hour and employees will be compensated for the quarter hour.

For example: An employee who works for eight hours and five minutes will be paid for eight hours of work. An employee who works for eight hours and eight minutes will be paid for eight hours and fifteen minutes.

This rounding provision is for payroll processing purposes only and in no way permits an employee to arrive to work late, leave work early, or work overtime without supervisor approval.

Section 407.03 Non-Exempt Overtime and Compensatory Time

Non-exempt employees may be authorized and/or required to work overtime. Employees must receive approval from their supervisor or department head/elected official prior to working any overtime. Overtime for non-exempt employees is defined as any time actually worked over 40 hours in a given workweek, or 43 hours for certain employees of the Sheriffs Office.

In accordance with the Fair Labor Standards Act, non-exempt public employees may be credited with compensatory time in lieu of overtime pay. It is the policy of Fort Bend County that non-exempt employees are credited with compensatory time at the rate of one-and-one half (1-1/2) hours for each 1 hour of overtime worked.

If an employee has 80 hours or more of accrued compensatory time, any further overtime hours worked will not be accrued as compensatory time, but will be paid as overtime. Employees will be compensated for such overtime in accordance with the FLSA.

Section 407.04 Authorization Of Overtime and

Compensatory time and/or overtime must be authorized by an employee's department head/elected official prior to working the overtime hours. Employees who work overtime without prior

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Compensatory Time	authorization are subject to disciplinary action, up to and including termination.
Section 407.05 Compensatory Time Utilization	All employees must receive approval prior to using any accrued compensatory time for time-off. Employees should follow the leave approval procedures as set forth by their elected official/department head. In order to manage the amount of compensatory time accrued and overtime paid, department heads/elected officials may require employees to use some or all of their accrued compensatory time prior to using accrued vacation.
Section 407.06 Plan to Monitor Overtime and Compensatory Time	Each Elected Official and/or Department Head should prepare a plan to monitor and effectively manage overtime and compensatory time in their respective departments and offices. The plan should be prepared in accordance with the Fort Bend County Fiscal Year Calendar and Departmental Budget.
Section 407.07 Workweek and Compensatory Time, Exempt Employees	Employees in exempt positions work at the discretion of the elected official or department head for any amount of time needed to meet the requirements of the position. Managers may set work hours and schedules for exempt employees, but exact hourly time keeping is not required. While not required by law, Fort Bend County exempt employees may be allowed to earn time-off at the rate of hour for hour for time worked in excess of a minimum of forty (40) hours during the workweek if deemed appropriate by the department head or elected official. Accrued compensatory time balances for exempt employees are not paid at separation from the County. This time is NOT compensable and no entitlement is intended to be created by this policy. Exempt level comp time may be subject to limits as set by the department head or elected official, and departments must track and maintain internal records of exempt employees' compensatory time. Exempt employees should use accrued leave for full and partial day absences but at the discretion of the elected official or department head, partial day absences may be offset with the additional time and/or productivity required in a typical week. In accordance with the principles of public accountability for public employees, and as authorized by 29 CFR 541.710, pay deductions for full and partial day absences are permitted if no accrued leave is available.
Section 407.08 Additional Information	Please see Section 404 of this manual for further discussion of the county's policy on overtime and compensatory time.
Section 407.09 Breaks	Although the Fair Labor Standards Act does not require that employees be allowed breaks during the workday, the Act does require that breaks be considered time worked and be compensated as such. Break periods may be allowed at the discretion of the department head/elected official, given the requirements of the department and the demands of the position. In general, breaks should not exceed two 15-minute breaks in an eight-hour shift. Breaks are considered time worked and therefore may not be substituted for time off. For example, an employee who foregoes a 15-minute break period, either

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voluntarily or involuntarily is not entitled to leave work 15 minutes early.

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