HUMAN RESOURCES DEPARTMENT

FORT BEND COUNTY, TEXAS

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To: Judge KP George
Commissioner Vincent Morales
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner Ken DeMerchant

From: Kathy Novosad
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Date: November 20, 2019

Subject: Revisions to Policies of the Employee Information Manual

Human Resources is submitting revisions to two policies of the Employee Information Manual for your review and consideration. Brief descriptions of the changes are listed below. Copies of the policies with the revisions marked are attached for your review.

Section 404: Pay Procedures. This policy was revised to limit the amount of compensatory time employees of Road and Bridge can accrue per year. The policy will permit a non-exempt Road and Bridge employee to accrue no more than 80 hours of comp time per year, even if the net comp time balance falls below 80 hours. This is intended to address the ability of an employee to accrue and use comp time in a cycle that results in excessive time off per year. Under Fair Labor Standards Act regulations, an employer cannot deny an employee's request to use comp time within a reasonable amount of time, therefore, the restriction must be placed on the accrual of comp time.

Section 508: Paid Leave for Employees Working 24-Hour Shifts. This policy is revised to add the newly created position of Hazardous Material Technician in the Fire Marshal's Office to the policy. The Technicians will work shifts of 48 hours on duty/98 hours off duty, and therefore are eligible to accrue additional paid leave.

If you have any questions, please contact Kent Edwards or Kathy Novosad in Human Resources.

404 – PAY PROCEDURES

Section 404.01
Bi-Weekly Payroll

Fort Bend County operates on a bi-weekly payroll system and paychecks are issued twenty-six (26) times during a calendar year. Changes may be made by official action of Commissioners Court. Elected Officials are compensated semi-monthly.

Section 404.02
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. Exempt employees are paid a salary and are required to perform at the discretion of the Department Head or Elected Official for any amount of time needed to meet the requirements of the position. Non-exempt employees are paid an hourly wage for all hours worked, and receive additional compensation for overtime hours as discussed in Section 404.06 below.

Section 404.03
Timekeeping

Federal and state regulations require that employers maintain accurate records of all hours worked by non-exempt employees and compensate employees appropriately. In accordance with Section 151.903(d) of the Texas Local Government Code, the County Auditor and Treasurer have designated that an automated timekeeping system will be used by all non-exempt employees to report any and all hours worked. Department Heads/Elected Officials should designate a payroll coordinator(s) to oversee the payroll process for the employees of the department/office.

All non-exempt employees are required to clock in and out for work using a time clock, computer or phone as designated by their supervisor. Once an employee has clocked in or out, no change may be made to the clocked time by the employee. Payroll coordinators may make changes to an employee's time to correct errors only if the employee signs an adjusted time record form and the form is approved by the Department Head/Elected Official or designee. System user guides and payroll forms are available on the intranet or by contacting payroll in the Treasurer's Office.

All employees, including exempt employees, should accurately record the use of any accrued leave, such as sick leave, vacation, compensatory and deferred time.

Falsification of timesheets may result in disciplinary action up to and including termination of employment. This applies to falsifications made by an employee to their own time as well as to supervisors and payroll coordinators who knowingly approve inaccurate time records or make unauthorized changes to an employee's time record.

Section 404.04
Distribution of Checks

The preferred method of distributing employee pay is via direct deposit to an employee's designated bank account(s). Printable pay stubs are available through employee self-serve in the online system. An elected official or department head may authorize personnel to pick up any payroll checks and/or paystubs for those

employees who cannot utilize direct deposit. The County Treasurer will set the designated pay dates and pick up times.

Section 404.05
Pay Adjustments

Pay adjustments, including but not limited to: salary (or wage) increases, salary reductions, promotions, transfers, and the like, generally can only be initiated at the beginning of a pay period. Pay adjustments for demotion or discipline do not have to be initiated at the beginning of a pay period.

Section 404.06
Non-Exempt Compensatory Time and Overtime Pay

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 have (1 ½) hours for each hour worked in excess of forty (40) actual hours worked in a workweek.

In 1995, Commissioners Court adopted the Fair Labor Standards Act (FLSA) 29CFR Section 207(k), which provides an exemption of a seven calendar day, 43-hour work period for the purpose of calculating overtime and/or compensatory time for certain law enforcement employees of the Sheriff's Office. These employees will accrue overtime/compensatory time after the first 43 hours actually worked.

Section 404.07
Exceptions

It is the policy of Fort Bend County that non-exempt employees of Emergency Medical Services designated as field personnel shall not accrue any compensatory time, but shall be paid overtime as earned.

The seasonally affected departments of Drainage and Parks, will pay overtime to certain operations employees for hours actually worked over 40. Operations employees of the Road and Bridge Department may choose to accrue compensatory time or be paid overtime for hours actually worked over 40, and may elect to change their method of compensation once each year, on January 1. However, regardless of an employee's election, an employee cannot accrue, nor earn, a combined balance of more than 80 hours of comp time in a calendar year. For example, on January 1, if an employee has a balance of 30 hours of comp time and elects to accrue comp time in the coming year, the employee can accrue no more than 50 additional hours of comp time that year. This is true even if the employee uses comp time during the year, causing the net accrual to fall below 80 hours.
Exempt employees are not eligible for, and do not receive, overtime pay or compensatory time, with the possible exception of an approved alternate pay plan as listed in Section 404-16.

Section 404.08
Maximum Accruals

The maximum amount of compensatory time an employee may accrue is limited to eighty (80) hours. 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 this overtime in accordance with the provisions of FLSA.

Section 404.09 Leave or Holidays Taken and Overtime

For purposes of computing overtime hours worked, time away from the job during the workweek for reasons such as holiday, vacation, sick leave, compensatory time off, or other approved absences, are not actual hours worked, and therefore will not count towards the calculation of overtime or compensatory time.

Section 404.10 Deferred Time

Prior to November 1, 2007, Fort Bend County policy provided for the accrual of deferred time in certain circumstances. Some employees may still have balances of accrued deferred time and should use this time as permitted.

Except as provided in Section 413, Emergency Operations Personnel and Pay Procedures, current policy does not allow for the accrual of deferred time. Rather, employees will be paid at their hourly rate of pay for any hours actually worked up to and including 40 (or 43). At any time in the future, the remaining deferred time balances may be paid out by action of Commissioners Court.

Section 404.11 Examples

Following are examples of typical scenarios involving computation of overtime and/or compensatory time. The examples are not all inclusive.

Examples 1 through 3 are applicable to those non-exempt employees who are **not** subject to the provisions of FLSA §207(k).

1. A non-exempt employee works 9 hours each day Monday through Wednesday, is sick on Thursday, and works 8 hours on Friday. The employee has actually worked 35 hours of regular time, and would receive a payment for 43 hours: 35 hours of regular pay, and 8 hours of sick leave pay. Note: To avoid the additional 3 hours of pay, a supervisor may require the employee to use only 5 hours of sick leave, or may dismiss the employee after 5 hours of work on Friday.

2. In a particular week, Monday is a holiday. A non-exempt employee then works 10 hours each day Tuesday through Thursday, and eight hours on Friday. The employee has actually worked 38 hours, and would receive payment for 46 hours: 38 hours of regular pay, and 8 hours of holiday pay.

3. A non-exempt employee is required to work 8 hours on Sunday to complete a project. The employee then works 8 ½ hours each day Monday through Thursday. On Friday, a regularly scheduled workday, the employee receives approval to take the day off in exchange for working on Sunday. The employee has actually worked 42 hours, and would accrue 3 hours of compensatory time [(42 – 40) x 1.5], in addition to receiving payment for 40 hours of regular pay. **Note**: if this same employee already had 80 hours of accrued compensatory time, the employee would receive overtime pay for 2 hours at 1.5 times the regular rate (as defined by the FLSA), and no hours of accrued compensatory time.

4. A non-exempt employee of the Sheriff's Office subject to the provisions of FLSA §207(k) works 8.25 hours each day Monday through Friday, and receives approval to work 4 hours on Saturday. The employee has actually worked 45.25 hours, and will receive a payment for 43 hours of regular hourly pay and will accrue 3.375 hours of compensatory time [(45.25 – 43.00) x 1.5]. If the officer has already accrued 80 hours of compensatory time, the 2.25 hours will be paid at 1.5 times the regular rate of pay (as defined by the FLSA).

Section 404.12 Minimal Leave of Absence

Accruals of vacation and sick leave continue during times of minimal leave without pay (less than ten (10) business days in one pay period), or in cases when employees are tardy. Tardiness may result in disciplinary action; however, vacation and sick leave accruals may not be affected.

Section 404.13 Board Pay

Juvenile Board of Judges pay will be budgeted to each of their respective departments. Each Commissioner's Drainage District Director's pay will be budgeted and paid from the Drainage District budget.

Section 404.14 Alternative Pay

Commissioners Court may approve an alternate pay plan (overtime) other than specified above, in the following circumstances:

1. As recommended by a designated compensation committee of a Court approved steering team, to be implemented during the scope and/or timeframe of a specific project. In order for consideration to be granted, the alternate pay plan must be included as a component in the project plan and conducted in consultation with Human Resources. The proposed alternate pay plan must also include specific information about the proposed alternative pay plan, the duration and a list of affected positions. The project plan must be submitted and approved by the members of Commissioners Court prior to the implementation of the proposed alternate pay plan.

2. As provided by Section 413, Emergency Operations Personnel and Pay Procedures.

Section 404.15 Prorating of Pay

Certain supplemental pay will be subject to prorating within a pay period upon hire and termination. For example, if a law enforcement officer receiving supplemental pay for holding TCLEOSE certification terminates employment with Fort Bend County after working 4 days of the final pay period, the officer would receive 4/10 of the regular bi-weekly amount of the supplement. For a list of supplemental pay subject to prorating, please contact the payroll department.

Section 404.16 Change in Status

Non-exempt employees receiving a change to exempt status or who terminate employment with Fort Bend County will be paid in full for any compensatory or deferred time accrued and recorded in the payroll system.

Section 404.17
Final Pay Check

Upon termination from employment with Fort Bend County, employees can expect to receive payment for their final hours worked on the regularly scheduled pay date for that pay period. Any payouts of accrued vacation, compensatory and deferred time will be paid no later than the second regularly scheduled pay date following termination provided all County equipment, badges, and uniforms are returned. This will allow departments an opportunity to collect any county property the employee may hold, and allow payroll the opportunity to verify all accrual balances and deductions. This final payment will be in the form of a check, and not a direct deposit.

Policy Approved and Adopted by:
Fort Bend County Commissioners Court
January 1, 2002
Revised: May 2, 2006
Revised: November 7, 2006
Revised: October 23, 2007
Revised: May 22, 2012
Revised: March 7, 2017
Revised: November 26, 2019

508 - PAID LEAVE FOR EMPLOYEES WORKING 24-HOUR SHIFTS

Section 508.01 Scope

This policy applies to all full-time non-exempt employees assigned to 24-hour duty in the Emergency Medical Services (EMS) Department, including Battalion Chiefs, Paramedics and Emergency Medical Technicians, as well as full-time non-exempt employees of the Fire Marshal's Office in Hazardous Material Technician positions, hereinafter referred to as "field personnel". Such employees are regularly scheduled to work 48-hours on duty followed by 96 hours off-duty, inclusive of holidays and weekends, working a regular schedule of approximately 2,900 hours per year. In order to take paid leave for one complete shift, field personnel must use 48 hours of accrued leave. The field personnel schedule is unique within the County and therefore necessitates unique accrued leave and paid holiday provisions.

Section 508.02 Accrual of EMS Paid Leave

Field personnel shall accrue sick leave and vacation consistent with other County employees as provided by Section 709 (Sick Leave) and Section 513 (Vacation) of this manual. Field personnel will not receive paid leave for County holidays as described in Section 507 (Holidays). Field personnel who work on a County holiday shall receive their regular pay for that shift, and field personnel who do not work on a County holiday will receive no pay for that holiday. However, field personnel shall accrue "EMS/FMOPaid Leave" in an amount set to provide a paid holiday benefit similar to that of other County employees, as well as an amount set to accommodate the unique schedule and hours worked.

Field personnel shall accrue EMS/FMO Paid Leave at the following rates each pay period:

Years of Service	Bi-Weekly Accrual	Annual Accrual *
Less than 5 years	6.03 hours	157 hours
5 thru 9 years	6.19 hours	161 hours
10 thru 14 years	6.42 hours	167 hours
15 years or more	6.82 hours	177 hours

* Rounding adjustments will be made annually

Section 508.03 Use of EMS Paid Leave

EMS/FMO Paid Leave may be used for any acceptable absence reason, including legitimate sick leave situations. Requests to use EMS/FMO Paid Leave must be made in accordance with department policies regarding requests for time off. At the discretion of the Chief of EMS or Fire Marshal, as applicable, field personnel may be required to use accrued EMS/FMO paid leave before using accrued vacation.

EMS/FMO Paid Leave should be used on a regular basis subject to department approval procedures. Field personnel may carry an accrued EMS/FMO Paid Leave balance of 72 hours or less from one year to the next. Any hours accrued greater than 72 hours as of December 31 shall be paid out at the employee's regular rate of pay in January of the following year. Upon termination of employment for any reason, or transfer or promotion to a non-field personnel position, any accrued EMS/FMO Paid Leave shall be paid to the employee.

Field personnel shall be required to exhaust accrued EMS/FMO Paid Leave before taking an unpaid leave of absence. This includes leave under the Family and Medical Leave Act (see Section 704), voluntary leave of absence and involuntary leave of absence (see Section 706), but may exclude leave for disciplinary reasons (see Section 707) and workers compensation leave (see Section 710) if the employee is receiving temporary income benefits. Paid leave from the Shared Sick Leave Pool (see Section 712) shall only be granted to Pool Members after all accrued leave, including EMS/FMO Paid Leave, has been exhausted.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
July 20, 1993
Revised: September 30, 2003
Revised: October 23, 2007
Revised: July 7, 2009
Revised: September 24, 2013
Revised: October 2, 2018
Revised: November 26, 2019