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## Polk County Human Resources

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TO: John P. Thompson, County Judge & County Commissioners  
FROM: Jeanette Montgomery, Human Resources Supervisor  
RE: Section 6.00 Work Schedule and Time Reporting Policy Revisions  
DATE: August 24, 2007

I have recommended the following changes to Section 6.00, Work Schedule and Time Reporting, of the Polk County Personnel Policy Manual:

- The days of the payroll was changed on January 3, 2007 by the County Treasurer's Office—our policy needs to reflect this update.
- The "first earned first used" rule could be eliminated, and greatly reduce bookkeeping, by issuing all employees a letter stating to coordinate with their Supervisor to use all Equivalent time by the end of the each current year. We would use the Equivalent time first, unless otherwise noted by the employee, leaving the employees F.L.S.A. time to be used or paid at a later date.
- The change reflecting the maximum accrual limits as per the Fair Labor Standards Act was revised per Commissioners Court on September 12, 2006 —our policy needs to reflect this update.
- A "Special Circumstances," Section 6.05, was added in reference to paying employees at a higher rate per approval of Commissioners Court under circumstances; such as, grants, disasters, and other approved events by the Commissioners Court.
- F.L.S.A. Compensatory Time would be paid to an employee having a balance in excess of 80 hours at the end of each fiscal year beginning with FY08. This would reduce Polk County's liability when an employee resigns; however, this would greatly effect Departments budgets that have employees with large amounts of F.L.S.A. compensatory time. By changing this policy now, it would give Elected Officials/ Department Heads one year to reduce the amount of F.L.S.A. time that each employee has by coordinating mutually agreed time off.
- Compensation during Emergency Closings would change from the employee only being able to use vacation time to any available Compensatory, Holiday, or Vacation time.

I realize this is a lot of information to consider, please call me regarding any questions that you may have. I appreciate your consideration to this matter and your service to Polk County.

**Job Description: INMATE WORK SUPERVISOR****CLASS NO.** 215**EEOC CATEGORY:** Protective Service Workers**PAY GROUP:** 18**FLSA:** Non-exempt**SUMMARY OF POSITION:**

Provides corrections services involving the health, safety, and security of inmates and the public in public settings and corrections facility; and directing inmate work crews as needed for cleaning areas for the Road & Bridge Administration and special projects as needed. Monitors prisoners' activities; and maintains necessary records.

**ORGANIZATIONAL RELATIONSHIPS:**

1. Reports to: Jail Administrator.
2. Directs: Inmates.
3. Other: Works closely with other departmental employees, other law enforcement agencies and personnel, parole and probation officers, inmates, and the general public.

**EXAMPLES OF WORK:****Essential Duties\***

Supervises all inmates while in public setting and in a correctional facility;

Works with the Road & Bridge Administration to ascertain completion of projects;

Works with all departments and public supervising inmates on special projects;

Supervises work performed by inmates in a public setting and correctional facility;

Photographs and fingerprints new inmates;

Conducts inspections, shakedowns, and inmate searches;

Completes, checks, and processes official papers and documents;

Conducts safety inspections and inspections of fire exits and equipment;

Assists medical staff with distributing medications to inmates;

Maintains and updates records on inmates, including personal history and medical records;

Intervenes and resolves crisis situations such as fights and medical emergencies, including physical restraint of inmates;

Conducts head counts of inmates;

Maintains inventory of jail supplies;

Serves or supervises the serving of meals to inmates;

Assists with the personal needs of inmates, such as telephone calls, mail, laundry, visits, bedding, personal hygiene, and commissary;

Monitors and assists visitors and maintains visitor lists;

Conducts and supervises recreational programs for inmates, including overseeing religious services;

Assists with warrants;

Assists dispatch with calls when necessary, including answering Crime Stoppers calls;

Keeps records of incidents and activities during shift;

Assists with warrants and researches records for Deputies and/or Detectives;

Confiscates, inventories, and stores property from new inmates and releases property to outgoing prisoners;

Dresses out inmates and put them in their cells; and

Other Important Duties\*

May be assigned to transportation and court security duties; and

Performs such other duties as may be assigned.

**REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:**

*Knowledge of:* laws, departmental policies, rules, regulations, instructions, and correctional literature regarding the custody of persons.

*Ability to:* train, supervise, motivate, and evaluate staff; understand and follow oral instructions; write clear and concise reports; maintain complete records as required; establish and maintain effective working relationships with other county employees and officials, inmates, and the general public; and maintain appropriate necessary certifications.

*Other:* may be required to translate between Spanish and English.

**ACCEPTABLE EXPERIENCE AND TRAINING:**

High school graduation and one year of corrections experience;

or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

**CERTIFICATES AND LICENSES REQUIRED:**

Basic certification as a Corrections Officer from the Texas Commission on Law Enforcement Officers Standards and Education. Certification as a Peace Officer by the Texas Commission on Law Enforcement Officers Standards and education required.

\* for the purpose of compliance with the Americans With Disabilities Act (ADA)  
*This job description does not take into account potential reasonable accommodations.*

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**Job Description: FOREMAN- Maintenance Engineering****CLASS NO. 802****EEOC CATEGORY: Service-Maintenance****PAY GROUP: 18****FLSA: Non-exempt****SUMMARY OF POSITION:**

Coordinates and performs all duties as a maintenance technician. Assumes supervisory responsibilities in the absence of, or as required by, the Maintenance Engineer when performing work on County buildings.

**ORGANIZATIONAL RELATIONSHIPS:**

1. Reports to: Maintenance Engineer.
2. Directs: Serves as lead worker with light supervision.
3. Other: Has daily contact with other employees on the job, vendors and contractors, and occasionally with the general public.

**EXAMPLES OF WORK:****Essential Duties\***

Performs installation, repairs, replacement and/or maintenance of county facilities and equipment; including HVAC systems, electrical wiring, generators, light fixtures, drinking fountains, ice machines, stoves, ovens, refrigerators, etc;

Assist in installing HVAC units and/or components located in or on county buildings;

Performs a variety of electrical and plumbing installations, repairs and maintenance;

Performs a variety of carpentry duties, including construction of walls, doorways and ceilings and instillation of sheetrock, ceiling tile and floor coverings;

Performs texturing, painting, finishing and refinishing;

Performs task assigned in conjunction with preventive maintenance programs established by the Department;

\* for the purpose of compliance with the Americans With Disabilities Act (ADA)  
This job description does not take into account potential reasonable accommodations.

**CLASS NO. 802 (continued)**

Loads, transports and unloads necessary tools, materials and equipment for assigned projects;

May coordinate and assign work of employees under his or her supervision, as required, to ensure that proper policies and procedures are being followed, work and safety standards are being maintained and schedules are being met;

Trains new employees in their duties and equipment operation;

Perform other duties as assigned.

**REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:**

Knowledge of: skills, techniques and equipment used in general maintenance and construction activities; including, but not limited to, minor electrical repair and instillation, plumbing repair and instillation, HVAC repair and preventive maintenance and structural repair of buildings.

Ability to: read and understand construction and utility diagrams; understand and follow written and oral instructions and request clarification when needed; safely operate and maintain tools and equipment associated with job duties; and maintain effective working relationships with personnel from all county departments, vendors, and the general public; maintain Texas Drivers License and good driving record.

Report any and all safety or policies standards not being met to the Maintenance Engineer.

**ACCEPTABLE EXPERIENCE AND TRAINING:**

High school graduation, or its equivalent;

Two (2) years related experience;

or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

**CERTIFICATIONS AND LICENSES REQUIRED:**

HVAC certification as Type II or Universal Technician, as required by 40CFR Part 82, Subpart F;

Valid Texas Drivers License.

- For the purpose of compliance with the Americans With Disabilities Act (ADA) This job description does not take into account potential reasonable accommodations.

**Job Description: Light Duty Mechanic - Maintenance Engineering**

CLASS NO. 111

EEOC CATEGORY: Skilled Craft Workers

PAY GROUP: 16

FLSA: Non exempt

**SUMMARY OF POSITION:**

Ensures the county's vehicles and equipment are maintained in good working condition. Duties include minor repairs, adjustments and preventative maintenance on automotive, trucks, tractors and other power driven equipment. Purchasing necessary parts for repairs at the direction of the Maintenance Engineer.

**ORGANIZATIONAL RELATIONSHIPS:**

1. Reports to: Maintenance Engineer.
2. Directs: This is a non-supervisory position.
3. Other: Frequent contact with other county departments regarding services and repair of their vehicles and equipment.

**EXAMPLES OF WORK:****Essential Duties\***

Completes tune-ups, oil changes, battery checks, tire and lubrication checks, routine transmission servicing and other preventive maintenance on county automotive and mechanical equipment.

Removes and replaces external engine parts, performs minor brake and clutch repairs and other such repairs as directed.

Diagnoses minor engine and mechanical problems and performs needed repairs.

Maintains tools and equipment, keeps shop clean and orderly at all times.

Test drive vehicles and motorized equipment.

Performs such other duties as may be assigned.

**REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:**

Knowledge of: auto mechanics and the operation and repair of light duty equipment.

Skill to: repair vehicles, including but not limited to, oil changes and transmission service, brakes, clutches, general automotive preventive maintenance, removal and replacement of external engine parts and other minor repairs.

Able to work with a variety of hand and power tools.

**ACCEPTABLE EXPERIENCE AND TRAINING:**

High school graduation, or its equivalent, plus training as a mechanic and six months experience;

or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

**CERTIFICATES AND LICENSES REQUIRED:**

Valid Texas Drivers License



## 6.00 WORK SCHEDULE AND TIME REPORTING

**6.01 WORKWEEK AND WORK HOURS.** The official work period for most county employees is a seven-day period beginning at 12:01 a.m. on *Monday and ending at 12:00 midnight on the following Sunday*. Normal working hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Morning and afternoon breaks of 15 minutes each may be authorized by the responsible elected official or department head, but if authorized, this time does not accumulate if not taken.

Law Enforcement Officers, Jailers, and Telecommunications Operators work varying eight and approximate twelve hour shifts in order to provide services 24 hours each day.

In accordance with provisions of the U.S. Fair Labor Standards Act (F.L.S.A.) for public safety workers ("the Act"), the county has elected to adopt the Section 7(k) exception to the seven-day work period for the county's certified sheriff's officers and certified jailers and the salaries for the affected positions have been calculated in consideration of this exception. Those certified officers and certified jailers who are not exempt from F.L.S.A. provisions work *scheduled shifts* on a 28-day work period and provide, as directed, an **additional 11 hours of unscheduled work** (emergencies, court appearances, other necessary duties) for a total of 171 hours per 28-day work period. *Each certified peace officer and jailer is paid a set amount for all hours worked up to 171 in a 28 day work period.* Although it is not required under "the Act", the County has approved certain *other* compensation for these additional hours as follows; non-exempt certified sheriff's officers and non-exempt certified jailers, who are required to work approved additional hours may be allowed equivalent compensatory time off for the number of "hours actually worked" in excess of 160 hours in a 28-day work period. Supervisors should schedule equivalent compensatory time off within the *fiscal year* in which the hours were accrued. Compensatory time off, under this paragraph, may not be carried forward past the end of the *fiscal year*. Any unused equivalent compensatory time will be eliminated, without compensation to the employee, at the end of the *fiscal year* or upon termination.

In instances when a non-exempt certified sheriff's officer or non-exempt certified jailer actually works in excess of 171 approved hours in a 28-day work period, said employee shall be entitled to F.L.S.A. overtime in compensatory time at the rate of one and one-half times the number of hours worked in excess of 171 hours, in addition to any equivalent compensatory time off for the number of hours worked in excess of 160 hours and through the 171st hour.

Consideration of F.L.S.A. overtime accrual and equivalent compensatory time accrual may only be given on the basis of required and approved hours worked. An employee may not accrue overtime by voluntarily providing services which have not been required and/or approved by the appropriate supervisor.

Any paid leave or holidays taken are not considered as "hours worked" in determining *F.L.S.A.* compensatory times under the preceding paragraphs.

Elected officials and department heads may, within the limits of state and federal law, make adjustments to these schedules. The Commissioners Court encourages that offices remain open during the noon hour to serve the public better; and some employees may have their lunch hours staggered in order that the county can provide this service.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work period established.

(Legal reference: U.S.F.L.S.A. OF 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

**6.02 NUMBER OF HOURS WORKED.** The Commissioners Court determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the county's budget.

**6.03 OVERTIME WORKED.** The policy of the county is to allow overtime only in cases of emergencies *or approval by the Elected Official or Department Head*. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (F.L.S.A.) (40 hours per seven-day workweek for non-law enforcement employees; 171 hours per 28-day work period for non-exempt certified law enforcement officers and non-exempt certified jailers).

For non-exempt employees eligible for overtime pay, other than law enforcement employees, overtime begins to accrue with the 41<sup>st</sup> hour worked during the seven-day workweek. For law enforcement employees, overtime begins to accrue with the 172<sup>nd</sup> hour worked during the 28-day work period.

All overtime services by employees eligible for overtime pay must be authorized in advance by the employee's supervisor and approved by the elected or appointed department head.

(Legal reference: U.S.F.L.S.A. of 1938, as amended.)

**6.04 EXEMPTIONS FROM F.L.S.A. (OVERTIME COMPENSATION).** Department heads and other executive, administrative, and professional employees are exempt from overtime provisions of the Fair Labor Standards Act (F.L.S.A.) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind. Some additional county positions are exempt from F.L.S.A. because of the administrative relationship of the position to the elected official for whom the employee works. (Legal reference: U.S. F.L.S.A. of 1938, as amended.)

Exempt employees do not receive compensatory hours off, however extra hours worked by executive, administrative, professionals and elected officials' closest staff members,

when properly recorded, may be used as a factor in granting or denying paid leave other than vacation or sick leave provided that the employee has exhausted all other types of leave, **and then may be authorized by the employees direct Supervisor or Elected Official.** Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year and meet the other statutory prerequisites are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees. Each county job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of F.L.S.A.

**6.05 SPECIAL CIRCUMSTANCES.** *Upon Commissioners Court approval of special circumstances, grants, declared disasters, and any other designated event, employees who volunteer for these Special Circumstances in addition to their regular position may be paid at a higher designated rate without reaching the overtime regulations stated above for special circumstances only. This will not effect the employees time for their regularly assigned position. The higher paid rate designated by Commissioners Court, may apply to both non-exempt and exempt employees as determined by the Court. This provision applies only to special circumstances that are specifically approved and designated as such by the Commissioners Court under this paragraph.*

**6.06 OVERTIME COMPENSATION.** When emergency circumstances necessitate overtime work, nonexempt employees are compensated for the overtime worked by being given (listed in order of the county's policy preference):

- Equal time off within the same work period (usually one week; 28 days for law enforcement officers and jailers);
- Compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours which may be accrued (240 hours by non-law enforcement personnel and 480 hours by law enforcement employees); or
- *Automatic payment of employees who reach the maximum F.L.S.A. accrual rates.*
- *Under the provisions of "Special Circumstances" (see Section 6.05).*

The Commissioners Court discourages time and one-half payment for overtime to non-exempt employees, which may be authorized by the elected official or department head only (1) if adequate funds are available in the department's budget, (2) the Commissioners Court has granted authority to pay overtime by a separate court order, and (3) an emergency situation exists or ***Special Circumstances are approved.*** (4) ***If an employee is in excess of 80 F.L.S.A. hours at the end of the fiscal year.***

In addition, the court discourages the accumulation of compensatory time off for nonexempt employees at one and one-half times the number of hours worked because of the contingent liability this creates for the county. The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same work *week* period in which the overtime was worked.

In accordance with the Fair Labor Standards Act (F.L.S.A.) and Polk County Policy it defines overtime as hours actually worked in excess of 40 hours in a seven day work week for non-law enforcement employees and in excess of 171 hours in a 28 day period for law enforcement employees. Elected Officials and Department Heads are charged with the administrative responsibility to properly control departmental overtime by approving such hours only in emergencies and scheduling equal time off in the same work period in which the overtime was worked or as soon thereafter as possible. Upon termination, any accrued, compensable hours are paid from that departments salary budget; in some cases, a significant amount.

*Any employee earning F.L.S.A. overtime hours in excess of County/F.L.S.A. maximums will be automatically paid on the employee's next occurring payroll. Polk County will pay in accordance with F.L.S.A. maximums. The expense of such payment will be debited from the Departmental budget of the Employee.*

*For this purpose Departments may be allowed to make budget revisions to cover overtime compensation from other approved budget line items. However, this is an issue that must be carefully supervised by the Elected Official/Department Head as to the impact on the Departmental budget.*

**6.07 COMPENSATORY TIME.** For purposes of these policies, compensatory time applies only to non-exempt employees who actually work more than the maximum allowable straight time hours in the employee's official work period (7 days for non-law enforcement personnel and 28 days for certified law enforcement officers and certified jailers). *Any F.L.S.A. compensatory time earned in excess of 80 hours must be used within the county's fiscal year or the employee will be paid at the end of the fiscal year to reduce the County's liability to no more than 80 hours of F.L.S.A. Compensatory time. This amount incurred will be compensated on the employee's last payroll of the fiscal year from the Departmental budget of the Employee.* Elected officials and department heads are expected to work out mutually agreeable time off for nonexempt employees who have worked overtime and earned compensatory leave during the allowable *fiscal year*.

**6.08 EQUIVALENT TIME.** *Equivalent time earned must be used by the end of each calendar year. Any remaining balance of Equivalent Time will be forfeited. Equivalent time is a benefit provided by Polk County – it is not required by the Department of Labor.*

*Unless otherwise designated by the employee Equivalent time will be used before F.L.S.A. accrued time. This would benefit the employee by retaining F.L.S.A. time for future paid leave or to be paid when in excess of the maximum accrual.*

It is preferable for the supervisor and employee to schedule the use of compensatory time off within the same pay period that the overtime was worked.

**6.09 HOLIDAYS WORKED.** The county's basic policy is that each regular full-time employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferable within the same workweek or work period. (See "Work During Holidays" section for a more detailed discussion of this policy).

An employee subject to the overtime provisions of F.L.S.A. who is required to work a full 40-hour week during a week in which he or she takes a paid holiday will receive straight-time pay for the hours worked, since a paid holiday is not considered as time worked for the purposes of determining when an employee has reached his or her maximum allowable hours (40 per week for non-law enforcement personnel; 171 hours per 28-day work period for certified law enforcement officers and certified jailers) without begin subject to overtime pay. (Legal reference: U.S. F.L.S.A. of 1938, as amended.)

**6.10 LEAVE OR HOLIDAYS TAKEN AND OVERTIME.** If a full-time employee who is subject to the overtime provisions of F.L.S.A. is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of released time (including holiday time off), the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay. However, if the extra hours worked are more than the number of leave time hours taken, the employee will be compensated (with compensatory time off, or in emergencies, with pay) at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken. (See **Holidays** chapter of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

**6.11 TIME REPORTING.** Employees shall keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the *Human Resources Department* or the County Treasurer's office.

The time period to be reported on each employee time record is a fourteen (14) day period beginning at 12:01 a.m. *on Monday and ending at 12:00 midnight on the Sunday* preceding each payday.

Time records must be signed by the employee and by the appropriate elected official or department head. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

Each elected official or department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the county treasurer for payroll purposes as well as being recorded on the individual department's records.

**6.12 EMERGENCY CLOSINGS.** This section applies to employees of the Commissioners Court and employees of department heads appointed by the Commissioners Court. Employees of separately elected officials or of department heads appointed by other authorities may, at the separate officials option, be subject to other policies regarding hours worked and pay received.

Short-term emergency closing of Polk County offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other emergency situations. In the event that a situation occurs during non-working hours which would necessitate emergency closings of Polk county offices/departments, local radio and television stations will be asked, by the County Judge's order, to broadcast an official closing statement. If an official announcement is not made by 7:30 a.m., Polk County offices/departments will operate under normal working conditions.

**Compensation During Emergency Closings.** When an emergency closing has been officially declared, employees will receive regular pay for the hours they would have normally worked that day.

When an emergency closing is not officially declared, employees who do not report to work will not be paid, unless the employee elects to use ***available Compensatory, Holiday, or Vacation*** leave for the period not worked. Employees who are not entitled to ***any of the stated leave*** will be docked for the working hours they miss.

If an emergency closing is declared during a work day, all employees who are at work will be compensated for their normal work day, regardless of the number of hours actually worked. Employees who are not at work will not be compensated unless prior authorization for absence has been approved by the department head or elected official.

When opening of county offices/departments has been declared, employees who report for work at the established time will be compensated for the normal work day regardless of the number of hours worked. Employees who do not report to work will be charged with ***accrued Compensatory, Holiday, or Vacation*** leave or docked pay as appropriate.

Employees who are on prior authorized vacation or sick leave will be charged with the appropriate leave.