

## 6.5 OVERTIME COMPENSATION

When emergency circumstances such as a local emergency disaster declaration or other special circumstance necessitate overtime/compensatory time work, nonexempt employees are compensated for the overtime/compensatory time worked by being given (listed in order of the county's policy preference):

- Equal time off within the same work period (7 days for non-law enforcement personnel; 14 days for law enforcement employees);
- 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 cash payment for employees who reach the maximum FLSA accrual rates.

The Commissioners Court discourages cash payment for overtime to non-exempt employees, which may be authorized by the Elected Official or Department Head only if (1) adequate funds are available in the department's budget, (2) and the Commissioners Court has granted authority to pay overtime by a separate court order, (3) and an emergency situation or special circumstances exists. For example, see Sections 5.01 and 6.03, relating to County Sheriff's Department employees and EMS personnel.

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 period in which the overtime was worked.

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 department's salary budget; in some cases, a significant amount.

Any employee earning FLSA overtime hours in excess of County/FLSA maximums will be automatically paid on the employee's next occurring payroll. Austin County will pay in accordance with FLSA 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.