



## EL PASO COUNTY DEPARTMENT OF HUMAN RESOURCES

### Compensatory Time

Revised Date: November 23, 2020

#### I. Work Periods

The Department Head or designee shall assign the work day. The workweek shall be a seven (7)-day period beginning on Sunday at 12:00:01 a.m. and continuing through Saturday at midnight. This regulation does not apply to employees who are FLSA "exempt."

#### II. Compensatory Time

- A. The County will allocate and schedule work appropriately so that FLSA "non-exempt" employees are not required to work over forty (40) hours in a workweek except when mandated by operating necessities. Department Heads (or their designees) of non-exempt employees are responsible for establishing work schedules and for ensuring adherence to federal and state law and County policy. This policy applies to any and all hours where a non-exempt employee is required or is permitted to work in excess of forty (40) hours in the standard workweek.
- B. Compensatory time off (comp time) is paid time off that is earned and accrued by an employee in lieu of overtime pay for authorized overtime. Unless overtime pay is specifically authorized through Commissioners Court, County employees who physically work over forty (40) hours in a workweek are compensated with compensatory time in lieu of overtime pay. By working the additional time, employees are agreeing to this method of compensation.

#### III. Authorization for Compensatory Time for Non-exempt Employees

- A. Authorization to work in excess of the standard forty (40) hour workweek must be obtained in advance from a Department Head or designee and should be documented. Employees who work in excess of forty (40) hours in a standard workweek without prior Department Head authorization are subject to corrective action.
- B. Actual compensatory time earned shall be reported on the employee's bi-weekly electronic time card as prescribed by the County Auditor and must be approved by both the employee and the Department Head or designee.

#### IV. Earning Compensatory Time

Non-exempt employees who are authorized or permitted to work in excess of forty (40) hours in a workweek are entitled to compensatory time off at a rate of one and one-half times for all time actually worked over forty (40) hours in a workweek. Paid or unpaid leave of any type taken during a workweek do not count as hours worked in computing overtime.

#### V. Limitations

Non-exempt employees may not have a balance of more than eighty (80) hours of compensatory time at any given time. Each department shall continually monitor each employee's accumulation and usage of compensatory time to avoid exceeding the limits. If an employee with a balance of 80 hours or more of compensatory time works beyond forty hours in the workweek, he or she must receive compensatory time for the time worked. However, the department may incur budgetary impacts to cover the expense.

## **VI. Using Compensatory Time**

- A. The employee may consume accrued compensatory time at any time; however, it must be consumed on a schedule reasonably agreed upon by the employee's Department Head or designee. Department Heads or designees shall encourage all employees having compensatory time accrued to expend that time on a regular basis to prevent rising above the County's maximum limit of 80 hours.
- B. Compensatory time must be used prior to the use of vacation leave.
- C. Compensatory time accrued must be taken within the same fiscal year it was earned, unless otherwise approved in writing by the Department Head. In such case, the Department Head may extend the time for using accrued compensatory time up to ninety (90) days beyond the beginning of the next fiscal year. Failure to ensure the use of the accrued compensatory time within these time limits may result in budgetary impacts to the department to cover the expense.

## **VII. Position Transfers and Changes**

- A. When an employee is transferred to another position within the County, and has compensatory time balances at the time of such transfer, the following shall occur:
  - 1. If the employee is transferred from one division to another division within the same department, and
  - 2. If the employee maintains the same pay rate, then the compensatory time shall remain on account for future consumption; or
  - 3. If the employee is placed into a position with a different pay rate, then the compensatory time shall be used at his or her current rate of pay prior to the change taking effect, or shall be paid out from the department's salary account prior to the change taking effect.
  - 4. If the employee is transferred from one department to another department within the County, the department the employee transfers from shall allow the employee to use all accrued compensatory time at his or her current rate of pay, or shall authorize a payment of such balance from the department's salary account prior to the transfer.
  - 5. If the employee's FLSA status changes from non-exempt to exempt, the department in which the employee currently resides shall allow the employee to use all accrued compensatory time at his or her current rate of pay or shall authorize a payment of such balance from the department's salary account prior to the change in status becoming effective.
  - 6. When a department authorizes payment for compensatory time in lieu of granting the actual time off before a change is made, the department must notify the Payroll Division of the County Auditor's Office immediately to ensure timely payment to the employee.

## **VIII. Payment for Accrued Compensatory Time**

A non-exempt employee will be paid for all compensatory time the employee has earned, but not used, at the time of separation from employment.

Where necessary, Commissioners Court has the discretion to authorize payment for compensatory time at any time.

## **IX. Recordkeeping**

In all cases, the electronic time card for each non-exempt employee will be the official record of time worked and time taken. Appropriate supporting documentation must be maintained in the

department for granting of compensatory time off made to any employee. All non-exempt employees must record their total workweek hours accurately on their electronic time cards.

**X. Exempt Employees**

There is no legal requirement, nor is the County obligated, to pay overtime or grant compensatory time to FLSA-exempt employees. Department Heads or designees may grant compensatory time off on an hour for hour basis for hours worked in excess of the forty (40) hour work week to an exempt employee.