

Sabine County Courthouse
280 Main Street
Hemphill, Texas 75948



Phone: 409/787-5226
Fax: 409/787-4973
malinda.bryan@co.sabine.tx.us

Malinda Bryan
County Auditor

January 21st 2016

Honorable Tom Maddox
Sabine County Sheriff

Re: 28-day work period maximum hours 171

Dear Tom:

In review of the Law Enforcement time sheets for the year 2015 I noticed the deputies and jailers were being paid regular comp time on hours worked over 40 per week and time and one half over the 171 rule.

An officer who is assigned to a 28-day work period earns \$8.00 per hour. Where such officer actually works 191 hours (i.e., 20 more than the 171 hour maximum) in a particular work period, he or she will be entitled to compensation as follows:

EXAMPLE#1

Regular rate of pay:	\$8.00
Overtime: \$8.00x1 ½=	\$12.00
171 hours @ \$8.00/hour=	\$1,368.00
20 hours @o/t \$12.00=	<u>\$240.00</u>
Total:	\$1,608.00

When a law enforcement agency adopts the longest possible work period- 28 consecutive days- officers earn time-and-one-half overtime pay **ONLY** after they have worked 171 hours within that 28-day work period.

As of this date the only policy in place with Sabine County and Law enforcement is that Deputies and jailers are paid by a salary and the work period-28 consecutive days- officers/jailers earns time-and-one-half overtime pay only after they have worked 171 hours within that 28-day work period.

Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Department as directed by the Commissioner's Court.

Sincerely,

A handwritten signature in cursive script that reads "Malinda Bryan".

Malinda Bryan
County Auditor

Compensation

1. This policy shall apply to all Sabine County employees.
2. Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Department as directed by the Commissioners' Court. ✓
3. Employees will be paid on a salary basis except for part-time employees and Commissioner Precinct employees.
- ✓ 4. Deputies and jailers are paid by a salary and the work period shall compensate the employee for all hours worked in a work period up to 171 hours in a 28 day period depending upon the work load. **Hours worked over 171 are considered as overtime, and are credited as comp time at a rate of one and one-half times the number of overtime hours worked.**
5. Temporary employees shall be paid hourly and at least at the minimum wage established by the Fair Labor Standards Act, as amended.

POLICY REVISION APPROVED AND ADOPTED BY: Sabine County Commissioners' Court April 11, 2011.

Minimum Wage and Overtime Pay

1. In administrating its wage and salary program, the minimum standards shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to county governments.
2. The policy shall apply to all employees of Sabine County who are not specifically exempt for the provision of the FLSA.
- ✓ 3. Overtime for law enforcement employees shall be handled in accordance with the policy for overtime compensation and approved by the Commissioners' Court.
4. The Committee shall be responsible, with the assistance of other elected officials and department heads, for identifying the positions exempt under the FLSA.
- ✓ 5. In calculating hours worked for purposes of overtime computation, hours worked shall include only hours spent in the service of the County as defined in the FLSA and shall exclude all paid leave. *only work 35 hrs.?*
6. Overtime shall be all hours actually worked in excess of forty hours during the work week which is defined in Hours of Work, Workday and Work Week on page forty (40) of this manual, except law enforcement which shall have a 28 day work period of 171 hours.
- ✓ 7. A non-exempt employee who works overtime during a work week shall be compensated at the rate of one and one-half times his regular rate for all hours worked in excess of forty.
8. Covered employees may receive compensatory time off with pay at the rate of one and one-half times the amount of overtime worked. The use of compensatory time in lieu of overtime pay is left to the discretion of the employee's department head.
9. The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours, except law enforcement which shall be 480 hours.
10. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.
11. Compensatory time may be used as vacation, sick leave or for any other reason as leave with pay provided that such use of compensatory time is approved by the employee's department head prior to its use.
12. The county shall retain the right to control the accumulation of compensatory time by requiring an employee to use earned compensatory time at the discretion of the county.
- ✓ 13. If an individual's employment terminates before all of his/her earned compensatory time is used, then the employee shall be paid for all unused time in accordance with the requirements of the FLSA. *40 hrs. +*

14. Each department head shall be responsible for keeping records of all earned compensatory time and shall update the time used and time remaining for each employee every pay period.
- ✓ 15. Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the FLSA and regulations issued by the Department of Labor to administer that Act.