

**MONTGOMERY COUNTY, TEXAS  
EMPLOYEE POLICY MANUAL  
5. WAGE AND SALARY ADMINISTRATION**

**5.1 MINIMUM WAGE, OVERTIME, AND COMPENSATORY TIME**

<b>FLSA COMPLIANCE</b>	5.1-1 In administering its wage and salary program, the minimum standards of the County will be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as they apply to County government. This includes the requirement that all employees be paid equal to or higher than the minimum wage established by the U.S. Government and administered by the Department of Labor. Pay deductions that are not consistent with the minimum wage provisions of the FLSA, the principles of public accountability as specified in 29 C.F.R. §541.710, and this policy are prohibited and will be corrected as soon after discovery as possible.
<b>APPLICABILITY</b>	5.1-2 This policy applies to all employees of Montgomery County, both exempt and non-exempt; it does not apply to elected officials.
<b>CLASSIFICATION</b>	5.1-3 The Human Resources Department, with input from the elected official or department head, shall be responsible for classifying positions as exempt or non-exempt under the FLSA.
<b>OVERTIME</b>	5.1-4 Overtime for non-exempt non-law enforcement employees shall be all hours physically worked in excess of 40 during the workweek which is defined in Section 5.0 of this manual.  5.1-5 Overtime for non-exempt certified peace officers shall be all hours actually worked in excess of 80 during the pay period which is defined in Section 5.0 of this manual.
<b>OVERTIME COMPENSATION</b>	5.1-6 In most cases, a non-exempt employee who works overtime during a workweek or pay period will be given compensatory time at a rate of one and one-half hours of the employee's regular rate of pay for each hour of overtime worked.  5.1-7 If a department has budgeted funds to pay overtime, a non-exempt employee who works overtime during a workweek or pay period may be compensated at a rate of one and one-half times his/her regular rate of pay for overtime hours worked.
<b>CALCULATION</b>	5.1-8 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 time spent on paid leave.  5.1-9 A full-time regular 40-hour per week non-exempt employee who physically works more than the number of hours required for the workweek shall be awarded overtime or compensatory time for those extra hours worked based on the employee's regular rate of pay. For example, an 8-hour per day, 40-hour per week non-exempt employee who works 34 hours during a week in which he takes a day of vacation would use 6 hours of accrued vacation and show 34 hours worked. The employee would not use 8 hours of vacation to accumulate 42 hours of work in order to receive 2 hours of compensatory time for that workweek. On the other hand, a non-exempt employee who actually works 42 hours during a single week would be awarded 2 hours of compensatory time.

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**MAXIMUM  
ACCRUAL**

5.1-10 The maximum compensatory time accrual for any non-exempt employee shall be the maximum allowed under the provisions of the FLSA, i.e., 240 hours for non-law enforcement employees and 480 hours for certified peace officers.

5.1-11 When an employee has reached the maximum compensatory time accrual, he/she must be paid at a rate of one and one-half times his/her regular rate for any additional overtime hours worked.

**PRE-  
AUTHORIZATION  
REQUIRED**

5.1-12 An employee may not work overtime unless it has been authorized by his supervisor.

5.1-13 An employee may not work at home or anywhere outside his assigned work location unless it has been authorized by his supervisor.

**COMPENSATORY  
TIME USE**

5.1-14 Use of compensatory time shall be subject to approval by the employee's supervisor. Elected officials and department heads are encouraged to allow compensatory time to be taken as soon as possible after it is earned.

5.1-15 Compensatory time may be used as vacation, sick leave, or for any other reasons as leave with pay.

5.1-16 In order to reduce the County's liability for paid time, elected officials and department heads may require that accrued compensatory time be scheduled.

**PAYMENT AT  
TIME OF  
TERMINATION**

5.1-17 An individual whose employment terminates before all compensatory time is used will be paid for said time on his/her final pay check in compliance with the FLSA. Employees elected to office or changing from full time to part-time status will be paid for accrued comp time at the rate being earned on the day prior to the effective date of the change.

**EXEMPT  
EMPLOYEES**

5.1-18 An employee who is exempt from the overtime requirements of the FLSA is expected to work the appropriate number of hours required to adequately perform the job for which he was hired without compensation over and above his salary; this means he would normally be required to account for at least 80 hours each two-week pay period. This provision shall be suspended upon declaration of a state of emergency by the appropriate authority. Overtime payments may be made to otherwise exempt employees at a rate equal to their regular hourly rate if approved by Commissioners Court within sixty (60) days of the declaration.

**RECORD  
KEEPING**

5.1-19 In accordance with the principles of public accountability, Montgomery County requires that a Montgomery County time sheet be completed by each employee whether exempt or non-exempt. **Employees and supervisors who do not truthfully record the time for which they and/or their employees should be paid in compliance with this policy are subject to termination of employment and prosecution.**

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- A. **Non-exempt employees** are to record actual time worked calculating from the nearest 15 minutes, e.g. a person with an 8:00 a.m. to 5:00 p.m. schedule who reported in at 7:58 a.m. or 8:06 a.m. would be indicated as beginning work at 8:00 a.m. whereas 8:08 a.m. would be indicated as beginning work at 8:15 a.m. Someone working a schedule other than 8:00 a.m. to 5:00 p.m. would not necessarily calculate worked time based on the quarter clock hour but rather in 15-minute increments.
  
- B. **Exempt employees** are to record vacation, sick leave, personal, and all other types of leave taken.

**CONCERNS  
REGARDING  
FLSA STATUS  
OR PAY  
DEDUCTIONS**

5.1-20 An employee who has concerns regarding either of the following is required to bring them to the attention of first, departmental supervisors and then, if unresolved, the Human Resources Director who will promptly investigate said concerns. If an investigation reveals noncompliance with the FLSA and County policy, any action deemed necessary to “make the employee whole” will be taken.

- A. Exempt vs. non-exempt classification: An employee who feels he has been misclassified as either exempt or non-exempt;
  
- B. Improper pay: An employee who feels he has been (1) improperly paid or (2) required to use accrued time contrary to the FLSA and this policy.

**CANINE  
PAY**

5.1-21 Montgomery County recognizes that employees assigned to work with canines may be required to perform additional tasks related to assigned canines – such as feeding, grooming, training, and exercising with the canine; transporting the canine to and from veterinarian appointments; and cleaning vehicles in which the canine rides – and that these tasks are often performed outside of the employees’ regularly scheduled work hours. In recognition of the additional tasks required by the employees’ assignment, employees assigned to work with one or more canines will receive additional compensation of \$250 per biweekly pay period. Beginning October 1, 2014, Commissioners Court must approve each additional canine the County acquires, and each such additional canine shall be assigned to an employee as determined by the elected official or department head for which the additional canine was approved.

This policy applies to part-time employees and FLSA-exempt employees as well as to full-time non-FLSA-exempt employees; therefore, all county employees assigned to work with a law enforcement canine shall receive the additional compensation of \$250 per biweekly pay period as provided in this section.