

AGENDA ITEM # 17May 13, 1997*Consider authorizing advertising and setting date to receive bids for construction of bridge on County Road 101.

Engineer Don H. Bizzell and the County Engineer both advised additional right-of-way will be necessary for the construction of this bridge.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Hays

Motion: To table this item until further notice.

Vote: Motion carried 3 - 0 with Commissioners Boatright and Mehevec absent from the dais.

AGENDA ITEM # 18May 13, 1997*Consider setting date to receive requests for proposals for architectural design services for Taylor Annex.

Moved: Commissioner Mehevec

Seconded: Commissioner Heiligenstein

Motion: To authorize Commissioner Mehevec to advertise 10 a.m. on June 10, 1997, to receive requests for proposals for architectural design services for Taylor Annex.

Vote: Motion carried 4 - 0 with Commissioner Boatright absent from the dais.

AGENDA ITEM # 19May 13, 1997*Discuss and take any appropriate action on forming a Veterans Service Committee with one member from each active Veterans of Foreign Wars and American Legion Post in the county.

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To authorize County Judge to contact all county Veterans of Foreign Wars and American Legion Posts advising them to each select a member for the formation of a Veterans Service Committee with Judge Doerfler appointing the chairman of the committee.

Vote: Motion carried 5 - 0

AGENDA ITEM # 20May 13, 1997*Consider approving agreement with Frank Childress concerning Sutton County School lands.

Commissioner Boatright advised Mr. Childress fee for researching access easements would not exceed \$1,000.00 and advised the market price would be approximately \$260.00 per acre including some of the mineral rights. Without the mineral rights the price would be in the range of \$180.00 to \$200.00 per acre for the 10,077 acres.

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To advertise 2,200 acres inside the Allison Ranch and the 500 acre Hargrave lease tract for sale and accept proposals for the minerals on these tracts.

Vote: Motion carried 3 - 1 with Commissioner Hays voting against the motion and Commissioner Heiligenstein absent from the dais.

AGENDA ITEM # 21May 13, 1997*Discuss and take any appropriate action on amending budget order provisions regarding overtime.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To approve budget order amendment with provisions regarding overtime.

Vote: Motion carried 3 - 0 with Commissioners Hays and Heiligenstein absent from the dais.

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Clarifications to Budget Order 0088 PAGE 543

Under Federal law, there is a legal entitlement to compensatory time only if a nonexempt employee actually works more than 40 hours during a 7-day work period. The following rules regarding overtime represent an effort to go over and beyond the minimum requirements in the interest of fairness. They are to apply only to nonelected county or precinct employees who are **not** subject to the guaranteed salary with fluctuating hours plan. The examples are designed as general illustrations of the principles involved, as well as of the sort of situations that the clarifications are intended to address.

Definitions: "Nonexempt employees" include all county and precinct employees who are subject to the overtime regulations of the Federal Fair Labor Standards Act. "Authorized paid leave" includes holidays, sick leave, vacation, compensatory time taken, personal leave, military leave, jury duty, and all similar forms of compensation allowed by the annual budget order.

1. Nonexempt employees may only work on a county holiday or outside normal working hours at the express direction of their supervisor or with the express permission of their department head or designee. Additional hours worked without such authorization will not be compensated, except to the limited extent required by Federal law.* It is the responsibility of the department head to enforce this policy and to prevent the filing of claims for unauthorized compensation.

Example 1: An employee is sick on Monday, then gets permission to work 8 extra hours later in the week; under the policies described below, the employee will not be charged with any expenditure of sick leave.

Example 2: Another employee is sick the same day, then works 8 extra hours without permission; the employee is charged with 8 hours sick leave and accrues no compensatory time.

* The county is required to credit time-and-a-half for hours actually worked beyond 40 in a 7-day work period, to the extent that the employer "suffered" the extra hours to be worked.

2. Sick leave, holiday time, personal leave, vacation, and other authorized paid leave shall be charged against an employee only to the extent that the employee actually works less than 40 hours during a 7-day work period. This policy shall be administered so as to preserve accrued sick leave as the highest priority, with the other categories following in the order set out above.

Example 3: an employee takes personal leave on Monday, but works 6 extra hours before Thursday; the employee is only charged for 2 hours leave, not 8.

Example 4: an employee takes a Friday vacation day, is called out on an emergency for ten hours on Sunday, and has the flu on Tuesday; the employee is charged with no sick leave and only 6 hours of vacation leave.

10 hours sick
8 sick
2 vac

3. Whenever possible, an employee who works on a holiday with permission is to be given another day off within the same 14-day pay period. County holiday hours which the department head determines cannot be taken during that pay period shall be converted hour-for-hour to flat compensatory time.
4. In the event that a nonexempt employee is required or requested to work outside his or her normal working hours or on a county holiday, the employee shall be entitled to compensatory time at the rate of time-and-a-half only to the extent that hours actually worked exceed 40 during the 7-day work period. The employee shall be entitled to compensatory time at a flat rate to the extent that the sum of hours worked (or 40, whichever is less), plus authorized paid leave, exceeds 40 hours during the work period.

Example 5: a deputy clerk takes personal leave on Monday, then works from 5 PM until 10 at a jury trial on Wednesday; she has worked less than 40 hours, so she has earned no time-and-a-half, but the sum of 37 hours worked plus 8 hours paid leave is 45, so she gets 5 hours of flat-rate compensatory time.

Example 6: a road and bridge employee takes a Friday holiday, but then is called out for 10 hours on Sunday to cope with a flood; the employee has worked 42 hours, so he is entitled to just ③ hours of time-and-a-half comp time, but the sum of 40 plus the paid leave is 48, so he gets 8 hours of additional flat-rate compensatory time, for a total of 11 hours.

2 x 1 1/2 =

5. Although employees who are exempt or not subject to the Fair Labor Standards Act never have any federally-guaranteed right to overtime compensation, a department head may allow such employees flexible hours, even if this occasionally results in full pay for a week in which the employee works less than 40 hours, so long as the average work week of the employee exceeds 40 hours (including authorized paid leave).

Example 7: a felony prosecutor puts in 60 hours during a jury trial week, and the DA lets her take 2 days off a few weeks later; she gets no extra compensation for the long week, but (at the discretion of the DA) the short week is not charged against her accrued paid leave.

6. Department heads are responsible for controlling overtime so as to avoid creating an excess liability for the county. The Commissioners Court is not required to amend the budget or approve line-item transfers to allow for the payment of unnecessary overtime compensation, or for hiring additional employees required to keep an office open while the regular employees are taking their compensatory time. Employees are encouraged to take any accrued compensatory time as soon as they possibly can, rather than allowing it to accumulate.

Example 8: five employees, each with 80 hours of accrued compensatory time, quit a department at once; the department head may have to do without any replacements for 10 employee-weeks or risk running out of salary money before the end of the year.

7. The Texas Constitution absolutely forbids counties from making a gift. Therefore, Williamson County cannot pay an employee any compensation that is not authorized in its budget. The allowances for authorized paid leave in the budget order are the exclusive forms of paid leave provided by the county to its employees. The county cannot legally pay someone for unworked hours that do not fall under one of these categories, or that exceed the maximum amount allowed. The department head may grant employees **unpaid** leave if they have exhausted their paid leave, but may not agree to make any payments not authorized by Commissioners Court. The Treasurer and Auditor will reject any departmental request to pay an employee who has not actually worked 40 hours during a 7-day work period and is not entitled to authorized paid leave.

8. Sick leave may only be used for sickness or for paid leave under the Family and Medical Leave Act; it is not an alternate form of vacation or personal leave. Sick leave may not be converted to another form of leave to avoid entering unpaid leave status.
9. The Williamson County Budget Order for 1996–97 is hereby amended to the extent necessary to implement these clarifications.

AGENDA ITEM # 22

May 13, 1997

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Consider approving the following fixed asset transfer from Justice of the Peace #4 to Information Systems:

(1) telephone modem A 108326

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To approve transfer fixed asset from Justice of the Peace #4 to Information Systems:

(1) telephone modem A 108326

Vote: Motion Carried 3 - 0 with Commissioners Hays and Heiligenstein absent from the dais.

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CHANGE OF FIXED ASSET STATUS

DATE 4-28-97

THE FOLLOWING FIXED ASSET IS TO BE: (Circle One)

TRANSFERRED

SOLD

DISPOSED

FIXED ASSET

Quantity	Description	Model	Serial#
1	telephone moduerm	A 108326	

FROM (Transferor): JP4 494

TO (Transferee): Data Processing - Information Systems

The Transferor requests that this fixed asset be removed from the inventory for his/her office and placed in the inventory for the Transferee's office as of the date shown above.

[Signature]
Transferor Elected Official/Department Head

[Signature]
Transferee Elected Official/Department Head

approved 5-13-97
John C. Doerfler