

RESOLUTION 2005-08

AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 11.C, REQUIRING COMPENSATORY TIME TO BE USED BEFORE VACATION LEAVE

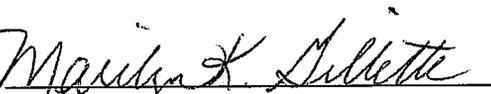
WHEREAS, pursuant to requirements for sound fiscal management, certain revisions need to be made to Section 11.C of the Personnel Policies and Procedures relative to the use of compensatory time versus vacation leave;

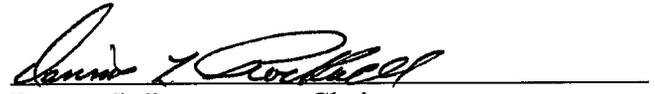
NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Personnel Policies and Procedures Section 11.C, Compensatory Time, is hereby amended to read as attached hereto. This resolution shall take effect immediately.

DATED this 17th day of May 2005.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY

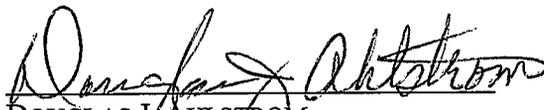

DENNIS D. EWING, Clerk


DENNIS L. ROCKWELL, Chairman



Commissioner Rockwell voted *aye*
Commissioner Lawrence voted *aye*
Commissioner Johnson voted *aye*

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

**SECTION 11
COMPENSATION**

C. COMPENSATORY TIME:

1. In lieu of monetary overtime compensation, compensatory time off is authorized for covered employees at a rate of one and one-half hours of compensatory time for each hour of overtime worked.
2. The use of compensatory time shall be authorized only for those employees who have previously entered into the compensatory time off agreement with the county.
3. Employees generally may accrue up to 240 hours of compensatory time, which is only 160 hours of actual overtime work. Sworn law enforcement officers may accumulate up to 480 hours of compensatory time, which is 320 hours of actual overtime work.
4. An employee who has accrued compensatory time and requests use of the time will be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the department.
5. Compensatory time accrued after the effective date of this section shall be exhausted before vacation leave is used.
56. Compensatory time shall be recorded on the time card for the pay period in which it is accrued. Any unused compensatory time shall be reflected upon subsequent time cards until it has been completely used. The use of accrued compensatory time shall also be recorded on the time card for the pay period during which the time off was taken.
67. Tooele County may freely substitute cash in whole or in part for compensatory time. Payments for accrued compensatory time will be paid at the regular rate earned by the employee at the time the employee receives payment. Employees who have accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours worked.
78. Upon termination or retirement, a covered employee will be paid for unused compensatory time figured at the average regular rate received by such employee during the last three years of employment, or the final regular rate received by such employee, whichever is higher.
89. Exempt employees who work more than 40 hours in a week or, if law enforcement officers, more than 171 hours in a 28-consecutive-day work period, shall be granted compensatory time at the rate of one hour for every extra hour worked. This is straight-time, non-FLSA compensatory time. There is no cap on the number of compensatory hours exempt employees can earn. Because exempt employees are salaried, they are not paid additional sums for compensatory time. Upon termination or retirement, exempt employees shall not be entitled to any pay for accrued compensatory time.

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**COMPENSATORY TIME OFF AGREEMENT
FOR FLSA-COVERED EMPLOYEES**

In accordance with the Fair Labor Standards Act, Tooele County has a policy of granting employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or for hours worked in excess of 171 hours in a 28-consecutive-day work period for sworn law enforcement officers. A copy of this policy has been provided to me. I understand that the compensatory time will be granted at time and one-half for all hours worked in excess of the regular work period as stated above. I further understand that the compensatory time may be limited, preserved, used, or cashed out consistent with the provisions of that policy and applicable law and regulations for the U.S. Department of Labor.

I knowingly agree to the provision of time off as compensation for overtime work as a condition of my employment and consent to the use of compensatory time in accordance with the policy. I further understand that in the event any portion of the policy is interpreted to conflict with the FLSA or its regulations, that the conflicting portion shall be struck and the remainder of the policy shall continue in full force and effect.

Employee Signature

Date