

RESOLUTION NO. 1986-21

TO IMPLEMENT  
FAIR LABOR STANDARDS ACT POLICIES  
FOR WEAKLEY COUNTY

WHEREAS, the Garcia v. San Antonio Metropolitan Transit Authority case, as amended by the "Fair Labor Standards Act Amendments of 1985", applies the provisions of the Fair Labor Standards Act to governmental entities; and

WHEREAS, it is important and in the best interest of the citizens of Weakley County that certain personnel policies be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Weakley County Legislative Body meeting in regular session on this the 21st day of April, 1986, that:

SECTION 1. (a) It is the policy of Weakley County to abide by all applicable sections of the Fair Labor Standards Act along with the Fair Labor Standards Amendments of 1985. Under such implementation, Weakley County will properly record all applicable overtime accrued for each covered employee (non-exempt employee) effective April 15, 1986 and such overtime payments shall be made no later than August 1, 1986.

(b) This policy shall be applicable to all employees of Weakley County who are covered under the provisions of the Fair Labor Standards Act. Its intention is to assure good faith compliance with such Act to the extent applicable to Weakley County.

SECTION 2. (a) Employees of Weakley County are expected to work during all assigned periods exclusive of bona fide breaks, meal times or unscheduled hours, etc. Employees are not to perform work during such non-work breaks, meal times, or unscheduled hours, unless they receive approval from their immediate supervisor except in cases of extreme emergency.

(b) An extreme emergency exists when an employee is called upon to perform work for Weakley County that could result in damage to property or persons or which require immediate attention of the employee which cannot possibly be postponed. Employees who work excess hours due to an emergency shall properly advise their immediate supervisor of the overtime worked as soon as practical for final approval or disapproval.

SECTION 3. (a) It is the policy of Weakley County that employees may receive compensatory time off at a rate of not less than one and one-half hours for each

hour of employment for which overtime compensation is required under the Fair Labor Standards Act.

(b) Covered employees who work in public safety activities, emergency response activities, or seasonal activities, may accrue not more than 480 hours of compensatory time for overtime hours worked after April 15, 1986. Other covered employees may accrue not more than 240 hours of compensatory time for overtime hours worked after April 15, 1986.

(c) Employees requesting to use accrued compensatory time must make a specific request in writing to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of Weakley County.

SECTION 4. Under limited circumstances, employees of Weakley County who work in the same capacity, may, at their option, substitute work hours (swap time) as long as such substitute has prior approval by the immediate supervisor(s) of each employee involved. It is understood that overtime hours generated as a result of such substitutions shall be excluded from the calculation of hours worked for overtime purposes.

SECTION 5. This policy is adopted by Weakley County in order to provide procedures for the payment of additional compensation to employees when deemed eligible under the provisions of the Federal Fair Labor Standards Act.

Weakley County does not include in the computation of hours worked, those hours when an employee is off work on sick leave, vacation, holiday or compensatory time off as allowed under the provisions of this Policy. Such time shall not be counted as time worked for purposes of Fair Labor Standards Act computation.

SECTION 6. All covered employees shall be paid at least the federal minimum wage for all hours worked.

SECTION 7. This Policy is adopted by Weakley County for purposes of ensuring compliance with the Federal Fair Labor Standards Act as it relates to work schedules and overtime payments for county employees. In the event the provisions of the Fair Labor Standards Act or regulations thereunder are modified or are not longer made applicable to Weakley County, the provisions of this Policy are not longer made applicable to Weakley County. The provisions of this Policy may be reviewed and modified as deemed warranted by Weakley County.

SECTION 8. Upon passage, this Resolution shall be presented to department heads and county elected officials for approval and shall be distributed to each county employee.

SECTION 9. This Resolution shall take effect upon passage, the public welfare requiring it.

This the 21st day of April, 1986.

PURSUANT TO THE RULES OF THE WEAKLEY COUNTY LEGISLATIVE BODY, THIS RESOLUTION IS SPONSORED BY THE FOLLOWING COMMISSIONERS:

*James H. Walcott*

*James H. Bell*

APPROVED

*H. C. Brundige*

H. C. BRUNDIGE, COUNTY EXECUTIVE

ATTESTED:

*Faye Butts*

FAYE BUTTS, COUNTY CLERK

FURTHER APPROVED BY:

RALPH COOPER, Assessor of Property

JOHN PRINCE, Trustee

MIKE WILSON, Sheriff

JERRY P. SIMMONS, School Superintendent

HOUSTON PATRICK, Register of Deeds

DIANE WILKERSON, Registrar at Large

JIMMY FREEMAN, Highway Superintendent

SHARON BOWERS, Circuit Court Clerk

ANGELINE DAMRON, Clerk and Master

FAYE BUTTS, County Clerk