

SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2009-32
ESTABLISHING A POLICY FOR ISSUING COMPENSATORY TIME FOR
FLSA-COVERED EMPLOYEES

PREAMBLE

WHEREAS, the County of Socorro is a body corporate and politic existing by and under the Constitution and Laws of the State of New Mexico; and,

WHEREAS, NMSA 1978, Section 4-38-19 (A) provides that a "board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county. . ."; and,

WHEREAS, in accordance with the Fair Labor Standards Act (FLSA), Socorro County may provide employees with compensatory time instead of cash overtime compensation. See 29 U.S.C.A. Section 207 (o); and,

NOW THEREFORE, BE IT RESOLVED, by the Socorro County Board of County Commissioners that the following Compensatory Time Policy for FLSA Non-Exempt Employees:

THE POLICY

Section 1. The use of Compensatory Time is Strongly Discouraged.

Section 2. Compensatory time in lieu of cash compensation may only be given if there is no remaining overtime in the County Department's budget and shall be authorized only under emergency circumstances which call for immediate action or in special situations required by the nature of the operation or the status of the activity.

Section 3. Compensatory time in lieu of cash compensation may be given only if there is a current agreement entered into voluntarily between the employee, department head/elected official and the County Manager.

Section 4. The employee must have entered into this agreement before compensatory overtime work is performed. *(All requests must be made on the official county form attached to this policy and all lines must be completed)*

Section 5. Compensatory time off for FLSA non-exempt employees shall be at a rate equal to one and one-half (1.5) hours for each hour of employment for which overtime compensation is required. However, if the additional hours worked would not qualify as overtime (i.e. leave was taken during the work week), but the employee takes time off in lieu of payment such compensatory time would be accrued at the straight time rate.

Section 6. If compensatory time is authorized under this policy, it is the responsibility of that employee's department head to make every reasonable effort to schedule that employee time off during the same pay period so the employee does not work over a forty (40) hour work week so that compensatory time will accrue as straight time pursuant to section 5 above.

Section 7. The FLSA-covered employee who has accrued compensatory time off, and who has requested the use of compensatory time, shall be permitted to use the time within a reasonable period after making the request, if the use of compensatory time does not unduly disrupt the operations of the County as determined by the employee's supervisor.

Section 8. After accrual of 80 hours of compensatory time, any overtime worked must be paid. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such a payment.

Section 9. A department head shall make every reasonable effort to schedule time off, for an employee to use accrued compensatory time, before June 30 of each year. Any accrued compensatory time off not used by an employee by June 30 shall be paid, to the employee two (2) weeks from the date the County's next fiscal year budget is approved by the New Mexico Department of Finance Administration, at the regular rate earned by the employee at the time the employee receives such a payment.

Section 10. Socorro County Resolution 2008-48 and all other resolutions and policies, relating to Compensatory Time in conflict with the above are hereby repealed by the adoption of this Resolution.

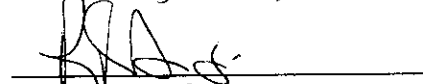
APPROVED, ADOPTED, AND PASSED on this 24th day of March, 2009.

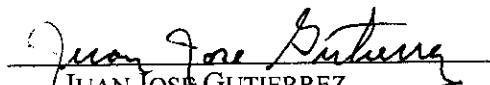
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REBECCA (BECKY) VEGA, COUNTY CLERK

