



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 141.301
Date: September 25, 2023
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Supersedes: August 1, 2022

BOARD DIRECTIVE

SUBJECT: WORK HOURS FOR BOARD OFFICE STAFF

PURPOSE: To establish standard operating hours for business in the Texas Board of Pardons and Parole offices, to standardize the procedure for documentation and approval of hours scheduled and worked, including overtime, and to ensure compliance with Fair Labor Standards Act requirements.

AUTHORITY: Fair Labor Standards Act of 1938
Texas Government Code Sections 508.035(d)(1) and (3), 508.036(a)(2) and (4), and 508.040(a)(1) and (6)
Board Resolution BPP-RES. 21-04.01
Board Directives BPP-DIR. 141.300, 141.305, and 141.316

DISCUSSION: The Texas Board of Pardons and Paroles (Board) has offices in Amarillo, Angleton, Austin, Gatesville, Huntsville, Palestine, and San Antonio. Each Board office has an assigned Board Member who serves as the administrative coordinator for the Board office.

DEFINITIONS: Board Office Staff – state employees, comprised of two Parole Commissioners and three Board Assistants, who are supervised by a Board Member as delegated by the Presiding Officer pursuant to Section 508.035(d)(1), Government Code.

Temporary Assigned Duty Point – the location of an employee’s duty assignment, other than the employee’s regular place of employment, where an employee travels to conduct official business.

Regular Place of Employment – an employee’s office of assignment.

Work Cycle – the consecutive seven-day, eight-day, or nine-day period of time during which the hours worked are computed to determine wage and time compensation.

Workweek – a seven-day period beginning on Thursday and ending on Wednesday.

PROCEDURE:

I. Office Hours

A. Except as provided below, all Board offices shall be staffed with voting members and administrative staff to respond to internal inquiries and inquiries from the general public on all workdays, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., including noon hours. Board Members may establish office hours beyond the range required to meet specific operational needs.

B. The exceptions to Board office staffing requirements may occur when:

1. Parole panel members are in attendance at other Board functions, such as inmate interviews, public presentations, Board meetings, training, or other related state business.

2. The Presiding Officer declares an emergency or temporarily suspends Board operations.

a. When the Presiding Officer declares an emergency and the Board office is closed, the Presiding Officer may require all voting members and administrative staff to continue essential operations of the Board by teleworking.

b. If the Presiding Officer requires voting members and administrative staff to telework, Board Members shall ensure voting members and administrative staff are utilizing the technology provided by the Board to continue the essential operations of the Board.

II. Flex Hour Selection - All Board office staff shall physically work in the Board office or account for eight (8) hours daily, 40 hours each work cycle on a conventional scheduling system. The 40-hour workweek does not include travel time to or from the regular place of employment. However, the 40-hour workweek does include travel time to a temporary assigned duty point.

A. The Board Member of their respective Board office shall approve an employee's schedule based on the operational needs of the Board office. Any permanent or temporary changes to work hours shall be in accordance with the TDCJ PD-91, *Work Cycles and Compensable Hours of Work* (PD 91).

B. The Board utilizes a seven-day work cycle, standard H card schedule, beginning on Thursday at 12:01 a.m. and ending on Wednesday at 11:59 p.m. An employee's work cycle shall be based on the operational needs of their Board office.

III. Scheduling and Reporting of Work Hours - Board Members may alter an employee's duty hours (daily arrival/departure times) to accommodate specific job duties.

A. Scheduled Hours on the Employee Time Report.

1. An employee, while maintaining their assigned work hours, 8:00 a.m. to 5:00 p.m., may alter their hours of duty (daily arrival/departure times) to accommodate specific job duties. The employee's request to adjust hours shall be approved by a Board Member in advance of the actual workweek. The Board Member may only approve the following eight-hour work shifts for a duration of six months:
 - a) 7:00 a.m. to 4:00 p.m.;
 - b) 8:00 a.m. to 5:00 p.m.; or
 - c) 9:00 a.m. to 6:00 p.m.

The employee's schedule may be re-evaluated for any changes or adjustments consistent with the overall requirements of the various Board offices.

Note: Unless otherwise authorized by the Board Member, scheduled hours include a one-hour meal break. See the above examples of scheduled hours, which reflect nine (9) hours of an eight-hour shift.

2. Scheduling of split shifts is prohibited.
3. An employee who works the same scheduled hours each day from week to week is not required to obtain Board Member approval of these work hours in advance of the work cycle. However, any deviations from the employee's regularly scheduled hours will require Board Member approval (See 4. below).
4. An employee must obtain prior written approval from the Board Member to work any hours other than the employee's regularly scheduled hours, including lunch time (Example: 8:00 a.m. to 4:00 p.m. instead of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.)
5. A Board Member shall provide an employee with written authorization prior to the employee working on a regularly scheduled day off.

B. Reporting Actual Hours Worked on the PD-91, Attachment B, Employee Time Report.

1. An employee shall submit the original approved Employee Time Report at the end of each workweek. The employee must sign the Employee Time Report to certify the actual hours worked.

2. The Board Member shall ensure the employee accurately reports the hours and minutes physically worked and any hours and minutes of leave time utilized each day on the Employee Time Report. When the Board Member approves compensatory time, overtime, and/or leave, the Board Member shall submit the Employee Time Report with the Record of Hours Worked Beyond Regular Schedule form (PERS-534) pursuant to PD-91 and the TDCJ Leave Request form (PERS-24) pursuant to PD-49, *Leaves Other than Medical and Parental* (PD-49).
3. An employee is responsible for completing and submitting a PERS-24, PERS-534, or medical statement to the Board Member for approval in accordance with the agency's applicable leave policies.

IV. Authorization and Documentation of Hours Worked Beyond Regular Schedule

- A. PD-91 shall govern compensatory time and overtime.
- B. A non-exempt employee must request, in writing, approval to work hours beyond their regularly scheduled work hours. Upon receipt of the written request, the Board Member may approve the request or adjust the employee's work schedule in accordance with PD-91 and Section V of this directive based on the employee's workload and the operational needs of the Board office. A Board Member must provide a non-exempt employee with written authorization (e.g., email or memo) prior to the employee working hours beyond the employee's regularly scheduled work hours on any calendar day.
- C. The only exceptions to the advance written approval for requests to work hours beyond the regular schedule shall be in emergencies. If an emergency or other unforeseen circumstance arises, which prevents an employee from obtaining prior written supervisory approval, the employee shall notify their Board Member, in writing, as soon as possible. The notification shall be via email and shall include the employee's name, payee identification number, time accrued, and the nature of the emergency.
- D. At the end of each workweek, if applicable, the employee shall document any hours worked over the regular schedule on a PERS-534. The employee must attach the PERS-534 and a copy of the advance written authorization to the Employee Time Report, which reflects the actual hours the employee worked during the work cycle.
- E. Once the employee's Board Member reviews, verifies, and approves the PERS-534, the Board Member will forward the original PERS-534 and Employee Time Report to the Human Resources representative. While the advance written authorization (email or memo) is not forwarded to the Human Resources representative, the employee, and the employee's Board Member shall maintain a copy. It is the employee's responsibility to provide a copy of the advance written authorization (email or memo) to work such hours upon request.

- V. Adjustments to Avoid or Reduce Compensatory Time or FLSA Overtime by FLSA Non-Exempt Employees
- A. PD-91 shall govern adjustments to an employee's work schedule.
 - B. An employee's Board Member may adjust any of the employee's regularly scheduled workdays within the same work cycle to avoid or reduce the employee's accrual of compensatory time or FLSA overtime.
 - C. Upon receipt of an employee's request for approval to work hours beyond their regularly scheduled work hours, the Board Member shall review the request and determine if a schedule adjustment is necessary. The decision to adjust an employee's schedule occurs only after the employee's workload and the operational needs of the Board office are considered.
 - D. If a Board Member determines that an adjustment shall be made to the employee's schedule, the Board Member shall provide the employee with documentation of the time adjustment via email. The documentation shall justify any reported hours physically worked that have been modified from the employee's regularly scheduled work hours. The employee shall attach the documentation to the Employee Time Report.

SIGNED THIS, THE 25TH DAY OF SEPTEMBER, 2023.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*