

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-91 (rev. 6), “WORK CYCLES AND COMPENSABLE HOURS OF WORK”
APRIL 1, 2014
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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April 1, 2011

EXECUTIVE DIRECTIVE

SUBJECT: WORK CYCLES AND COMPENSABLE HOURS OF WORK

AUTHORITY: *Fair Labor Standards Act of 1938* as amended (FLSA), 29 U.S.C. § 201-219; Tex. Gov't Code §§ 493.006, 658.001-659.308, 661.908, 662.001-.022; Tex. Health & Safety Code §§ 165.001-165.003

Reference: American Correctional Association Standard 4-4081

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

POLICY:

The management of work cycles and compensable hours of work for employees of the TDCJ shall be in accordance with the guidelines provided within this directive without regard to race, color, religion, sex (gender), national origin, age, disability, genetic information, or uniformed services status. The TDCJ shall compensate employees for hours worked in accordance with the provisions of applicable state and federal law.

DEFINITIONS:

"Compensatory Time" is leave time accrued in accordance with the procedures within this directive at the rate of one hour for each hour worked.

“Correctional Career Position” (CCP) includes the following TDCJ positions: correctional officer (CO) I, II, III, IV, and V; supervisor of COs, sergeant through warden; food service manager (FSM) II, III, and IV; and laundry manager (LM) II, III, and IV.

“Emergency Services Personnel,” for the purpose of this directive, is an Office of the Inspector General (OIG) peace officer who is required in the course and scope of employment to provide services for the benefit of the general public during emergency situations.

“Essential Employee” is an employee receiving hazardous duty pay and necessary to support emergency operations as determined by a warden or department head. On a limited case-by-case basis, some longevity pay employees may be determined essential by a warden or department head. Longevity pay employees must be provided notice that they are essential prior to a foreseeable emergency, or given adequate response time after notice for a spontaneous emergency event.

“FLSA Exempt Employee” is an employee who is not subject to the wage and overtime provisions of the FLSA because the employee’s primary duty assignments pass the FLSA executive, administrative, professional, computer, or outside sales exemption tests. This term is not to be mistaken for a position listed in TDCJ’s section of the *General Appropriations Act* under “Schedule of Exempt Positions.”

“FLSA Exemption Test” is one of the FLSA exemption tests used to determine if an employee is subject to the wage and overtime provisions of the FLSA. The FLSA exemption tests include executive, administrative, professional, computer, and outside sales criteria.

“FLSA Non-Exempt Employee” is an employee subject to the wage and overtime provisions of the FLSA, because the employee’s primary duty assignments do not pass FLSA executive, administrative, professional, computer, or outside sales exemption tests.

“Holiday Time” is leave time accrued when a state employee is required to work on a national or state holiday in accordance with the procedures within this directive at the rate of one hour for each hour worked.

“Non-Correctional Employee,” for the purpose of this directive, is an employee who is not a correctional officer (CO), sergeant, lieutenant, captain, major of COs, or warden; food service manager (FSM); or laundry manager (LM).

“Non-Essential Employee” is an employee receiving longevity pay and not considered necessary to support emergency operations as determined by the warden or department head.

“Normal Office Hours” are 8:00 a.m. to 5:00 p.m., Monday through Friday.

“Physically Worked” refers to the hours an employee reported for duty. The hours an employee is on leave with pay, for example, administrative, compensatory, holiday, overtime, sick, or vacation leave, or leave without pay (LWOP) do not count as hours physically worked.

“Reasonable Break Time” for a nursing mother is 20 minutes in duration and shall not be taken in addition to a convenience break.

“Temporary Assigned Duty Point” is the location of an employee’s duty assignment other than the employee’s personal residence or the employee’s regular place of employment, including the location of a conference, meeting, seminar, or training program. While an employee is traveling to or from a conference, a meeting related to state business, seminar, or training program, the employee’s location shall be considered the employee’s temporary assigned duty point. A temporary assigned duty point does not include the time an employee is traveling to or from a location to perform an on-call assignment.

“Work Cycle” is 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.

“Work Schedule” is a schedule assigned to an employee projecting the regularly scheduled work days and off-duty days within each work cycle.

DISCUSSION:

An employee who fails to comply with the procedures within this directive, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts, may be subject to disciplinary action in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees” or administrative separation in accordance with PD-24, “Administrative Separation.”

PROCEDURES:

I. Provisions Relating to Working at a Personal Residence and On-Call Hours

A. Authorization to Work at a Personal Residence

A TDCJ employee shall conduct TDCJ business only at the employee’s regular place of employment or temporary assigned duty point unless the employee has received prior written authorization from the executive director to work at the employee’s personal residence during normal office hours or while working on-call.

1. A supervisor who requests an employee be allowed to work from the employee’s personal residence during normal office hours or while on-call shall submit a decision memorandum (DM) for approval by the supervisor’s chain of supervision, the appropriate division director, human resources director, and executive director. The DM shall include:

a. The employee’s name as it appears on payroll, month and day of birth, payroll title, job number, salary rate, months of service, and unit or department;

- b. A justification for the request; and
 - c. Information as to whether the request is for the employee's term of employment in the position or for a number of days or hours. If the request is for a number of days or hours, the specific days and hours shall also be identified. A copy of the current position description shall be attached to the DM.
2. Once the executive director has reviewed the DM and indicated approval or denial, the DM shall be routed back through the human resources director for tracking purposes and returned to the requesting division director. In no event shall an employee be allowed to work from the employee's personal residence during normal office hours or while on-call without written authorization from the executive director.
 3. An employee's approved request to work at the employee's personal residence shall be valid only:
 - a. For the time period approved; and
 - b. While the employee remains in the TDCJ position held at the time the request was approved. If the employee's position or essential functions change, the previously approved request shall no longer be valid.

B. On-Call Hours Reported as Physically Worked

If an employee has not received written approval from the executive director to work on-call from the employee's personal residence:

1. The time during which an employee is on-call and required to carry a state issued cell phone or leave word where the employee may be reached, but does not involve performing an assignment, is not regarded as time physically worked; and
2. The time to be reported as physically worked shall begin when the employee reports to perform the required work and shall end upon completion of the assignment. Travel time to and from the location where the on-call assignment is performed shall not be reported as time worked.

C. Accrual of Compensatory Time and Holiday Time

In accordance with state law, no employee, either FLSA exempt or FLSA non-exempt, shall accrue compensatory time for work conducted at the employee's personal residence. This includes employees who have received written permission

from the executive director to conduct work at the employees' personal residence during normal office hours or while on-call.

II. Provisions Relating to Work Schedules

A. Work Cycles

1. The TDCJ uses the following three work cycles to balance staffing and resource needs:
 - a. A seven-day work cycle beginning on Thursday and ending on Wednesday;
 - b. An eight-day work cycle consisting of four days on-duty and four days off, with a varied beginning workday; and
 - c. A nine-day work cycle consisting of six days on-duty and three days off, with a varied beginning workday.
2. Prior to changing a unit's work cycle for COs, the warden shall submit a DM for approval to the appropriate regional director, security systems warden, payroll processing director, the appropriate deputy director, and the Correctional Institutions Division (CID) director. After the DM has received final approval from the CID director, the warden shall coordinate the implementation date with the payroll processing director.

B. Scheduling Systems

1. The TDCJ uses two scheduling systems.
 - a. Conventional Scheduling System

The conventional scheduling system consists of a seven-day work cycle with either rotating or non-rotating days off, for Cards H through Y, H1 through H6, and J1 through J3.
 - b. Card Scheduling System
 - (1) The card scheduling system uses a seven-day, eight-day, or nine-day work cycle, and includes the following card schedules.

Unit Work Cycle	Seven-day	Eight-day	Nine-day
Number of Card Schedules	7	4	9
Card Schedules	A - G	1 - 4	P1 - P9

- (2) The only employees who may be assigned to the card scheduling system are COs, supervisors of COs (sergeant – major), FSMs, and LMs. The FLSA only allows COs and supervisors of COs to be assigned to an eight-day or nine-day work cycle; therefore, FSMs and LMs who are assigned to a card schedule are always assigned to a seven-day work cycle.
 - (3) Each card schedule indicates a work schedule for a fiscal year. In order to ensure maximum manpower availability, approximately the same number of employees shall be assigned to each card schedule.
 - (4) An employee assigned to the card scheduling system may obtain a copy of the employee’s card schedule from the employee’s human resources representative or from the human resources webpage through the TDCJ website at www.tdcj.state.tx.us.
2. The TDCJ assigns employees to the appropriate scheduling system in accordance with the following provisions:
- a. A CO, sergeant of COs, FSM II-III, or LM II-III assigned to a shift shall be assigned to a card schedule within the card scheduling system, unless the employee’s position requires a shift deviation from the available card schedules.

Such employees not assigned to a shift or who require a shift deviation from the available card schedules, may be assigned to the conventional scheduling system by the warden or department head.
 - b. A lieutenant, captain, or major of COs, FSM IV, or LM IV may be assigned to either the conventional scheduling system or the card scheduling system at the discretion of the warden or department head.
 - c. All other employees shall be assigned to the conventional scheduling system.

C. Work Schedule Changes

The TDCJ reserves the right to change an employee’s work schedule, to include the employee’s work cycle, card schedule, and hours of duty. The TDCJ also reserves the right to require an employee to work compensatory hours or overtime hours.

1. Permanent Changes

Permanent changes in work schedule shall only be authorized at the beginning of a work cycle. Assignment changes may include:

- a. Change from one card schedule to another card schedule;
- b. Change from one conventional schedule to a different conventional schedule;
- c. Change from a card schedule to a conventional schedule;
- d. Change from a conventional schedule to a card schedule; or
- e. Change from one work cycle to another, for example, from a seven-day to an eight-day work cycle or from a nine-day to a seven-day work cycle.

2. Temporary Changes

During periods of temporary duty assignments, including authorized training, emergency response situations, and other approved functions, employee work schedules may be temporarily altered to coincide with the assignment's activity schedule. The work cycle shall not be altered and required hours for the cycle shall be met.

- a. The initiation or conclusion of a temporary duty assignment may or may not coincide with the work cycle. However, whenever possible, a temporary work schedule shall begin on a new work cycle.
- b. When a temporary work schedule cannot begin on a new work cycle, the schedule overlap could result in overtime accrual. Supervisors shall review employee schedules before and after the temporary duty to minimize such overtime accrual.

3. Temporary Duty Assignment in an Emergency Response Situation

- a. In the event of an emergency situation, including a mandatory evacuation, essential employees are required to report to work. Temporary duty assignments as determined by a warden or department head may require an essential employee to:
 - (1) Work overtime;
 - (2) Have work schedules changed;

- (3) Have days off cancelled; and
 - (4) Be temporarily reassigned to a different work location.
- b. Failure to report to duty or remain on duty may result in disciplinary action up to and including dismissal from employment in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

Each employee shall sign a PERS 596, Condition of Employment as Related to Emergency Responses (Attachment A) to acknowledge the work cycle expectations during an emergency situation and potential disciplinary actions for failing to comply. The human resources representative shall place the signed original PERS 596 in the employee’s unit or department human resources file.

If an employee refuses to sign the PERS 596, “refused to sign” shall be indicated on the “Employee Signature” line. The supervisor or human resources representative shall ensure that the employee is informed of the form’s contents and aware that:

- (1) The employee is still expected to work in emergency situations, to include mandatory evacuations; and
 - (2) Non-compliance may result in disciplinary action up to and including dismissal from employment.
4. Requests by FLSA Non-Exempt Employees to Change Work Hours

FLSA non-exempt employees shall obtain prior written approval from supervisors to work any hours other than the employee’s regularly scheduled hours, including lunch time, for example, to work 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. Authorization and Documentation of Hours Worked Beyond Regular Schedule

a. FLSA Non-Exempt Employees

(1) Warden or Department Head Responsibilities

A warden or department head or designee shall provide an FLSA non-exempt employee with written authorization, for example, an email or memo, prior to the employee working hours beyond the employee’s regularly scheduled work hours on any calendar day. The written authorization may cover one

or more work cycles; however, the authorization shall include a beginning and end date.

(2) Employee Responsibilities

The employee shall document such hours worked on a PERS 534, Record of Hours Worked Beyond Regular Schedule (Attachment B).

- (a) A CO or sergeant of COs whose time is reported through a shift roster report or similar document completed by the employee's supervisor shall provide the original PERS 534 form to the employee's supervisor.
- (b) Any other FLSA non-exempt employee shall attach the PERS 534 form to the time report completed by the employee.

Upon request, it is an employee's responsibility to provide the supervisor with a copy of the advanced written authorization to work hours beyond the employee's regular schedule.

(3) Supervisor Responsibilities

The employee's supervisor shall review, verify, and approve an employee's PERS 534 form. The original approved PERS 534 form shall be forwarded to the human resources representative with the employee's time reporting documentation.

(4) Exceptions for the PERS 534, Record of Hours Worked Beyond Regular Schedule, Requirement

The PERS 534 form is not required for an FLSA non-exempt employee who is scheduled to work over regular scheduled work hours for the purpose of attending annual in-service training, scheduled visitation duty hours, and scheduled weekend duty hours.

b. FLSA Exempt Employees

(1) Warden or Department Head Responsibilities

A warden or department head or designee shall provide written authorization, for example, email, memo, or unit's "Duty Schedule," prior to any FLSA exempt employee working on a regularly scheduled day off. The written authorization may cover one or more work cycles; however, the authorization shall include a beginning and end date.

(2) Employee Responsibilities

An FLSA exempt employee shall document hours worked on a regularly scheduled day off on a PERS 534 form unless the hours worked are documented on the unit's written "Duty Schedule" developed and maintained by the warden or designee. The PERS 534 form shall be attached to the documentation used to report the employee's time worked.

Upon request, it is an employee's responsibility to provide the supervisor with a copy of the advanced written authorization to work on a regularly scheduled day off.

(3) Supervisor Responsibilities

The employee's supervisor shall review, verify, and approve an employee's PERS 534 form. The original approved PERS 534 form shall be forwarded to the human resources representative with the time reporting documentation.

(4) Exceptions for the PERS 534, Record of Hours Worked Beyond Regular Schedule, Requirement

The PERS 534 form is not required for an FLSA exempt employee who is scheduled to work over regular scheduled work hours for the purpose of attending annual in-service training and scheduled weekend duty hours.

c. Exception for Prior Authorization

The only exception to the requirement for warden or department head or designee advance written approval shall be in an emergency situation. In an emergency situation, one of the following shall occur:

- (1) The highest-ranking supervisor on duty shall authorize the hours beyond the employee's regular schedule. On this occasion, the supervisor who authorized the hours shall notify the warden or department head in writing as soon as possible of the names and month and day of birth of the employees required to work, as well as the nature of the emergency.
 - (2) If a departmental supervisor is not available, the employee shall notify the employee's immediate supervisor and warden or department head in writing as soon as possible of the nature of the emergency and the number of hours and minutes worked beyond the employee's regular schedule.
6. Adjustments to Avoid or Reduce Compensatory Time or FLSA Overtime by FLSA Non-Exempt Employees

An employee's supervisor may adjust any of an employee's regularly scheduled workdays within the same work cycle to avoid or reduce the employee's accrual of compensatory time or FLSA overtime.

- a. If the employee is a CO or sergeant of COs whose time is reported through a shift roster report or similar document completed by the employee's supervisor, the supervisor shall provide the employee with prior verbal notification of the time adjustment.
 - b. A supervisor for any other FLSA non-exempt employee shall provide the employee with documentation of the time adjustment, for example, email or memo. The employee shall attach the documentation to the employee's record of time worked. The documentation shall justify any reported hours physically worked that have been modified from the employee's regularly scheduled work hours.
7. Military Duty

The work schedule of an employee who is a member of the National Guard or any reserve component of the U.S. armed forces may be adjusted so that two of the employee's non-work days per month coincide with two days of military duty to be performed by the employee. However, the employee shall be allowed, upon request, to use military leave entitlements in lieu of adjusting the employee's work schedule in accordance with PD-76, "Employment and Reemployment of Members of the Uniformed Services."

D. Shift Overlap Periods (not to be confused with schedule overlaps)

A mandatory shift overlap has been scheduled into each work cycle for correctional staff, for example, 8 1/4 hours for a seven-day work cycle, 12 hours for an eight-day work cycle, and 8 3/4 hours for a nine-day work cycle. The shift overlap period may be used for recording attendance, assigning or receiving duties, or the reporting of information.

III. Meal and Convenience Breaks

The following provisions shall apply to all employees while on duty status:

A. Meal Breaks

An employee is not authorized to take a break from regularly scheduled duty assignments for the purpose of obtaining a meal unless the employee's duty hours incorporate a scheduled meal break.

B. Convenience Breaks

A supervisor may exercise discretion in granting up to two 15-minute convenience breaks for an employee during the employee's duty assignment when conditions and staff resources permit. An employee may not take an extended lunch hour or leave work early in lieu of a convenience break. Convenience breaks are not an entitlement.

IV. Reasonable Break Time for Nursing Mothers

The TDCJ shall make reasonable efforts to provide an employee, who is a nursing mother returning to work after childbirth, with a room or other location in close proximity to the employee's work area where the employee can express milk in private. A nursing mother shall be allowed a flexible schedule that will provide reasonable break time to express milk during normal working and overtime hours. Reasonable break time for a nursing mother shall be available to the employee for up to, but not beyond, one year after the child's birth.

A. Employee Responsibilities

1. An employee who wishes to use the break time for nursing mothers' entitlement shall inform the human resources representative prior to returning to work after the birth of a child to allow adequate time to establish a designated area and schedule break times.
2. Storage of the expressed milk in the designated location is the responsibility of the employee. All expressed milk must be stored in closed containers, regardless of the method of storage.

B. Human Resources Representative and Supervisor Responsibilities

The human resources representative, in conjunction with the employee's supervisor, shall:

1. Determine a designated area, not a restroom, toilet stall, or parked car, that the employee can use for the purpose of expressing milk. The designated area should not be accessible to the public or other employees while it is in use for expressing purposes. The designated area should contain, at minimum, a chair and small table, desk, counter, or flat surface, an electrical outlet, and if possible, a door with a lock. If the employee has a private office, it may be used for this purpose. Access to a sink, not in a restroom, is also required for sanitizing equipment.
2. Designate an accessible, hygienic location for storage of expressed milk.

C. Reasonable Break Time

1. A reasonable break time for an employee who is expressing milk is a federal entitlement that shall run concurrently with any break time, other than a meal break, if possible. For example, an employee who uses a reasonable break time to express milk shall not take an additional break, such as a 15 minute convenience break, without using their accrued leave. An employee may, but is not required to, use a meal break for the purpose of expressing milk.
2. An employee shall be compensated for reasonable breaks of up to 20 minutes. For any break in excess of 20 minutes, an employee shall use any of their accrued leave available, except sick leave, in accordance with PD-49, "Leaves Other than Medical and Parental."
3. Employees who do not have accrued leave to cover any time over the allotted 20 minutes shall follow the procedures outlined in PD-49, Part C: Leaves Without Pay (LWOP).
4. An employee may be required to postpone a scheduled reasonable break time for up to 30 minutes if appropriate staff coverage is not available.

V. Time Reporting

A. Employee Responsibilities

1. An employee shall accurately report the number of actual hours and minutes physically worked for each day the employee reports to duty. An employee shall also accurately report the number of hours and minutes of leave used each day the employee uses any leave. The employee shall report the hours and minutes in 15-minute increments.

This reporting requirement includes all hours and minutes worked on a regularly scheduled workday by an FLSA exempt employee. Although an FLSA exempt employee does not accrue compensatory time or overtime for working hours and minutes beyond the employee's regularly scheduled work hours on a regularly scheduled workday, additional hours and minutes worked shall be recorded as overtime worked for recordkeeping purposes.

- a. At a warden's discretion, a CO, sergeant, lieutenant, or captain of COs may have time worked and leave used reported through a shift roster report or similar document completed by the employee's supervisor. If such an employee's time is not reported through this type of document, the employee shall comply with the procedures in Section V.A.1.b.
- b. Any other employee shall report time worked and leave used in writing on an employee time report (see example at Attachment C). The employee shall sign and submit the report to the employee's supervisor after each work cycle. The only time an employee's supervisor may complete and sign the report on behalf of the employee is when the employee is physically unavailable to complete and sign the report. The employee shall sign the report and verify the reported hours are correct upon reporting to the employee's regular assigned duty point. If applicable, the employee shall attach to the employee's time report a PERS 534, Record of Hours Worked Beyond Regular Schedule (see Section II.C.5) or written documentation for adjustments to regularly scheduled hours to avoid compensatory time or FLSA overtime accrual (see Section II.C.6).
- c. If an employee is absent from work for eight or more minutes within any 15-minute increment, the employee shall report the 15-minute increment as leave used, for example, an employee who is eight or more minutes late or who leaves work eight or more minutes early shall report the 15-minute increment as leave used.

Sick leave may be used only for those instances for which sick leave is authorized.

- d. For a regularly scheduled workday, the sum of the hours and minutes physically worked and the hours and minutes of leave time used shall, at a minimum, add up to the employee's regularly scheduled daily work hours. For example, five hours and 45 minutes physically worked and two hours and 15 minutes compensatory time taken is equal to an eight-hour day. The only exception is when the employee's supervisor has authorized the employee to work fewer

hours to avoid the accrual of compensatory time or overtime (see Section II.C.6).

- e. An employee may be subject to disciplinary action in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees,” if the employee fails to accurately report hours and minutes physically worked and leave time used.
2. An employee is responsible for completing and submitting a PERS 24, Leave Request in accordance with the TDCJ’s applicable leave policies or as directed by the employee’s supervisor.

B. Supervisor Responsibilities

An employee’s supervisor shall ensure the employee accurately reports the number of hours and minutes physically worked each day and any hours and minutes of leave used each day for each work cycle. The supervisor shall submit time reports to the human resources representative at the end of each work cycle or pay period.

C. Human Resources Representative Responsibilities

A human resources representative shall:

1. Ensure time is posted after the end of each work cycle or pay period in accordance with timeframes established by the Payroll Department;
2. Ensure any hours reported as worked by part-time FLSA non-exempt employees in excess of their regularly scheduled work hours are reported to the Payroll Department for payment processing;
3. Ensure sick leave pool hours, extended sick leave with pay, and administrative leave are posted according to the employee’s assigned schedule, which may not be the standard H card schedule; and
4. Maintain the employee time reports, shift rosters, or similar time reporting documents submitted to the human resources representative for the purpose of time recording.

VI. Time Recording

A. Provisions Relating to FLSA Non-Exempt Employees

1. Correctional Officers and Sergeants of Correctional Officers

The FLSA includes special provisions regarding overtime hours for FLSA non-exempt security personnel in correctional institutions. COs and sergeants of COs are covered by these special provisions.

The recording of compensatory hours worked and overtime hours worked by COs and sergeants of COs is based on these special provisions and the correctional work cycle.

Recording of Hours Physically Worked*				
Correctional Work Cycle	Regularly Scheduled Work Hours	Total Maximum Hours Physically Worked and Recorded as "Regular Time Worked" or "Holiday Time Worked"	Hours Physically Worked and Recorded as "Compensatory Time Worked"	Hours Physically Worked and Recorded as "Overtime Worked"
Full-Time COs and Sergeants of COs				
Seven-Day (A – G Cards)	41:15	40:00	40:00 – 43:00	over 43:00
Eight-Day (1 – 4 Cards)	48:00	45:45	45:45 – 49:00	over 49:00
Nine-Day (P1 – P9 Cards)	52:30	51:30	51:30 – 55:00	over 55:00
Part-Time COs				
Seven-Day	20:00	40:00	40:00 – 43:00	over 43:00
* The provisions in Section VI.A.3 may apply if an employee uses leave during a work cycle.				

2. Other FLSA Non-Exempt Employees

All other FLSA non-exempt employees are assigned to a seven-day work cycle.

- a. If an FLSA non-exempt employee does not use leave during the work cycle, the hours the employee physically worked in the work cycle shall be recorded as "Regular Time Worked" or "Holiday Time Worked," up to a maximum total of 40 hours.
- b. If the employee used leave during the work cycle, the provisions in Section VI.A.3 may apply.
- c. The hours physically worked in excess of 40 hours in a work cycle shall be recorded as "Overtime Worked."
- d. Part-time FLSA non-exempt employees shall be paid for hours physically worked in excess of the regularly scheduled work hours, up

to a maximum of 40 hours. The payment shall be processed on a supplemental payroll after the hours are reported.

3. Hours Recorded as “Compensatory Time Worked” when Leave is Used

Hours worked by an FLSA non-exempt employee shall be recorded as “Compensatory Time Worked” if:

- a. The employee physically worked less than the maximum number of hours in the work cycle allowed to be reported as “Regular Time Worked,” but the sum of the number of hours physically worked and the number of hours taken as leave exceed the maximum number of hours allowed to be reported as “Regular Time Worked”; or
- b. The employee physically worked more than the maximum number of hours in the work cycle allowed to be reported as “Regular Time Worked” and in addition takes paid leave during the work cycle, and the total number of hours physically worked still exceeds the maximum number of hours allowed to be reported as “Regular Time Worked” after subtracting hours allowed to be reported as “Overtime Worked.”

B. Provisions Relating to FLSA Exempt Employees

All FLSA exempt employees accrue state compensatory time for hours physically worked on regularly scheduled days off, up to the number of regularly scheduled daily work hours. In addition, lieutenants, captains, and majors of COs accrue compensatory time on regularly scheduled days of work as indicated on the following table.

Recording of Hours Physically Worked by Lieutenants, Captains, and Majors of COs			
Correctional Work Cycle	Regularly Scheduled Work Hours	Hours Physically Worked and Recorded as “Regular Time Worked” or “Holiday Time Worked”	Hours Physically Worked and Recorded as “Compensatory Time Worked”
Seven-Day (A – G Cards)	41:15	40:00	1:15
Eight-Day (1 – 4 Cards)	48:00	45:45	2:15
Nine-Day (P1 – P9 Cards)	52:30	51:30	1:00

VII. Compensatory Time for FLSA Exempt OIG Peace Officers During a Declared Disaster

The executive director may authorize overtime compensatory payment to an FLSA exempt OIG peace officer at the regular hourly rate for all or part of the hours of compensatory time accrued by the employee during a declared disaster in the preceding 18 months. The FLSA

exempt OIG peace officer's compensatory time balance shall be reduced by one hour for each hour the employee is paid overtime.

An FLSA exempt OIG peace officer may be allowed to take compensatory time during the 18-month period following the end of the workweek in which the compensatory time was accrued during a declared disaster.

The FLSA exempt OIG peace officer shall document such hours worked on a PERS 534, Record of Hours Worked Beyond Regular Work Schedule.

VIII. Overtime Payment or "Banked" Hours

This section applies only to FLSA non-exempt employees.

- A. FLSA non-exempt employees shall accrue overtime at the rate of 1 1/2 times the number of hours recorded as "Overtime Worked." An employee shall receive compensation for overtime hours worked and accrued unless the hours are used as leave during the same month the hours are accrued and the employee has no "banked" overtime hours. Any overtime hours "banked" prior to January 1, 2007, shall be maintained in an employee's accrued overtime balance to be used as leave during employment or paid in a lump sum upon separation from employment.
- B. An employee whose time accruals include "banked" overtime hours may choose to use the accrued hours in accordance with PD-49, "Leaves Other Than Medical and Parental." An employee shall not receive compensation for "banked" overtime hours until separation from employment. Upon separation from employment, an employee shall be paid for the employee's unused overtime balance.
- C. If an employee moves from FLSA non-exempt to FLSA exempt status, any overtime hours "banked" shall be maintained in the overtime balance to be used as leave during employment or paid in a lump sum upon separation from employment.

IX. Compensatory Time and Holiday Time Lapsing

An employee may not be paid for unused compensatory time or holiday time to avoid its expiration.

A. Compensatory Time

- 1. Compensatory time, earned by employees in a non-correctional career position, shall be taken within one year from the end of the work cycle in which the time was accrued or it will expire.
- 2. Compensatory time, earned by employees in a correctional career position, shall be taken within two years from the end of the work cycle in which the time was accrued or it will expire.

B. Holiday Time

Holiday time shall be taken within one year from the end of the work cycle in which the time was accrued or it will expire.

C. Supervisor and Employee Responsibilities

Supervisors shall, within operational considerations, make every effort to ensure an employee's accrued compensatory time does not lapse. However, an employee is responsible for efficiently managing the employee's leave balances. When requesting time off, sufficient notice shall be given to allow management to make informed decisions based on operational requirements. An employee who fails to provide sufficient notice will jeopardize the employee's accrued compensatory and holiday leave balances, which may result in the lapsing of such leave.

1. If an employee submits a PERS 24, Leave Request for permission to use accrued compensatory or holiday time not later than the 90th day before the date on which the accrued time shall lapse, the employee's supervisor shall:
 - a. Approve the employee's request in writing; or
 - b. Provide the employee with an alternate date that is prior to the date the accrued time shall lapse.
2. Supervisors shall accommodate an employee's request to use accrued compensatory or holiday time to the extent practicable, even if the request is within 90 days of the date on which the accrued time shall lapse.

X. Monthly TDCJ Employee Time Reports and Corrections

An employee shall receive a monthly TDCJ Employee Time Report indicating time worked and time taken off each day for the preceding month, as well as accrued vacation, sick leave, holiday time, compensatory time, and overtime balances.

A. Supervisor Responsibilities

An employee's supervisor or designee shall provide the employee with the employee's original TDCJ Employee Time Report within two workdays from the date the supervisor receives the report from the human resources representative.

B. Employee Responsibilities

An employee shall notify the employee's human resources representative in writing of any errors before or on the 25th calendar day of the month the time report was received. If no errors are reported in writing before or on the 25th calendar day of

the month, the report shall be deemed correct and an employee may not challenge or correct the information contained in the report.

C. Human Resources Representative Responsibilities

Human resources representatives shall:

1. Ensure supervisors are provided the TDCJ Employee Time Reports within two workdays of receiving the report from the Payroll Department; and
2. Notify the Payroll Department of any corrections within 10 workdays of receipt of an employee's written notification of an error.

Brad Livingston
Executive Director

TEXAS DEPARTMENT OF CRIMINAL JUSTICE Record of Hours Worked Beyond Regular Schedule

Instructions:

FLSA non-exempt employees shall use this form to record hours worked beyond their regular schedule.

FLSA exempt employees shall use this form to record hours worked on regularly scheduled days off, unless such hours are documented on the unit's Duty Schedule developed and maintained by the warden or designee.

Note: FLSA non-exempt employees shall physically work the number of hours in the work cycle required by PD-91 before earning overtime hours.

NAME (Print Last, First, Middle Initial)	SOCIAL SECURITY NUMBER	UNIT/DEPT.	FLSA STATUS <input type="checkbox"/> NON-EXEMPT <input type="checkbox"/> EXEMPT		
POSITION TITLE	SALARY GROUP/RATE	WORK CYCLE <input type="checkbox"/> 7-DAY <input type="checkbox"/> 8-DAY <input type="checkbox"/> 9-DAY			
DAY OF WORK CYCLE	DATE	FROM: TIME	TO: TIME	TOTAL HOURS/ MINUTES	SUPV. SIGNATURE
1 ST DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
2 ND DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
3 RD DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
4 TH DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
5 TH DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
6 TH DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
7 TH DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
8 TH DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					
9 TH DAY OF WORK CYCLE: (check one) <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sat <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tu <input type="checkbox"/> W					
JUSTIFICATION FOR TIME WORKED:					

EMPLOYEE SIGNATURE: _____	DATE: _____	WORK CYCLE	TOTAL OVERTIME: _____
SUPERVISOR SIGNATURE: _____	DATE: _____		
IF REQUIRED BY UNIT/DEPARTMENT PROCEDURES, WARDEN/DEPARTMENT HEAD SIGNATURE: _____	DATE: _____		

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the TDCJ collects about you; and (2) under Tex. Gov't Code §§ 552.021 and 552.023 to receive and review the collected information. Under Tex. Gov't Code § 559.004 you are also entitled to request, in accordance with TDCJ procedures, that incorrect information the TDCJ has collected about you be corrected.

Distribution:
Original - Human resources representatives shall maintain original forms in a separate file by month. The files shall be sorted within the month by the beginning letter of the employees' last name. No further alphabetization within letters A to Z is required. These records shall be maintained in compliance with the TDCJ *Records Retention Schedule*.

Copy - Employee

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Employee Time Report

****EXAMPLE****

Name: _____ Department: _____ Month/Day of Birth: _____
MM/DD

Job Title: _____ Salary Group: _____

Day	Month/Date	Actual Time Worked	Vacation Leave Taken	Sick Leave Taken	Comp Time Taken	Overtime Taken	Holiday Time Taken	Admin Leave
Thursday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Friday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Saturday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Sunday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Monday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Tuesday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Wednesday	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____
Totals	____:____	____:____	____:____	____:____	____:____	____:____	____:____	____:____

Supervisor Signature: _____ Date: _____

Section Director or Department Head Signature: _____ Employee Signature: _____

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the TDCJ collects about you; and (2) under Tex. Gov't Code §§ 552.021 and 552.023 to receive and review the collected information. Under Tex. Gov't Code § 559.004 you are also entitled to request, in accordance with TDCJ procedures, that incorrect information the TDCJ has collected about you be corrected.