

PD-91 Addendum published via mainframe email, effective March 23, 2020:

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TO: All Personnel Manual Holders

FROM: Patty Garcia  
Director,  
Human Resources Division

SUBJECT: Addendum to PD-91, "Work Cycles and Compensable Hours of Work" (rev. 6)

Effective March 23, 2020, PD-91, "Work Cycles and Compensable Hours of Work" (rev. 6) is revised to incorporate the following:

- Procedures, Sections I.A-C:

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 only conduct TDCJ business 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 or designee 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;
  - c. 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; and
  - d. A copy of the current job description as an attachment.
2. Upon review and decision by the executive director or designee, the DM shall be routed through the human resources director for tracking purposes and returned to the requesting division director. No employee shall be allowed to work from the employee's personal residence without written authorization from the executive director or designee.

B. On-Call Hours Reported as Physically Worked

If an employee has not received written approval from the executive director or designee 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, unless the employee has received written permission from the executive director or designee to work at the employee's personal residence. If an employee, exempt or non-exempt, works less than 40 hours a week at their personal residence, the employee must supplement hours by working at the employee's designated work location or using leave time.

An exempt employee shall be authorized to receive compensatory time for time worked over their required hours. (Texas Government Code §§ 659.015, 659.016, 659.018)

- Procedures, Section II.C.5.b(2):

II. Provisions Relating to Work Schedules

C. Work Schedule Changes

5. Authorization and Documentation of Hours Worked Beyond Regular Schedule

b. FLSA Exempt Employees

(2) Employee Responsibilities

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

If advanced written authorization is provided under subparagraph (1), the employee is responsible for providing their supervisor a copy of that authorization.

- Procedures, Section V.A:

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.

- Procedures, Section VI.B:

VI. Time Recording

B. Provisions Relating to FLSA Exempt Employees

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

PD-91, "Work Cycles and Compensable Hours of Work" is currently in revision to include these procedural changes.

All human resources representatives are requested to post this email notification in a common use area. All personnel manual holders are requested to insert this email addendum in front of PD-91.

If you have any questions regarding these changes, please contact Lisa McGilberry, Manager II, Field Operations at (936) 437-4064.

Authority: Patty Garcia  
Director,  
Human Resources Division