

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-1.3.1

DATE: 04/13/15

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SUPERSEDES: 05/01/05

SUBJECT: WORK HOURS

AUTHORITY: TEXAS DEPARTMENT OF CRIMINAL JUSTICE EXECUTIVE DIRECTIVE PD-91

PURPOSE: To establish standard operating hours for business in the Texas Department of Criminal Justice Parole Division (TDCJ-PD) offices, to standardize the procedure for documentation and approval of hours scheduled and worked, including overtime, and to ensure TDCJ-PD compliance with Fair Labor Standards Act requirements.

PROCEDURE:

I. OFFICE HOURS

- A. Except as provided below, all TDCJ-PD offices shall be staffed to respond to inquiries internally and from the general public on all workdays between the hours of 8:00 a.m. and 5:00 p.m., including noon hours.
- B. Region/Section Directors may establish office hours beyond the range required in Section I.A. to meet specific operational needs.

II. CARD SCHEDULE SELECTION

- A. All employees shall physically work or account for 40 hours each work cycle on a conventional scheduling system.
- B. Employees with a minimum of 12 months with the TDCJ-PD, and who are not on disciplinary probation, may request to work either a five-day work cycle of eight (8) hours a day (H card) or a four-day work cycle of ten (10) hours a day (I card or J card). If an employee who is assigned to the I card or J card receives disciplinary probation, the employee shall be assigned to an H card for the duration of the probation. All other employees who do not meet the aforementioned criteria shall be assigned to an H card. Supervisors shall approve an employee's final schedule based on the operational needs of the TDCJ-PD. Any permanent or temporary changes to a card selection shall be in accordance with the TDCJ PD-91, *Work Cycles and Compensable Hours of Work*.

- C. TDCJ-PD utilizes a seven-day work cycle beginning on Thursday at 12:00 midnight and ending on Wednesday at 11:59 p.m. Employees' work cycle shall be based on the operational needs of the TDCJ-PD section to which they are assigned. Employees approved to work a four-day work cycle shall work Thursday, Monday, Tuesday, and Wednesday (I card), or Thursday, Friday, Tuesday, and Wednesday (J card), consistent with their approved card schedule.
- D. Supervisors authorizing employees to work the four-day work cycle must ensure that staffing is adequate to maintain effective TDCJ-PD operations.

III. SCHEDULING AND REPORTING OF WORK HOURS

- A. Scheduled hours on the Employee Time Report (SCH-1).
 - 1. Employees who do not work the same hours each day from week to week shall submit a SCH-1 to report scheduled hours for the upcoming week. The SCH-1 reflecting the scheduled hours for the upcoming week shall be submitted for supervisor approval not later than 10:00 a.m. each Wednesday. Supervisory staff shall review and either approve or adjust the employees scheduled work hours, in accordance with TDCJ/PD-91 and Section V of this policy. The signed SCH-1 shall be returned to the employee on the same workday of receipt.
 - 2. Employees, while maintaining their assigned card schedule, may alter their hours of duty (daily arrival/departure times) to accommodate specific job duties. The employees request to adjust hours shall be approved by a supervisor in advance of the actual work cycle. For example, an employee working eight-hour shifts might work 7:00 a.m.–4:00 p.m. on Thursday, 11:30 a.m.–8:30 p.m. on Friday, 9:30 a.m.–6:30 p.m. on Monday, 7:00 a.m.–4:00 p.m. on Tuesday, and 8:00 a.m.–5:00 p.m. on Wednesday.

Note: Unless otherwise authorized by a supervisor, scheduled hours include a one-hour meal break. See above examples of scheduled hours that reflect nine hours for an eight-hour shift.
 - 3. Scheduling of split shifts is prohibited.
 - 4. Employees who work the same scheduled hours each day from week to week are not required to obtain supervisory approval of these work hours in advance of the work cycle. However, any deviations from the employee's set schedule will require supervisory approval and shall be documented on the SCH-1.
 - 5. Employees must obtain prior written approval from supervisors to work any hours other than the employee's regularly scheduled hours, including lunch time (e.g., to work 8:00 a.m.–4:00 p.m., instead of 8:00 a.m.–12:00 p.m. and 1:00 p.m.–5:00 p.m.).
 - 6. A supervisor 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 SCH-1.
1. At the end of each work cycle, employees shall submit the original, approved SCH-1. The SCH-1 must be signed by the employee to certify the actual hours worked.
 2. Supervisory staff shall ensure that the employee accurately reports the actual hours and minutes physically worked, and any hours and minutes of leave time utilized each day on the SCH-1. Upon approval, the supervisor shall submit the SCH-1 with the Record of Hours Worked Beyond Regular Schedule (PERS-534) and the TDCJ Leave Request (PERS-24), if applicable.
 3. An employee is responsible for completing and submitting a PERS-24 in accordance with the agencies applicable leave policies.

IV. AUTHORIZATION AND DOCUMENTATION OF HOURS WORKED BEYOND REGULAR SCHEDULE

- A. TDCJ PD-91, *Work Cycles and Compensable Hours of Work*, 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 request, the supervisor may approve the request or adjust the employee's work schedule, in accordance with TDCJ/PD -91 and Section V of this policy, based on the employee's workload and the operational needs of the TDCJ-PD. A supervisor must provide a non-exempt employee with written authorization (e.g., email, 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 regular schedule shall be in emergency situations. If an emergency or other unforeseen circumstance arises that prevents an employee from obtaining prior written supervisory approval, the employee shall notify their supervisor, in writing, as soon as possible. The notification shall be via email and shall include the employee's name, month and day of birth, time accrued, and the nature of the emergency.
- D. At the end of each work cycle, if applicable, the employee shall document any hours worked over the regular schedule on a PERS 534. The PERS 534 and a copy of the advanced written authorization to work such hours shall be attached to the SCH-1, which reflects the actual hours the employee worked during the work cycle.
- E. The employee's supervisor shall review, verify, and approve the PERS 534. The original PERS 534 and SCH-1 shall be forwarded to the Human Resources Representative. **The advanced written authorization (email) to work hours beyond the employee's regular schedule shall not be forwarded to the Human Resources Representative. It shall be maintained by the employee and the employee's immediate supervisor.** Upon request, it is the employee's responsibility to provide a copy of the advanced written authorization to work such hours.

F. Human Resources representatives shall process and maintain all submitted SCH-1 and PERS 534 forms for a period of one (1) year, unless any administrative review, audit, claim, litigation, negotiation, open records request, or other action involving the submitted SCH-1 is initiated before the expiration of the retention period set forth in the Fair Labor Standards Act (29 CFR 516.6). In such a case, pertinent SCH-1 forms will be maintained until the completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later.

V. ADJUSTMENTS TO AVOID OR REDUCE COMPENSATORY TIME OR FLSA OVERTIME BY FLSA NON-EXEMPT EMPLOYEES

- A. TDCJ PD-91, *Work Cycles and Compensable Hours of Work*, shall govern adjustments to employee schedules.
- B. An employee's supervisor 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 his regularly scheduled work hours, the supervisor shall review the request and determine if a schedule adjustment shall be completed. The decision to adjust an employee's schedule shall only be made after the employee's workload and the operational needs of the TDCJ-PD have been considered.
- D. Upon determination that an adjustment shall be made to the employee's schedule, the supervisor shall provide the employee with documentation of such a 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 SCH-1.

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