

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2007 E

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 31, "CITY OFFICERS AND EMPLOYEES;" BY ADOPTING SECTION 31.58 RELATIVE TO POLICE DEPARTMENT WORK PERIODS; BY ADOPTING SECTION 31.59 RELATIVE TO COMPENSATORY TIME; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 31 of the City of Cockrell Hill Code of Ordinance sets forth some of the benefits of employees of the City of Cockrell Hill ("City"); and

WHEREAS, the City desires to adopt policies regarding police department work periods and overtime compensation for all non-exempt employees; and

WHEREAS, the City has less than 10,000 residents and is exempt from the requirements of Texas Local Government Code Sections 142.0015 and 142.0016; and

WHEREAS, Federal law provides that a municipality may establish a work period of twenty-eight (28) consecutive days for law enforcement personnel in order to determine overtime compensation; and

WHEREAS, Federal law allows municipalities to provide for compensatory time off in lieu of monetary overtime compensation at the rate of not less than one and one-half (1 ½) hours for each hour of overtime worked; and

WHEREAS, the City Council has determined that it is in the best interest of the general welfare of the public to amend Chapter 31 of the Code by adopting Section 31.58 establishing police department work periods and Section 31.59 establishing compensatory time standards.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:**

**Section 1.** That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Code of Ordinances for the City of Cockrell Hill, Chapter 31, is hereby amended by adding Section 31.58, which shall read as follows:

**§31.58 POLICE DEPARTMENT WORK PERIOD**

In accordance with FLSA Section 207(k), a work period for non-exempt police patrol personnel is defined as 86 hours within a consecutive fourteen (14) day period. Non-

exempt police patrol employees receiving overtime pay shall be compensated for such overtime hours at the rate of one and one-half (1 ½) times their normal rate of pay for hours physically worked in excess of eighty-six hours (86) during the two week period, with time rounded to the nearest one quarter of an hour. Any time less than one quarter hour is not compensable.”

**Section 3.** The Code of Ordinances for the City of Cockrell Hill, Chapter 31, is hereby amended by adding Section 31.59, which shall read as follows:

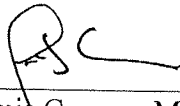
**‘§31.59 COMPENSATORY TIME**

Non-exempt employees may elect to receive compensatory time off for such overtime hours in lieu of overtime pay at the rate of one and one-half (1½) times the number of overtime hours for hours physically worked in excess of forty (40) hours (rounded to one quarter hour) in the work week. Non-exempt employees may accrue up to a maximum of eighty (80) hours of compensatory time, and all compensatory time earned must be reported on time sheets. Compensatory time leave shall be given within a reasonable amount of time so long as it is approved by the Department Head in advance. After the employee has accrued the maximum compensatory time and not used it as leave, all overtime accrued above the maximum must be paid. Accrued balances of compensatory time at separation from employment must be paid at a rate not less than the average rate received by the employee over the last three years of employment or his final rate of pay, whichever is higher.”

**Section 4.** If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 28 day of July, 2007.

  
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Luis Carrera, Mayor

ATTEST:

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Al Lagos, City Administrator

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "RFB", written over a horizontal line.

Robert F. Brown, City Attorney