

# Employment Practices

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Eric Magee  
Allison, Bass & Magee, L.L.P.

## Collective Bargaining Disclaimer

*If your county has a Collective Bargaining Agreement, please refer to the specific language in your agreement and consult with your county attorney or legal counsel, as some things discussed in this presentation may not be applicable to your County. Your county may be subject to the terms and agreements in your Collective Bargaining Agreement.*



## Objectives

- Why we have policies.
- Who has authority over policies.
- Difference in county policy and departmental policies.
- Discuss key policies and required policies.



## Purpose

- Compliance with Federal and State Laws
- Affirmative Defense
- Communicates consistent message to all employees



## Authority

# County policy vs. Departmental Policy



## Fair Labor Standards Act (FLSA)

- ▀ Policy that sets the work week/work period.
- ▀ Policy that sets when employees get paid.
- ▀ Policy saying how overtime will be paid.
- ▀ Formal adoption of partial overtime exemptions (law enforcement,) if applicable.
- ▀ Recommend FLSA Safe Harbor Policy.

## DOL Final Rule

Increases standard salary level for exempt classifications.

- **July 1, 2024**

\$844 per week (\$43,888 per year)

HCE total annual compensation level  
\$132,964

- **January 1, 2025**

\$1,128 per week (\$58,656 per year)


HCE total annual compensation level  
\$151,164

- **July 1, 2027**, next change (every 3 years)

## Highly Compensated Employees

“customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee”

**Must receive full salary within 52 weeks.**



## What does this mean?

- Audit current exempt positions.
- Increase salary or change classification to non-exempt **and** position will now earn overtime/compensatory time.
- Job requirements did not change.

<https://www.dol.gov/agencies/whd/overtime/rulemaking>



## Required Leave

- **Quarantine Leave** – peace officers, detention officers, and emergency medical technicians, still in effect “to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.” (Policy by County) LOC GOV'T § 180.009
- **Military Leave** – 15 days, 7 additional days (Policy by County)
- **Mental Health Leave** – peace officers and telecommunicators, days determined by agency. (Policy by agency) GOV'T § 614.015




## Emergency Closures

- ▀ How will employees be notified of the closure?
- ▀ Will employees be paid if they do not work?
- ▀ How will employees who work the emergency closure be paid?
- ▀ Exempt employees paid differently?
- ▀ Remote work available?



## FMLA

- ▀ Not optional.
- ▀ Policy and poster required for all Counties.
- ▀ Counties with less than 50 employees:
  - ▀ Paperwork letting employee know they are not eligible.



## Harassment

You have a policy in place, and the employee has signed an acknowledgement.

Employees are trained and educated about Harassment and how to report.

Conduct a timely and thorough fact-based investigation.

Take appropriate corrective action to stop further harassment.

Follow up to ensure behavior is not repeated.




## Texas Whistleblower Act

protects public employees who make good faith reports of violations of law by their employer to an appropriate law enforcement authority. An employer may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who makes a report under the Act.



## Best Practices

- ▀ Practice should match your written policy.
- ▀ Review, at a minimum, every five years.
- ▀ Signed Acknowledgment form by all employees
  - ▀ Policy changes, and/or every five years
- ▀ Update as needed, as laws change.
- ▀ Changes require Commissioner's Court approval.



J. Eric Magee  
Allison, Bass & Magee, L.L.P.  
1301 Nueces St., Suite 201  
Austin, Texas 78701

(512) 482-0701 Office  
(512) 480-0902 Fax  
[e.magee@allison-bass.com](mailto:e.magee@allison-bass.com)