

RESOLUTION

WHEREAS, Act 81-868, Alabama Legislature, required that any non-elected law enforcement officer in the service of the County who is assigned to duty for more than eight hours during any one day or for more than 40 hours during any calendar week shall be paid time and one-half for such excess hours worked; or he shall be given time and one-half compensatory leave, and

WHEREAS, the Jefferson County Commission incorporated the foregoing aspect of Act 81-868 in its Administrative Order 81-1 as a statement of policy for law enforcement officers, and

WHEREAS, in Act 96-664 the Legislature amended the law by abolishing the requirement to pay overtime to law enforcement officers who work more than eight hours during any one day and to compensate them according to the Fair Labor Standards Act; and

WHEREAS, to insure that law enforcement officers will be compensated according to the Fair Labor Standards Act, Administrative Order 81-1 will be rescinded.

NOW THEREFORE BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that Administrative Order 81-1 of the Jefferson County Commission, M.B. 59, pp. 197-199, is hereby rescinded effective the 20th day of March, 2004.

BE IT FURTHER RESOLVED that law enforcement officers will be compensated in accordance with the Fair Labor Standards Act and with overtime earned in a two week pay period being paid or booked as compensatory time on the next succeeding payday.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 3-18-04
MINUTE BOOK: 144
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ADMINISTRATIVE ORDER NO. 81-1

OF THE

JEFFERSON COUNTY COMMISSION

MB59
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PURSUANT TO THE AUTHORITY vested in the Jefferson County Commission by the Code of Alabama, the following administrative order is hereby issued:

PURPOSE

To establish a uniform policy for the administration and payment of overtime and allowances for Law Enforcement Officers as provided under Act No. 81-868

OVERTIME POLICY

DEFINITIONS:

"Law Enforcement Officer" - Any full time deputy sheriff in the service of a county who has the authority as such official to make arrests and who complies with the requirements of the Minimum Standards and Training Act.

"Assignment To Duty" - Actual performance of work duties. It does not include Premium Conditions.

"Premium Conditions" - Stand-by or on-call; minimum call-out, holiday allowance, court allowance.

OVERTIME POLICY:

Any non-elected law enforcement officer in the service of a Jefferson County who is assigned to duty for more than eight hours during any one day or for more than forty hours during any calendar week shall be paid time and one-half for such excess hours worked; or he shall be given time and one-half compensatory leave. In all such cases, it shall be at the sole option of the law enforcement officer whether he shall receive overtime pay or compensatory leave.

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METHOD OF COMPENSATION:

- (a) Any such law enforcement officer who works overtime during any calendar month shall on the last day of such month file in writing a statement as to his election to accept all overtime pay for such overtime or all compensatory leave for such overtime. In the event such law enforcement officer elects to receive overtime pay, such pay shall be included with his compensation for the next succeeding pay period. If he elects to receive compensatory leave, such leave may be taken at any time during the calendar year in which it is earned, except during times of emergency. Any such compensatory leave not taken during the calendar year shall be forfeited.
- (b) When an employee separates from the County, accumulated compensatory leave shall be paid at the straight time rate, unless otherwise forfeited or lost in accordance with Personnel Board Rules and Regulations.

PREMIUM CONDITIONS:

- (a) Stand-by or On-Call--An employee shall be awarded (1) one hour's credit at the straight time rate for remaining at his place of residence during an assigned (8) hour period, in order that he might respond immediately to a special duty assignment.
- (b) Minimum call-out--In the event an employee is called back to his duty station from his place of residence, he shall be awarded the greater of: (1) A minimum of two hour's credit at the straight time rate or (2) time and one-half for the actual time worked, (with time beginning at the work site and ending at the work site).
- (c) Holiday Allowance--Eight hours credit at the straight time rate shall be awarded for holidays officially recognized by the Jefferson County Commission.

(d) Court Allowance - In the event an employee is instructed to report to court during an off-duty period, he shall be awarded the greater of: (1) A minimum of two hour's credit at the straight time rate or (2) time and one-half for the actual time worked, (with time beginning at the court site and ending at the court site).

APPROVAL:

All overtime must be fully documented and approved by an authorized supervisor.

BUDGET AUTHORIZATION:

All overtime must be budgeted in advance by the Jefferson County Commission.

EFFECTIVE DATE:

Upon adoption, the terms of this Administrative Order shall be retroactive to May 28, 1981.

ORDERED AT THE COUNTY COURTHOUSE, Jefferson County, Alabama, to be effective Sept. 1, 1981



Tom Gloor, President
Jefferson County Commission