

RESOLUTION NO. 2026-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS AMENDING THE CITY OF BANDERA PERSONNEL POLICIES BY AMENDING PROVISIONS GOVERNING THE ACCRUAL OF COMPENSATORY TIME OFF; ESTABLISHING AN EFFECTIVE DATE

WHEREAS, pursuant to the Fair Labor Standards Act of 1938, Non-exempt (hourly) employees may be compensated for overtime by being given the choice payment at the rate of one and one-half times the employee's regular hourly rate, or compensatory time off (comp-time), at one and one-half times the number of hours worked, up to a maximum number of 40 accrued comp-time hours; and,

WHEREAS, certain executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to provide necessary and reasonable overtime services with no additional compensation; and,

WHEREAS, the current comp-time policy currently authorizes the accrual of compensatory time off for nonexempt and exempt of the City of Bandera; and,

WHEREAS, the City Council of the City of Bandera, Texas hereby find that it is in the best interest of the City to amend the Personnel Policies of the City of Bandera to clearly define the circumstances under which non-exempt employees may be eligible to earn compensatory time off.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA TEXAS;

Section 1. The City Council, by majority vote, hereby amends the Personnel Policies of the City of Bandera as set forth in the attached Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 28th day of April, 2026.

Mayor, Denise Griffin

ATTEST:

Jill Shelton, City Secretary

Exhibit A

Compensatory Time Hours Definition

Compensatory time may also be referred to as comp time.

Compensatory time hours shall include hours worked for the City of Bandera in excess of 40 hours in any work week.

Paid leave, such as holiday or vacation, shall not be counted in determining if compensatory time hours.

Compensatory Time Hours Qualifications

Compensatory hours and pay qualification shall be determined by the employee's position and duties.

Employees may be required to work compensatory time hours, however, employees required to work compensatory time hours shall be reasonable and in compliance with the laws governing working hours and the City of Bandera policy due to their positional duties and responsibilities and level of decision-making authority.

Compensatory time hours for employees performing law enforcement/fire protection duties is to be actual hours worked in excess of 86 in the 14-day work period, as defined by the Fair Labor Standards Act (FLSA) and its regulations.

Compensatory Time Hours Accrued

Compensatory Time Hours Accrued may also be referred to as compensatory time hours earned.

~~Exempt employees shall not accrue compensatory time hours at a rate of one and one-half times their hours worked over 40 hours of work in a workweek.~~

Compensatory time hours accrued shall not exceed 40 hours. If it is found to be at no fault of the employees that compensatory time exceeds the maximum amount, employees may request permission to accrue up to 80 hours. Department heads shall make request to City Administrator.

City Administrator shall makes request to City Council.

Nonexempt employees shall accrue compensatory time hours.

Compensatory time for law enforcement employees shall be handled in accordance with the policy for overtime compensation established, as defined by the Fair Labor Standards Act (FLSA) and its regulations.

Compensatory Time Hours Used

Compensatory time may be used for any purpose desired by the employee; however the City of Bandera shall have the right to require employees to use earned compensatory time at the convenience of the City.

City Administrator and department heads shall be responsible for ensuring each employee is using compensatory time accrued as soon as possible after earning it.

Exempt Employees

~~Compensatory time hours accrued shall be used within 3 months of accrual or it will be forfeited. If it is found to be at no fault of the employees that compensatory time was not used in a timely manner, employees may request permission to extend up to 6 months. Department heads shall make request to City Administrator. City Administrator shall makes request to City Council.~~

Nonexempt Employees

Compensatory time hours accrued shall be used within 3 months of accrual or get bought back by the City. If it is found to be at no fault of the employees that compensatory time was not used in a timely manner, employees may request permission to extend up to 6 months.

Buyback of Compensatory Time for Nonexempt Employees

The City of Bandera shall retain the right to buy back all or part of the employee's accrued compensatory at the rate of one and one-half the employee's calculated hourly rate. This is not a "buyback" but really a limit on how many hours you will allow employees to take in comp time; the rest must be paid out if it was worked.

Compensatory Time Hours Accrued at Termination

The City of Bandera shall retain the right to pay or not to pay all or part of the employee's accrued compensatory at the rate of one and one-half the employee's calculated hourly rate at the time of termination.