



## Personnel Policies

CITY OF WESLACO,  
TEXAS

### DISCRETIONARY TIME

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This policy applies to exempt employees only.

Exempt employees may be required to work in excess of forty (40) hours in a certain work week and are expected to work as necessary to complete their job assignments. Exempt employees receive their salary for any week in which they perform any work, without regard to the number of days or hours worked.

A Department Head may grant discretionary time off in recognition of hours worked by an exempt employee, if the departmental workload allows. Discretionary leave for exempt personnel is not a right and is not provided on an hour-for-hour basis. Exempt employees wishing to take more than two (2) hours of discretionary time are required to obtain advance approval from the City Manager through their Department Head. There will be no monetary reimbursement made for discretionary time for exempt employees at separation or at any other time, regardless of the circumstances.

“Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the Human Resources Director.

The City is not to make improper deductions from an exempt employee’s pay. Any exempt employee who believes an improper pay deduction has been made must immediately notify the Human Resources Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

The Human Resources Department is responsible for ensuring that all employees are paid in accordance with federal and state laws.

The Finance Department is also responsible for ensuring that all employees are paid in accordance with federal and state laws. It receives requests for payroll adjustments, processes adjustments and communicates with employees and departments regarding FLSA compliance.

Department Heads or designees are responsible for reviewing and approving exempt employees' time each week; for reviewing various workday reports to ensure correct and timely payment for hours worked; for acquiring written authorizations from employees requesting leave without pay and submitting them to Human Resources before leave is approved.

Exempt employees are responsible for submitting any complaints in writing if they believe their pay is incorrect. The complaint should include the dates and circumstances of the pay deduction and whether it has occurred on other occasions.

Pursuant to Title 29 CFR §541.710 Employees of public agencies:

- An employee of a public agency who otherwise meets the salary basis requirements of § 541.602 shall not be disqualified from exemption under §§ 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:
  - (1) Permission for its use has not been sought or has been sought and denied;
  - (2) Accrued leave has been exhausted; or
  - (3) The employee chooses to use leave without pay.

Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced. Other allowable deductions:

- Deductions for unpaid leave taken in accordance with a legitimate absence under the Family Medical Leave Act; unless accommodations are approved by the City Manager.
- Unpaid disciplinary suspensions of one or more full days.
- Deductions for the first and last week of employment, when only part of the week is worked by the employees.

An exempt employee shall not be paid for any work day in which no work was performed, unless accrued leave time is used.

This policy shall be reviewed every five years or sooner if necessary by the Human Resources and the Finance Departments.