

THE STATE OF TEXAS

POLICIES  
AMENDMENT TO PERSONNEL MANUAL  
UNIFORM PAY POLICY  
BUDGET

COUNTY OF COLLIN

On **October 12, 2000**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

**Ron Harris**  
**Phyllis Cole**  
**Jerry Hoagland**  
**Joe Jaynes**  
**Jack Hatchell**

**County Judge, Presiding**  
**Commissioner, Precinct 1**  
**Commissioner, Precinct 2**  
**Commissioner, Precinct 3**  
**Commissioner, Precinct 4**

During such session the court considered for approval the amendment of the Personnel Manual to include the County Uniform Pay Policy.

Thereupon, a motion was made, seconded and carried with a majority vote of the court to amend the Personnel Manual to include the Uniform Pay Policy to read as follows: "The salary of county employees as based upon a 40-hour week unless otherwise noted. Upon failure to accumulate 40 hours of approved time, the employee shall be compensated at a pro-rata hourly rate. Approved time shall be calculated according to pay provisions incorporated in the adopted budget." Same is hereby approved in accordance with the attached documentation.

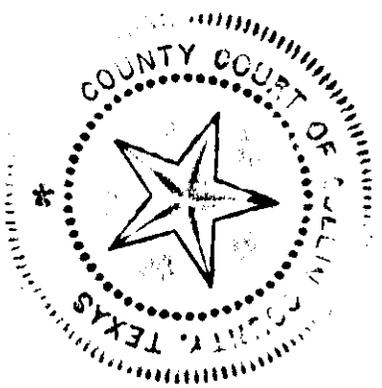
  
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Ron Harris, County Judge

  
\_\_\_\_\_  
Phyllis Cole, Commissioner, Pct. 1

  
\_\_\_\_\_  
Jerry Hoagland, Commissioner, Pct. 2

  
\_\_\_\_\_  
Joe Jaynes, Commissioner, Pct. 3

  
\_\_\_\_\_  
Jack Hatchell, Commissioner, Pct. 4



**ATTEST:**

  
\_\_\_\_\_  
**Helen Starnes, Ex-Officio Clerk**  
**Commissioners' Court**  
**Collin County, T E X A S**



**Budget**  
Rodney Rhoades, Budget Officer

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**DATE:** October 5, 2000  
**TO:** Commissioners Court  
**FROM:** Rodney Rhoades  
**SUBJECT:** County Uniform Pay Policy

The following is the County Uniform Pay Policy, to be included as part of the Collin County Personnel Manual:

“The salary of county employees as based upon a 40-hour week unless otherwise noted. Upon failure to accumulate 40 hours of approved time, the employee shall be compensated at a pro-rata hourly rate. Approved time shall be calculated according to the pay provisions incorporated in this budget.”

The opinion from Jim Allison indicates this will allow the Court to set the hours to be worked in establishing a department’s payroll line item.

attachments

ALLISON, BASS & ASSOCIATES, L.L.P.

RECEIVED  
COMMISSIONER'S COURT

*Attorneys at Law*

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1999 DEC -2 PM 1:55  
JAMES P. ALLISON  
ROBERT T. BASS

C. REX HALL, JR.  
PAUL D. PALMER  
VANESSA A. GONZALEZ

November 25, 1999

VIA FACSIMILE (972) 548-4699  
and REGULAR MAIL

Hon. Ronald L. Harris  
Collin County Judge  
210 S. McDonald St., Ste. 626  
McKinney, Texas 75069

RE: County Employee Compensation

Dear Judge Harris:

Pursuant to your request, we have reviewed Section 8.12 of the Collin County Policy Manual and the additional materials submitted to determine the application of Attorney General Opinion JC-0131 to this policy. Based upon these materials and other applicable authority, we submit the following comments and suggestions.

Attorney General Opinion JC-0131 holds that in counties with a population under 355,000, each elected official determines the hours of work of employees within the official's department. This opinion also concludes that the commissioners court has the authority to set the compensation and benefits of county employees, including vacation leave and paid holidays. Citing Attorney General Letter Opinion 94-082, the opinion finds that the commissioners court "could not reduce the salaries of the clerk and the clerk's deputies except in accordance with the regular statutory budget procedure." Applying these authorities to the issues of office closures, AG Opinion JC-0131 concludes "Thus, once the salaries of county officers and employees are set, the salaries may not be reduced, outside of the regular budget adoption and amendment process, to account for office closures." (Emphasis supplied). The opinion further concludes that the county auditor may not unilaterally withhold payment of an employees salary because of an office closure.

We believe that Attorney General Opinion JC-0131 correctly states the current law and outlines the proper procedure for adopting and enforcing a salary reduction for failure to perform duties. We are aware that most counties operate on a uniform office schedule by consent of the elected officials. This system operates to the benefit of the public and insures efficient use of the taxpayers funds. However, if an elected official

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fails to adhere to the uniform schedule, the commissioners court may address the compensation issue through the county budget.

If the county budget contains no provisions to determine the rate of compensation, an employee is paid the annual salary in equal, periodic payments. However, the budget may require that the salary be paid for performance of certain hours of work, i.e., 40 hours per week for full-time employees. These provisions may be adopted by the commissioners court at any time by budget amendment.

Therefore, if the commissioners court intends that county employees be paid on a uniform basis for holidays, inclement weather closures, and other leave, the county pay policy should be adopted as an amendment to the county budget with the following language:

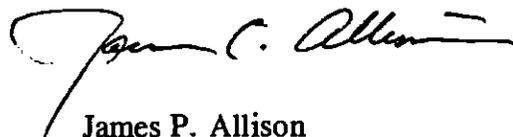
"The salary of county employees are based upon a 40-hour week unless otherwise noted. Upon failure to accumulate 40 hours of approved time, the employee shall be compensated at a pro-rata hourly rate. Approved time shall be calculated according to the pay provisions incorporated in this budget."

Finally, an employee salary is a claim against the county. These claims are often supported by a time sheet submitted by the employee and approved by a supervisor. However, these time sheets are not conclusive evidence of the accuracy of the claim. If the county auditor or commissioners court have good cause to believe that a claim is not valid under the applicable statutes and the county budget, either may deny the claim completely or approve only the portion that is authorized under the statutes and budget.

As we stated earlier, most counties utilize a uniform policy on courthouse office schedules. This provides continuity and predictability for both the public and county employees. Upon adoption of a separate budget provision as outlined above, individual elected officials may still deviate from the uniform office schedule policy. However, their employees will not be compensated for these hours.

If you have any questions, please call me.

Sincerely,



James P. Allison

JPA/mm  
COLLIN/CONSULT/Harris 001