

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF                   §                   Entered September 13, 1996  
COMPENSATORY TIME               §  
FOR COURT EMPLOYEES           §                   GENERAL ORDER NO.    H-1996-7

Under Volume I, Chapter X, Subchapter 1550.2, Compensatory Time for Court Employees of *The Guide to Judiciary Policies and Procedures*, the United States District Court for the Southern District of Texas authorizes the Judges of this Court, the Office of the Clerk, the United States Probation Office and the United States Pretrial Services Office to implement the following compensatory time policy. The court unit executives shall be excluded from compensatory time use.

Each policy shall:

- a) Be in writing and clearly state that the policy is not subject to provisions of the Fair Labor Standards Act (FLSA) of 1938, as amended, nor to the premium pay provisions found in Title 5, United States Code.
- b) State that compensatory time is not available to the court unit executive, senior managers and any other group of employees determined by the court or by the court unit executive.
- c) State that compensatory time may be earned only for work ordered or approved by the court unit executive or designee in advance of the extra time being worked.
- d) State that compensatory time may be credited only for hours worked in excess of an employee's normal dally work schedule or in excess of the normal administrative work schedule of 80 hours per pay period. Travel on official business outside of normal work hours is not creditable as compensatory time, but travel outside the contiguous United States may be credited at the discretion of the court unit executive or designee.
- e) State that only one hour of compensatory time may be earned for each hour of approved additional time worked, and that compensatory time shall be accrued, recorded, and used in one-hour increments.
- f) State that compensatory time off must be used within one (1) month of being accrued or automatically forfeited, providing that court unit executives or their designees may decree a shorter usable period and may also place a limit on the maximum

number of hours which may be accrued.

- g) State that employees must use accumulated compensatory time before using any accrued annual leave that may be available to them in order to encourage prompt usage of accrued compensatory time.
- h) State that the use of accrued compensatory time requires the approval of the court unit executive or designee in the same manner as annual leave.
- i) State that payment of monetary compensation for unused compensatory time off is prohibited.
- j) State that, as required by 5 U.S.C. § 5550, an employee whose personal religious beliefs require abstention from work during certain recurring or occasional periods of time may elect to engage in overtime work for time lost for meeting those religious requirements. To the extent that such schedule modifications do not interfere with the efficient accomplishment of an organization's mission, the court unit executive or designee shall afford the employee the opportunity to work compensatory overtime on an hour-for-hour basis and shall grant compensatory time off for religious observances when requested. The employee may work this compensatory overtime before or after the grant of compensatory time off. A grant of advanced compensatory time off should be repaid by the appropriate amount of compensatory overtime work within a reasonable amount of time.
- k) State the manner in which records on accrual and disposition of compensatory time are handled, with the proviso that records shall be subject to the same internal controls as other time, attendance, and leave records.

SIGNED at Houston, Texas this 13th day of September, 1996.

\Signed\  
NORMAN W. BLACK  
CHIEF JUDGE  
United States District Court