

JAN 24 2009

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

Michael N. Milby, Clerk  
By Deputy Clerk *Rhonda Hawkins*

IN THE MATTER OF §  
COMPENSATORY TIME POLICY §  
FOR COURT EMPLOYEES § GENERAL ORDER NO. 2009-02

ORDER

The United States District Court for the Southern District of Texas hereby 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 pursuant to Volume 1, Chapter 10, Subchapter 1550.2, Compensatory Time for Court Employees of The Guide to Judiciary Policies and Procedures:

Compensatory Time Policy

The judges of this Court, the Office of the Clerk, the United States Probation Office and the United States Pretrial Services Office implement the following compensatory time policy. The provisions of this policy do not apply to court unit executives, senior managers, employees not covered by the Leave Act, or any other group of employees as determined by the court or a court unit executive.

1. This 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.
2. 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.
3. Compensatory time may be credited only for hours worked in excess of an employee's normal daily 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 creditable as compensatory time at the discretion of the court unit executive or designee.
4. Compensatory time is to be accrued, recorded, and used in fifteen minute increments.
5. Compensatory time off must be used within thirty (30) days of being accrued or it will automatically be forfeited. Court unit executives or their designees may extend the usable period (up to a year) and may also place a limit on the number of hours that may be accrued.

6. Accumulated compensatory time must be used before accrued annual leave is used, in order to encourage prompt usage of accrued compensatory time.
7. Use of accrued compensatory time requires the advance approval of the court unit executive or designee in the same manner as annual leave.
8. Payment of monetary compensation for unused compensatory time off is prohibited.
9. 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 time and shall grant compensatory time off for religious observances when requested. The employee may work this compensatory time before or after the grant of compensatory time off. A grant of advanced compensatory time off should be repaid by the same amount of compensatory time within a reasonable amount of time.
10. It is the responsibility of the employee to accurately record all compensatory time worked on the "Earned Compensatory Time Request" form and acquire the approval of the court unit executive or designee. The employee shall accurately track all compensatory time used and timely acquire the approval of the court unit executive or designee.
11. For purposes of this policy, the following definitions apply:
  - a. "Court" means a judicial branch entity presided over by a chief judge: e.g., Appeals Court, District Court, Bankruptcy Court.
  - b. "Court unit" means a judicial branch entity headed by a court unit executive.
  - c. "Court unit executive" means a judicial officer or an official such as clerk of court, chief probation officer, chief pretrial services officer, senior staff attorney, chief preargument attorney or position of similar rank.

Signed this 24 day of Jan, 2009.

  
HAYDEN HEAD  
CHIEF JUDGE