

**STARKE COUNTY COMMISSIONERS RESOLUTION 2020- 001  
AMENDING RESOLUTION 2016-0502  
REGARDING SECTION 207(k) OF THE FLSA  
APPLICABLE TO COUNTY EMPLOYEES  
ENGAGED IN LAW ENFORCEMENT ACTIVITIES**

WHEREAS, pursuant to Resolution 2016-0502 the Board of Commissioners of Starke County, Indiana (the "Commissioners") declared their election to adopt the Fair Labor Standards Act ("FLSA") partial overtime exemption set forth 29 U.S.C. § 207(k) (hereinafter called "§ 207(k)") to apply to county employees of the Starke County Sheriff's Department engaged in law enforcement activities, including any uniformed or plain-clothed member of a body of officers and subordinates who are empowered by State statutes or local ordinance to enforce laws, and security personnel in correctional; and,

WHEREAS, the § 207(k) election is applicable all such employees engaged in law enforcement activities who are otherwise non-exempt under the FLSA; and,

WHEREAS, after several years of operation under the § 207(k) election, the Starke County Sheriff, in person and by his staff, have requested certain amendments to the policies and procedures for implementing the § 207(k) election, as described below.

The Commissioners, being duly advised, hereby AMEND Resolution 2016-0502 as follows:

1. **Amendment to Section 6.** Section 6 of Resolution 2016-0502 provided that "[C]ompensatory time earned for each year must be used prior to November 1 of each calendar year, except that up to ten (10) hours may be carried over."

Section 6 of Resolution 2016-\_\_\_ is hereby rescinded and replaced with the following: "[C]ompensatory time earned for each calendar year must be used prior to January 1 of the following calendar year, except that up to ten (10) hours may be carried over."

2. **Section 7 (NEW).** Resolution 2016-0502 is hereby amended to add the following new section:

**Section 7.** Compensatory time in excess of ten hours accrued but unused at the end of the calendar year and that therefore cannot be carried over to the next calendar year shall be paid to the employee at the ordinary rate (because the compensatory time already includes the 1.5 hour overtime rate).

Employees are cautioned to avoid accumulating excessive compensatory time hours. Employees must be aware that county government works within strict budgetary constraints and that excessive and unexplained accumulation of unused compensatory time is contrary to county policy, and is also contrary to the purpose of offering compensatory time. Therefore employees are cautioned that excessive accumulation of compensatory time may be considered as the basis for a disciplinary action.

ALL OF WHICH IS HEREBY RESOLVED this 6<sup>th</sup> day of January, 2019 by the following vote.

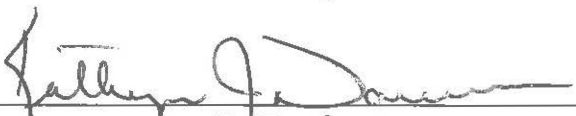
COMMISSIONERS OF STARKE COUNTY

VOTE

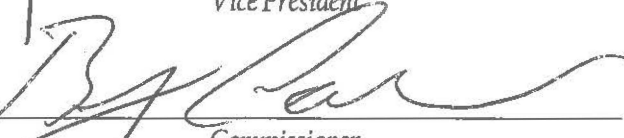
yes

  
\_\_\_\_\_  
President


yes

  
\_\_\_\_\_  
Vice President

YES

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_

Rachel Oesterreich, Auditor  
Of Starke County Indiana