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**TORRANCE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION NO. 2024- 17**

**A RESOLUTION SETTING LAW ENFORCEMENT PERSONNEL OVERTIME THRESHOLD, SUPERSEDING RESOLUTION 2024-02, AND MAINTAINING THE FLSA § 7K EXEMPTION**

**WHEREAS**, in the course of providing services to the people of Torrance County, it is imperative that the Torrance County Sherriff's Office provide 24-hour service; and

**WHEREAS**, law enforcement personnel include certified deputy sheriffs employed by Torrance County; and

**WHEREAS**, Section 13(b)(20) of the Fair Labor Standards Act (FLSA) provides an overtime exemption to law enforcement employees of a public agency for a 43-hour, 1-week work period, or an 86 hour, 2-week pay period; and

**WHEREAS**, Public Employee Retirement Association Benefits do not accrue based on overtime payments to employees; and

**WHEREAS**, Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period basis" which may be from 7 consecutive days to 28 consecutive days in length, during which overtime pay may be required after a threshold number of hours worked; and

**WHEREAS**, the Board of County Commissioners understands the need to compensate its law enforcement personnel with competitive wages, and understands that it may voluntarily pay overtime at a lower threshold than that allowed by the FLSA.

**NOW, THEREFORE BE IT RESOLVED** that the Torrance County Board of County Commissioners maintains its declaration that it avails itself of the FLSA § 7(k) exemption for the Torrance County Sheriff's Office for certified deputies as stated in Resolution No. 2024-02, with an FLSA overtime threshold of 86 hours in a 14-day work period; and

**BE IT FURTHER RESOLVED** that Torrance County shall voluntarily pay its law enforcement personnel at an overtime rate of time plus one half for hours worked above 40 hours during a 7-day work period for that department; and

**BE IT FURTHER RESOLVED** that wages reported to PERA shall be reported on the 40-hour week basis; and

**BE IT FURTHER RESOLVED** that this Resolution supersedes Resolution 2024-02.

**DONE THIS 24th DAY OF APRIL, 2024.**

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**APPROVED AS TO FORM ONLY:**

*Michael I. Garcia*  
Michael I. Garcia, County Attorney

Date: 4.24.24

**BOARD OF COUNTY COMMISSIONERS**

*Ryan Schwebach*  
Ryan Schwebach, Chair, District 2

*Kevin McCall*  
Kevin McCall, Vice Chair, District 1

*Samuel D. Schropp*  
Samuel D. Schropp, Member, District 3

**ATTEST:**

*Linda Jaramillo*  
Linda Jaramillo, County Clerk

Date: 4/24/24





TORRANCE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2024- 02

LAW ENFORCEMENT PERSONNEL FLSA §7K EXEMPTION

**WHEREAS**, in the course of providing services to the people of Torrance County, it is imperative that the Torrance County Sheriff's Office provide 24-hour service; and

**WHEREAS**, law enforcement personnel include certified deputy sheriffs employed by Torrance County; and,

**WHEREAS**, Section 13(b)(20) of the Fair Labor Standards Act (FLSA) provides an overtime exemption to law enforcement employees of a public agency for a 43-hour, 1-week work period, or an 86 hour, 2-week pay period; and,

**WHEREAS**, Public Employee Retirement Association Benefits do not accrue based on overtime payments to employees; and

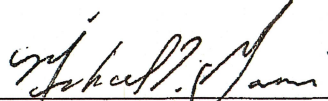
**WHEREAS**, Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period basis" which may be from 7 consecutive days to 28 consecutive days in length, during which overtime pay may be required after a threshold number of hours worked,

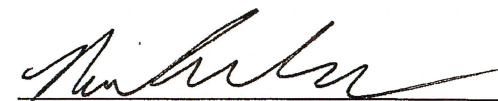
**NOW, THEREFORE BE IT RESOLVED** that the Torrance County Board of County Commissioners declares that it avails itself of the FLSA § 7(k) exemption for the Torrance County Sheriff's Office for certified deputies, declaring an 86-hour overtime threshold for a 14-day work period for that department; and **BE IT FURTHER RESOLVED** that wages reported to PERA shall be reported on this basis.

**DONE THIS 10th DAY OF JANUARY, 2024.**

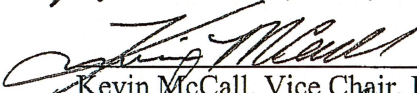
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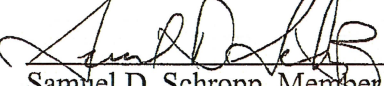
BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Michael I. Garcia, County Attorney

  
\_\_\_\_\_  
Ryan Schwebach, Chair, District 2

Date: 10 Jan 24

  
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Kevin McCall, Vice Chair, District 1

  
\_\_\_\_\_  
Samuel D. Schropp, Member, District 3

ATTEST:

  
\_\_\_\_\_  
Linda Jaramillo, County Clerk

Date: 1-10-2024

