

**TEXAS DEPARTMENT OF PUBLIC
SAFETY
INTEROFFICE MEMORANDUM**

DATE: _____

TO: Chief Colley

FROM: Janice Bruno, Administrator SAA

SUBJECT: TDEM-SAA Information Bulletin No. 15 (Operation Stonegarden)

The attached IB for your signature covers a lot of things discovered in looking at Operation Stonegarden reimbursement requests.

1. Overtime not being paid in a timely manner and in conformity with the fair labor standards rules.
2. Sheriff's Offices and Police Departments not getting payroll information from their county or city payroll offices.
3. The same offices not letting the accounting functions in the county or city know how much money they were requesting in reimbursement for cost.
4. Suspicious amounts of overtime.
5. Alert grantees to new vehicle reimbursement rates for 2010 and procedures. Some grantees are requesting mileage reimbursement and also reimbursement for tires and oil changes.
6. Ask for documentation on how grantees are requesting reimbursement for boat usage.

After distribution the SAA will schedule a conference call to answer any questions or concerns.



**TDEM – SAA Information Bulletin
No. 15
January 11, 2010**

To: All Texas State Homeland Security Grant Program, Operation Stonegarden Points of Contact

From: Jack Colley
Assistant Director / Chief, Texas Division of Emergency Management 

Subject: Operation Stonegarden Procedures

The SAA has reviewed reimbursement requests from the jurisdictions using Operation Stonegarden in the last year. This bulletin provides guidance and procedures for Operation Stonegarden grants effective January 1, 2010.

1. Overtime earned by individuals being paid from the Operation Stonegarden grant will be paid at the rate of one and one half times their regular rate plus approved fringe benefit rate.
 - a. Fringe benefits are allowable if they are a function of earnings. Examples include workers compensation, unemployment tax, FICA, pension or Medicare.
 - b. Unallowable benefits would be those that do not vary with amount of salary earned. Examples include health care premiums, clothing allowance, phone allowance, etc.
2. In compliance with federal wage and hour laws, overtime will be paid by the jurisdiction during the pay period the overtime was earned or the very next pay period, not at some later time or after the SAA reimburses the jurisdiction for the overtime reimbursement request. Hardship letters will not be accepted for overtime reimbursement request.
3. Overtime accrual will be determined by the current policy used by the jurisdiction. For instance:
 - a. Some jurisdictions pay overtime to their law enforcement employees at the same rate they pay their non-law enforcement employees (overtime after 80 hours of work in a two week pay period).

- b. Other jurisdictions start overtime for law enforcement employees only after 86 hours of work as allowed by the federal fair labor standards.
 - c. Some jurisdictions pay overtime even if vacation, sick leave or holidays occur and a total of 80 or 86 hours of work was not performed,
 - d. Other jurisdictions pay overtime only if the 80 or 86 hours of work is actually performed.
4. The SAA takes no position on how operational units deploy their personnel but care should be taken to insure personnel have sufficient rest to be effective when they are on duty. For example, the SAA has noticed some jurisdictions have indicated on their pay documentation that officers have worked a regular eight hour shift, worked four hours of overtime for the jurisdiction and then worked six hours of Operation Stonegarden overtime in a single day for a total of 18 hours of work in a 24 hour period. The next day the pay documentation indicates the officer then worked a regular shift of eight hours plus another six hours of Operation Stonegarden overtime for a total of 14 hours the day after working 18 hours.
5. Pay documentation and request for reimbursement needs to come from the operational unit (sheriff's office/police department) but needs to have payment information from the jurisdiction payroll function (county treasurer/auditor, city finance department/payroll office) attached. The SAA cannot verify request for overtime reimbursement for Operation Stonegarden grants without the appropriate payroll documentation that the overtime was actually paid. Jurisdiction finance operations cannot verify that the amount being received as reimbursement is correct unless the reimbursement request passed through them on the way to the SAA. All documentation provided in the reimbursement request packet should match the reimbursement form.
6. Effective January 1, 2010 the IRS mileage rate is .50 (in 2009 it was .55). Please use this rate when seeking reimbursement for mileage. Also effective January 1, 2010, jurisdictions may not claim mileage and vehicle maintenance at the same time. If fuel, oil changes and tires are claimed you may not also claim mileage allowance of .50 per mile. Other vehicle reimbursements will be governed by the approved Operations Orders the jurisdiction submitted when applying for the Operation Stonegarden Grant.
7. Fuel for boats will be reimbursed when the jurisdiction includes documentation for cost along with hours used.

If you have any additional questions, please feel free to contact the Texas Division of Emergency Management (TDEM)/State Administrative Agency (SAA) by e-mail at SAA@txdps.state.tx.us or by fax at (512) 206-3137.