

EL PASO COUNTY SHERIFF'S OFFICE



CIVIL SERVICE COMMISSION

**SPECIAL MEETING AGENDA
1:30 P.M. MONDAY, SEPTEMBER 17, 2018
SHERIFF'S HEADQUARTERS
3850 JUSTICE ROAD
SHERIFF'S CONFERENCE ROOM
EL PASO, TEXAS 79938**

FILED FOR RECORD
IN MY OFFICE
2018 AUG 31 PM 4:35
D. Williams
COUNTY CLERK
EL PASO COUNTY, TEXAS

**Chair
Fermin Acosta Jr.**

**Commissioners
Maria Elvira Williams
Bertha A. Gallardo**

OPEN MEETING

NOTICE TO THE PUBLIC

All matters listed under the Consent Agenda will be considered by the Civil Service Commissioners to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Court or persons in the audience request that specific items be removed from the Consent Agenda to the Regular Agenda for discussion prior to the time the Court votes on the motion to adopt the Consent Agenda.

All matters listed on the Consent or Regular Agenda may be discussed in executive session at the option of the El Paso County Civil Service Commission and following oral announcement, if an appropriate exception to the open meeting requirement of the Texas Open Meetings Act is applicable.

PUBLIC COMMENT

Speaker's choice: Five (5) minutes per person during this segment regarding any items or three (3) minutes per person on each item as it appears on the agenda. The same will apply to any interest group consisting of three or more representatives.

CONSENT AGENDA

1. Approve the minutes of the Special Meeting for the Sheriff's Civil Service Commission on February 27, 2018.
-- Ludy Velo, Human Resources

REGULAR AGENDA

2. Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 7 *Employment – Equal Employment Opportunity*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
3. Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 11 *Employment – Re-Employment*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
4. Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 15 *Employment – Overtime General*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
5. Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 17 *Employment – Records of Overtime Worked*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
6. Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 2 *Leave Policies – Sick Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
7. Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 3 *Leave Policies – Vacation Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
8. Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 7 *Leave Policies – Funeral Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
9. Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 4 *Promotional Procedures – Promotion of Non-Uniformed Personnel*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources

10. ADJOURN

**EL PASO COUNTY SHERIFF'S OFFICE CIVIL SERVICE COMMISSION:
NOTICE: CHANGE OF RULES**

POSTED: Friday, August 31, 2018 – by 5:00 pm

In accordance with Sec. 1.4.01 of the Civil Service Commission, this notice contains the proposed changes regarding sections in the Civil Service Commission Rules & Regulations. They will be discussed and appropriate action will be taken at the following special meeting:

**Monday, September 17, 2018
El Paso County Sheriff's Headquarters
(Sheriff's Conference Room)
3850 Justice Road
1:30 pm**

Proposed Change #1: Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 7 *Employment – Equal Employment Opportunity*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

2.7.01 It is the Office's Policy to provide equal employment to all applicants. As a result the County will recruit, hire, and promote in all job classifications without regard to race, color, sex, religion, creed, gender, sexual orientation and gender identity/expression, age, national origin, disability, ancestry, marital status, pregnancy, veteran status, genetic information, or any other legally protected characteristic, to ensure compliance with El Paso County Affirmative Action Plan and any applicable Federal and/or State statutes. Political affiliation; and, to assure that all other matters affecting employees, including compensation, benefits, transfers, demotion, layoffs, returns from layoff, Sheriff's Office sponsored training, social and recreation programs, will be administered without regard to race, color, creed, sex, gender, sexual orientation and gender identification, age, national origin, disability, or political affiliation.

2.7.02 The preceding policy, however, is not to be construed to prohibit the Office from establishing "bona fide occupational qualifications" that are relate to physical or mental abilities required to perform a job. In compliance with the El Paso County Affirmative Action Plan and any applicable Federal and/or State statutes.

Proposed Change #2: Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 11 *Employment – Re-Employment*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

2.11.01 If not more than six (6) months break in service has transpired, the employee, subject to hiring and selection criteria, may be reinstated in his old classification, if a vacancy is available, and may be reinstated to his old grade and level upon order of the Sheriff.

2.11.01 Former employees who separated from service in good standing shall be eligible for re-employment within the County.

A. If not more than six (6) months break in service has occurred, and the position the employee last vacated is vacant, an employee may be reinstated to the grade and step upon which they previously separated, if a vacancy is available, upon recommendation of the Sheriff.

(1) Reinstated employees shall be placed at the same accrual rates for sick leave and vacation leave, if the following conditions are met:

a. The employee left of his own accord through voluntary resignation; and

b. The employee's break in service was no longer than six (6) months.

B. Candidates for re-employment are subject to the same employment procedures as any other applicant pursuing employment with the County and shall refer to alternate County policies.

C. A former County employee may not be re-employed or reinstated if he/she was dismissed or resigned in lieu of dismissal. Breaks in service due to dismissal are to be handled on case by case basis depending on the circumstance of the discharge and its final resolution.

Proposed Change #3: Discuss and take appropriate action to approve recommended changes to Chapter 2 Section 15 *Employment – Overtime General*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

2.15.01 Overtime work, overtime pay, and compensatory time shall be based on policy established by the Sheriff and the El Paso County Commissioners Court in accordance with provisions of FLSA.

2.15.02+ Based on available budgeted funds allocated to a line item for overtime, specifying tasks to be accomplished, and with prior certification by the County Auditor that funds are available for tasks to be performed, and where compensatory time off is impractical or not authorized under FLSA, overtime pay is authorized for eligible County employees who are required to work in excess of a forty (40)-hour week. Except for bargaining unit employees, compensatory time may be substituted for overtime pay.

2.15.032 Overtime must be for work ordered, or approved in advance by the Sheriff, or his designee. Overtime pay is allowed only when funds are appropriated by El Paso County Commissioners Court.

2.15.04 Employees eligible to receive overtime pay are employees classified a non-exempt as defined by the provisions of the FLSA.

2.15.05 Employees generally ineligible to receive overtime pay are those defined by job functions as exempt as defined by the provisions of the FLSA unless overtime pay is expressly approved by El Paso County Commissioners Court.

2.15.06 The appropriate supervisor shall keep all necessary records relating to overtime, such as each instance of overtime worked the reason therefore, and will supply the Auditor's Office such information each pay period.

2.15.07 Overtime provided pursuant to a Collective Bargaining Agreement exclusively governs the overtime provided thereby to affected employees.

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Proposed Change #4: Discuss and take appropriate action to approve recommended changes to Chapter 2 Section 17 *Employment – Records of Overtime Worked*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

2.17.01 ~~_____~~ The appropriate supervisor shall keep all necessary records relating to overtime, such as each instance of overtime worked. Supervisor files may be subject to an internal audit.

Proposed Change #5: Discuss and take appropriate action to approve recommended changes to Chapter 5 Section 2 *Leave Policies – Sick Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

5.2.01 ~~_____~~ All full time, regular non-exempt ~~_____~~ elected employees are granted time off with pay in the event of personal illness or illness in the immediate family. This covers all physical disabilities, including maternity. ~~_____~~ eligible to use accrued sick leave with pay when the employee is unable to perform his duties because of illness, injury, or other temporary disability.

5.2.02 ~~_____~~ Sick leave is accumulated from the date of employment for all full time regular non-elected employees at the rate of 3.077 hours per pay period. Maximum accumulation is ninety (90) days.

5.2.03 ~~_____~~ The use of paid sick leave is authorized only for an employee who has completed 90 calendar days ~~_____~~ three (3) months of full-time service.

5.2.04 ~~_____~~ To be eligible for paid sick leave, the employee is required to notify his/her supervisor at the beginning of the workday, at least one hour prior to the scheduled reporting time, unless exigent circumstances exist. Absences of three (3) or more consecutive workdays for sick leave or dependent illness must be verified by a licensed physician. Written verification, in the form of a certificate or statement, must be presented to the supervisor upon returning to work. Written verification may also be required for any illness or injury if sick leave abuse is suspected.

5.2.05 ~~_____~~ Use of accumulated paid sick leave shall be authorized should a member of the immediate family be ill ~~_____~~ or injured.

5.2.06 ~~_____~~ Payment for accumulated sick leave is not authorized after notice of separation except for employee's covered as outlined in by the Agreement between El Paso County and the El Paso County Sheriff's Officers Association.

5.2.07 ~~_____~~ Immediate family member is defined for purposes of this policy as: spouse, registered domestic partners, children, parents, grandparents, grandchildren, siblings, guardianship relationship, and in-laws and step/half relationships with the same degree.

5.2.08 ~~_____~~ In the event the employee's sick leave balances are depleted, the employee may qualify for sick leave donations in accordance with the County's Sick Leave Pool Program.¹

5.2.09 ~~_____~~ Accrual Rates

~~_____~~ The Sheriff may choose to link non-protected² employee absences due to sick leave to their performance evaluations. While the Sheriff retains discretion to establish internal procedures regarding acceptable absences standards, a recommended matrix is below:

_____	Exceeds Standards rating:	0 to 24 hours
_____	Meets Standards rating:	24.01 to 40 hours
_____	Below Standards rating:	40.01 + hours

¹ See the Sick Leave Pool policy for further details.

² Protected sick leave refers to that which is protected by FMLA, ADA, Workers Compensation or any

other legally protected time.

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Proposed Change #6: Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 3 *Leave Policies – Vacation Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

5.3.01 Regular full-time and part-time non-elected employees shall be eligible to use vacation leave with pay after ~~six (6) months~~ 180 days of continuous service with the County.

5.3.02 Based on years of service to the County³, ~~full-time-non-elected~~ employees, other than employees covered by the agreement between The County of El Paso, Texas and the El Paso County Sheriff's Officers Association shall accrue vacation leave at the following rates:

FULL-TIME EMPLOYEE:

YEARS

ACCRUAL RATE

up to 5 years

~~10 working days~~ 80 hours per year earned at the rate of 3.077 hours per pay period, up to a maximum of 160 hours.

5 thru 15 years

~~15 working days~~ 120 hours per year earned at the rate of 4.616 hours per pay period, up to maximum of 240 hours.

15 years or more

~~20 working days~~ 160 hours per year, earned at the rate of 6.154 hours per pay period, up to a maximum of 320 hours.

PART-TIME EMPLOYEE:

YEARS

ACCRUAL RATE

up to 5 years

~~5 working days~~ 40 hours per year, earned at the rate of 1.539 hours per pay period, up to a maximum of 320 hours.

5 thru 15 years

~~7.5 working days~~ 60 hours per year, earned at the rate of 2.308 hours per pay period, up to a maximum of 120 hours.

15 years or more

~~10 working days~~ 80 hours per year, earned at the rate of 3.077 hours per pay period, up to a maximum of 160 hours.

5.3.03 Vacation leave may be accumulated up to a maximum of two (2) times the annual vacation benefit depending on the length of service. Days earned in excess of the accrued limit will be forfeited.

5.3.04 An employee must request vacation leave in advance from the Sheriff or his designee. The Sheriff may establish a policy regarding the procedure employees must follow to submit requests for vacation time. Requests for annual leave will not be unreasonably denied; however, Office operations must be considered in granting requests.

³ See the Reemployment/Reinstatement Policy for accrual rate guidelines for base employees returning to work for the County after voluntary resignation.

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5.3.05 After ~~six (6) months~~ 180 days of continuous service, a non-elected employee who separates from employment with the County will be paid for accrued vacation leave.

5.3.06 Generally, if an employee is transferred from one County department and remains in a full-time employment capacity, to another, all unused vacation leave shall remain to the employee's credit as though no change had been made. Any previously approved leave shall be resubmitted for approval by the receiving department.

Employees transferring from a full-time employment status to a part-time status shall retain any unused vacation leave; however, accrual rates will change according to their new employment status based on Section 5.3.02 of this policy.

5.3.07 Official County holidays occurring during the employee's vacation leave shall not be counted against vacation leave used.

Proposed Change #7: Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 7 *Leave Policies – Funeral Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

5.7.01 ~~An employee shall be granted three (3) days of funeral leave with pay for a death in the immediate family/household.~~ Full-time employees shall be granted up to twenty-four (24) hours of funeral leave (Part-time employees shall be granted up to twelve (12) hours of funeral leave) to make arrangements for or to attend the funeral of an immediate family member as authorized by the Sheriff.

5.7.02 In the case of the death of any other relative or friend, the employee ~~may~~ shall be granted funeral leave for up to four (4) hours -one day, with pay to attend the funeral as authorized by the Sheriff.

5.7.03 ~~In the case of the death of any other person, the employee may at the discretion of the Sheriff be granted funeral leave for one day to attend the funeral.~~ Immediate family member is defined for purposes of this policy as: spouse, registered domestic partners, children, parents, grandparents, grandchildren siblings, guardianship relationship, and in-laws and step/half relationships within the same degree.

5.7.04 ~~Should A additional time be necessary, please refer to alternate County leave policies. without pay, may be granted by the Sheriff at his discretion.~~

~~5.7.05 Funeral Leave provided pursuant to a Collective Bargaining Agreement exclusively governs the funeral leave provided thereby to affected employees.~~

Proposed Change #8: Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 4 *Promotional Procedures – Promotion of Non-Uniformed Personnel*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

11.4.01 It is the policy of the El Paso County Sheriff's Office to fill vacant positions by promoting qualified applicants.

11.4.02 Vacant, full-time permanent positions are posted for a minimum of ~~five (5) fourteen (14) days~~, in the Detention Facility, Sheriff's Administration, County Human Resources Office, or at www.epcounty.com/jobs. The applicant is required to update personal information and submit a complete job application by the deadline of the posting.

11.4.03 The Human Resources Office will determine if applicants meet the minimum requirements and shall schedule them for appropriate testing. Qualified applicants will then be scheduled for a formal interview.

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11.4.04

Employees promoted to a higher pay grade shall be placed on a six (6) month probationary period from the Effective Date of promotion during which time employees must satisfactorily demonstrate their ability to perform the duties required. Immediate supervisors will periodically meet with probationary employees concerning their progress to ensure the employees receive any guidance and training necessary for the employees to successfully perform their job duties. Probationary employees who do not demonstrate their ability to perform the duties required of their new position during the probationary period may be: 1) returned to their former position; 2) transferred to another suitable position; or 3) terminated from employment if their former position or another suitable position is not available. Employees returned to their former position, transferred to another suitable position or whose employment is terminated for failure to successfully complete their probationary period may not appeal to the Civil Service Commission.

Copies of the proposed changes may be picked up in the Human Resources Office of the El Paso County Sheriff's Office at:

Sheriff's Headquarters
3850 Justice Road

Thank you!

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EL PASO COUNTY TEXAS
SECURITY BUREAU
EL PASO COUNTY TEXAS