

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

POSTED: Monday, September 20, 2021 – 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, October 4, 2021

YouTube Channel: El Paso County, Texas Public Meetings

Proposed Change #1: Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 6 Employment – Reserved for Expansion, of the El Paso County Sheriff's Office Civil Service Commission Rules & Regulations.

RESERVED FOR EXPANSION PAID PERSONAL LEAVE

2.6.01 Eligibility

Regular full time and part-time, non-collective bargaining employees of the Sheriff's Office shall be eligible to use paid personal leave during the FY21 year.

2.6.02 Accrual Rates

Eligible employees shall accrue paid personal leave at the following rates effective October 4, 2020.

A. Full-Time Employees:

(1) 40 hours one-time accrual for use during the FY21 year.

B. Part-Time Employees:

(1) 20 hours one-time accrual for use during the FY21 year.

2.6.03 Usage Requirement

Paid Personal leave may not be accumulated beyond FY21. Any remaining balance not used on or prior to October 2, 2021 will be forfeited.

2.6.04 Usage Requests

An employee must request paid personal leave in advance from the Sheriff in accordance with Sheriff's Office procedures. Requests for paid personal leave shall not be unreasonable denied; however, department operations must be considered in granting requests.

2.6.05 Payment Upon Separation

Paid Personal Leave will not be paid out upon separation, nor is there cash value associated with this leave.

2.6.06 KRONOS Coding

This leave shall be coded to leave Personal Day "Leave PER" within the KRONOS system for any paid personal leave hours approved.

2.6.07 Paid Personal Leave Upon Transfer

Generally, if an employee is transferred between County departments and remains in a regular, full or part-time employment capacity, all unused paid personal leave shall remain to the employee's credit as though no change had been made. Any previously approved leave that has yet to be taken must 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 paid personal leave balances for the remainder of the FY21 year; however, accrual rates will change according to their new employment status based on Section 2.6.02. If more than 20 hours has been utilized at that point of this transfer, the balance will be reduced to zero and no back-pay will be required for the use of additional hours. Alternatively, employees going from a part-time status to full-time status will receive 20 additional hours at that time.

2.6.08 Holidays During Paid Personal Leave

Official County holidays occurring during an employee's paid personal leave shall not be counted against their paid personal leave balance.

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 & Regulations.

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

AB. Candidates for re-employment are subject to the same employment procedures as any other applicants pursuing employment with the County and shall refer to alternate County policies: regarding employment.

(1) Employees who are re-employed within 6 months will be re-instated to the same accrual rate for vacation leave; as if no separation had occurred.

BA. 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 re-employed 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.

C. Employees who are re-employed within 30 days will be re-instated to the same sick leave balance and health and dental insurance coverage; as if no separation had occurred.

DC. Generally, aA former County employee may not be re-employed or reinstated if he/she was dismissed-terminated or resigned in lieu of dismissal-termination; however, bBreaks in service due to dismissal-termination are to will be reviewed on a case by case basis handled on case by case basis depending on the circumstance of the discharge and its final resolution.

2.11.02 Reinstatement

A. If an employee should be dismissed or demoted as the result of a reduction in force, and if within a period of (6) six months thereafter, a vacancy should occur in the Sheriff's Office and in the same or in a lower class, the said employee shall be reinstated in the vacant position, provided that such employee is willing to accept the offered employment, and that such employee meets all qualifications for said position.

B. When more than one dismissed or demoted person qualifies for reinstatement under these rules, the preference shall be given to the person laid off last.

Proposed Change #3: Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 2 Compensation – Shift Differential Pay, of the El Paso County Sheriff's Office Civil Service Commission Rules & Regulations.

3.2.01 This policy serves as the shift differential policy for Sheriff's Office employees in which FLSA non-exempt employees are scheduled on a regular, rotating or sporadic basis to work during the evening or graveyard shifts.

3.2.02 Policy
Employees who are assigned, ordered, or volunteer to work a shift for at least four (4) consecutive hours that begins on or after 4:00 p.m. shall work the "evening" shift. Employees who are assigned, ordered, or volunteer to work a shift for at least four (4) consecutive hours that begins on or after 12:00 a.m. (midnight) shall work the "graveyard" shift. Non-exempt employees working either of these two shifts are entitled to shift differential pay.

3.2.03 Eligibility
Positions must be temporary or regular full-time or part-time non-exempt employees who are not covered by the collective bargaining agreement. [±]

3.2.04 Procedure
A. The evening shift differential applies to hours consecutively worked between 4:00 p.m. and 12:00 a.m. midnight. (Minimum of 4 hours must be consecutively worked during this time frame.) Employees will be paid an evening shift differential of \$0.35 for each hour worked during this time. Hours worked within this timeframe shall be coded Hours Worked and to SDA, and shall be verified and approved by the immediate supervisor. See example below:

Week starting: Sun 3/05

	Pay Code	Transfer	Sun 3/05	Mon 3/06	Tue 3/07	Wed 3/08	Thu 3/09	Fri 3/10
X	Hours Worked			8:00	8:00			
X	Hours Worked					8:00	8:00	8:00
X	SDA			8:00	8:00			
				16:00	16:00	8:00	8:00	8:00

[±]This policy does not apply to employees covered by a collective bargaining agreement.

- B. The graveyard shift differential applies to hours consecutively worked between 12:00 a.m. midnight and 8:00 a.m. (Minimum of 4 hours must be consecutively worked during this time frame.) Employees will be paid a graveyard shift differential of \$0.70 for each hour worked during this time. Hours worked within this timeframe shall be coded to Hours Worked and SDB, and shall be verified and approved by the immediate supervisor. See example below:

Week starting: Sun 2/26

Pay Code	Transfer	Sun 2/26	Mon 2/27	Tue 2/28	Wed 3/01	Thu 3/02	Fri 3/03
X Hours Worked				8:00	8:00		
X Hours Worked			8:00			8:00	8:00
X SDB			8:00	16:00	16:00	8:00	8:00

- C. Employees shall not be eligible to receive both the “evening” shift differential pay and the “graveyard” shift differential pay for the *same* hours of work. However, if an employee works through parts of both shifts, the employee shall code their time properly to reflect the hours worked in *each* shift. Example: If an employee is scheduled from 7:00 p.m. to 12:00 a.m. (5 hours) to SDA. The employee would then code their time from 12:00 a.m. to 7:00 a.m. (7 hours) to SDB.
- D. All differentials paid to employees will be included in the employee’s regular rate for purposes of overtime accrual calculation where applicable.
- E. Compensatory (comp) time will apply in accordance with the County’s Compensatory Time policy.

3.2.05 Exclusions

- A. Exempt employees ~~and Temporary employees~~ are not eligible for shift differential pay.
- B. Shift differential pay will not be paid for hours not worked.
- C. Funding has been set aside for the Shift Differential Program; however, Commissioners Court has final approval of shift differentials and may rescind when conditions warranting the pay premium are no longer applicable or funds are no longer available.
- D. Employees with questions regarding shift differential pay should contact the immediate supervisors, or the Human Resources Office.

Proposed Change #4: Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 5 Compensation – Compensatory Time, of the El Paso County Sheriff’s Office Civil Service Commission Rules & Regulations.

3.5.01 Work Periods

The Sheriff or designee shall assign the work day. The workweek shall be seven (7)-day period beginning on Sunday at 12:00:01 a.m. and continuing through Saturday at midnight. This rule does not apply to employees covered by the collective bargaining agreement.

3.5.02 Compensatory Time

- A. The County will allocate and schedule work appropriately so that FLSA “non-exempt” employees are not required to work over forty (40) hours in a workweek except when mandated by operating necessities. The Sheriff or his designee is responsible for establishing work schedules and for ensuring adherence to federal and state law and County policy. This policy applies to any and all hours where a non-exempt employee is required or is permitted to work in excess of forty (40) hours in the standard workweek.
- B. Compensatory time off (comp time) is paid time off that is earned and accrued by an employee in lieu of overtime pay for authorized overtime. Unless overtime pay is specifically authorized through Commissioners Court, County employees who physically work over forty (40) hours in a workweek are compensated with compensatory time in lieu of overtime pay. By working the additional time, employees are agreeing to this method of compensation.

3.5.03 Authorization for Compensatory Time for Non-exempt Employees

- A. Authorization to work in excess of the standard forty (40) hour workweek must be obtained in advance from the Sheriff or designee and should be documented. Employees who work in excess of forty (40) hours in a standard workweek without prior Sheriff’s authorization are subject to corrective or disciplinary action.
- C. Actual compensatory time earned shall be reported on the employee’s bi-weekly electronic time card as prescribed by the County Auditor and must be approved by both the employee and the Sheriff or designee.

3.5.04 Earning Compensatory Time

Non-exempt employees who are authorized or permitted to work in excess of forty (40) hours in a workweek are entitled to compensatory time off at a rate of one and one-half times for all time actually worked over forty (40) hours in a workweek. Paid or unpaid leave of any type taken during a workweek does not count as hours worked in computing overtime.

3.5.05 Limitations

Non-exempt employees may not have a balance of more than eighty (80) hours of compensatory time at any given time. The Office shall continually monitor each employee’s accumulation and usage of compensatory time to avoid exceeding the limits. If any employee with a balance of eighty (80) hours or more of compensatory time works beyond forty (40) hours in the workweek, he or she must receive compensatory time for the time worked. However, the Office may incur budgetary impacts to cover the expense.

3.5.06 Using Compensatory Time

- A. The employee may consume accrued compensatory time at any time; however, it must be consumed on a schedule reasonably agreed upon by the Sheriff or designee. The Sheriff or designees will encourage all employees with compensatory time accrued to expend that time on a regular basis to prevent rising above the County’s maximum limit of eight (80) hours.
- B. Compensatory time must be used prior to the use of vacation leave.
- C. Compensatory time accrued must be taken within the same fiscal year it was earned, unless otherwise approved in writing by the Sheriff. In such case, the Sheriff may extend the time for using accrued compensatory time up to ninety (90) days beyond the beginning of the

next fiscal year. Failure to ensure the use of the accrued compensatory time within these time limits may result in budgetary impacts to the Office to cover the expense.

3.5.07 Position Transfers and Changes

- A. When an employee is transferred to another position within the County, and has a compensatory time balances at the time of such transfer, the following will occur:
- (1) If the employee is transferred from one division to another division within the Office, and
 - (2) If the employee maintains the same pay rate, then the compensatory time will remain on account for future consumption; or
 - (3) If the employee is placed into a position with a different pay rate, then the compensatory time will be used at the rate of pay prior to the change taking effect, or will be paid out from the Office's salary account prior to the change taking effect.
 - (4) If the employee is transferred from the Office to another department within the County, the Office will allow the employee to use all accrued compensatory time at current rate of pay, or will authorize a payment of the balance from the Office's salary account prior to the transfer.
 - (5) If the employee's FLSA status changes from non-exempt to exempt, the Office will allow the employee to use all accrued compensatory time at the current rate of pay or will authorize a payment of the balance from the Office's salary account prior to the change in status becoming effective.
 - (6) When the Office authorizes payment for compensatory time in lieu of granting the actual time off before a change is made, the Office must notify the Payroll Division of the County Auditor's Office immediately to ensure timely payment to the employee.

3.5.08 Payment for Accrued Compensatory Time

A non-exempt employee will be paid for all compensatory time the employee has earned, but not used, at the time of separation from employment.

Commissioners Court has the discretion to authorize payment for unused compensatory time at any time.

3.5.09 Recordkeeping

In all cases, the electronic time card for each non-exempt employee will be the official record of time worked and time taken. Appropriate supporting documentation must be maintained in the Office for granting of compensatory time off made to any employee. All non-exempt employees must record their total workweek hours accurately on their electronic time cards.

3.5.10 Exempt Employees

There is no legal requirement, nor is the County obligated, to pay overtime or grant compensatory time to FLSA-exempt employees. The Sheriff or designees may grant compensatory time off on an hour for hour basis for hours worked in excess of the forty (40) hour work week to an exempt employee.

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

5.2.01 All full time, regular non-elected employees who have completed 90 days of full time service are eligible to use accrued sick leave with pay when the employee is unable to perform his duties because of personal medical needs, family care or bereavement, care of an immediate family member with a serious health condition, or adoption-related purposes.

5.2.02 Sick leave is accumulated from the date of employment for all full time regular non-elected employees at the rate of 4.6153 hours per pay period. (120 hours per year.) Maximum accumulation is 720 hours (90 days).

5.2.03 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.

5.2.04 Once notice of separation is given, the employee may not take leave without prior approval from the Sheriff ~~Payment for accumulated sick leave is not authorized after notice of separation-~~ except for employees covered by the Agreement between El Paso County and the El Paso County Sheriff’s Officer’s Association.

5.2.05 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.

5.2.06 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

5.2.07 Performance Evaluations

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 absence standards, a recommended matrix is below

Exceeds Standards rating:	0 to 64 hours
Meets Standards rating:	64.01 to 120 hours
Below Standards rating:	120.01 + 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.

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

5.3.01 Eligibility

Regular full-time and part-time non-elected employees shall be eligible to use vacation leave with pay after 180 days of continuous service with the County.

5.3.02 Accrual Rates

Based on years of service to the County², 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:

<u>YEARS</u>	<u>ACCRUAL RATE</u>
up to 5 years	80 hours per year, earned at the rate of 3.077 hours per pay period, up to a maximum of 160 hours.
thru 15 years	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	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:

<u>YEARS</u>	<u>ACCRUAL RATE</u>
up to 5 years	40 hours per year, earned at the rate of 1.539 hours per pay period, up to a maximum of 80 hours.
5 thru 15 years	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	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 Leave Leniency

Due to the COVID-19 pandemic, and its effect on Sheriff’s employees’ ability to utilize vacation during this time, effective ~~April 1~~August 31, 2020 maximum accrual rates will be increased by 25%

² See the Reemployment/Reinstatement Policy for accrual rate guidelines for those employees returning to work for the County after voluntary resignation,

for each category above until ~~September-October~~ 30, 2021. Thereafter, normal maximum accrual rates will resume in accordance with this policy.

- (1) Example: If the current maximum is 160 hours, the maximum rate would increase by 25% - or 40 hours - for a total of 200 hours.
- (2) Once normal maximum accrual rates resume, any hours accrued in excess of the maximum limit during the leave leniency period shall not be forfeited, but shall remain in the employee's accrual bank for future use.

a. This leave will be captured under "Vacation Leniency" in Kronos.

b. Excess hours accrued during the leniency period shall be used first to reduce the total accrued vacation hours.

c. Vacation accruals will resume in accordance with section 5.3.04 of this policy after excess hours accrued during the leniency period have been used.

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- (3) An employee who separates from employment with the Sheriff's Office will be paid for accrued vacation leniency leave balances remaining at the time of separation.

5.3.04 Accrual Maximums

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.

5.3.05 Vacation Requests

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.

5.3.06 Payment Upon Separation

After 180 days of continuous service, a non-elected employee who separates from employment with the County will be paid for accrued vacation leave.

5.3.07 Vacation Leave Upon Transfer

Generally, if an employee is transferred from one County department and remains in a full-time employment capacity, 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.

5.3.08 Holidays During Vacation Leave

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

Proposed Change #7: Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 8 Leave – Holidays, of the El Paso County Sheriff’s Office Civil Service Commission Rules & Regulations.

5.8.01 Non-bargaining unit employees will observe the holidays designated by official action of the El Paso County Commissioners Court.

5.8.02 Holiday Leave

The Sheriff’s Office shall observe the following holidays for its non-collective bargaining covered employees:

- NEW YEAR’S DAY: January 1
- MARTIN LUTHER KING DAY: 3rd Monday in January
- PRESIDENT’S DAY: 3rd Monday in February
- CESAR CHAVEZ DAY: March 31
- GOOD FRIDAY: Friday before Easter Sunday
- MEMORIAL DAY: Last Monday in May
- JUNETEENTH: June 19
- INDEPENDENCE DAY: July 4
- LABOR DAY: 1st Monday in September
- INDIGENOUS PEOPLES’ DAY: 2nd Monday in October
- VETERANS DAY: November 11
- THANKSGIVING DAY: 4th Thursday in November
- DAY AFTER THANKSGIVING: Friday after Thanksgiving
- CHRISTMAS EVE: December 24
- CHRISTMAS DAY: December 25
- NEW YEAR’S EVE: December 31

5.8.023 In the event a holiday falls on Sunday, the following Monday shall be deemed to be the holiday. In the event the holiday falls on Saturday, the preceding Friday shall be deemed to be the holiday. In the event the scheduled holiday shall be moved to either a Friday or Monday and that day is already observed as another County holiday, the scheduled holiday shall be given on the next available business day.

5.8.034 When it is not feasible to grant holiday leave at the appropriate time to employees assigned to shifts on an around-the-clock operation, holiday leave shall be changed to a different date convenient to the Office, but must be taken within thirty (30) days before or after the holiday.

5.8.045 In special cases, a non-exempt employee not assigned to an around-the-clock operation who is required to work on a regularly scheduled holiday, with prior approval by the Sheriff and where subsequent time off is not practical, may be compensated for such work at the standard overtime rate in lieu of equivalent time off. shall be compensated at the employee’s regular rate of pay for each hour worked plus holiday pay.

5.8.056 Employees on Workers' Compensation or Leave without Pay for any reason will not be paid for a holiday

5.8.067 An employee must work, or be on paid leave, the day before and after a holiday to be paid for the holiday; however, if the holiday is the employee’s final day of County Sheriff’s Office employment, and the employee is officially retiring from the Sheriff’s Office through TCDRS, or it is the end of the term for the Sheriff leaving on voluntary terms, the employee shall be paid for that final day.

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 & Regulations.

11.4.01 Promotions

A promotion is the advancement of an employee to a job in a higher job classification.

- A. When a vacancy is created in the Sheriff’s Office, a vacancy requisition shall be submitted to the Human Resources Department.
- B. It is an employee’s responsibility to inform himself or herself of position vacancies, including opportunities for promotion within the Sheriff’s Office. Failure of the employee to learn of a position vacancy shall not be the basis of a grievance.
- C. Employees promoted to a higher grade will start at the entry level of the grade or the first step of the grade that provides a minimum of a 3.78% increase from the employee’s previous hourly base pay rate, whichever rate is higher. The seniority date will change to reflect the promotion date.

D. The employee may be placed at a step higher than entry level in the new pay grade, but no higher than a step 2 at the discretion of the Sheriff and as verified with the Human Resources Department. Any requests for higher step placement that exceed the limits in this subsection or subsection 11.4.01(C) shall be made directly to Commissioners Court.

11.4.02 Any employee who is promoted shall give his supervisor/division head two weeks prior notice before accepting a promotion to another division/county department unless a mutual agreement of lesser or greater notice is made between the division heads or the Sheriff and another Elected Official/Department Head.

11.4.03 An employee who is promoted shall be placed on a six (6) month probationary period beginning from his/her effective date of promotion. During the probationary period an employee must satisfactorily demonstrate his/her ability to perform the duties required for the new position.

11.4.04 An employee promoted to a higher level position who fails to satisfactorily perform those duties and responsibilities required of the higher level position within a period of six (6) months from the date of promotion, may be demoted to his former position or a similarly rated position for which he would qualify if there is a vacant position available within the Office.

11.4.05 If the Sheriff determines that demotion is the appropriate placement but no position is available within the Sheriff’s Office, the promoted employee will be separated from employment but will have the first right of refusal for a period of six (6) months from the date of the separation for any covered position available in Sheriff’s Office for which the employee is qualified. It is the employee’s obligation to inquire with the Human Resources Department as to which vacancies exist and to apply for said vacancies. The Human Resources Department will make available, to the affected employee, a list of all vacant positions upon request.

11.4.06 Employees demoted or separated from employment under this section for failure to satisfactorily perform during the probationary period may not appeal the demotion or separation 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!