

EL PASO COUNTY SHERIFF'S OFFICE CIVIL SERVICE COMMISSION: 2020 DEC 15 PM 4:58  
NOTICE: CHANGE OF RULES

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COUNTY CLERK  
EL PASO COUNTY, TEXAS

POSTED: Tuesday, December 15, 2020 – 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, January 4, 2021

YouTube Channel: El Paso County, Texas Public Meetings

<https://www.youtube.com/channel/UCiMSJrlbRPMdlTh69bCmogQ>

**Proposed Change #1:** Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 4 Compensation – Safe Harbor Provisions for the FLSA, of the El Paso County Sheriff's Office Civil Service Commission Rules & Regulations.

3.4.01 It is the policy of the County to fully comply with the Fair Labor Standards Act. In keeping with this commitment, the County will make a good faith effort to properly classify employees and pay exempt employees their full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to deductions that are permitted by law. Deductions from pay permitted by law include, for example: vacation; personal time off; sick days before or after eligibility for paid sick leave; infractions of written workplace conduct rules; infractions of safety rules of major significance; or for use of intermittent leave under the Family and Medical Leave Act.

3.4.02 It is further the policy of the County to promptly investigate and correct any improper classifications, payroll deductions, or other payroll practices that do not comply with the Act. If an employee believes an improper payroll practice – such as an improper classification or improper deduction from an exempt salary – has occurred, he or she may make a complaint to the Human Resources Department. Human Resources will see that the matter is appropriately reviewed; and the employee will be reimbursed for the amount of any inappropriate deduction found to be taken.

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

2.4.01 The following are categories of employment found within the Sheriff's Office: ~~four classification of employees are for payroll as well as for Civil Service purposes:~~

A. **Regular Employee:** An individual hired by the Sheriff's Office on a continuing basis.

B. **Temporary Employee:**

(1) Seasonal employees, working less than 1250 hours per year for peak periods of time (e.g. lifeguards).

(2) On call employees who are called in on a sporadic, unplanned basis to fill in for short term needs (e.g. visiting judges).

(3) An individual hired by the Sheriff's Office to perform a job for a limited period of time, employee appointed to a position with a limitation that the appointment will not to

exceed a six (6) months (e.g. temporary staffing while an employee is out on FMLA or worker's compensation). duration:

~~(4) No individual will receive more than two (2) temporary appointments within a twelve (12) month period. Appointments to a temporary position will not give the individual Civil Service status. Temporary employees are not eligible for paid leave, (e.g., vacation, sick leave), insurance or retirement benefits, unless specifically approved by the El Paso County Commissioners Court on a case by case basis.~~

C. **Full-Time Employee:** An employee who has a regularly assigned work schedule of thirty (30) hours per week or more, ~~less authorized leave with pay.~~

D. **Part-Time Employee:** An employee who has a regularly assigned work schedule of less than thirty (30) hours per week.

~~E. **Exempt Employees:** Exempt employees are defined by the provisions of the Federal Fair Labor Standards Act (FLSA) and are compensated on a salary basis. Exempt employees have no legal right to receive overtime pay or compensatory time.~~

~~F. **Non-exempt Employees:** Non-exempt employees are defined by the provisions of the FLSA and are compensated on an hourly basis. Non-exempt employees may not work in excess of 40 hours per week without compensation at time and one-half according to County overtime pay/compensatory time policies.~~

2.4.02 Civil Service Coverage shall be:

A. All Regular/Full-time and Part-time employees are covered by the provisions of the Civil Service Rules and Regulations, unless otherwise excluded under Rule 2.5.01.

B. Temporary and probationary employees are not covered by the Civil Service System.

~~2.4.03 An employee promoted to a higher level position who fails to satisfactorily perform those duties and responsibilities required of the job during the probationary period may be demoted to his former position or a similarly rated position for which he would qualify.~~

2.4.034 The above four classifications can be combined in the following manner to classify employees:

- A. Regular, Full-Time Employee
- B. Temporary, Full-Time Employee
- C. Regular, Part-Time Employee
- D. Temporary, Part-Time Employee

2.4.045 INACTIVE EMPLOYEE:

An inactive employee is an employee who is on an approved leave of absence without pay, in excess of 31 continuous days but not to exceed 90 days, and who ~~An inactive employee~~ does not accrue length of service credit for any benefit purposes, earn or accrue vacation, sick leave or retirement/health benefits.

2.4.056 EMPLOYMENT PROBATIONARY PERIOD:

- A. For the period of time listed below in D following an employee's Effective Date of Employment, or successful completion of any required academy program of training, whichever is later, an employee will be considered a probationary employee.
  - (1) All employees failing to successfully complete their probationary period will be terminated without right of appeal.
  - (2) Any deputy who fails to successfully complete the probationary period following completion of the academy will be transferred back to the Detention Bureau and his former class and grade.
- B. A probationary employee's immediate supervisor will periodically evaluate the employee's job performance and aid and instruct the employee in any areas requiring improvement.
- C. The Sheriff may extend an employee's probationary period, prior to its expiration, in the event the employee's service to the Office is interrupted during the initial probationary period due to accident, illness, or any other reason or if there are deficiencies in the employee's performance which could, in the opinion of the Sheriff, be cured with further training or additional time. In no event may the probationary period be extended for any period greater than six (6) additional months.
- D. Probationary Periods:
  - (1) Civilian Employees (Except for Communications) - Six Months
  - (2) Communications Employees - One Year
  - (3) Collective Bargaining Employees - One Year

2.4.067 SEPARATION OF EMPLOYMENT:

Separation of employment is the discontinuance of an employee's service with the Office as a result of resignation, dismissal, reduction-in-force, retirement or death.

2.4.078 JOB CLASSIFICATION

A hierarchical structure of jobs, usually arranged into classes or pay grades according to a job evaluation.

2.4.089 CLASS

A Class consists of all jobs regardless of departmental location, that are sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be accorded the same pay scale under like conditions, and to require substantially the same education, experience, and skills on the part of the incumbents.

**Proposed Change #3:** Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 10 Employment – Reduction-In-Force of the El Paso County Sheriff's Office Civil Service Commission Rules & Regulations.

~~2.10.01 Retention of employees will be based on length of service.~~

2.10.012 A reduction-in-force is a decrease in the number of authorized employees resulting from a discontinuation of services, organizational changes, or change in fund authorization, and is not to be considered a disciplinary action.

- 2.10.023 Changes in position authorization required in a reduction-in-force will be determined by El Paso Commissioners Court and will be initiated by the ordered reduction of budgeted funds, or the reduction of authorized position numbers in a specific department/section.
- 2.10.034 Once the number of positions to be reduced in a job classification is determined in each department/section, the Sheriff will review the existing job performance records on the employees currently occupying the job classification in the department/section to determine which employees will be retained in the remaining positions in that job classification. Whenever possible, employees occupying positions to be deleted, due to a reduction-in-force in one County department/section, Employees who will not be retained in the remaining positions in the job classification will be referred for reassignment to other available position openings for which they are qualified in the same or other sections/departments by coordinating this action with the County Human Resource Department and the County Sheriff's Office. The employee will have an option of demotion, provided that the demotion will not require reassignment of any other employee.
- 2.10.045 Length of service ~~is defined of an employee for inclusion in layoff ratings shall be based upon the as~~ the number of calendar months of continuous County service in the affected employees' current classification, unless otherwise dictated by law. Periods of unapproved absence or leave without pay will not be credited as County service. Length of service in the class for which reassignment to another available position is computed will include service in any other class as determined by the appointing authority, the layoff is computed shall include service in any other class deemed by the appointing authority, subject to the approval of the Civil Service Commission, and/or El Paso County Commissioners Court, to be equal to, or greater than the employee's current classification. Any employee laid off shall, after timely reinstatement, regain the seniority credit he/she possessed at the time of layoff.
- 2.10.056 Retention of employees in the remaining positions in the job classification will be based on the job performance and length of service. Those employees who have demonstrated continued, documented excellence in job performance will be given preference in the retention decision. Reassignment of employees who are not retained to other available position openings will be based on the job performance and length of service. Those employees who have demonstrated continued, documented excellence in job performance will be given preference in the reassignment decision. An employee shall, in lieu of layoff, be afforded the option of a demotion within the Office to the next lower grade or class for which they qualify. Persons in the lower grade or class so demoted by this change will follow down the manning table to the lowest level required. The salary of an employee being reduced in class due to a reduction-in-force, will be determined by the Sheriff, but shall not be greater than their current salary nor greater than the maximum of the prescribed pay range for their new position.
- 2.10.067 If any employee should be laid off as the result of a reduction in force, and if within a period of two (2) years thereafter, a vacancy should occur in the Office and in the same or lower grade, the said employee shall be reinstated in the vacant position, provided such employee meets all qualifications for said position. Non-probationary employees may appeal any retention or reassignment decision to the El Paso County Sheriff's Office Civil Service Commission through the Grievance Procedures.
- 2.10.078 All employees being reinstated as a result of a reduction-in-force will be entitled to restoration of benefits and their salary level at time of separation. When efficiency and job performance are documented and equal, length of service will be the determining factor in the retention or reassignment rankings. In the event that no job performance records exist, length of service will be the determining factor in the retention or reassignment rankings.
- 2.10.089 When more than one laid off person qualifies for reinstatement under these rules, the preference shall be given to the person laid off last. Any employee separated as a result of a reduction in force

will regain the seniority credit he/she possessed at the time of the reduction in force if he is reemployed by the Sheriff. All employees reemployed after a reduction-in-force will be entitled to restoration of benefits and their salary level at time of separation.

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

**SECTION 17. ~~RESERVED FOR EXPANSION~~CLASSIFICATION PROCEDURE**

2.17.01 Revision of position descriptions and re-allocations with the classification plan will be made as often as necessary to provide current information on positions and classes and when funding exists to make any required changes.

A. It is the duty of the Sheriff to notify the Human Resources Department when existing positions substantially change (15% or more) in duties and responsibilities. This is done by submitting a Staffing Adjustment Request (SAR) form to the Human Resources Department which includes reasons for the changes (i.e., experience, education, certifications, etc.)

B. It is the duty of the Human Resources Department to examine and analyze position changes, modify and update position descriptions, and rate positions using a standardized method. This method will include valuing the position's responsibilities, requirements, and qualifications to accurately classify or reclassify the position, as well as other factors affecting classification.

C. After review by the Human Resources Department, if the request is justified, the budget impact will be determined, and a recommendation will be made to the County Administrator for approval. If approved, the Human Resources Department will work with the Sheriff's Office to take necessary steps to implement the reclassification.

2.17.02 IMPACT OF RECLASSIFICATION ON EMPLOYEES

A. An employee whose position is reclassified to a classification having increased responsibilities or complexity of duties is eligible to remain in the position provided he/she meets the minimum qualifications for the new classification. The employee who does not qualify for the new classification may be removed from the position and may be eligible for re-employment elsewhere, if a vacant position is available with the employee's job skills.

B. An employee whose position is reclassified to a job not having increase responsibilities or complexity of duties, but results in increased pay based on the job rating and market analysis, is considered a reclassification of the position alone.

C. An employee whose position is reclassified to a job having increased responsibilities or complexity of duties and in a higher pay grade, and who is eligible to remain in the position, is considered to have been promoted as a result of the reclassification. County promotion policies apply in this case.

D. An employee whose position is reclassified to a classification having decreased responsibilities or complexity of duties is eligible to remain in the position provided he/she meets the minimum qualifications for the new classification. The employee who does not qualify for the new classification may be removed from the position and may be eligible for re-employment elsewhere, if a vacant position is available within the employee's job skills.

- E. An employee whose position is reclassified to a job having decreased responsibilities or complexity of duties and in a pay grade with a decreased entry level rate, and who is eligible to remain in the position, is considered to have been downgraded as a result of the reclassification.
- F. Reclassification of positions that are initiated by the County do not impact the probationary period or the seniority date of incumbents.

2.17.03 PAY UPON UPGRADE OR DOWNGRADE

This section applies to County initiated position reclassifications resulting in an upgrade or downgrade, that are not based on employee performance, and are not disciplinary in nature.

- A. When an employee is **upgraded** as a result of the position reclassification, the employee will be placed into the new grade at the minimum step that will provide at least a 1.28% increase.
- B. When an employee is **downgraded** as a result of the position reclassification, the employee will be placed into a new grade at the step equal to the step they were in at the time of the reclassification. Additionally, their pay will be frozen (redlined) at their current rate of pay until the base rate of pay for the step the employee has achieved is greater than the current base rate of pay. The employee would not be eligible for step increases, but would receive any cost of living adjustments, or any other types of wage adjustments, if given to employees in the same classification scale.
  - (1) For example, a G20 Step 4, (38,625.15) employee's position is reclassified to a G14. The employee may be moved to Grade G14, Step 4, but would continue to receive \$38,625.15 in pay.
  - (2) Each year the County gives step/merit increases, the employee would receive a step up in the grade if their performance is warranted, but would not see a change in pay until the pay rate for the step the employee is placed is higher than the employee's current pay rate. In this scenario, the employee would not receive an increase until he or she reached Step 14 of Grade G14.

Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
30914.12	31686.97	32479.14	33291.12	34123.40	34976.49	35850.90	36747.17	37665.85	38607.50	39572.68

- C. In the case of any downgrade of a position, an employee will not be placed lower than the level to which the employee would have progressed if the employee had previously been in the lower grade and had not been promoted to a higher grade(s) previously.
  - (1) For example, an employee was hired as an Administrative Specialist, Intermediate and was in this position for 3 years and was at Step 2. The employee was promoted to Administrative Specialist, Senior and was in this position for 4 years and received step increases each year. If this Administrative Specialist, Senior position is downgraded, the employee would be placed at the Administrative Specialist, Intermediate step he would have achieved had he never been promoted to Administrative Specialist, Senior. In this example, the employee may be placed at Step 6.

2.17.04 EFFECTIVE DATE OF CHANGES

The effective date of all reclassification of incumbents coincides with the first day of the pay period coinciding with or following approval of the action if the effective date is not established during the approval process.

**Proposed Change #5:** Discuss and take appropriate action to approve recommended changes. to Chapter 9, Section 2 Discipline/Disciplinary Action – Procedure for Disciplinary Action, of the El Paso County Sheriff’s Office Civil Service Commission Rules & Regulations.

9.2.12 Disciplinary action for non-criminal activity ~~may shall~~ not be initiated against an employee for an infraction which occurred more than 180 days prior to the service of the *Notice of Proposed Disciplinary Action* ~~or written reprimand~~ upon the employee. In a disciplinary matter where the provisions of Section 9.2.08 are not implicated, disciplinary action ~~may shall~~ not be initiated for an infraction which occurred more than 180 days prior to the service of the written notice of discipline. This 180 day deadline does not apply if all the following criteria are met:

- (1) The disciplinary offense is listed in the Sheriff’s Disciplinary Matrix;
- (2) The preponderance of the evidence shows neither the Sheriff nor the complainant knew, or reasonably should have known, of the violation in time to issue a Personal Incident Report within the 180 day period; and
- (3) The Personal Incident Report is issued within thirty (30) days after the infraction is discovered by the Sheriff or complainant.

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!