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

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COUNTY CLERK
EL PASO COUNTY, TEXAS

POSTED: Friday, March 18, 2022 – 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 regular meeting:

Monday, April 4, 2022

YouTube Channel: El Paso County, Texas Public Meetings

Proposed Change #1: Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 9 Employment – Demotion, of the El Paso County Sheriff's Office Civil Service Commission Rules & Regulations.

~~DEMOTION~~PAY UPON DEMOTIONS

2.9.01 Disciplinary Demotions

~~A. A demotion is a reduction of When an employee is demoted to a lower from a higher pay graded to a lower pay grade or lower step within grade position as a result of discipline, the employee shall be placed into the grade at the step no higher than the equivalent step the employee is currently in.~~

2.9.02

~~B. A disciplinary demotion is a demotion which is the result of: 1) the inability of the employee to fulfill the functions of the job; or 2) misconduct. The Sheriff has the authority to demote employees for just cause and to determine the new pay grade and step. An employee may be placed at a different step within the new pay grade, either up or down, at the discretion of the Sheriff and as verified with the Human Resources Department. Further, demotions done by the Sheriff requires the Chief Administrator's Office approval as well.~~ Under no circumstances, however, will an employee subject to a disciplinary demotion be placed in a pay grade or step that results in either: 1) a higher salary for the employee; or 2) a higher step than authorized based on the employee's total years of service with the County in the reduced pay grade and the higher pay grade combined.

~~C. The HR Department shall notify the El Paso Sheriff's Civil Service Commission, in writing, of all demotions pertaining to civil service covered positions at their next regularly scheduled meeting. The seniority date will not change to reflect the demotion date.~~

2.9.03 Voluntary Demotions

~~A. A voluntary demotion is a reduction in pay grade requested by the employee. If the employee is placed in a new position at a lower pay grade at the employee's request, the employee will be placed in the step authorized based on the employee's total years of service with the County in the reduced pay grade and the higher pay grade combined, as verified by the Human Resources Department. When an employee voluntarily applies for, and is selected for, a lower graded position, the employee shall be placed into the new, lower grade at the step equivalent to the step the employee is currently in, and the employee's pay will be lowered to this step.~~

~~B. An employee demoted for a voluntary reason may be placed a different step within the new~~

~~pay grade, either up or down, at the discretion of the Sheriff and as verified with the Human Resources Department. Further, demotions done by the Sheriff require the Chief Administrator's Office approval as well.~~

~~C. Should an employee, who was demoted for voluntary reasons be selected for a higher position in the future, nothing shall prevent the employee from being placed at a higher step within the new position, based on prior education and experience as it related to the position, at the discretion of the Sheriff and subject to verification of qualifications by the Human Resources Department and the Chief Administrator's Office.~~

Proposed Change #2: Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 11 Leave Policies– Sick Leave Pool, of the El Paso County Sheriff's Office Civil Service Commission Rules & Regulations.

SICK LEAVE POOL

5.11.01 Policy

The Commissioners Court has established a program to allow employees to voluntarily contribute sick ~~and/or vacation~~ leave hours to a County-wide sick leave pool ("SLP") The purpose of the Sick Leave Pool is to help alleviate the financial hardship caused when a catastrophic illness or injury forces an employee to exhaust all accrued paid leave and compensatory time and subsequently lose compensation from the County.

The El Paso County Sick Leave Pool policy has been established pursuant to the authority in Subchapter E, Section 157.071 et. al. of the Texas Local Government Code.

This policy is not intended, nor shall it be interpreted, to interfere with an employee's rights in accordance with the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), or the Worker's Compensation Act.

5.11.02 Definitions

Administrator - The Chief Human Resources Officer, or designee, serves as the Administrator of this program.

Catastrophic Injury or Illness - A catastrophic illness and/or injury is a serious debilitating illness, injury, impairment, or physical or mental condition that affects the employee or the employee's immediate family member and is;

- A. terminal, ~~and/or~~ life-threatening, ~~and/or very severe~~; and
- B. present for a minimum of thirty (30) consecutive calendar days; and
- C. forces the employee to exhaust all of his/her accrued leave; and
- D. involves:
 - (1) A period of illness or injury or treatment connected with inpatient care (e.g. overnight stay) in a hospital, hospice, or residential medical care facility for ten (10) or more consecutive days; or
 - (2) A period of illness or injury requiring absence from work of ten (10) or more consecutive work days, and that also involves continuing treatment by (or under the supervision of) a licensed physician.

Employee - Sheriff's employee with twelve (12) or more months of continuous employment with the County who is paid from the general fund of the County, from a special fund of the County, or from special grants paid through the County.

Immediate Family Member - Spouse, registered domestic partners, children, parents, grandparents, grandchildren, siblings, guardianship relationship, and in-laws and step/half relationships within the same degree.

Sick Leave Pool Bank - The system to track sick and vacation leave donated by employees for allocation to eligible employees.

5.11.03 Contributions

- A. Contributions to the SLP are voluntary and are not required in order for eligible employees to participate in the SLP if qualified.
- B. The Administrator will publicize the period of donation to the sick leave pool at least once a year; however, the frequency, and method of publicizing will depend on the balance of the SLP and the current and/or projected usage.
- C. Employees wishing to contribute sick and/or vacation hours during the donation period must contribute a minimum of one (1) day (8 hours) of accrued sick or vacation time but no more than five (5) days (40 hours) and have at least five (5) days (40 hours) of accrued sick or vacation leave time remaining after their contribution.
- D. An employee who separates employment may donate not more than ten (10) days (80 hours) of accrued sick and/or vacation leave time earned by the employee to take effect immediately before the effective date of separation.
- E. Once an employee contributes hours to the SLP, the hours become the property of the SLP, and the donating employee has no further claim to these hours.

5.11.04 Eligibility

In order to use the SLP, eligible employees must meet the definition of employee and the following criteria:

- A. Must have exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled before being eligible to request time from the SLP.
- B. Must not have a written record of disciplinary and/or corrective action for leave abuse or misuse of leave within the past twelve (12) months from the date of the SLP request.

5.11.05 Exclusions

The following describe situations which exclude employees from participating in the SLP program:

- A. Employees who are receiving Worker's Compensation benefits from the County or any other employment held by the employee.
- B. Employees receiving Short and Long Term Disability and/or Supplemental Benefits to include social security disability benefits.

- C. Employees who have committed fraud or misrepresentation in the request or use of catastrophic leave.
- D. Employees on active Duty in the US Armed Forces or have been recalled to duty to receive treatment.

5.11.06 Requests to Use SLP

- A. Employees must apply to the SLP using the designated SLP Request Forms: SLP Request Form and SLP Certification Form. If the employee has FMLA documents on file, the Administrator may use these forms in lieu of the SLP Certification Form provided the FMLA documents include information for the Administrator to make a determination. If the employee's FMLA documents on file are not sufficient information to make a determination, the employee will be required to complete the SLP Certification Form.
- B. The SLP Request Form must be completed in its entirety, signed by the direct supervisor through the chain of command Sheriff and forwarded to the Administrator.
- C. The SLP Certification Form must be completed in its entirety by the employee and the medical provider.
- D. The SLP forms must be submitted no later than 30 calendar days from the date all accruals were exhausted.
- E. If an employee's Short or Long Term Disability and/or Supplemental Benefits, to include social security disability benefits ends, the SLP forms must be submitted no later than 30 calendar days from the date the benefits cease.
- ~~FE.~~ Failure to submit a completed SLP Request Form or the SLP Certification Form may cause a delay and possible denial of the request.
- ~~GF.~~ If the initial information supplied is ~~not inadequate, and/or incomplete,~~ the employee may be asked to provide further ~~sufficiently detailed~~ medical ~~record~~ information, ~~and a medical release for medical information to the Administrator, if requested.~~ The Administrator may ~~require an independent medical examination.~~ Failure to comply with ~~the~~ request for additional medical information may result in delay or denial of the application.
- HG. If an employee is physical unable to complete the SLP forms, the employee's family member or the Sheriff may submit the form(s) on the employee's behalf.

5.11.07 Withdrawals and Award from the SLP

- A. The Administrator will review the SLP Request and SLP Certification Forms and determine eligibility. If the employee is eligible and meets the requirements, the Administrator will determine the amount of the SLP hours awarded as per this policy which will be allocated on a per pay period basis.
- B. SLP hours cannot be granted beyond the date the employee, or immediate family member, will exhaust FMLA unless leave under the ADA and/or personal leave have been approved.
- C. The maximum amount of sick leave hours awarded cannot exceed the lesser of one-third of the total amount of time in the SLP or 180 days (1440 hours). However, the Administrator

shall determine the exact amount that an eligible recipient may draw from the pool based on the SLP balance at the time the request is approved.

- D. All hours used from the SLP will count towards the employee's FMLA entitlement.
- E. The SLP will be administered on a first-come, first-serve basis, determined by the date or time when all necessary information, certification, and releases have been provided. An employee's request to use the SLP hours is not a guarantee that SLP hours will be granted.
- F. An employee may not engage in secondary employment on the same calendar day(s) that the employee is paid with hours from the SLP.

5.11.08

Procedure

A. Donations

- (1) The Administrator shall provide the County Auditor a report of employees donating sick and/or vacation hours to the SLP and the County Auditor shall credit the SLP with the amount of time contributed by the employees and shall deduct the corresponding amount of sick and/or vacation leave from the employees' accrued balances.

B. Withdrawals

- (1) An SLP request along with the SLP forms will be reviewed by the Administrator and any approved leave shall commence at the beginning of the follow pay period after the leave has been approved.
- (2) Once a request has been approved by the Administrator, the Administrator will provide the County Auditor with the pertinent information for the Auditor's to credit the approved amount of time to the employee from the SLP bank.
- (3) An employee using hours from the SLP is treated for all intents and purposes as if the employee were absent on sick leave earned in the course and scope of employment.
- (4) Employees on approved SLP must provide the Administrator with updates from the treating physician at least every 30 calendar days. Failure to do so may result in the use of the SLP program being forfeited.
- (5) Denial of SLP hours is not grounds for filing a grievance and is excluded from the civil service grievance appeal process. SLP is not a right and is awarded based on availability of SLP leave in the SLP Bank, and the eligibility of the employee as determined by the Administrator.

5.11.09

Unused SLP Hours

All unused SLP hours disbursed to the employee will revert to the SLP bank under any of the following conditions:

- A. The employee returns to work in a full-duty, light-duty or modified duty status;
- B. The employee's immediate family member is given a full release by his/her physician;
- C. The employee voluntarily returns to work after caring for the immediate family member;
- D. The employee resigns or is terminated with the County;
- E. The employee voluntarily cancels his/her participation in the SLP;
- F. The employee violates this policy and/or commits fraud or misrepresentation in the request or use of SLP;
- G. The employee exhausted the maximum approved SLP hours awarded; and

H. The employee or immediate family member is deceased.

5.11.10 Confidentiality

All information received under this policy shall be kept confidential as required by law.

5.11.11 Compliance with Other Policies

All SLP usage, including return to work, shall be in compliance with all applicable County and Sheriff's policies and procedures.

5.11.12 Violation of Policy

Employees who violate the provisions of this policy, or attempt to use the SLP for any reason other than its intended purpose, will not be allowed to participate in the SLP and may be responsible to repay any money received for use of SLP hours. Such violation of policy may also result in disciplinary action, up to and including termination of employment.

5.11.13 Conformance with the Law

If changes to the law or applicable regulations require changes to the provisions of this policy, this policy shall be deemed amended as of the effective date of the law or regulation to be in conformance thereof.

Proposed Change #3: 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.

PROMOTION OF NON-UNIFORMED PERSONNEL

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.

11.4.07 Temporary Promotion or Assignments

Temporary Promotions or Assignments are when employees are temporarily promoted or assigned to an existing or newly approved position in a salary grade higher than their regular position. This is normally for the temporary filling of vacant positions or long term leave of an incumbent.

A. Employees are eligible to receive a temporary increase in salary during the time they are performing the Temporary Promotion or Assignment duties. If all of the following criteria are met.

- (1) The employee is temporarily assigned or promoted to a higher graded position other than or in addition to their regular position;
- (2) The employee is performing the principal duties and assumes the responsibilities of the higher position.
- (3) The temporary assignment is expected to extend or does extend for 30 calendar days or more; and
- (4) The department works with the Budget & Fiscal Policy Department and identifies funding for the temporary increase in pay.

B. Compensation for temporary promotions or assignments will be in accordance with subsection 11.4.01(C).

The request must be submitted by the Supervisor through the chain of command to the Human Resources Department as soon as possible, but no later than 90 calendar days from the start of the temporary assignment. The request for temporary increase in pay must be approved by the Human Resources Department. Upon approval, compensation will begin the first day of the assignment if the assignment begins on the first day of the pay period. If the assignment begins after the first day of the pay period, compensation will begin the first full pay period following assignment to the higher grade position.

C. The temporary promotion or assignment is at the discretion of the Sheriff and the temporary pay will be removed at the end of the assignment. Upon return to the original position, the employee will receive any and all pay changes for the position as if the employee had never left the original position.

D. This policy does not apply to assigned tasks that qualify as “other duties as assigned” or for lower graded positions.

E. If an employee separates from employment, either voluntarily or involuntarily, or as the result of a retirement, while temporarily assigned to a higher classification, any accrual payouts made in conjunction with the separation or retirement shall be calculated and paid without the additional rate of the temporary pay.

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!