

EL PASO COUNTY SHERIFF'S OFFICE



CIVIL SERVICE COMMISSION

REGULAR MEETING AGENDA

1:30 P.M. MONDAY, APRIL 8, 2019

SHERIFF'S HEADQUARTERS

3850 JUSTICE ROAD

SHERIFF'S CONFERENCE ROOM

EL PASO, TEXAS 79938

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 January 7, 2019.
-- Ludy Velo, Human Resources

REGULAR AGENDA

2. Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 11 *Leave Policies – Pooled Leave for Emergencies*, 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 5, Section 13 *Leave Policies – Family and Medical Leave*, 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 7, Section 1 *Performance Evaluation System*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
5. ADJOURN

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

POSTED: Monday, March 25, 2019 – 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, April 8, 2019
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 5, Section 11 *Leave Policies – Pooled Leave for Emergencies*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

5.11.01 Pooled leave for Emergencies is controlled by the County's Sick Leave Pool Policy (Revised 1.26.16). The Commissioners Court has established a program to allow employees to voluntarily contribute on an annual basis, sick leave time earned by the employee to a County-wide sick leave pool (the "Sick Leave Pool" or "SLP") that the employee is then eligible to use if, because of a catastrophic injury or illness, the employee has exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled. Commissioners Court has appointed the County Chief Human Resources Officer as the Pool Administrator ("Administrator").

5.11.02 Catastrophic Injury or Illness

A catastrophic illness and/or injury is defined as a condition or combination of conditions affecting the mental or physical health of the employee or immediate family member that has been under prolonged treatment of a licensed practitioner for at least thirty (30) days which is likely to result in a loss of more than ten (10) consecutive work days for the employee. Leave taken on an intermittent basis which does not require the employee to be absent from work for a period of at least 10 days does not qualify. The physician certification must be included in the employee's request for use of time from the SLP.

5.11.03 Eligibility and Contribution to the SLP

A. "Employee" means a 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.

B. In order to be able to use the SLP, eligible employees must meet all three of the following criteria:

(1) Contribute to the SLP each year during the annual leave contribution period as designated (generally December) on the designated form, for new employees, within thirty one (31) days of the date they complete twelve (12) months of continuous service; or within thirty one (31) days after the adoption of this policy.

(2) Contribute at least one (1) day (8 hours), but no more than five (5) days (40 hours), of accrued sick leave time earned by the employee. An employee who is terminated,

resigns, or retires may donate not more than ten (10) days (80 hours) of accrued sick time to take effect immediately before the effective date of the termination, resignation, or retirement.

- (3) Employees who contribute sick leave must have a remaining balance of at least five (5) days (40 hours) of sick leave in their account immediately after making the donation. The Administrator shall credit the SLP with the amount of time contributed by the employee and shall permanently deduct the same amount of sick leave time from the employee, as if the employee had used the sick leave time for personal purposes. Employee contribution of sick leave to the SLP is final.

5.11.04 Requesting Time from the SLP

- A. An employee who has contributed to the SLP must apply to the Administrator on the designated form for permission to use time in the County SLP. Employees not enrolled in the SLP are not eligible to receive sick leave time from the SLP.
- B. If an employee is physically unable to complete the designated form for sick leave from the SLP, his/her the Supervisor may submit the form on the employee's behalf.
- C. The employee must have exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled before being eligible to request time form the SLP.
- D. The SLP may be used only by employees for his/her personal illness or disability or for a family member whose illness or injury meets the guidelines of the SLP.
- E. All hours used will count towards the employee's FMLA entitlement. The amount of leave donations and the amount of leave accrued cannot exceed the amount of time allowed under the FMLA.
- F. If the Administrator determines that the employee's request meets the requirements, the Administrator shall approve the transfer of sick leave from the SLP and credit the time to the employee as needed.
- G. The employee may use the time in the same manner as sick leave earned by the employee in the course of employment.
- H. An employee absent on sick leave transferred from the SLP is treated for all purposes as if the employee were absent on earned sick leave.
- I. An employee requesting time from the SLP 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.

5.11.05 Exclusions

- A. Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.
- B. SLP time is not available for time off due to a job-incurred injury covered by Workers' Compensation benefits.
- C. Pregnancy is and of itself, is not a catastrophic illness or injury.

5.11.06 Maximum Leave

A. The Pool Administrator shall determine the exact amount of time that an employee may be allocated from the SLP. The amounts allocated may be given in increments as determined by the Pool Administrator, but in total cannot exceed the lesser of the following in a plan year.

- (1) Sixty (60) days (480 hours) of time, or
- (2) 1/3 of the total amount of time available in the SLP at the time of the request.

5.11.07 Confidentiality

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

5.11.08 Compliance with Other Policies

All SLP usage, including returns to work, shall be in compliance with County policy and procedures. Any change to the Sick Leave Pool Program by the Commissioners Court shall be applicable to these rules as of the effective date of the Commissioners Court action.

5.11.09 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 #2: Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 13 *Leave Policies – Family and Medical Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

5.13.01 The Sheriff's Office shall provide eligible employees up to 12 weeks of unpaid leave per year for certain family and medical reasons as set forth herein below. The Sheriff's Office shall return the employee to the same or equivalent position and employment benefits if the employee returns to work after the leave. The Sheriff's Office shall continue to pay the employer portion of employee-only health care coverage during the leave.

5.13.02 Eligible Employees

Employees eligible to request family or medical leave are those who:

- A. Have been employed by the County for at least 12 months.
- B. Have at least 1,250 hours of service during the previous 12-month period.
- C. Have not used 12 or more weeks of family or medical leave in the previous 12 months.

5.13.03 Eligible Events

The Sheriff's Office is required to grant up to 12 weeks of leave in any 12-month period because of the;

- A. Birth of a son or daughter of the employee, and care after such birth.
- B. Placement of a son or daughter with the employee for adoption or foster care.
- C. In order to care for the spouse or son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition.

D. A serious health condition that makes the employee unable to perform the functions of the position of such employee.

5.13.04 Serious Health Condition

The term "serious health condition" means an injury, illness, impairment or physical or mental condition that involves:

- A. Continuing treatment by a health care provider.
- B. Inpatient care in a hospital, hospice, or residential medical facility.

5.13.05 12-Month Period - Will be calculated by taking 12 calendar months immediately preceding the request for leave.

5.13.06 Health Care Provider

A "health care provider" is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the Secretary of Labor to be a capable of providing health care services.

5.13.07 Family Leave

Leave for the birth or placement for adoption/foster care may begin before the birth of the child and must be taken:

- A. Within 12 months of birth or placement;
- B. All at once, unless agreed otherwise; or
- C. Intermittent or reduced schedule leave if medically required.

5.13.08 Certification - The Sheriff's Office will require certification of the condition and may require a second opinion.

5.13.09 Combined Leave Limits

If two or more employees wish to take leave to care for the same individual, then there is a combined leave limit of 12 weeks to care for a:

- A. Parent;
- B. Child; or
- C. Spouse.

5.13.10 Reduced Schedule

- A. Leave for a serious health condition may be taken intermittently or on a reduced schedule if medically necessary.
- B. The Sheriff may temporarily transfer an employee to an alternative position to accommodate this leave.
- C. The employee must make the attempt to schedule medical care outside of his/her working hours, or with consideration to the needs of the Office.

5.13.11 Paid Leave - The Sheriff's Office will require all accrued sick leave to be taken and run concurrently with FMLA leave.

5.13.12 Health Care Benefits

- A. El Paso County will continue to pay the employer portion for group health plan coverage for the employee for up to 12 weeks of family or medical leave.
- B. The employee is responsible for paying for dependent health care coverage.
- C. El Paso County may discontinue health care coverage if an employee's health care payment is more than 30 days late.
- D. In order to alleviate the financial strain on an employee of paying for benefits during an unpaid leave, the employee may choose to temporarily drop any coverage (such as dependent coverage, additional life insurance, etc.) during the leave, and have such coverage reinstated upon his or her return in accordance with the health care plan.

5.13.13 Recovery of Health Care Payment

If the employee does not return to work following family or medical leave, the Sheriff's Office may recover its share of health care payments paid during the unpaid portion of the leave, unless the failure to return is due to a qualifying serious health condition or other circumstances beyond the employee's control.

5.13.14 Reinstatement

El Paso County will reinstate an employee returning from family or medical leave to the same or an equivalent:

- A. Position
- B. Pay
- C. Benefits
- D. Shift
- E. Schedule

5.13.15 Notification Requirement-El Paso County

- A. At the time an employee requests family or medical leave, the Sheriff must inform the employee of the:
 - (1) Employee's rights under the Family and Medical Leave Act, as required by law.
 - (2) Specific expectations and obligations of the employee when requesting family or medical leave.
 - (3) Consequences to the employee if he or she fails to meet these obligations.
- B. The initial notification may take place verbally, but must be followed by written notification via a copy of:
 - (1) The Family and Medical Leave form.
 - (2) This Policy.
 - (3) A memo or letter

5.13.16 Notification Requirement for Employees

A. An employee expecting to take medical leave should make a reasonable effort to schedule the leave so as not to disrupt the Office's operations, subject to the health care provider's approval.

B. The employee must notify the Sheriff of the need for family or medical leave:

(1) 30 days prior to the day the employee last expects to work.

(2) IF this is not possible, then within 2 days of the day the employee becomes aware of the need for leave. Notice can be given verbally, but the employee must complete the associated request forms (available from the Human Resources Department) as soon as possible to ensure that continuation of medical benefits takes place.

C. When the employee is unable to give notice personally, notice may be given on behalf the employee by any other responsible party (spouse family member, medical staff of facility, etc.)

5.13.17 Medical Certification

A. When the employee requests medical leave, the Sheriff's Office will require that the employee provide medical certification from a health care provider that a serious health condition exists. A form is available from the Human Resources Department.

B. The medical certification must include:

(1) The date on which the serious health condition commenced.

(2) The probable duration of the condition.

(3) The name, address and telephone number of the health care provider.

(4) The name of the patient.

(5) Diagnosis

(6) A statement that the employee's absence from work is required.

C. This certification must be furnished by the employee within 15 days of the leave being requested.

5.13.18 Additional Certifications

A. The Sheriff's Office may require a second opinion be obtained from a health care provider selected by the Sheriff's Office, and at the Office's expense. Should the first and second opinions vary, the Sheriff's Office may require the employee to obtain a third medical certification, at the Office's expense, from a third health care provider designated or approved jointly by the Sheriff's Office and the employee. The opinion of the third health care provider shall be final and binding.

B. The Sheriff or HR Department will require certification of continued need for leave:

- _____ (1) Every 30 days.
- _____ (2) When the employee requests an extension of leave.
- _____ (3) If the circumstances surrounding the leave change.
- _____ (4) When the Sheriff's Office receives information that casts doubt upon the continuing validity of the certification.

5.13.19 Failure to Comply

A. Family and medical leave are granted by the Sheriff's Office with the expectation that the employee will comply with the obligations outlined in these rules.

B. Failure to do so could result in leave being denied.

5.13.20 Return to Work

A. IF the employee has been away on medical leave for her/his own serious health condition, THEN the Sheriff will require that a "fitness for duty" release from the health care provider be provided before allowing the employee to return to work.

5.13.21 Seniority

A. For the purposes of retirement, family or medical leave will not be considered a break in service.

B. However, the Sheriff's Office is not required to grant accrual of seniority during the leave.

5.13.22 Options

A. Employees and/or their supervisors seeking further information or help in arranging family or medical leave should contact the Human Resources Department for assistance.

B. If an employee feels that his/her rights under the Family and Medical Leave Act have been violated, she/he may:

- _____ (1) Contact the Human Resources Department.
- _____ (2) File a complaint with the U.S. Department of Labor.
- _____ (3) Bring a civil action against the County for violation of this policy.

C. Questions regarding this policy and its accompanying procedures should be directed to the Human Resources Department at (915) 546-2218.

Proposed Change #3: Discuss and take appropriate action to approve recommended changes to Chapter 7, Section 1 *Performance Evaluation System*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

- 7.1.01 ~~Performance Evaluations are used to associate performance with the mission, vision and goals of the Office. In doing this, the goal of Performance Evaluations should be to: 1) Enhance employee motivation, 2) Enhance communication between Supervisors and Employees, and 3) Evaluate, or defend, personnel selection, promotion, demotion, and termination decisions.~~
- 7.1.02 ~~Upon completion of a successful evaluation of a 3.0 or above, the annual step increase may be given to the employee.~~
- 7.1.03 ~~Performance Evaluations of non-bargaining unit employees may not be grieved to the El Paso County Sheriff's Office Civil Service Commission. Covered employees may grieve their performance evaluations to the Sheriff if the performance evaluation contains negative comments or results in an overall rating of less than 3.0. The employee may grieve a qualifying performance evaluation in writing and/or may request a meeting with the Sheriff.~~
- 7.1.04 ~~The employee has a right to have a personal representative assist with any written submission and/or to be present at and participate in the face to face meeting with the Sheriff.~~
- 7.1.05 ~~Any grievance of a performance evaluation must be submitted to the Sheriff within seven (7) days of receiving the evaluation. The Sheriff must schedule a meeting, if requested, to occur within seven (7) days of receipt of the grievance. The Sheriff must issue his ruling within seven (7) days of the receipt of the grievance, if no face to face meeting was requested, or within seven (7) days of the face to face meeting, if one was requested. The Sheriff's time limits may be extended if the Sheriff is unavailable during the seven (7) days.~~
- 7.1.06 ~~The Sheriff's ruling concerning the performance evaluation is final and may not be appealed or grieved further by the employee. Even if the Sheriff rules against the employee, the employee has a right to have any written submissions attached to and maintained with the performance evaluation.~~
- 7.1.07 ~~The job performance appraisal will be rendered on an employee:~~
~~A. 10 days prior to completion of probationary status.~~
~~B. 10 days prior to promotion or transfer.~~
~~C. Not later than 10 days after an employee's seniority date.~~
~~D. Unscheduled Performance Evaluations shall be prepared as follows:~~
~~i. Not more than 10 days after a rater ceases to be the rater of the employee;~~
~~ii. Not more than 10 days after the employee ceases to be subject to the rater.~~
~~iii. Under other circumstances deemed by the rater such as, but not limited to, employees who are alleged to be continually inefficient in the performance of the~~

7.1.01 Performance Management

Performance management is the continuous process of managers and employees working together to plan, monitor, and review an employee's work objectives or goals and overall contribution to the organization. More than just an annual performance review, it is the continuous process of setting objectives, assessing progress and providing on-going coaching and feedback to ensure employees are meeting their objectives and career goals. The fundamental goal of performance management is to promote and improve employee effectiveness

7.1.02 Forms

- A. Evaluation and Quarterly coaching forms are located on the intranet within the HR section. Both forms shall be used for regular and probationary employees.
- B. The employee must sign the form acknowledging receipt of the evaluation. Signing the form does not indicate the employee agrees with the evaluation.
- C. Supervisors must sign all evaluations.
- D. Completed performance evaluations will be sent to and maintained by the HR Department in the employee's personnel file.

7.1.03 Performance Management Procedure

A. Annual Evaluation

Each regular employee shall be given a written performance evaluation by the end of each fiscal year, September 30th, or on the employee's anniversary date in their current position.

- (1) The due date of the evaluation is at the discretion of the Sheriff and must be the same for the entire Office.
- (2) The Sheriff, or his designees, are responsible for completing annual evaluations and submitting them to the HR Department in a timely manner but no later than October 5th of each year.
- (3) If an employee is due for an evaluation on his or her anniversary date as of result of a demotion, promotion, completion of the first year of employment or the Sheriff's election to complete evaluations on employees' anniversary dates, the evaluation is due five (5) days from the anniversary date.
- (4) Failure to submit timely evaluations may result in non-bargaining unit employees not receiving a step increase, if steps are approved by Commissioners Court for the related fiscal year. Additionally, no retroactive payments will be given for non-bargaining unit employees who do not receive a timely evaluation unless approved by Commissioners Court.

B. Probationary Evaluation

- (1) All newly hired employees shall be evaluated at the conclusion of their probationary period ~~(6 months from date of hire)~~.
- (2) Probationary employees are not eligible for step increases until the completion of their first year anniversary.
- (3) All probationary evaluation forms shall be submitted to the HR Department within five (5) days from the date of the end of the employee's probationary period ~~(6 months from date of hire)~~.
- (4) In the event an employee does not successfully complete the probationary period, the Sheriff should work with the HR Department and the County Attorney's office to properly document employment separation.

C. Unscheduled Evaluation

Unscheduled evaluations are recommended in the following cases:

- (1) Prior to an employee being transferred to a new supervisor or unit.

(2) Prior to an employee being placed on an extended leave status, to include military leave.

D. Coaching and Feedback Recommended

Supervisors are encouraged to communicate regularly with their employees. Providing ongoing feedback and coaching reports can assist with the annual evaluation. The purpose of performance coaching and feedback is to help managers improve the productivity of their employees, to develop and improve an employee's performance, and to correct poor performance.

(1) Ideally, coaching should be completed at the end of each quarter;

December 31, March 31, and June 30 of each year.

(2) While coaching forms are available for use during these sessions, they are not required. Coaching forms are not submitted to HR; rather, they are kept at the supervisor level for future use when compiling the annual evaluation.

7.1.04 Below Standards Evaluations

A. Performance which fails to meet the performance standards of the position being evaluated is unacceptable.

B. Non-bargaining unit eEmployees will not receive a step increases after receiving a "Below Standards" evaluation.

C. Corrective action must be initiated anytime an employee receives an evaluation that is below standards, if action has not already been taken. Supervisors should work with the HR Department regarding any corrective action measures needed.

7.1.05 Appeals

Performance evaluations are not disciplinary actions and cannot be grieved through the Civil Service Commission.

A. Employees may submit supplemental documentation detailing their disagreement with their evaluation within seven (7) days of receipt of the evaluation. This documentation must be submitted to the Sheriff.

B. The Sheriff shall respond to the employee by meeting with the employee to discuss the employee's disagreement within seven (7) days of receipt of the employee's supplemental documentation.

C. The annual evaluations will be finalized once the Sheriff makes a decision on the appeals. ~~The Sheriff's decision is final and may not be appealed.~~

7.1.06 Training

Performance Management training will be held, as necessary, throughout the year for supervisors. For training information, visit the training calendar on the intranet located within the HR section.

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!