

EL PASO COUNTY SHERIFF'S OFFICE



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Debi Lewis
COUNTY CLERK
EL PASO COUNTY, TEXAS

CIVIL SERVICE COMMISSION

**SPECIAL MEETING AGENDA
1:30 P.M. MONDAY, JULY 29, 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 Regular Meeting for the Sheriff's Civil Service Commission on April 8, 2019.
-- Ludy Velo, Human Resources

REGULAR AGENDA

2. Discuss and take appropriate action regarding the El Paso County Sheriff's Office Civil Service Board Annual Report for 2018.
-- Ludy Velo, Human Resources
3. Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 4 *Employment – Employment Probationary Period*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
4. Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 5 *Employment – Exempt Employees*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
5. Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 3 *Compensation – Overpayments, Underpayments and Repayment*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
6. Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 2 *Promotional Procedures – Promotion to Detective, Sergeant, Lieutenant*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
7. Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 3 *Promotional Procedures – Selection to Deputy Sheriff*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
8. Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 4 *Promotional Procedures – Promotion of Non-Uniformed Personnel*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.
-- Ludy Velo, Human Resources
9. ADJOURN

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

POSTED: Monday, July 15, 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, July 29, 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 2, Section 4 *Employment – Employment Probationary Period*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

A. For the period of time listed below in D following ~~a six (6) month period~~ from 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.

a-1-(1) All employees failing to successfully complete their probationary period will be terminated without right of appeal. ~~(Revised 8.24.09)~~

a-2-(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. ~~(Revised 8.24.09)~~

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

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EL PASO COUNTY TEXAS
Dale Stewart

CIVIL SERVICE COMMISSION
HUMAN RESOURCE OFFICE

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

2.5.01 The following positions are exempt from the provisions of the El Paso County Sheriff's Office Civil Service system as authorized by Section 158.038, Local Government Code:

- (1) Executive Chief Deputy - ~~Jail Operations~~ Law Enforcement Bureau
- (2) Chief Deputy - ~~Law Enforcement~~ Detention Services Bureau
- (3) Executive Administrative Officer - Administration Services Bureau
- (4) ~~Commander~~ Assistant Chief - Detention Facility Division
- (5) ~~Commander~~ Assistant Chief - Jail Annex Division
- (6) Commander - Patrol Division
- (7) Commander - Criminal Investigations Division
- (8) Commander - ~~Jail Administration and Support~~ Planning Accreditation and Inspection Division
- (9) Public Affairs Director
- (10) Administrative ~~Assistant~~ Specialist Senior to the Sheriff - Executive Administrative Officer
- (11) Executive Assistant - Administration Services Bureau

Proposed Change #3: Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 3 *Compensation – Overpayments, Underpayments and Repayment*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

3.3.01 The El Paso County Human Resources Department (HR) and County Auditor Payroll and Benefits Reporting/Audit division (Payroll) strive to pay employees correctly and promptly in accordance with approved assignments. Commissioner's Court approved compensation policies and pay scales, and all pay requests processed by the Sheriff's Office payroll section each pay cycle. On occasion, due to errors in reporting, processing, and approvals, employees may be underpaid, or paid more than is owed to them.

Should an employee be underpaid for any reason, HR and Payroll will work to investigate the matter promptly and correct the under payment within the pay period following the date the underpayment is confirmed. The same notification procedures below will be used to address underpayments.

3.3.02 This policy establishes the process for identifying, remedying, and recouping salary overpayments to El Paso County Sheriff's employees. This policy applies to all employees.

3.3.03 **Definition**

Overpayment is defined as compensation paid to an employee in excess of the amount owed for a given pay period. Overpayments are payments made without authorization and must be repaid regardless of the origin, error or amount.

3.3.04 **Responsibilities and Authority**

A. HR and Payroll are collectively responsible for making timely and accurate salary payments to employees, reviewing payroll for accuracy, notifying employees and the Sheriff when an error is discovered and executing *Overpayment and Repayment Plan Agreements*.

B. The Sheriff's Office payroll section is responsible for reviewing employees' payroll periodically, but especially when there is a change in salary. In the event an error is identified, the Sheriff's Office payroll section shall report all overpayments/underpayments to HR as soon as possible, but no later than 5 days after the error is discovered. The Sheriff's Office payroll section is also responsible for maintaining communication with the employee throughout the repayment process.

C. Additionally, employees are responsible for reviewing their payroll statements for accuracy, promptly reporting any discrepancies to the Sheriff's Office payroll section and repaying amounts overpaid to them in accordance with this policy.

3.3.05 Overpayment Procedure

A. When an overpayment is discovered, HR must report the overpayment to Payroll and include all relevant information.

B. Payroll will initiate administrative procedures to calculate the overpayment. Once the overpayment is verified, Payroll will notify HR. HR will correct the affected employee's pay by the next pay period to ensure the overpayment does not continue.

C. The Sheriff and employee will be notified by HR in writing via a *Notice of Overpayment* that includes an explanation of the overpayment. Copies of the notification will be sent by email to Payroll.

D. The employee will be provided with an *Overpayment and Repayment Plan Agreement* which allows the employee to select their repayment preference. This agreement must be completed and signed by the employee and returned to HR within 10 business days from the date of *Notice of Overpayment*, unless the employee chooses to dispute the matter. (See Section 3.3.06 A of this policy.) Signed agreements will then be referred to Payroll for processing.

E. Repayment options include the following:

(1) One-time deduction for a subsequent paycheck;

(2) Personal payment from the employee in the form of cash, personal check, money order or credit card;

(3) Utilize accrued compensatory time and/or vacation hours¹; and

(4) Payment Plan or recurring deductions established for a period not to exceed the total time period over which the overpayment was made.

F. Repayments made in accordance with a payment plan or recurring deductions will commence at the start of the first pay period after the signed forms are received by Payroll.

G. All backup documentation shall be preserved in the employee's personnel file for audit purposes.

H. When an overpayment is paid back in the same year, the employee's repayment will be reflected in his or her IRS form W-2 Wage and Tax Statement.

¹ May be subject to higher tax rate in accordance with IRS guidelines.

I. Repayments Crossing Tax Years:²

- (1) In accordance with IRS requirements, Payroll may adjust taxable income and income tax withholding balances only for the amount of repayment received in the same tax year in which the overpayment occurred. If an overpayment, or portion of an overpayment, is paid back in a subsequent year, the employee is responsible for income taxes for such amounts in the year of overpayment. The employee may be entitled to a deduction (or credit in some cases) for repaid wages on his or her income tax return for the year of repayment. To determine how to account for these repayments when filing their taxes, employees may review IRS Publication 525 - Repayments Sections, Form 1040 and Schedule A Instructions, or contact their personal tax advisor or the IRS for further assistance.
- (2) The Social Security Administration allows correction and recovery of Social Security and Medicare tax balances for the current year and the three previous tax years with forms documenting employee authorizations. Payroll will file these correction by generating and filing appropriate tax forms, including a W-2C after receiving the employee's consent.
- (3) Because of the strict IRS rules regarding how to handle the repayment of wages (IRS Publication 15, Circular E, Employer's Tax Guide), individuals may not necessarily recover the additional tax liability from the previous year related to the overpayment.
- (4) It is imperative an employee ensure the payments they are receiving are correct, and any overpayment are paid back in the same year when possible.

3.3.06 Disputes

- A. If the employee is in disagreement with the overpayment claim, he or she must indicate disagreement on the *Notice of Overpayment*. The employee must provide all supporting documentation to HR no later than 10 business days from the date the *Notice of Overpayment* is signed. The employee will be notified with a date on which the dispute will be reviewed by Commissioner's Court.
- B. The HR department will notify the employee within 72 hours of the Court's decision.
 - (1) If the Court determines the overpayment constitutes a debt owed to the County, the County Auditor will also be notified within the 72 hour period.
 - (2) If a debt is owed, the County Auditor will proceed with the collection procedures to collect the debt, and will consult with the County Attorney's Office as deemed necessary.
 - (3) If no debt is found, all recoupment efforts will be discontinued.

3.3.07 Separating Employees

If an employee who has been overpaid is separating from the County of El Paso, the repayment shall be in accordance with section 3.3.05 E of this policy.

² This information is not tax advice. Employees should consult a personal tax advisor to assure that they are fully informed of all tax ramifications related to their personal overpayment situation.

3.3.08 **Annual Authorization**

Each year, the HR Department shall request authorization by Commissioners Court to allow for repayments to be made via payroll deduction.³

³ In accordance with the Local Government Code

Proposed Change #4: Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 2 *Promotional Procedures – Promotion to Detective, Sergeant, Lieutenant*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

PROMOTION OF LICENSED PEACE OFFICERS AND JAILERS TO DETECTIVE, SERGEANT, LIEUTENANT

11.2.01 Promotions ~~of licensed peace officers and jailers to~~ Detective, Sergeant and Lieutenant shall be made in accordance with the promotional article in the "Articles of Agreement between the Sheriff of El Paso County, and the El Paso County Sheriff's Officers Association, Inc." (herein referred to as "The Agreement.") Only licensed peace officers are eligible for the ranks listed in the Agreement under Law Enforcement, and only licensed jailers are eligible for the ranks listed in the Agreement under Detention. ~~Where "the Agreement" mentions or describes peace officers being promoted to the aforesated ranks it applies equally to detention officers, provided however, promotional eligibility shall be limited so that only peace officers may seek promotion to the aforesated ranks for peace officers and only detention officers may seek promotion to the aforesated ranks for detention officers.~~

Proposed Change #5: Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 3 *Promotional Procedures – Selection to Deputy Sheriff*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

11.3.02 Eligibility requirements are:

- (1) Be employed as a permanent detention officer with the El Paso County Sheriff's Office with at least 12 months of continuous service in that capacity.
- (2) Pass the physical fitness assessment administered by the Region VIII Training Academy.
- (3) Pass a written exam.
- (4) Pass an updated background investigation, which may include a polygraph exam.
- (5) Pass an oral interview.
- (6) Pass the medical evaluation.
- (7) Pass the psychological evaluation.
- (8) Meet TCOLE requirements.
- (9) Have two current annual performance evaluations on file with Human Resources that meet or exceeds standards.

Proposed Change #6: Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 4 *Promotional Procedures – Promotion of Non-Uniformed Personnel*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

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

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.

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 with 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!