

**EL PASO COUNTY SHERIFF'S OFFICE**



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SHERIFF'S OFFICE  
EL PASO COUNTY, TEXAS

**CIVIL SERVICE COMMISSION**

**SPECIAL MEETING MINUTES**  
**1:30 P.M. MONDAY, JANUARY 6, 2020**  
**SHERIFF'S HEADQUARTERS**  
**3850 JUSTICE ROAD**  
**SHERIFF'S CONFERENCE ROOM**  
**EL PASO, TEXAS 79938**

**Chair**  
**Fermin Acosta Jr.**

**Commissioner**  
**Maria Elvira Williams**  
**Bertha A. Gallardo**

**OPEN MEETING**

The meeting was called to order at 1:30 pm. Members present were Chair Acosta and Commissioner Williams. County personnel present were Marilyn Mungerson, Holly Lytle, and Donnie McGibra from the County Attorney's Office; Ludy Velo, Suky Gomez, Melissa Carrillo, and Natalia Chaparro, from the Human Resources Department; Bill Ellis from the Sheriff's Office; Jim Jopling and Pete Faraone from the CLEAT Association.

**PUBLIC COMMENT**

No public comment.

**APPROVE – CONSENT AGENDA**

**JANUARY 6, 2020**

**MOTION #1 (ITEM #1& #2)**

Approve the minutes of the Special Meeting for the Sheriff's Civil Service Commission on July 29, 2019.

Approve notification to the Commission of the appeal letter of termination on Officer Gabriel Correa, Internal Affairs Case Number SO2019-094.

On this day, on motion of Commissioner Williams, seconded by Chair Acosta, it is the order of the Commission to approve item one and two. The motion carried by majority vote of the commission.

**VOTE:** YES – Chair Acosta, Commissioner Williams  
NO – None  
**ABSENT:** None

## REGULAR AGENDA

**JANUARY 6, 2020**

**MOTION #2 (ITEM #3)**

Discuss and take appropriate action to select the nominee to the El Paso County Ethics Commission for the term February 1, 2020 through January 31, 2022.

On this day, on motion of Commissioner Williams, seconded by Chair Acosta, it is the order of the Commission to approve item three with the following directive to the Human Resources Department. Claudia Murguia from County Administration provided information to the Commission on the current candidate. Commissioner Williams asked, "in the past, has this been advertised for other candidates to apply?" Claudia Murguia, briefly explained the process and informed the Commission on the current candidate's participation, attendance, and his interest in being re-appointed; however, if the current member does not wish to be re-appointed that it's at the Commission's decision to request to advertise and accept applications. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

1. Advertise and accept applications for a Commissioner to serve in the El Paso Ethics Commission.
2. Coordinate a special meeting in February to interview candidates.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None

ABSENT: None

**JANUARY 6, 2020**

**MOTION #3 (ITEM #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.

On this day, on motion of Commissioner Williams, seconded by Chair Acosta, it is the order of the Commission 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 from Human Resources provided a synopsis and changes made to policy with minor changes on eleven positions that are exempt from the provisions from El Paso County Sheriff's Civil Service to include: delete item ten - Administrative Specialist, Senior as it now falls under the Assistant Chiefs, and excludes the Executive Assistant to the Sheriff. Commissioner Williams asked, "Does this position no longer exists". Ludy Velo further explained the position was reclassified to an Executive Assistant and the Specialist, Senior is assigned under the Chiefs. Chair Acosta asked, "so no one is being displaced, it's just housekeeping as part of a cleanup." Holly Lytle from the County Attorney's office explained, no position is being eliminated, it has always been ten (10) exempt positions and sort of a mistake and an assumption the Administrative Specialist, Senior was added to an exempt position and the Sheriff never wanted her to be under an exempt position.

Commissioner Acosta asked, "so what happens to her position." Holly Lytle from the County Attorney's office replied, she is now non-exempt, which is good as she is now covered under the Civil Service Rules. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

**JANUARY 6, 2020**

**MOTION #4 (ITEM #5)**

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 and Regulations.

On this day, on motion of Commissioner Williams, seconded by Chair Acosta, it is the order of the Commission 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 and Regulations. Ludy Velo from Human Resources provided a synopsis and explained that this policy does not pertain to collective bargaining employees. This policy has been under the Civil Service Rules and explained the minor changes for this policy include: eligibility, procedures, exclusions and examples on how to code in Kronos. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

**JANUARY 6, 2020**

**MOTION #5 (ITEM #6)**

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 and Regulations.

On this day, on motion of Commissioner Williams, seconded by Chair Acosta, it is the order of the Commission to approve recommended changes to Chapter 3, Section 5 *Compensation – Compensatory Time*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. Ludy Velo from Human Resources provided a synopsis and explained policy has always been in place and now is being revised as part of our cleanup project. Civilian employees working over the forty hours will accrue compensation time instead of overtime. Some excluded civilian positions that are specialized do get paid overtime. Commissioner Williams asked, "What is the 1.0 equal to." Ludy Velo explained 1.0 will be one-for-one (straight time) for non-exempt employees. Holly Lytle from County Attorneys clarified that employees who were identified get paid overtime have already been approved by Commissioners Court.

No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

William Ellis from the Sheriff's office addressed the Commissioners and noted a minor correction needed under 3.5.02 under Compensatory Time by changing "Department Heads or their designees" to "The Sheriff or his designee is responsible".

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

**JANUARY 6, 2020**

**MOTION #6 (ITEM #7)**

Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 6 *Compensation – Supplemental Stipends*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

On this day, on motion of Commissioner Williams, seconded by Chair Acosta, it is the order of the Commission to approve to delete changes to Chapter 3, Section 6 *Compensation – Supplemental Stipends*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. Chair Acosta asked, "what is the reason of deleting this item." Ludy Velo from Human Resources explained, this item is not needed at this time as there are no positions that require an additional stipend pay. Commissioner Williams asked, "at one time was this policy needed." Ludy Velo from Human Resources further explained, policy is under County policy and was created for positions that do require it. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

**JANUARY 6, 2020**

**MOTION #7 (ITEM #8)**

Discuss and take appropriate action to approve recommended changes to Chapter 3, Section 7 *Compensation – Timekeeping and Attendance*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

On this day, on motion of Commissioner Williams, seconded by Commissioner Acosta, it is the order of the Commission to approve recommended changes to Chapter 3, Section 7 *Compensation – Timekeeping and Attendance*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. Ludy Velo from Human Resources provided a synopsis and explained policy has always been in place and now is being added as part of our cleanup project and adopting the County policy on how to code Kronos electronically in order for employees to enter their hours and supervisor approve their time. Commissioner Williams asked, "How do they enter their hours". Ludy Velo from Human Resources briefly explained the process. Chair Acosta asked, "do supervisors review it from their report." Ludy Velo from Human Resources replied, "Yes" "to ensure they are not missing any

time coded". Jim Jopling, CLEAT attorney asked, "was this already in policy including the modified duty." Ludy Velo from Human Resources replied, this is under the Worker's Compensation Policy. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

**JANUARY 6, 2020**

**MOTION #8 (ITEM #9)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 10 *Leave Policies – Worker's Compensation*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

On this day, on motion of Commissioner Gallardo, seconded by Commissioner Williams, it is the order of the Commission to approve recommended changes to Chapter 5, Section 10 *Leave Policies – Worker's Compensation*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. Ludy Velo from Human Resources provided a synopsis and explained policy has always been in place and now is being revised as part of our cleanup project and adopting the County policy. Commissioner Acosta asked, "Does the County have verbatim this same policy." Ludy Velo replied, "Yes sir." Commissioner Williams asked, "Is there a definition of what does it mean "immediately." Ludy Velo from Human Resources replied, as soon as practical or as soon as the Sergeant is able to take care of it. Holly Lytle from County Attorney's briefly explained the process and they are supposed to report the incident with 24 hours per office policy. Chair Acosta asked, "so you wouldn't want it to be in here as well." Ludy Velo from Human Resources pointed out under section 5.10.05 under D, need to submit paperwork within 48 hours. Chair Acosta said, "I think she's referring to the injury itself." Holly Lytle from County Attorney's office pointed out section 5.10.06 and further explained the process. Commissioner Williams said, "I just don't want to affect the employee that gets injured." Holly Lytle from County Attorney's office reiterated on section 5.10.05 and further explained the process. Commissioner Williams asked, "if the situation is not reported immediately what is the consequences for the employee who got injured." Holly Lytle from County Attorney's replied, there are two potential ways to do it, from a disciplinary stand point, Internal Affairs does can do an investigation that didn't follow policy and report in a timely manner. On the worker's compensation, if there still adequate available proof that the injury was work related it would probably still be approved; however, the fact that it was reported late may be a fact taken into consideration in the investigation and determination weather or not it was a workers' compensation injury. Melissa Carrillo form Human Resources agreed with Ms. Lytle and further explained the process to the commission. From an HR perspective we don't see a concern with the word "immediately" as well. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

Commissioner Williams asked, "Does it have to be a letter from the US doctor or can it be from Mexico." Natalia Chaparro from Human Resources replied worker's compensation carrier approves anyone that is eligible to take worker's comp which is limited to Texas only with any medical provider that accepts worker's compensation.

Holly Lytle, County Attorney's office, explained that this is only accepted with sick leave policy and the FMLA and has been expanded to allow employees to go to Mexico to seek medical attention and it's different with Worker's Compensation due to the statutory issues it works differently.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

JANUARY 6, 2020

MOTION #9 (ITEM #10)

Discuss and take appropriate action to approve recommended changes to Chapter 6, Section 8 *Professional Conduct – Discrimination/Sexual Harassment*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations.

On this day, on motion of Commissioner Williams, seconded by Commissioner Acosta, it is the order of the Commission to approve recommended changes to Chapter 6, Section 8 *Professional Conduct – Discrimination/Sexual Harassment*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. Ludy Velo from Human Resources explained policy has always been in place and would refer to County policy and now policy is being added to the Civil Service Rules. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

MEETING ADJOURNED

JANUARY 6, 2020

MOTION #10 (ITEM #11)

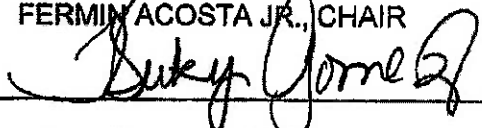
On this day, there being no further business to discuss, Commissioner Williams Acosta moved to adjourn the meeting at 2:02 p.m., seconded by Chair Acosta. The motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams  
NO – None  
ABSENT: None

EXAMINED AND APPROVED THIS 19<sup>th</sup> DAY OF FEBRUARY, 2020:

  
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FERMIN ACOSTA JR., CHAIR

  
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SUKY GOMEZ, RECORDING SECRETARY

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FEB 28 PM 4:00

  
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