

**EL PASO COUNTY SHERIFF'S DEPARTMENT**  
**CIVIL SERVICE COMMISSION**  
**RULES AND REGULATIONS**

**ADOPTED BY**  
**EL PASO COUNTY SHERIFF'S OFFICE**  
**CIVIL SERVICE COMMISSION**

**September 9, 2002 (revised)**

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## **PREAMBLE**

These Civil Service Rules and Procedures are established pursuant to the State law as facilitated by El Paso County Commissioners' Court. The Sheriff's Department Civil Service Commission is empowered with oversight responsibilities to insure personnel actions are administered as promulgated.

Effective personnel related policies and standards are deemed to be in the best interest of El Paso County citizens; therefore, the promulgation of these rules and procedures is to promote an equitable personnel system within the Sheriff's Department.

This civil service system affords the individual a formal avenue of administrative redress.

**CHAPTER 1**  
**ORGANIZATION**

**SECTION 1. PURPOSE**

- 1.1.01 The Civil Service System is a systematic method of appointing employees to office and of promoting them for competency and performance. The following rules are designated to delineate and clarify the procedures for administering the Civil Service System on a day-to-day basis for those employees who fall under the jurisdiction of the system.
- 1.1.02 A person who is an employee covered by this Civil Service System, when adopted by the Commission, will not be required to take any competitive examination or perform another act to maintain their present position.
- 1.1.03 Hereinafter, the pronouns he, him, his or their are used to signify both male and female individuals, and are used only to condense the language of this text, and are not to be construed to be discriminatory against either sex.

**SECTION 2. CIVIL SERVICE COMMISSION**

- 1.2.01 As authorized by Section 158.034 Local Government Code, the Sheriff, District Attorney and Commissioner's Court are authorized to make one appointment each to the Sheriff's Department Civil Service Commission. The Commission shall make, publish, and enforce rules relating to: 1) selection, 2) competitive examinations, 3) promotions, seniority and tenure, 4) layoffs and dismissals, 5) disciplinary action, 6) grievance procedures and other procedural and substantive rights of employees, and 7) other matters having to do with selection of employees and their advancement rights, benefits and working conditions. The Sheriff appoints the Chair. All Chairman and Commission appointees will serve for the duration of the appointed term unless the appointee voluntarily resigns, dies, is unable to continue to serve due to injury or illness or is removed from his position under the provisions of Chapter 87 of Texas Local Government Code.
- 1.2.02 Regular meetings shall be held the first Monday of each month unless the Monday falls on a county's recognized holiday at which time, the meeting will be held on the following Monday and as called by the Chairman of the Commission from time to time. The commission shall comply with V.A.C.S., Texas Local Government Code ("Open Meeting" Law), and shall require two (2) Commission Members to be present to constitute a quorum.
- 1.2.03 The following chapters contain the rules that are presently in force for all employees under the El Paso County Sheriff's Department Civil Service System and approved by the Civil Service Commission.

**SECTION 3. HUMAN RESOURCE OFFICE**

- 1.3.01 The Sheriff's Department Civil Service Commission will utilize the personnel and equipment of the Human Resource Section of the Sheriff's Department as its office until such time as the Commissioner's Court provides adequate office space, staff and necessary supplies and equipments.
- 1.3.02 All items to be included in the agenda for the Sheriff's Department Civil Service Commission must be received by the Human Resource Director ten (10) days prior to the next regular meeting. Commission members will receive agenda and necessary documents at least 5 days prior to the scheduled meeting.

**SECTION 4. CHANGE OF RULES**

- 1.4.01 These rules may be amended, repealed or supplemented by the Civil Service Commission at any time and new rules may be adopted. Notice of such action shall be issued ten (10) days, exclusive of holidays/weekends, prior to any action by the Commission to amend, repeal, or supplement any of these rules or adopt new rules. The notice shall contain the proposed changes or the proposed new rules and the date and the place at which the Commission will hold a public hearing on such proposals. Copies of the notice and of the proposed changes or new rule shall be posted on the bulletin board in the office of the Civil Service Commission, and the County Courthouse, and elsewhere as the Commission deems advisable. Copies of the notice and proposed changes or new rules shall be forwarded to the Sheriff, Division Heads, Association/Unions and made available to the public for inspection.
- 1.4.02 The Civil Service Commission, after public hearing, shall take action on the proposed changes or new rules and such changes or new rules may be adopted by a majority vote.
- 1.4.03 All rules and amendments hereto shall become effective ten (10) days, exclusive of holidays/weekends, following their approval by the Civil Service Commission. Copies of approved rules and amendments shall be distributed to the Sheriff, all employees, and made available to the public for inspection.
- 1.4.04 Any intentional disregard of a rule promulgated by the El Paso County Sheriff's Civil Service Commission may be a basis for disciplinary action.
- 1.4.05 The Civil Service Commission recognizes the Constitution and all of the laws of the United States of America and the Constitution and the laws of the State of Texas.
- 1.4.06 The Civil Service Commission recognizes and adopts the existing rules, regulations, general orders, policies and procedures of the El Paso County Sheriff's Department as set forth in the Department's Manual of Policy and Procedure insofar as those provisions do not conflict with any established rules, procedures, policies or practices of the Civil Service Commission within the foundation of the Civil Service Commission embodied in Section 158.035 of the Local Government Code. Conversely, the Sheriff recognizes the authority, rules, regulations and procedures of the Civil Service Commission. Furthermore, it is required that the Sheriff submit and forward all changes and amendments to the rules, regulations, general orders, policies and procedures of the El Paso County Sheriff's Department to the Commission and all employee organizations.
- 1.4.07 "Recognize" as used throughout these rules, means to acknowledge the existence of.

**SECTION 5. COLLECTIVE BARGAINING**

- 1.5.01 The Commission recognizes that Article 5154C-1 Occupations Code enables the County and its licensed full-time peace officer and certified full-time paid detention officers as exclusive agents to enter into collective bargaining agreement(s). Where such an agreement "specifically provides" other than these rules the agreement will prevail. Additionally, any such applicable collective bargaining agreement is incorporated in these rules for all purposes.
- 1.5.02 Before an employee may seek a remedy to any grievance under the rules, that employee must waive all procedures to secure such remedy under any applicable collective bargaining agreement. Such election of procedures under these rules shall result in a final order which may not be subject to any contractual grievance procedure.

**SECTION 6. EXCLUSIVITY**

1.6.01 This Civil Service System created under Subchapter B, Section 158.034 of the Local Government Code applies to all Sheriff's Department employees to the exclusion of the El Paso County Civil Service System created under Subchapter A of the Local Government Code and to the further exclusion of those employees as set forth in Rule 2.5.01.

## CHAPTER 2

### EMPLOYMENT

#### SECTION 1. POLICY

- 2.1.01 It shall be the policy of the Sheriff's Department and the Sheriff's Department Civil Service Commission that present employees shall have priority in the hiring process. If positions are opened to both new applicants and current employees and all qualifications are equal, the preference shall be given to the current employee.
- A. A written job description for every position in the Sheriff's Department is required and must be maintained on file in the Human Resource Office.
  - B. Any change to a position description or job qualification will be subject to the approval of the Commission.
  - C. Any requests for an exemption of a job qualification will be subject to the approval of the Commission.

#### SECTION 2. EMPLOYMENT PROCEDURE

- 2.2.01 Positions are posted for a minimum of 5 (five) working days in the Sheriff's Administration lobby area, the County's Human Resource Department and web-site, and the Sheriff's web-site. Distribution will also be made to each division within the Sheriff's Office and in accordance to the recruitment plan as outlined in the Sheriff's Equal Employment Opportunity Plan.
- 2.2.02 Any person desiring employment with the Sheriff's Department must first complete an employment interest notice. The completed notice must be returned to the Human Resource Office and will be kept in file for six months.
- 2.2.03 It is the goal of the Human Resource Section to keep a standing list of at least 3 qualified applicants for entry level positions. (Qualified applicants are those who meet the job requirements and who have successfully passed the background investigation.) Qualified applicants shall be on a standing list for no more than six months.
- 2.2.04 If there is not a list of qualified applicants for a vacant position, individuals who have an active employment interest notice on file will be contacted. The Human Resource Section will determine if they meet the minimum requirements and be scheduled for appropriate testing, when applicable. Individuals who meet the minimum requirements and pass required exams will be scheduled for an interview.
- 2.2.05 The Human Resource Section will invite qualified candidates to complete an application and personal history statement so that a background investigation may be initiated. Applicants passing the background investigation will then be formally interviewed.
- 2.2.06 All new employees will report to a location designated on their first day of work for employee orientation.
- 2.2.07 Any material misrepresentation of facts or failure to report pertinent data on the application and/or on the Personal History Statement shall be just cause for dismissal.

**SECTION 3. HIRING CRITERIA FOR DETENTION OFFICER**

2.3.01 To qualify for a position as a Detention Officer, applicants must meet all requirements as set forth by the Sheriff and the Texas Commission on Law Enforcement Officer Standards and Education - to include but not limited to the below:

- Submit an employment interest notice
- Successfully complete and pass the Written Entrance Exam
- Successfully complete the Physical Fitness Assessment
- Successfully complete Oral Interview
- Pass the background investigation
- Be accepted pending successful completion of physical and psychological evaluations

**SECTION 4. CLASSIFIED EMPLOYEES**

2.4.01 The following four classification of employees are for payroll as well as for Civil Service purposes:

(a) Regular Employee:

An individual hired by the department on a continuing basis.

(b) Temporary Employee:

An employee appointed to a position with a limitation that the appointment will not exceed a six (6) month duration. 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.

(c) Full-Time Employee:

An employee who has a regularly assigned work schedule of 30 hours per week or more, less authorized leave with pay.

(d) Part-Time Employees:

An employee who has a regularly assigned work schedule of less than 30 hours per week.

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 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.

2.4.04 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

2.4.05 INACTIVE EMPLOYEE:

An inactive employee is an employee who is on approved leave of absence without pay. An inactive employee does not earn or accrue vacation, sick leave or retirement/health benefits.

2.4.06 EMPLOYMENT PROBATIONARY PERIOD:

The period of time consisting of the first six months of employment from the employee's Effective Date of Employment, as a regular full-time employees during which they must demonstrate their ability to satisfactorily perform the duties required. The immediate supervisor will periodically advise the employee of his progress and assure that the employee receives any necessary training required in order for the employee to successfully perform the job duties. Failure of the employee to perform satisfactorily during the probationary period will result in dismissal without right to appeal. For officers attending a basic academy, the six month probationary period begins on their 1<sup>st</sup> day of work to their new assignment after completion of the academy. Any absence from work during probation shall extend probationary same number of days absent.

2.4.07 SEPARATION OF EMPLOYMENT:

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

2.4.08 JOB CLASSIFICATION

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

2.4.09 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.

**SECTION 5. EXEMPT EMPLOYEES**

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

- (1) Chief Deputy
- (2) Major
- (3) Captain (Downtown Detention Facility)
- (4) Captain (Uniformed Field Operations Division)
- (5) Captain (Criminal Investigation Division)
- (6) Captain (administration)
- (7) Captain (Jail Annex)
- (8) Captain (Task Force)
- (9) Administrative Assistant (to Sheriff)
- (10) Training Academy Director

**SECTION 6. NEPOTISM**

2.6.01 The hiring of employees shall not violate the laws against nepotism as contained in the Texas Government Code 573.084 of the State of Texas or other applicable laws.

**SECTION 7. EQUAL EMPLOYMENT OPPORTUNITY**

2.7.01 It is the Department's Policy to provide equal employment, and will recruit, hire, and promote in all job classifications without regard to race, color, creed, sex, age, national origin, disability, or political affiliation; and, to assure that all other matters affecting employees, including compensation, benefits, transfers, demotion, layoffs, returns from layoff, Sheriff's Department sponsored training, social and recreation programs, will be administered without regard to race, color, creed, sex, age, national origin, disability, or political affiliation.

2.7.02 The preceding policy, however, is not to be construed to prohibit the department from establishing "bona fide occupational qualifications" that relate to physical or mental abilities required to perform a job.

**SECTION 8. LATERAL TRANSFERS**

2.8.01 A lateral transfer is the change of job assignment of an employee that does not affect the person's pay grade or salary. The determining factor in distinguishing between a demotion and a transfer whether there is any reduction of salary or pay grade.

2.8.02 Any employee requesting a lateral transfer between divisions within the Sheriff's Department must notify his immediate supervisor and the Human Resource Office in writing in order to be considered for a transfer.

2.8.03 Lateral transfers are subject to the approval of the Sheriff. The commission recognizes the Sheriff's management right to make lateral transfers. Lateral transfers are not subject to review by the Commission.

## **SECTION 9. DEMOTION**

- 2.9.01 A demotion is a reduction of an employee from a higher pay grade to a lower pay grade as a result of: 1) the inability of the employee to fulfill the functions of the job; 2) the employee's request for such change; 3) disciplinary action.
- 2.9.02 The Sheriff has the authority to demote employees for just cause. The demoted employee's new pay grade will be determined by the Sheriff in accordance with established departmental pay scales.

## **SECTION 10. REDUCTION-IN-FORCE**

- 2.10.01 A reduction-in-force is a decrease in the number of authorized employees resulting from a discontinuance of services, organizational changes, or change in fund authorization, and is not to be considered a disciplinary action.
- 2.10.02 Changes in position authorization required in a reduction in force will be determined by 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.
- 2.10.03 Whenever possible, employees occupying positions to be deleted, due to a reduction-in-force in one County department/section, shall be referred for reassignment to other 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 Department Human Resource Section.
- 2.10.04 Retention of employees will be based on length of service.
- 2.10.05 Length of service of an employee for inclusion in layoff ratings shall be based upon the number of calendar months of continuous County service. Periods of unapproved absence or leave without pay shall not be credited as County service. Length of service in the class for which 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, 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.
- 2.10.06 An employee shall, in lieu of layoff, be afforded the option of a demotion within the department 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 appointing authority, but shall not be greater than their current salary nor greater than the maximum of the prescribed pay range for their new position.
- 2.10.07 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 department and in the same or in a lower class, the said employee shall be reinstated in the vacant position, provided that such employee is willing to accept the offered employment, and provided further that such employee meets all qualifications for said position.
- 2.10.08 All employees being reinstated as a result of a reduction-in-force will be subject to restoration of benefits and their salary level at time of separation.
- 2.10.09 When more than one laid off person qualifies for reinstatement under these rules, the preference shall be given to the person laid off last.

**SECTION 11: RE-EMPLOYMENT**

2.11.01 In re-employment cases, if not more than six (6) months break in service has transpired, the employee, subject to hiring and selection criteria, may be reinstated in his old classification, if a vacancy is available, and may be reinstated to his old grade and level upon order of the Sheriff.

**SECTION 12: RESIGNATION**

2.12.01 An employee who desires to resign in good standing with the County shall submit his written resignation thru the chain of command to the sheriff and, except for good cause, give at least two (2) weeks notice of his intention to resign.

**SECTION 13. EFFECTIVE DATE OF TERMINATION**

2.13.01 Effective date of an employee's termination will be the last actual day the employee worked for the Sheriff's Department. Any accrued leave benefits that are eligible for payment as of the employee's termination date will be paid on the employee's last pay check.

**SECTION 14. WORK HOURS SCHEDULING**

2.14.01 For uniformed employees the establishment, scheduling of work hours, overtime, and related work conditions as set forth in any Articles of Agreement between the County of El Paso, Texas and El Paso County Sheriff's Officer's Association shall apply.

2.14.02 For non-uniformed employees

The establishment, scheduling of work hours, overtime and related working conditions shall be determined by the Sheriff.

**SECTION 15. OVERTIME GENERAL**

2.15.01 Based on available budgeted funds allocated to a line item for overtime, specifying tasks to be accomplished, overtime pay is authorized for eligible employees that are required to work in excess of a 40-hour week.

2.15.02 Overtime must be for work ordered, or approved in advance by the Sheriff, or his designee in the Department.

**SECTION 16. ELIGIBILITY FOR OVERTIME**

2.16.01 Employees eligible to receive overtime pay are employees classified as FLSA Non-exempt.

2.16.02 Employees generally ineligible to receive overtime pay are those defined by job function as FLSA Exempt unless expressly approved by Commissioner's Court.

**SECTION 17. OVERTIME PAY**

2.17.01 Overtime pay is paid at the rate established by the Fair Labor Standards Act, Section 207, for all hours worked in excess of an eligible employee's 40-hour work week.

2.17.02 The appropriate supervisor shall keep all necessary records relating to overtime, such as each instance of overtime worked. Supervisor's files may be subject to an internal audit.

**CHAPTER 3**  
**COMPENSATION**

**SECTION 1. GENERAL PROVISIONS**

- 3.1.01        The current Wage and Salary Administration was established to provide a mechanism whereby eligible El Paso County employees may be equitably compensated for the employee's increased value to the County through length of service.
- 3.1.02        All positions classified for salary purposes as "Non-exempt" (as defined by the provisions of the FLSA) fall within one of the pay grade levels of the Non-exempt Salary Structure.
- 3.1.03        Positions classified for salary purposes as "Exempt" (as defined by the provisions of the FLSA) fall within one of the nine (9) grade levels of the Exempt structure.
- 3.1.04        Notwithstanding the provisions of 2.4.09, the Sheriff may, with the consent of Commissioner's Court, hire not more than two employees at a rate greater than the rate of the grade to which the person is hired, provided further that at no time may more than two individuals so hired be in the employ of the department.
- 3.1.05        Further increases may be authorized annually as approved by Commissioner's Court for the fiscal year.
- 3.1.06        All employees are paid biweekly, every other Friday. Employees are not permitted to borrow on their earnings and checks will not be issued before the due date.
- 3.1.07        Compensation provided pursuant to a Collective Bargaining Agreement exclusively governs the compensation provided thereby to affected employees.

## CHAPTER 4

### EMPLOYEE'S RETIREMENT SYSTEM

#### EL PASO COUNTY GROUP INSURANCE PLAN

##### **SECTION 1. EMPLOYEE'S RETIREMENT SYSTEM**

- 4.1.01 All new Regular Full-Time employees become members of the Texas County and District Retirement System (TCDRS), providing they do not belong to another tax supported retirement system and providing they work a minimum of hours per year.
- 4.1.02 An employee who is 60 years or older has the option of participating in the retirement plan.
- 4.1.03 Any member is eligible for service retirement if the following requirements are satisfied:
- a) the member has completed at least eight (8) years of credited service and has attained the age of at least sixty (60); or
  - b) the sum of the member's attained age and total credited service equals seventy-five (75).
  - c) 20 yr. straight retirement.
- 4.1.04 Members having eight (8) years of service with El Paso County have a vested interest in the retirement System.
- 4.1.05 When an employee leaves the department after having eight (8) years of service, and the employee leaves his/her money in the System, at the age of sixty (60) the employee may be eligible to make an application for retirement benefits.
- 4.1.06 A member may select any one of several plans for retirement.
- 4.1.07 The member should make an application for service retirement at least forty-five (45) days before the effective date of retirement.
- 4.1.08 Should an employee leave the employment of the County prior to qualifying for retirement benefits, the employee shall have the right to apply for a refund of his/her contribution to the system along with interest earned on the employee's contribution only. Such withdrawals are subject to TCDRS penalties and taxation.
- 4.1.09 Texas County and District Retirement System Information Handbooks are available in the County Auditor's Office from the TCDRS Representative.

##### **SECTION 2. EL PASO COUNTY GROUP HEALTH AND DENTAL PLAN AND LIFE INSURANCE PLAN**

- 4.2.01 A group health plan, paid for by El Paso County, is provided for the benefit of all Regular Full-Time employees. Employees desiring to have coverage for their dependents may do so by making application at the time of employment or during open enrollment. A monthly deduction for dependent coverage will be made from the employee's pay check.
- 4.2.02 Booklets describing the group health plan are made available by the County's Group Administrator. Any inquiries concerning coverage should be addressed to the group health plan administrator.
- 4.2.03 Claim forms for both medical and dental are available in the Payroll Section of the County Auditor's Office and in the Human Resource Section of the Sheriff's Department.

**CHAPTER 5**

**LEAVE POLICIES**

**SECTION 1. NOTIFICATION OF ABSENCE**

- 5.1.01 Regular attendance is important to the overall operation of the department. If for any reason an employee is unable to report for work, notification shall be made to the employee's immediate supervisor at the earliest time possible.
- 5.1.02 Employees making application for FMLA Family Medical Leave Act will follow the provisions of that act, which is in Section 13 of this chapter, when making such application.

**SECTION 2. SICK LEAVE**

- 5.2.01 All non-exempt employees are granted time off with pay in the event of personal illness or illness in the immediate family. This covers all physical disabilities, including maternity.
- 5.2.02 Sick leave is accumulated from the date of employment for all full-time regular employees, defined as those working thirty (30) hours per week or more, at the rate of 4.62 hours per pay period. Maximum accumulation is (90) days.
- 5.2.03 The use of paid sick leave is authorized only for an employee who has completed 90 calendar days of full-time service.
- 5.2.04 To be eligible for paid sick leave, the employee is required to notify his/her supervisor at the beginning of the work day. Absences of three (3) consecutive days or more for sick leave or dependent illness must be verified by a licensed physician. The verification, in the form of a certificate of statement, shall be presented to the supervisor upon returning to work. Verification may also be required for any short-term illness if sick leave abuse is suspected.
- 5.2.05 Use of accumulated paid sick leave shall be authorized should a member of the immediate family be ill.
- 5.2.06 Payment for accumulated sick leave is not authorized after separation except for employee's covered as outlined in the Agreement between El Paso County and the El Paso County Sheriff's Officers Association.

**SECTION 3. VACATION LEAVE**

- 5.3.01 Regular full-time and part-time employees shall be eligible to use vacation leave with pay after one (1) full year of continuous service with the County.
- 5.3.02 Based on years of service to the County, full-time employees, other than employees covered by the agreement between El Paso County and the El Paso County Sheriff's Officers Association shall accrue vacation leave at the following rates:

**FULL-TIME EMPLOYEE**

<u>YEARS</u>	<u>ACCRUAL RATE</u>
Up to 5 years	10 working days per year earned at the rate of 3.08 hours per pay period.
5 thru 15 years	15 working days per year earned at the rate of 4.62 hours per pay period;
15 years or more	20 working days per year, earned at the rate of 6.15 hours per pay period.

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**PART-TIME EMPLOYEE**

YEARS

ACCRUAL RATE

Up to 5 years	5 working days per year, earned at the rate of 1.54 hours per pay period;
5 thru 15 years	7.5 working days per year, earned at the rate of 2.31 hours per pay period;
15 years or more	10 working days per year, earned at the rate of 3.08 hours per pay period.

- 5.3.03 Vacation allowance may be accumulated up to a maximum of two (2) times the annual vacation benefit (20,30 or 40) days, depending on the length of service. Days earned in excess of the accrued limit will be forfeited.
- 5.3.04 The scheduling of vacation leave is at the discretion of the immediate supervisor. Requests for annual leave shall not be unreasonably denied.
- 5.3.05 After one (1) year of continuous service, should an employee terminate employment with the County, he will be paid for accrued vacation.
- 5.3.06 Generally, if an employee is transferred from one County department to another, all unused vacation leave shall remain to the employee's credit as though no change had been made.
- 5.3.07 Official county holidays occurring during an employee's vacation leave shall not be counted against vacation used.

**SECTION 4. APPROVED TIME OFF (WITH PAY)**

- 5.4.01 Approved time off, in reasonable amounts, may be granted for the following reason:
  - a) Jury Duty;
  - b) Voting in National, State, County and City elections;
  - c) or as authorized by the Sheriff.

**SECTION 5. MILITARY RESERVE TRAINING**

- 5.5.01 Every employee of El Paso County who is a member of a reserve unit of the armed forces, and who is called for temporary active duty, shall be granted up to 15 days military leave without loss of salary or a reduction of any accrued vacation or sick leave.

**SECTION 6. VETERAN RE-EMPLOYMENT RIGHTS**

- 5.6.01 The Universal Military Training and Service Act provides a re-employment rights program for men and women who leave their jobs to perform training or service in the Armed Forces. Re-employment requires that the person make timely application for resumption of his old job following release from service. Application must be made within 90 days after release from service, unless the person is disabled from service and is hospitalized, in which case the application may be delayed for up to one year.
- 5.6.02 Under the law, El Paso County must re-employ the veteran within a reasonable time after he makes the proper application. He is to be returned to his old position if it is available and if he is qualified for the job. He is entitled to full restoration of all seniority, pay status, etc., that he would have earned had he remained with the County instead of entering service.

**SECTION 7. FUNERAL LEAVE**

- 5.7.01 Pay leave may be granted for a death in the immediate family, not to extend beyond the date of the funeral plus legitimate time, upon the supervisors approval.
- 5.7.02 In the case of the death of any other relative, the employee shall be granted funeral leave for one day to attend the funeral.

**SECTION 8. HOLIDAYS**

- 5.8.01 Employees will observe the holidays designated by official action of the El Paso County Commissioners' Court. The Sheriff shall publish the holiday schedule for both civilian and sworn employees.
- 5.8.02 Holidays that fall on Saturday will be observed on the Friday preceding the holiday. Holidays that fall on Sunday will be observed on the Monday following the holiday.
- 5.8.03 If an employee's regular day off falls on a holiday, he may be given another day off within the same pay period not to exceed 30 days to compensate for the missed holiday.
- 5.8.04 When it is not feasible to grant holidays at the appropriate time to employees assigned shifts on around-the-clock operations, holidays may be extended at subsequent dates convenient to the department.
- 5.8.05 An employee assigned to an around-the-clock operation who is required to work on a regular scheduled holiday, with prior approval by the immediate supervisor/division commander and where subsequent time off is not practical, shall be compensated for such work at the standard overtime rate in lieu of equivalent time off.
- 5.8.06 Employees on Workers' Compensation will not be eligible to receive holiday pay.
- 5.8.07 An employee must work or be on paid leave the day before and the day after the holiday to receive holiday pay.

**SECTION 9. LEAVE WITHOUT PAY**

- 5.9.01 In special circumstances, a position may be held open for an employee during an absence by applying to the Sheriff for leave without pay. Authorized leave without pay is a matter of administrative discretion and no employee may demand that such leave be granted. A reasonable request for such leave will be carefully considered.
- 5.9.02 An employee may be granted leave of absence without pay for the following reasons:
  - a) For the recovery from an illness or disability not believed to be of a regular or disqualifying nature, after the exhaustion of sick leave and vacation leave.
  - b) When return to work would threaten the health of others.
  - c) When the service to be performed will contribute to the public welfare.
  - d) To provide necessary care for an immediate family member who is ill or incapacitated after the exhaustion of sick and vacation leave.
  - e) To participate in a training program or obtain educational achievement, that will increase job ability or qualify an employee for advancement within the Department.
- 5.9.03 Prior to granting an employee a leave without pay a request must be submitted to the Sheriff for approval. The date that a leave without pay begins and terminates along with a brief explanation as to the need for such leave, shall accompany such request.

## **SECTION 10. WORKER'S COMPENSATION**

- 5.10.01 Subject to the provisions contained in the following, an employee, as a result of an injury sustained in the course of his employment with El Paso County, shall be paid according to the policies of El Paso County.
- 5.10.02 Prior to reinstatement the employee must submit a letter from the attending physicians that states the employee is physically able to return to work without restriction.
- 5.10.03 A probationary employee off work due to a work related injury shall have the probation period extended for such period of absence from work.

## **SECTION 11. POOLED LEAVE FOR EMERGENCIES**

- 5.11.01 Subject to the provisions contained herein a full-time regular employee who has served the required probationary period and who has a medical (or family) emergency or other hardship situation likely to require the employees absence from work for a period of more than ten (10) days and to result in a substantial loss of income to the employee because of the unavailability of paid leave, must make written application through the employee's chain of command to the Sheriff to the Civil Service Commission to become a pooled leave recipient.
- 5.11.02 The application to become a pooled leave recipient must include the following information:
- 1) Name, position title, and pay/grade level of potential pooled leave recipient;
  - 2) Description of the nature, severity, and anticipated duration of the medical, (family), or other hardship situation affecting the potential pooled leave recipient.
  - 3) Medical or other documentation of the personal emergency.
- 5.11.03 The Civil Service Commission shall determine that the employee's entire absence from work due to personal emergency, without paid leave, will be at least ten (10) days; and it may request additional information or documentation. The civil service commission will approve or disapprove the request.
- 5.11.04 If the Civil Service Commission approves the application, the El Paso County Sheriff's Department Human Resources Director will establish a "pooled leave account" for the recipient into which other full-time, regular employees may voluntarily transfer a specified number of hours of his or her accrued vacation leave to be used by the recipient. The Human Resource Director will circulate a memorandum announcing that vacation leave donations are being accepted.
- 5.11.05 Pooled leave donations are conditional upon the following requirements:
- 1) Donation of accrued vacation leave hours must be absolutely and unequivocally voluntary. No employee or supervisor may directly or indirectly intimidate, threaten, or coerce any other employee to donate, receive, or use pooled leave.
  - 2) The leave donor may donate, in any one year, no more than a total of one-half of the annual number of vacation hours he or she is entitled to accrue; however, in order to donate vacation hours, the donor must have accrued, by the date of transfer, the number of vacation hours he or she wishes to donate.
  - 3) The employee donating leave must submit to the Human Resource Director a signed written request for a specific number of accrued vacation leave hours to be transferred to the "pooled leave account" of the recipient.
  - 4) Only accrued vacation leave hours may be donated; sick leave hours may not be transferred. Value of donor's emergency leave hours will be calculated in monetary value. Recipient will receive hours to equal same monetary value of the donor's hours. The maximum amount of emergency pool leave hours to be received by a recipient will be considered on a case by case basis.

5.11.06 At the end of each biweekly pay period, the leave recipient will be required to provide written documentation substantiating the continuation of and the expected duration of the personal emergency.

**SECTION 12. LEAVE POLICY FOR DEPUTIES AND DETENTION OFFICERS**

5.12.01 The leave policies contained in The Articles of Agreement between the County of El Paso, Texas and El Paso County Sheriff's Officers Association, Inc. shall apply to all sworn certified full-time paid officers.

**SECTION 13. LEAVE POLICY UNDER FMLA OF 1993**

5.13.01 The Family and Medical Leave Act (FMLA) entitles qualified employees up to 12 weeks of unpaid leave per year for the birth or adoption of a child, to care for a spouse or an immediate family member (as defined by FMLA) with a serious health condition, or when the employee is unable to work because of a serious health condition. To be eligible a Sheriff's employee must have worked for the employer: (1) for at least 12 months and (2) for at least 1230 hours during the year preceding the start of the leave. If medical treatment is foreseeable for the employee or family member, he must give at least thirty days written notice before leave is to begin. For a leave of absence taken to care for a sick family member or because of an employee's own serious health condition, an employee will be required to bring in the following:

- 1) The date on which the serious health condition began;
- 2) The probable duration of the condition;
- 3) The appropriate medical facts regarding the condition;
- 4) In case of leave taken to care for a sick family member, a statement that the employee is needed to care for the family member and an estimate of the amount of time the need will continue;
- 5) In the case of leave taken because of the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her position.

Spouses who are both working for the County cannot take more than a combined total of 12 work weeks during any 12 month period if leave is taken for birth or placement for adoption or foster care.

## CHAPTER 6

### PROFESSIONAL CONDUCT

#### SECTION 1. EMPLOYEE APPEARANCE AND CONDUCT

- 6.1.01 Each employee's personal appearance and conduct represents the department to the public and to other County employees. It is important that each employee try to make the best possible impression at all times by setting high standards in appearance and conduct.
- 6.1.02 Professional employee telephone courtesy is a necessity at all times. If an employee does not know the answer to a question, the employee should try to find the answer or direct the party to the proper authority.

#### SECTION 2. GIFTS

- 6.2.01 Gifts are subject to the provisions of the department's rules and regulations and the County of El Paso.

#### SECTION 3. CONFIDENTIALITY

- 6.3.01 The release of confidential information concerning department/county business is subject to the provision of the rules and regulations of the Sheriff's department.

#### SECTION 4. USE AND CARE OF COUNTY OWNED PROPERTY

- 6.4.01 The utmost care shall always be exercised in using El Paso County property to minimize damage to equipment and waste of supplies.
- 6.4.02 Intentional or willful negligent damage of County equipment or property will be grounds for disciplinary action.

#### SECTION 5. OFFICE DONATIONS

- 6.5.01 No employee shall be obligated to contribute or make donations to any fund or collections.

#### SECTION 6. OUTSIDE EMPLOYMENT

- 6.6.01 No employee shall engage in any other employment during the hours he is scheduled to work. Nor shall an employee work outside employment in a manner that conflicts with the County's interest or public image or adversely affects his availability and usefulness as an employee to the County.
- 6.6.02 All employees who are considering employment are subject to the provisions of the department's rules and regulations.
- 6.6.03 Supervisors who feel an employee's outside employment conflicts with the department's policy manual shall notify the Sheriff through the chain of command.
- 6.6.04 Any employee who feels approval of an outside job is being unreasonably withheld is entitled to use the grievance procedure as a recourse.

#### SECTION 7. CHANGES IN EMPLOYEE PERSONAL DATA

- 6.7.01 If an employee changes his/her address, or telephone number he shall promptly notify his immediate supervisor, who shall in turn forward the information to the Human Resource Section using the prescribed form.
- 6.7.02 If an employee's marital or dependent status changes, the employee shall contact the Payroll Section of the County Auditors Office or the Sheriff's Department Human Resource Payroll Office to receive forms necessary to make the appropriate changes.

6.7.03 If an employee changes his/her name, the employee must have secured a new Social Security card bearing the changed name. And must submit copy of social security card to H.R. to update name change.

**SECTION 8. SEXUAL HARASSMENT**

6.8.01 Sexual harassment of an employee by another employee or non-employee is a violation of Sheriff's Department policy and/or State and Federal law. Any employee or official in violation may be subject to disciplinary action.

6.8.02 It is a violation of these rules for any employee to:

- 1) make unwelcomed sexual advances toward any employee.
- 2) refuse to take any personnel action because a sexual favor has been granted, or take, or fail to take personnel action as a reprisal against an employee for rejection of or reporting a sexual advance.

6.8.03 Employees who feel they have been sexually harassed shall as soon as possible immediately report such violation in accordance with department policy

**SECTION 9. SUBSTANCE ABUSE POLICY**

6.9.01 It is mandatory that employees maintain a safe workplace that is free of substance and alcohol abuse, in compliance with the Drug-Free Workplace Act of 1988.

6.9.02 All employees shall adhere to the substance abuse policies and procedures in accordance with department policy.

**SECTION 10. AWARDS AND HONORS POLICY**

6.10.01 The Sheriff has established an awards as he deems appropriate as for example in his Awards and Honors Policy which is part of the Sheriff's Department Policies and Procedures Manual .

## CHAPTER 7

### PERFORMANCE APPRAISAL SYSTEM

#### **SECTION 1. GENERAL PROVISIONS**

- 7.1.01 A job performance appraisal will be prepared on an employee at the prescribed times and on the approved forms.
- 7.1.02 The job performance appraisal will be rendered on an employee:
- A. Prior to completion of probationary status.
  - B. Prior to promotion or transfer.
  - C. At least once a year for scheduled performance
  - D. Unscheduled Performance Appraisals shall be prepared as necessary.
- 7.1.03 The administration of the employee performance appraisal is subject to Chapter X Grievance System Procedures.

## CHAPTER 8

### POLITICAL ACTIVITY

#### SECTION 1. GENERAL PROVISIONS

- 8.1.01 El Paso County employees are encouraged to vote for the person or party of their choice.
- 8.1.02 The Sheriff shall make no rule abridging the freedom of speech or prohibiting the free exercise thereof by any employee in his private capacity while off-duty.
- 8.1.03 El Paso County Sheriff's Department employees will not be allowed to perform or be involved in political campaigning or related activities while on duty, or while in uniform, or while using county equipment.
- 8.1.04 Additionally, no employee shall be required to participate in political campaigns or related activities as a condition to obtain or retain employment or as a condition for advancement. No employee shall be solicited to contribute or make any donation to a Sheriff or opponent's campaign for election or reelection.
- 8.1.05 No employee shall be disciplined, terminated or deprived of their rights for refusal to participate in activities in political campaigns or related activities as a condition to obtain or retain employment.
- 8.1.06 Any employee who feels he has been disciplined, terminated or deprived of his rights because of actions specified in this chapter may utilize the grievance system.
- 8.1.07 If any employee actually becomes a candidate for any paid elected office, the employee shall be placed on a leave of absence without pay from the time the employee begins campaigning until the day after the election or the employee officially withdraws his candidacy. For the purposes of this rule, "campaigning" is limited to, officially filing for public office and/or publicly declaring his candidacy. Once the employee is placed on leave he has the option of utilizing annual leave, and personal holiday leave during this period. The use of county equipment and time will be strictly prohibited.

## CHAPTER 9

### DISCIPLINE/DISCIPLINARY ACTION

#### SECTION 1. GENERAL PROVISIONS

- 9.1.01 Any employee shall be subject to disciplinary penalties for any action that is determined to be harmful to the El Paso County Sheriff's Department. It is deemed to be in the best interest of El Paso County that no employee be subjected to disciplinary action without just cause. The Commission recognizes the rules of conduct, regulations, general orders, policies and procedures as set forth in the Policy and Procedure Manual of the El Paso County Sheriff's Department insofar as those provisions do not conflict with any established rules, procedures, policies or practices of the Civil Service Commission. The Commission will resolve any conflict between its rules and the department's policy. Discipline is intended to be corrective in nature. It should be progressive and administered with the intent of assisting the employee to learn. However, certain rule violations or degrees of transgression may require that a penalty be assessed without first resorting to progressive disciplinary action.
- 9.1.02 Except for disciplinary action taken during the probationary period, as set forth in Rule 2.4.07, suspensions, demotions or dismissals shall be subject to the provisions of this chapter.
- 9.1.03 Just cause for written reprimand, suspension, demotion or dismissal shall include but not limited to the following:
- A. Absence Without Leave - Absence from duty which is not authorized or for which a request for leave has been denied.
  - B. Poor Attendance - Excessive absence and/or tardiness.
  - C. Insubordination - Unwilling to submit to authority.
  - D. Dishonesty - Characterized by lack of trust, honesty or trustfulness.
  - E. Failure to provide appropriate notice of absence.
  - F. Misuse of leave privileges.
  - G. Disturbance - Fighting or otherwise disrupting the harmonious relations between employees during normal duty hours or while in uniform.
  - H. Being under the influence or consumption of intoxicating beverages or controlled substances such as narcotics or drugs of any kind while on the job or while in uniform.
  - I. Harassment (sexual or other).
  - J. Poor job performance.
  - K. Physical or verbal abuse of a person in custody of the department.
  - L. Perjury.
  - M.. Violation of any statute, Civil Service Commission rule, regulation or order.
  - N. Knowingly fabricating and submitting fictitious and slanderous reports on co-workers, supervisors or subordinates.
  - O. Conduct or action that would seriously impair job effectiveness.
  - P. Conduct and communication that are detrimental and/or has an adverse effect at the work place.

- Q. Failure to obtain or maintain the necessary legally required state license or certification to perform in their official capacity or position within the Sheriff's Department.
- R. Failure to obey a properly issued and served summons to appear before the Civil Service Commission without just cause.
- S. Conviction of any felony offense, class B or above misdemeanor, or any offense involving family violence.
- T. Failure to satisfactorily complete, obtain or maintain the required physical or psychological certification or level of physical or psychological fitness for duty.

**SECTION 2. PROCEDURE FOR DISCIPLINARY ACTION**

- 9.2.01 Any act on the part of a Sheriff's Department employee found to be in violation of these rules shall be subject to disciplinary action by written reprimand, suspension, demotion, or dismissal.
- 9.2.02 Written Reprimand - To be used when an employee has committed a minor act or a series of minor acts that ultimately may lead to a disciplinary action.
- 9.2.03 Suspension - To be used when an employee has committed a major act or a series of minor acts that could be subject to disciplinary action.
- 9.2.04 A suspension shall be set for a period of time ranging from one (1) day to any period of days as determined by the Sheriff depending on the type of offense.
- 9.2.05
  - A. All employees who are arrested or charged with a misdemeanor criminal offense which does not involve an act of violence, shall be allowed to continue working in their usual capacity pending the disposition of the criminal charge.
  - B. When an employee is arrested, charged or indicted for a felony or a criminal misdemeanor involving an act of violence, the employee shall be placed on Administrative Leave pending the disposition of the criminal charge. The employee on such leave has the option of applying his accumulated annual leave during this period.
  - C. If an employee is under investigation for suspected improprieties, he may be placed on Administrative Leave pending the results of the investigation. If he is placed on such leave, it shall be with pay for a period not to exceed ten (10) work days. Should the investigation take longer and with justifiable reasons given by the investigators, the employee will be allowed to use annual leave of up to ten (10) work days or less if the investigation is completed. Should the employee be cleared by the Sheriff's Office, all time lost by employee will be reimbursed.
- 9.2.06 An employee may at the discretion of the Sheriff forfeit annual leave in lieu of suspension for a period not to exceed ten days. An election to forfeit annual leave constitutes a waiver of the employee's right to appeal the disciplinary action.
- 9.2.07 If the suspended employee should be re-instated to his position by order of the Commission, he shall receive full compensation at the rate of pay that was provided for his position at the time of his suspension. Should the department official refuse to reinstate the employee as ordered by the Commission, the employee shall be entitled to his full salary just as though he had been reinstated as ordered.
- 9.2.08 Demotion - To be used when an employee has committed a major infraction or after repeating a prior disciplined infraction of a less severe nature.
- 9.2.09 Dismissal - To be used when an employee has committed a major infraction or after repeating a prior disciplined infraction of a less severe nature.

9.2.10 Pre-disciplinary Action Notice and Response:

Notice of disciplinary action shall be in writing and shall be delivered to the affected employee in person or by certified mail as herein provided. When the disciplinary action contemplated is to be a suspension of five (5) days or more, demotion, or termination, the affected employee must be served with a pre-disciplinary action notice to which the employee shall have the opportunity to respond in person or in writing. This written pre-action notice shall be designated *Notice of Proposed Disciplinary Action* and shall include the Civil Service and/or Departmental rules violated, the date, time and place that the employee violated the rules together with a specific description of the employee's conduct which violated the rules. The Notice shall be personally served upon the employee or sent by Certified Mail to the address he has on file with the Department.

9.2.11 Upon receipt of the Notice, the employee has five (5) working days to respond or appeal to the allegations contained therein. This response may be in writing or may be made in person to the Sheriff. The employee is entitled to have representation to assist him in his response, provided, however, that in the event the representative is a department employee the representative shall not participate in this process on County time. If the employee elects to respond in person, a meeting shall be conducted as an exchange of information to better clarify the situation in order to determine whether the proposed action is warranted. Consequently the *Notice of Proposed Disciplinary Action* must be thoroughly explained and discussed with the employee to ensure that he understands the nature and background of the charges against him. Furthermore, the employee or his representative must be allowed to present a response or rebuttal to the charges or an explanation of the employee's actions, or why the employee feels the proposed action is too severe. Although witnesses may not be summoned into the meeting, the employee may present supporting documentation or affidavits. In cases where the department and employee reach a consensus and agreement relative to the proposed disciplinary action, no appeal may be taken to the Commission.

9.2.12 The *Notice of Proposed Disciplinary Action* and the subsequent *Order of Disciplinary Action* shall advise the employee of the following:

- A. The alleged action of conduct that caused the need for discipline. Such narrative shall include the time of the conduct as well as a description of the conduct.
- B. The specific Civil Service Rule and/or Department policies or rules violated by the action or conduct.
- C. The nature of the discipline being enforced.
- D. Except in the case of dismissal, a statement of discipline or action will be taken if any further violation of the rules occur.
- E. A statement as to the conditions and rights to grieve/appeal the disciplinary action to include the time limits in which to respond and the authority in which to grieve/respond to.

9.2.13 A copy of a statement of discipline will be forwarded to the Human Resource Office for inclusion in the employee's personnel file.

9.2.14 An employee will not receive more than one disciplinary action for the same violation.

9.2.15 Disciplinary action for non-criminal activity shall not be initiated against an employee for an infraction which was reported in writing more than 180 days prior to the service of the *Notice of Proposed Disciplinary Action* or written reprimand upon the employee. The grieved employee shall have 10 working days to notify in writing a Sheriff's Department Supervisor. A supervisor shall use due diligence to proceed with the reporting of the infraction.

## CHAPTER 10

### GRIEVANCE SYSTEM PROCEDURES

#### **SECTION 1. PURPOSE**

10.1.01 The purpose of the grievance procedure is to settle all grievances between the supervisory personnel and employees as quickly as possible and at as low an administrative level as possible so as to assure efficient work operations and maintain employee morale.

#### **SECTION 2. ELIGIBILITY**

10.2.01 There are two (2) basic types of grievances; disciplinary action grievances and non-disciplinary action grievances. A disciplinary action grievance is used by an employee who desires to contest disciplinary action taken against him. Disciplinary actions as defined by Chapter IX are written reprimands, suspensions, demotions and dismissals. Subject to the provisions of these rules, non-disciplinary action grievance is used by an employee who desires to complain of matters such as working conditions; the application of rules, regulations and procedures; unfair treatment, etc. Any Civil Service protected employee may process a grievance. Disciplinary action grievance shall be filed individually by the disciplined employee or by his representative. Non-disciplinary grievances may be filed individually or jointly by a group of affected employees or by their personnel representatives.

#### **SECTION 3. NON-DISCIPLINARY GRIEVANCE PROCEDURES**

10.3.01 A grievance may be filed by an eligible employee on one or more of the following grounds:

- A. Improper application of rules, regulations and procedures.
- B. Unfair treatment, including coercion, restraint or reprisal.
- C. Discrimination because of race, religion, color, creed, sex, age, national origin, disability, or political affiliation.
- D. Improper application of benefits or improper working conditions.

#### **SECTION 4. FILING AND PROCESSING OF NON-DISCIPLINARY GRIEVANCES**

10.4.01 Step 1.

An employee, or an exclusive agent, if any, having a grievance shall submit it in writing to the Sheriff, within ten (10) working days following actual or constructive knowledge of the alleged act, omission, occurrence or event giving rise to the grievance. The Sheriff shall respond fully in writing filed with the Commission within ten (10) business days. If the grievance is neither (1) granted in writing by the Sheriff (2) abandoned in writing, or (3) resolved by mutual written agreement within ten (10) business days, the grievance will proceed automatically to Step 2.

10.4.02 Step 2.

The Sheriff or his designee will schedule a conference with the grievant or his representative within ten (10) business days of the conclusion of Step 1. If the grievance is not resolved, in writing within thirty (30) days it may proceed to the Commission for a hearing.

#### **SECTION 5. DISCIPLINARY GRIEVANCE PROCEDURE**

10.5.01 Every employee has the right to appeal a disciplinary decision, except for those relating to probationary performance rating or dismissal, and may do so by letter within ten working (10) days from the disciplinary action to the Commission. This notice must state the reason for appeal.

10.5.02 Upon receipt of the written notice of appeal, the Commission shall conduct any further investigation or hold any hearing relative to the appeal and/or make any decision known, in writing, to the employee.

- 10.5.03 The Commission shall render a final decision to the employee, representative of the employee, if any, and the Sheriff.
- 10.5.04 The employee/employer may appear personally, produce evidence, or call witnesses with the consent of the Commission Chairman. The employee/employer may have counsel present during the Commission hearing. In cases of disciplinary grievances, the burden of proving the charges against the employee shall be upon the Sheriff or his legal representative. The quantum of proof in all cases is a preponderance of evidence.
- 10.5.05 In any investigation or hearing conducted by the Commission, it shall be empowered to issue a subpoena and may thereafter require the attendance of witnesses and the production thereby of books, papers and other evidence pertinent to the hearing. It shall have the power to administer oaths to all witnesses. The Commission may also issue a summons to any Sheriff's Department employee. Such summons will order the employee to appear before the Commission as a witness and will compel the employee to produce pertinent reports, documents and other evidence in their possession. The summons will clearly state the time, date, and place of the hearing as well as the case or subject matter. Failure of the summoned employee to obey the orders without just cause or excuse will result in the Commission taking disciplinary action against the offending employee. Just cause or excuse includes, but is not limited to, documented illnesses or injuries; conflict with a scheduled appearance before a court of law; a prior out-of-town commitment; a personal or family emergency; an unforeseen and unavoidable accident or event preventing attendance; and the emergency needs of the Sheriff's Department in enforcing the law; quelling a disturbance or providing security. An employee receiving a summons who cannot attend the stated hearing, must provide the Commission with adequate notice and explanation in writing as to why attendance is impossible prior to the scheduled date of appearance if that employee is aware of his inability to attend beforehand.
- 10.5.06 If the demoted, suspended or removed employee should be re-instated to his position by order of the Commission, he shall receive full compensation at the rate of pay that was provided for his position at the time of the action. Should the Sheriff refuse to reinstate the employee as order by the Commission, the employee shall be entitled to his full salary just as though he had been reinstated as ordered.
- 10.5.07 If an appeal is upheld by the Commission, the employee may be reinstated and may be granted back pay depending upon the determination of the appeal.
- 10.5.08 An employee who, under final decision of the Commission, is demoted, suspended, or removed from a position, may appeal the decision by filing a petition in a District Court of the County no later than the 30th calendar day after the day the decision is issued. An appeal under this system will be tried de novo.
- 10.5.09 The employee shall be furnished, by personal service or certified mail, a written notice of termination prior to that termination. Such notice shall specify the cause for termination by stating the Civil Service Rules and/or Department Rules violated; the date, time and place that the employee violated the rules; a specific description of the employee's conduct or actions which violated the rules; and the time period and process by which to appeal. If the notice cannot be presented in person to the employee, it should be sent registered or certified mail to the employee's last known address.
- 10.5.10 If a regular employee feels he is being unjustly terminated, he may utilize the Grievance/Appeal System provided he meets the filing deadlines. Utilizing the Grievance System will not alter an employee's termination date.
- 10.5.11 Each statement of discipline shall be signed by the Sheriff.
- 10.5.12 The employee to be disciplined should acknowledge receipt of statement of discipline. Failure of the employee to acknowledge receipt does not affect the imposition of the disciplinary action. Acknowledgment of receipt does not acknowledge agreement.
- 10.5.13 No party may require the attendance of more than three (3) character witnesses without the consent of the commission.
- 10.5.14 The Commission may refer any matter it has authority to hear or consider to a committee of itself, or a hearing officer as hereinafter set forth.

**SECTION 6. RECORDS RETENTION**

10.6.01 Disciplinary action records against an employee shall be retained in accordance with current state statutes or department policy.

**SECTION 7. ACTIONS ON GRIEVED EMPLOYEES**

10.7.01 Grievances submitted by an employee on probation will not be used as a factor on retention of that employee.

10.7.02 Actions being grieved by an employee may not be used as a factor on promotion, salary increase, or advancement of that employee.

## CHAPTER 11

### PROMOTIONAL PROCEDURES

#### **SECTION 1. POLICY STATEMENT**

- 11.1.01 It is the official policy of the El Paso County Sheriff's Department to provide fair and equal promotional opportunities to all eligible employees.
- 11.1.02 The Sheriff's Department will implement and maintain a two tier promotional system for commissioned positions. The promotion structure for detention officers may consist of the ranks of Floor Control Officer, Sergeant and Lieutenant. The promotion structure for peace officers may include the ranks of Detective, Sergeant and Lieutenant.
- 11.1.03 Separate qualifications will be established for detention and peace officer positions. The promotion procedures will apply to all personnel in the El Paso County Sheriff's Department.

#### **SECTION 2. PROMOTION TO DETECTIVE, SERGEANT, LIEUTENANT**

- 11.2.01 Promotions 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".) Where "*the Agreement*" mentions or describes peace officers being promoted to the afforested ranks it applies equally to detention officers, provided however, promotional eligibility shall be limited so that only peace officers may seek promotion to the afforested ranks for peace officers and only detention officers may seek promotion to the afforested ranks for detention officers.

#### **SECTION 3. SELECTION TO DEPUTY SHERIFF**

- 11.3.01 The Human Resource Section will post announcement of a Basic Peace Officer Academy and list eligibility requirements.
- 11.3.02 Requirements, include:
- (1) Be employed as a permanent detention officer and have completed at least 12 months of continuance service in that capacity.
  - (2) Must pass the physical fitness assessment administered by the Region VIII Training Academy.
  - (3) Must pass a written exam.
  - (4) Must pass an updated background investigation
  - (5) Must pass the oral interview.
  - (6) Must pass the psychological evaluation.
  - (7) Must pass the medical evaluation.
  - (8) Must meet TCLEOSE requirements.
- 11.3.03 Order of eligibility list will be determined by written exam and oral interview score (from highest to lowest passing score).
- 11.3.04 Recruits must successfully complete the Basic Peace Officer's Course, State Licensing Exam and the patrol division's Field Training Officer Program. Any recruit that does not successfully complete all of these prerequisites may be reassigned to his/her former employment status, unless the change of status involves disciplinary matters; in which case, the matter will be dealt with accordingly.

- 11.3.05 Individuals not selected from the eligibility list shall be required to reapply for any subsequent Basic Peace Officer Course. There will not be a standing list.
- 11.3.06 Detention Officers who have previously attended a Basic Peace Officer's Course and did not graduate for academic reasons, must wait 6 months from the last day of attendance at the academy to reapply.
- 11.3.07 A detention officer who becomes a deputy shall under no circumstances suffer a reduction in pay as a result of such appointment but shall move into the next higher deputy salary level that will provide the detention officer with an increase in pay. Thereafter, each employee shall advance one level per year until they reach the top step in their respective rank.

**SECTION 4. PROMOTION OF NON-UNIFORMED PERSONNEL**

- 11.4.01 It is the policy of the El Paso County Sheriff's Department to fill vacant positions by promoting qualified employees.
- 11.4.02 Vacant, full-time permanent positions are posted for a minimum of 5 (five) working days in the Detention Facility, Sheriff's Administration, and County Human Resource Office. To apply, the employee is required to update personal information and submit a request to be considered for promotion.
- 11.4.03 The Human Resource Section will determine if employees meet the minimum requirements and be scheduled for appropriate testing, when applicable.
- 11.4.04 Qualified employees will then be scheduled for a formal interview. If the interview board did not select an employee to fill the vacancy, the Human Resource Section will then process applicants from outside in accordance with Rule 2.2.04.

## CHAPTER 12

### DEFINITIONS

Absence Without Leave - An absence from duty which is not authorized or for which a request for leave has been denied.

Accrued Leave - Leave earned by an employee which includes sick and vacation leave.

Accumulated Leave - The unused leave remaining to the credit of any employee.

Disciplinary Action - An action taken by a department to dismiss, suspend or demote an employee of the El Paso County Sheriff's Department.

Appeal/Grievance - A request, in writing, by an employee of the Sheriff's Department addressed to and filed to the Commission through the chain of command in the manner and within the time provided by these rules seeking an investigation, review, or hearing of facts.

Civil Service Rule - A rule officially adopted by the El Paso County Sheriff's Department Civil Service Commission.

Civil Service Staff - County employees who provide administrative support to the Commission and function as the Administrative Liaison for the Commission.

Classification - A classification consists of all jobs, regardless of departmental locations, that are sufficiently alike in duties and responsibilities to be called the same description title, to be accorded the same pay scale under like conditions, and to require substantially the same skills and abilities on the part of the incumbent.

Classified Employee - All employees who are not exempt employees.

Commission - The Sheriff's Department Civil Service Commission as defined by *Subchapter B, Section 158.031 Local Government Code*.

Commissioner - A member of the Sheriff's Department Civil Service Commission as defined by *Subchapter B, Section 158.034, Local Government Code*.

Compensation - The salary and all other forms of valuable consideration earned by or paid to any employee.

Competitive Examination - An examination in which the candidates are in competition and from which the eligibility list is created.

Dismissal - The act of terminating an employee.

Eligible - Designates the status of a person whose name has been placed on an employment, re-employment, transfer or promotional list for a given class as a result of test, if required.

Examination - All tests for hiring or promotional purposes.

Excused Absence - An excused absence is an absence from duty administratively authorized.

Exempt Employee - That employee the Sheriff may designate as exempt as outlined according to *Section 158.038, Local Government Code*.

Grievance/Appeal - A request, in writing, by an employee of the Sheriff's Department addressed to and filed to the Commission through the chain of command in the manner and within the time provided by these rules seeking an investigation, review, or hearing of facts.

Hearing - A session held for the purpose of receiving evidence and reaching a decision with respect to matters or issues appropriately submitted to it for determination.

Holiday - Days set aside by Commissioners' Court, including those recognized in the CLEAT agreement, to observe special occasions such as the 4th of July.

Immediate Family - Parents, spouse, children, grandparents, grandchildren, brother, sister, stepparents, stepchildren, parents-in-law.

Leave Year - The period beginning with the first day of employment and ending with the day preceding the anniversary date of employment.

Medical Certificate - A written statement signed by a U.S. Licensed physician.

Military Leave with Pay-

Military Leave of absence - Leave of absence from one's duties without loss of pay or time for the purpose of military duty.

Performance Appraisal - The means by which the employee is appraised of his job performance by the immediate supervisor.

Probation - A period of critical examination and evaluation to determine job fitness.

Probationary Employee - An employee who has not completed the required period of probation and includes a Deputy Sheriff and any other employee of the department not exempted under Section 158.038 Local Government Code (Rule 2.5.01).

Promotion - A promotion is the advancement of an employee from a lower position to a higher position, usually accompanied by an increase in salary.

Regular Employee - An individual hired by the Sheriff's Department who is assigned a work schedule of forty (40) hours per week, less authorized leave with pay. This employee has satisfactorily completed the required period of probation.

Score - Grade attained by a person upon testing.

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Suspension - The period of time during which an employee, through appropriate disciplinary action, is forbidden to work.

Termination of Employment - The discontinuance of an employee's service with the department as a result of resignation, dismissal, reduction in force, retirement or death.

Uniformed Officer - An individual who works in the Sheriff's Department and who holds a position of employment which requires a State Commission as a licensed Peace and/or Detention Officer.

Working Day(s) - Monday-Friday 8-5 (exclusive of recognized holidays for the employee).