



COMMISSIONERS' COURT AGENDA ITEM

Meeting Date: 06/08/2009

Prepared by: Betsy Keller, HR Director

Description:

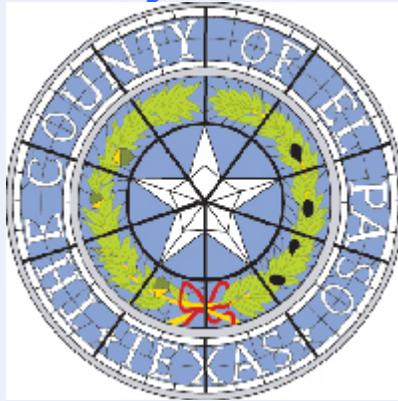
Discuss and take appropriate action on the recommendation from the review committee regarding requests for exception from the hiring freeze for the County Clerk for a Collections Specialist position.

Background:

The County of El Paso, responding to an anticipated budget shortfall, initiated a hiring freeze April 20, 2009. On April 27, 2009, Commissioners' Court adopted a hiring freeze policy detailing how the hiring freeze will be administered. On May 18, 2009, Commissioners' Court heard legal advice regarding applying the hiring freeze to positions in departments administered by elected officials. It was determined that the Court would also review requests for exception to the hiring freeze for cases in elected officials' departments when the committee's recommendation is to deny the exception. This is to insure the County has thoroughly reviewed whether denying the request will impede the elected official being able to carry out the core function of the office.

The County Clerk submitted request #2009-002 for an exception for a Collections Specialist position on May 1, 2009. On May 4, 2009, the committee reviewed information that there are other Collections Specialist performing the function and the amount of court cases being filed and being heard are down. It also considered that two collections specialist positions were just added to the department in January through the last budget process. Based on the information presented, the committee recommended the request be denied for the present time, but agreed to reconsider the request on July 27, 2009 to see if anything had changed.

County of El Paso



Instructions to Request Exception from County-wide Hiring Freeze

On 04/20/2009, Commissioners' Court initiated a county-wide hiring freeze. An administrative policy was adopted by the Court on 04/27/2009 that provides for a process for requesting exceptions to the hiring freeze.

Requests for exceptions will be submitted through the Human Resources Department for review by a four member committee on the Exception Request Form (included below). The committee will meet as soon as reasonable after complete forms are presented to review the request. The committee will determine whether the position meets the criteria and whether the situation warrants the exception. The department representative may be asked to appear before the committee to further explain the request. The department will be notified of the committee's decision. If the committee approves the request, the item will be placed on the Commissioners' Court consent agenda by Human Resources for consideration and with the committee's recommendation to approve the request. The department needs to be at Commissioners' Court if and when the item comes up for discussion. If the exception is approved by Commissioners' Court, the form will reflect the approval. It must then be attached to any document related to the approval for hiring of the position such as the Vacancy Requisition and the new hire personnel action form (PAF).

If you have any questions, please contact the Human Resources Office at 546-2218.

Request for Exception from County-wide Hiring Freeze

Reference Number: (HR will complete)

Date Requested:

2009-002

04/20/09

Department:

Date Position Needed To Be Filled By:

County Clerk of El Paso - Collections

04/27/09

Submitted By:

Name:

Title:

Carol Marie Sagaribay

Office Manager

Telephone Number:

915-546-2071 extension 3172

Exception Requested:

Position Title:

Full-time or Part-time:

Collection Specialist

Full-time

Length of Time Position Has Been Vacant:

03/20/09 - 6 weeks

Name of Last Person Who Filled the Position:

Richard Nevarez

Criteria Justifying Exception:

Please Check One:

Does this position perform functions that are critical to the health, welfare, and safety of the public?

Yes

No

If yes, please explain:

This position is critical to the general public of the County of El Paso because it generates revenue that in turn is contributed back to the taxpayer base. The shortage of this revenue is a contributing factor to the budget cuts and hiring freeze that the County of El Paso presently is involved in.

Does this position perform functions that are critical to revenue generation for the County?

Yes

No

If yes, please explain:

Yes. A Collection Specialist's daily primary function is to intake a number of criminal defendants that have been given a fine and/or fee by a presiding court. This function includes the interview process wherein a defendant fills out an application during the time that the Collection Specialist assesses the case (enters court imposed fees in JIMS). Once those two steps are met by the defendant and Collection Specialist a payment plan is created that determines the amount of monies to be paid within the time period set by the court. The Collection Specialist equates the number of payments they are financially capable of paying by the court imposed due date. Once the information, references and payment plan is finalized the Collection Specialist is then required to create the payment vouchers that entails all payments to include the first payment up to the final payment. The Collection Specialist has an ongoing duty to notify the assigned Probation Officer of the status of payment history by email or phone in the event that Motion to Revoke Probation is needed to be filed due to non payment of court costs and fines.

In addition, the Collection Specialist must monitor and enter all collected payment events in JIMS with the Collectors Notes. When the Collection Specialist is not interviewing a defendant, they are required to work on their weekly activity reports that list all their assigned defendants and/or defendants left by a vacated Collection Specialist. The weekly activity reports list the name of the defendant, the assigned court, the amount of past due payment, the type of offense, the last payment made and the next review date. The Collection Specialist is required to make contact with the defendant and/or their references to attempt to collect the past due payment.

Due to the addition of County Criminal Court Number 3, Honorable Carlos Carrasco and County Criminal Court Number 4, Honorable Jesus Herrera, two additional Collection Specialist were budgeted to meet the demands of the two new courts. At present there are two vacant Collection Specialist positions that generate revenue that has been compromised and the need is critical for the creation of revenue for the County of El Paso.

Does this position perform functions that are critical to the care and safety (direct care) for persons that are in legal custody of the County? Yes No

If yes, please explain:

Yes this position performs a function that is critical to the direct care of of a person that is in legal custody of the County. As described above each criminal defendant has a legal financial obligation to the County of El Paso pursuant to a Court Order entered by State District Judge or a County Judge. Until the defendant has met this obligation, they are under continued legal custody because non payment is subject to violation of a court order and issuance of a warrant and rearrest if this obligation is not met.

Does this position perform functions that are part of a caseload staffing requirement established by statute, licensing, certification, or accreditation requirements? Yes No

If yes, please explain and refer to specific statute or requirement:

Pursuant to the Texas Administrative Code, Subsection 175.0 (a) the position's primary function is to meet the needs and demands of the District and County Courts by intaking, assessing and collecting fees on behalf of the County of El Paso, it's citizens and the community as a whole.

Does this position perform functions that would create a disruption to an essential County function if not filled? Yes No

If yes, please explain:

The position, if not filled would create a disruption to the essential County function due to the fact that it's main goal is to generate revenue that contributes to the monies used for the County fiscal year budget. At present the Collections Department is in need of two (2) Collection Specialist positions and is requesting an "Exception to the Hiring Freeze" for only one (1) position. The Collection Specialist assists the department in meeting its function and goal of collecting fees and fines and provides the necessary support to meet the demands of the two newly created courts.

Due to the shortage of manpower, a disruption to an essential County function is created because there is an inability to prepare an additional amount of applications and interview a greater number of criminal defendants on a daily basis, which in turn does not allow the generation of revenue. Presently one Collection Specialist has the ability of collecting daily payments on an average of 20 to 22 cases between the ranges of \$2,038.00 to \$2,244.50, and this amount does not include the daily average of 19 interview intakes and assessments which can be a 20 to 45 minute process for each individual defendant. The shortage of manpower does not allow the back log of weekly reports of non payers to be addressed that can be called on an average of 85 daily. It is essential that the non payers be contacted daily, along with an average of 35 past due notices that are mailed out. All this is done in an effort to bring in to collect the past due payments, and remind the clients that their financial obligations is pursuant to an Order by the Court for a judgment of fines and fees assessed against them for violating the law or a requirement by the State of Texas or County of El Paso.

Does this position perform functions where there is a legal liability for failure to perform the service? Yes No

If yes, please explain:

There is a legal liability of this position to perform a necessary function in that collection payments are to be reported to each individual Court where in turn they can hold the County Clerk responsible for all payments that are not collected and/or not addressed in a timely manner.

Please explain how the responsibilities are being currently managed?

Why can they not continue to be managed this way?

The responsibilities of the vacant position is being managed by the entire department as a whole and a reduction of one Collection Specialist capability of generating revenue.

They can be continued to be managed this way, the amount of revenue and fees collected will be reduced by above described fees per Collection Specialist and presently there are two vacated positions, multiplying the information provided by two.

What are the consequences of not filling the position?

The consequences are that the amount of money to be contributed to the taxpayer base will be significantly reduced for the remaining 2009 and less money to contribute to the 2010 fiscal budget.

How much is saved by the position being unfilled for 1 year?

Are you willing to cut your operating budget to cover or offset this expense?

\$24,564.31

The operating budget has been reduced and approved to offset this expense and does not include a recently vacated position of Office Specialist Intermediate in the amount of \$23,669.00 annually.

NOTE: IF THE REQUEST IS APPROVED BY COMMISSIONERS COURT, IT MUST BE ATTACHED TO ALL PERSONNEL DOCUMENTS RELATED TO THE FILLING OF THE POSITION (VACANCY REQUISITION, PAF, ETC.)

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|---------|--|--|--|
| Status: | <input type="checkbox"/> Approved by Committee | <input checked="" type="checkbox"/> Rejected by Committee on 05-04-2009 | <input type="checkbox"/> Other: <u>Revisit July 27, 2009</u> |
| | <input type="checkbox"/> Approved by Commissioners Court | Date: _____ | |
| | <input type="checkbox"/> Rejected by Commissioners Court | Date: _____ | |

County of El Paso Hiring Freeze Policy

Effective 04/20/2009

The County of El Paso, responding to an anticipated budget shortfall, initiated a hiring freeze April 20, 2009. Commissioners Court wants to assure minimal impact to services to citizens, while being fiscally responsible, so hereby implements the following policy.

Applicability of Hiring Freeze:

The hiring freeze will apply to positions (including temporary positions) in all departments. Of those departments that the authority of the policy is in question, the Court asks for voluntary participation in the spirit of fiscal responsibility for the County budget and the community.

Certain positions are exempted from the hiring freeze; positions automatically exempted are positions covered under a collective bargaining agreement; positions 100% funded with special revenues (e.g. Roads & Bridges and Law Library); positions 100% funded with grant funds; and previously allocated seasonal positions necessary to meet minimum staffing requirements.

Current vacancies:

Positions currently vacant that do not meet the criteria to be exempt from the freeze where no offer of employment was extended prior to April 20, 2009 will remain vacant until such time as the freeze is lifted. Existing announcements should be updated to note the position will not be filled in the near future or cancelled unless the position meets the definition of an exempt position listed above.

Committee to Review Requests for Hiring Freeze/Personnel Exceptions:

A four member committee organized by the Human Resources Director to review requests for exceptions from the hiring freeze and other personnel related exceptions during the time the freeze is in effect will be created.

Members of the committee will include representatives from the following:

- County Auditor's office
- County Attorney's office
- A non-elected department head
- Human Resources Department

The committee will review requests for exception to the hiring freeze as soon as reasonable after requests are presented.

Guidelines for Requests for Exceptions:

Requests for exceptions will be submitted to the committee through the HR department on the Exception Request Form. The request must address any of the following criteria if applicable:

- Position functions that are critical to the health, welfare, and safety of the public in general;
- Position functions that are critical to revenue generation for the County;
- Position functions that are critical to the care and safety (direct care) for persons that are in legal custody of the County or when a direct service is involved;
- Positions and functions that are part of a caseload staffing requirement that are typically established through statute, licensing, certification, or accreditation requirements;
- Position functions that would create a disruption to an essential County function if not filled;
- Positions and functions where there is a legal liability for failure to perform the service.
- How the current responsibilities are being managed;
- Why they cannot continue being managed in this way;
- The consequences of not filling the position;
- The cost impact of filling the position for the remainder of the FY09 and for FY10 (verified through the Auditor's office).

The committee will review whether the position meets the criteria described herein and if the situation warrants the exception. Exceptions approved by majority of the committee will be placed on the next available Commissioners' Court agenda for final approval.

Impacts of Freeze on Other Personnel:

- As vacant positions and functions are not filled, workload increases may affect certain individuals that could result in the inability to take sufficient annual leave prior to the end of the fiscal year. Current maximum accrual levels of leave accounts still apply, and supervisors are expected to accommodate annual leave requests by September 30, 2009 to comply with these levels.

Impacts of Freeze on New or Existing Contracts:

- Specifically departments should not be seeking to enter into new contracts or utilize existing contracts in order to make up for the impact of not being able to fill vacancies.
- Every contract will be reviewed by Commissioners' Court to make sure that departments are in compliance and are not seeking to circumvent the hiring freeze.