



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 Constable, Precinct 6 for a Deputy Constable 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 Constable, Precinct #6 submitted request #2009-003 for an exception for a Deputy Constable position on April 30, 2009. On May 4, 2009, the committee reviewed information that there are other Deputy Constables performing the function and that the Judge was not giving the Constable warrants to serve at the time. The committee also reviewed that the previous employee was now a part-time reserve officer for the Constable. It also considered information that it appears that collections are increasing in one of the two justice of the peace offices that this constable serves. The fact that this constable has more deputies than the others because he serves two JP offices was also discussed. Based on the information presented, the committee recommended the request be denied.

Copies of the Hiring Freeze Policy and the department's Exception Request are attached.

Elected Officials - refer to Com. Court

Request for Exception from County-wide Hire Freeze

RECEIVED

Reference Number: (HR will complete)

Date Requested:

2009-003

04/30/09

2009 APR 30 PM 1:19

Department:

El Paso County Constable Pct.6

Date Position Needed To Be Filled By:

ASAP

EL PASO COUNTY HUMAN RESOURCES

*Judge but he won't give Constable the warrants.
6-1, civil has increased, Auditor's evaluated a couple years ago. have increased collection from JP-2 warrants to deputies there now 7 positions - only has JP preserve get. + no others interested*

Submitted By:

Name:

Jesus G. Ramirez

Title:

Constable Pct.6

Telephone Number:

502-2045

Exception Requested:

Position Title:

Deputy Constable

Full-time or Part-time:

Full-time

Select..

Length of Time Position Has Been Vacant:

04/14/09

Name of Last Person Who Filled the Position:

William J. Burkett

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:

provide court room security not limited to but also execute civil and all precepts derived from JP-6 place1 and JP-6 place 2

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

Yes

No

If yes, please explain:

Pending conditions from precinct JP-6 place 1 and JP-6 place 2, Deputy also performs the maximum time aloted to execute warrants generated from JP's.

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:

The execution of county warrants and when called to assit any other state or federal law enforcement agency.

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:

Does this position perform functions that would create a disruption to an essential County function if not filled?

Yes

No

If yes, please explain:

Court room security

Does this position perform functions where there is a legal liability for failure to perform the service?

Yes

No

If yes, please explain:

Duties that are State mandated to be performed by the Constable

Please explain how the responsibilities are being currently managed?

Why can they not continue to be managed this way?

The deputy duties are currently being monetored by myself and a supervisor, pending work status in the courtroom and the output of civil documents those deputy's are assigned to those task.

Pending case docket civil and criminal docket of both courts

What are the consequences of not filling the position?

Immidiata removal of office

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?

Nothing...county is loosing money

Already have

- would have to recall the 2% cut he already has given

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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EL PASO COUNTY
HUMAN RESOURCES

54-09

Status:	<input type="checkbox"/> Approved by Committee	<input checked="" type="checkbox"/> Rejected by Committee	<input type="checkbox"/> Other: _____
	<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.