

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

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

March 1, 2017 (revised)

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PREAMBLE

These Civil Service Rules and Procedures are established pursuant to State law as facilitated by El Paso County Commissioners Court. The Sheriff's Office 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 Office.

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, or his 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 Commissioners Court are authorized to make one appointment each to the Sheriff's Office 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 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 The Civil Service Commission shall hold regular meetings on the first Monday of each calendar quarter (January, April, July and October) or if such Monday falls on a County's recognized holiday, then on the following Monday and as called by the Chairman of the Commission from time to time. The Commission shall comply with Government code (Open Meetings Act) 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 Office Civil Service System and approved by the Civil Service Commission.

SECTION 3. HUMAN RESOURCE OFFICE

- 1.3.01 The Sheriff's Office Civil Service Commission will utilize the personnel and equipment of the Human Resources Department.
- 1.3.02 All items to be included in the agenda for the Sheriff's Office 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 Office as set forth in the Office'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 powers 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 Office 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 Chapter 174 of the Texas Local Government Code enables the County and the association as the exclusive bargaining agent representing its licensed full-time peace officers and certified full-time paid detention officers 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 Office 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 Office and the Sheriff's Office Civil Service Commission that present employees shall have priority in the selection 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 Office is required and must be maintained on file in the Human Resources Department.
- B. Any change to a position description or job qualification will be subject to the approval of the Commission.
- C. Any requests for a waiver 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 five (5) working days in the Sheriff's Administration lobby area, the County 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 Office must first complete an employment interest notice. The completed notice must be returned to the County Human Resources Department and will be kept on file for six months.
- 2.2.03 It is the goal of the County Human Resources Department 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 twelve 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 County Human Resources Department 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 County Human Resources Department 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. The applicant selected for employment will be subject to a medical screening prior to job assignment. If the applicant's job description requires direct contact with inmates, a physical examination prior to job assignment must be administered. Employment offers are conditioned on satisfactory results of medical screening or physical examination. Employees will receive reexamination according to a defined need or schedule. (Revised May 3, 2004)
- 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 misrepresentation of facts or failure to report pertinent data on the application and/or on the Personal History Statement may be just cause for dismissal.

SECTION 3. HIRING CRITERIA FOR DETENTION OFFICER, TRAINEE (Revised March 1, 2017)

- 2.3.01 To qualify for a position as a Detention Officer, Trainee, 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 application
 - Be a U.S. Citizen
 - Be at least 18 years of age
 - Have a High School Diploma or passed a general educational development (GED) test indicating high School graduation level
 - Have a minimum of 15 college credit hours from an accredited College or University, or two (2) years of active military service, or four (4) years of reserve military service with honorable discharge
 - Successfully complete the Physical Fitness Assessment
 - Successfully complete a Preliminary Background investigation
 - Successfully complete and pass the Written Exam
 - Successfully complete the Oral Interview
 - Pass the Full-Background investigation, to include a polygraph examination
 - Be accepted pending successful completion of medical 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 Office 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 Employee:** 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 and probationary 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:

- (a) For a six (6) month period from an employee's Effective Date of Employment, or successful completion of any required academy program of training, whichever is later, an employee will be considered a probationary employee.
 - a.1. All employees failing to successfully complete their probationary period will be terminated without right of appeal. (Revised 8.24.09)
 - a.2. Any deputy who fails to successfully complete the probationary period following completion of the academy will be transferred back to the Detention Bureau and his former class and grade. (Revised 8.24.09)
- (b) A probationary employee's immediate supervisor will periodically evaluate the employee's job performance and aid and instruct the employee in any areas requiring improvement.
- (c) The Sheriff may extend an employee's probationary period, prior to its expiration, in the event the employee's service to the Office is interrupted during the initial probationary period due to accident, illness, or any other reason or if there are deficiencies in the employee's performance which could, in the opinion of the Sheriff, be cured with further training or additional time. In no event may the probationary period be extended for any period greater than six (6) additional months.

2.4.07 SEPARATION OF EMPLOYMENT:

Separation of employment is the discontinuance of an employee's service with the Office 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 (Revised July 20, 2015)

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

- (1) Executive Chief Deputy - Jail Operations
- (2) Chief Deputy - Law Enforcement
- (3) Executive Administrative Officer
- (4) Commander - Detention Facility
- (5) Commander - Annex
- (6) Commander - Patrol
- (7) Commander - Criminal Investigations
- (8) Commander - Jail Administration and Support
- (9) Public Affairs Director
- (10) Administrative Assistant - Executive Administrative Officer

SECTION 6. RESERVED FOR EXPANSION

SECTION 7. EQUAL EMPLOYMENT OPPORTUNITY

2.7.01 It is the Office's Policy to provide equal employment, and will recruit, hire, and promote in all job classifications without regard to race, color, creed, gender, sexual orientation and gender identification, 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 Office sponsored training, social and recreation programs, will be administered without regard to race, color, creed, sex, gender, sexual orientation and gender identification, age, national origin, disability, or political affiliation.

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

SECTION 8. INTRA-DEPARTMENTAL 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 is 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 Office must notify his immediate supervisor and the Human Resources Department 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 or lower step within 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; or 3) disciplinary action.

2.9.02 The Sheriff has the authority to demote employees for just cause.

SECTION 10. REDUCTION-IN-FORCE

- 2.10.01 Retention of employees will be based on length of service.
- 2.10.02 A reduction-in-force is a decrease in the number of authorized employees resulting from a discontinuation of services, organizational changes, or change in fund authorization, and is not to be considered a disciplinary action.
- 2.10.03 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.
- 2.10.04 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 Office.
- 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 Office 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 Sheriff, 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 Office and in the same or lower grade, the said employee shall be reinstated in the vacant position, provided 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 entitled 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 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 (Revised March 1, 2017)

- 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 who shall forward to Human Resources. Except for good cause, the employee shall give at least two (2) weeks notice of his intention to resign.

- 2.12.02 An employee who has not been authorized to take leave and fails to report to work for three (3) consecutive work days will be deemed to have resigned and will be removed from the payroll. Records will coded "Resigned-No-Notice Given".

SECTION 13. EFFECTIVE DATE OF SEPARATION (Revised March 1, 2017)

- 2.13.01 Effective date of an employee's separation will be the last actual day the employee worked for the Sheriff's Office. Upon separation, an employee shall be compensated for hours worked and qualifying accrued leave benefits on the date of the employee's separation. Qualifying accrued leave includes vacation time and compensatory time, but does not include sick leave or military leave. An employee who has separated from employment for any reason (voluntarily or involuntarily) and who has cleared with the county HR department's exit checklist, shall be paid in full no later than the next full regularly scheduled pay day occurring after the date of separation.

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 required to work in excess of a 40-hour week. Except for bargaining unit employees, compensatory time may be substituted for overtime pay.
- 2.15.02 Overtime must be for work ordered, or approved in advance by the Sheriff, or his designee.

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 Commissioners Court.

SECTION 17. RECORDS OF OVERTIME WORKED

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

CHAPTER 3
COMPENSATION

SECTION 1. GENERAL PROVISIONS

- 3.1.01 The current Wage and Salary Schedules were 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 Notwithstanding the provisions of 2.4.09, the Sheriff may, with the consent of Commissioners 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 Office.
- 3.1.03 Further increases may be authorized annually as approved by Commissioners Court for the fiscal year.
- 3.1.04 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.
- 3.1.05 Compensation provided pursuant to a Collective Bargaining Agreement exclusively governs the compensation provided thereby to affected employees.

SECTION 2. SHIFT DEIFFERENTIAL PAY (Revised January 24, 2017)

- 3.2.01 This policy does not apply to employees covered by a collective bargaining agreement.
- 3.2.02 Employees who are assigned, ordered, or volunteer to work a shift for at least four (4) consecutive hours that begins on or after 4:00 p.m. shall work the "evening" shift. Employees who are assigned, ordered, or volunteer to work a shift for at least four (4) consecutive hours that begins on or after 12:00 a.m. (midnight) shall work the "graveyard" shift. Non-exempt employees working either of these two shifts are entitled to shift differential pay.
- 3.2.03 Eligibility: Positions must be regular full-time or part-time non-exempt employees.
- 3.2.04 The evening shift differential applies to hours consecutively worked between 4:00 p.m. and 12:00 a.m. midnight. (Minimum of 4 hours must be consecutively worked during this time frame.) Employees will be paid an evening shift differential of \$0.35 for each hour worked during this time. Hours worked within this timeframe shall be coded to SDA, and shall be verified and approved by the immediate supervisor.
- 3.2.05 The graveyard shift differential applies to hours consecutively worked between 12:00 a.m. midnight and 8:00 a.m. (Minimum of 4 hours must be consecutively worked during this timeframe.) Employees will be paid a graveyard shift differential of \$0.70 for each hour worked during this time. Hours worked within this timeframe shall be coded to SDB, and shall be verified and approved by the immediate supervisor.
- 3.2.06 Employees shall not be eligible to receive both the "evening" shift differential pay and the "graveyard" shift differential pay for the same hours of work. However, if an employee works through parts of both shifts, the employee shall code their time properly to reflect the hours worked in each shift. **Example:** If an employee is scheduled from 7:00 p.m. to 7:00 a.m., the employee would code their time from 7:00 p.m. to 12:00 a.m. (5 hours) to SDA. The employee would then code their time from 12:00 a.m. to 7:00 a.m. (7 hours) to SDB.

3.2.07 All differentials paid to employees will be included in the employee's regular rate for purposes of compensatory time accrual calculation.

3.2.08 Exclusions:

A. Exempt employees and Temporary employees are not eligible for shift differential pay.

B. Shift differential pay will not be paid for hours not worked.

C. Funding has been set aside for the Shift Differential Program; however,
Commissioners Court has final approval of shift differentials and may rescind when
conditions warranting the pay premium are no longer applicable or funds are no longer available

D. Employees with questions regarding shift differential pay should contact their immediate
supervisors, or the Human Resources Office.

CHAPTER 4

RESERVED FOR EXPANSION

SECTION 1. RESERVED FOR EXPANSION

CHAPTER 5

LEAVE POLICIES

SECTION 1. NOTIFICATION OF ABSENCE

- 5.1.01 Regular attendance is important to the overall operation of the Office. 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.

SECTION 2. SICK LEAVE (Revised January 24, 2017)

- 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 3.077 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, at least one hour prior to the scheduled reporting time, unless exigent circumstances exist. Employees who are absent three (3) or more consecutive working days will be required to provide written verification by a physician licensed in the United States stating the necessity for the sick leave. Written verification shall be presented to the supervisor upon returning to work. Written verification may also be required for any illness or injury if sick leave abuse is suspected. (Revised 1.26.16)
- 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 six (6) months 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:

YEARS

ACCRUAL RATE

5 years or less

10 working days per year
earned at the rate of 3.08
hours per pay period.

6 thru 15 years

15 working days per year
earned at the rate of 4.62
hours per pay period;

16 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

5 years or less	5 working days per year, earned at the rate of 1.54 hours per pay period;
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6 thru 15 years	7.5 working days per year, earned at the rate of 2.31 hours per pay period;
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16 years or more	10 working days per year, earned at the rate of 3.08 hours per pay period.
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- 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 six (6) months of continuous service, should an employee terminate employment with the County, he will be paid for accrued vacation. (Revised 7.20.15)
- 5.3.06 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; or
 - c) 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 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. RESERVED FOR EXPANSION

SECTION 7. FUNERAL LEAVE

- 5.7.01 An employee shall be granted three (3) days of funeral leave with pay for a death in the immediate family/household.
- 5.7.02 In the case of the death of any other relative, the employee shall be granted funeral leave for one day, with pay to attend the funeral.
- 5.7.03 In the case of the death of any other person, the employee may at the discretion of the Sheriff be granted funeral leave for one day to attend the funeral.
- 5.7.04 Additional time, without pay, may be granted by the Sheriff at his discretion.

SECTION 8. HOLIDAYS

- 5.8.01 Non-bargaining unit employees will observe the holidays designated by official action of the El Paso County Commissioners Court.
- 5.8.02 If an employee's regular day off falls on a holiday, he may be given another day off within 30 days to compensate for the missed holiday.
- 5.8.03 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 Office.
- 5.8.04 An employee 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.
- 5.8.05 Employees on Workers' Compensation or unpaid leave will not be eligible 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.
- 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 leave is requested to perform a service that contribute to the public welfare.
 - d) To provide necessary care for an immediate family or household 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 Office.

- 5.9.03 Prior to granting an employee leave without pay, a request must be submitted to the Sheriff for approval. The date leave without pay begins and terminates along with a brief explanation as to the need for such leave, shall accompany such request. (Revised 1.26.16)
- 5.9.04 An employee who is granted leave without pay will continue to receive paid health and life insurance benefits from the County for a period not to exceed ninety (90) days in any 12-month period as long as the employee continues to pay his portion of the premiums; thereafter, the paid health and life insurance benefits will cease. An employee who is granted leave without pay will not accrue vacation and sick leave benefits while on leave without pay status.

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.
- 5.10.04 After an employee injured on the job reaches Maximum Medical Improvement (MMI), the employee has 90 days thereafter to return to full duty with or without any reasonable accommodations to perform the essential functions of the position in which they were hired. If the employee is unable to return under these circumstances and the entitlements under FMLA have been exhausted, the employee's employment shall be terminated.
- 5.10.05 In cases where the former employee was employed as a licensed Peace Officer or Detention Officer, the former employee will be entitled to salary payments in accordance with Article 3, Section 52e of the Constitution of the State of Texas and Article 16, Section 1 of the Articles of Agreement between the County of El Paso and the El Paso Sheriff's Officers Association. Salary shall be the base salary the former employee received when the former employee's employment was terminated. Any deductions mandated by State and Federal law shall continue. All fringe benefits or voluntary deductions will cease, including but not limited to retirement, life and health insurance, union dues, workers compensation premiums and unemployment deductions.

SECTION 11. POOLED LEAVE FOR EMERGENCIES

- 5.11.01 Pooled Leave for Emergencies is controlled by the County's Sick Leave Pool Policy. (Revised 1.26.16)

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 bargaining unit employees.

CHAPTER 6

PROFESSIONAL CONDUCT

SECTION 1. EMPLOYEE APPEARANCE AND CONDUCT

- 6.1.01 Each employee's personal appearance and conduct represents the Office to the public and to other County employees. It is important that each employee make the best 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 Office's policies and the County Code of Ethics.

SECTION 3. RESERVED FOR EXPANSION

SECTION 4. USE AND CARE OF COUNTY OWNED PROPERTY

- 6.4.01 Reasonable care shall be exercised in using El Paso County property to minimize damage to equipment and waste of supplies.
- 6.4.02 Intentional, reckless, or grossly 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 financially contribute or donate for any purpose.

SECTION 6. OUTSIDE EMPLOYMENT

- 6.6.01 It is the policy of El Paso County that employees recognize their primary duties are to El Paso County. Employees are subject to call at any time for emergencies, special assignments, overtime and the like, and the obligations of outside or extra duty employment are always subordinate. A county employee who seeks to engage in employment outside of his duties with El Paso County must receive the approval of the Sheriff prior to engaging in the outside or extra duty employment. The employee must furnish to the Sheriff a detailed written description of the outside or extra duty employment. Approval shall be given by the Sheriff, provided that such employment is not conducted during the hours the employee is scheduled to work for the county; that such employment does not conflict with the employee's duties with the County; that such employment does not adversely affect the public image of the County; and that such employment does not adversely affect the employee's availability and usefulness as an employee of the County.
- The maximum hours an employee may perform outside or extra duty employment is 24 hours/week.
- 6.6.02 All employees requesting or engaging in outside or extra duty employment must comply with the Office's policies.
- 6.6.03 **Extra duty employment** is defined as secondary employment where the actual or potential use of law enforcement powers is anticipated.

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 Human Resource 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 Human Resources and/or Payroll Office to receive forms necessary to make appropriate changes.
- 6.7.03 If an employee changes his/her name, the employee must secure a new Social Security card bearing the changed name and must submit copy of social security card to Human Resources.

CHAPTER 7

PERFORMANCE EVALUATION SYSTEM

SECTION 1. GENERAL PROVISIONS

- 7.1.01 Performance Evaluations are used to associate performance with the mission, vision and goals of the Office. In doing this, the goal of Performance Evaluations should be to: 1) Enhance employee motivation, 2) Enhance communication between Supervisors and Employees, and 3) Evaluate, or defend, personnel selection, promotion, demotion, and termination decisions.
- 7.1.02 Upon completion of a successful evaluation of a 3.0 or above, the annual step increase may be given to the employee.
- 7.1.03 Performance Evaluations of non-bargaining unit employees may not be grieved to the El Paso County Sheriff's Office Civil Service Commission. Covered employees may grieve their performance evaluations to the Sheriff if the performance evaluation contains negative comments or results in an overall rating of less than 3.0. The employee may grieve a qualifying performance evaluation in writing and/or may request a meeting with the Sheriff.
- 7.1.04 The employee has a right to have a personal representative assist with any written submission and/or to be present at and participate in the face to face meeting with the Sheriff.
- 7.1.05 Any grievance of a performance evaluation must be submitted to the Sheriff within seven (7) days of receiving the evaluation. The Sheriff must schedule a meeting, if requested, to occur within seven (7) days of receipt of the grievance. The Sheriff must issue his ruling within seven (7) days of the receipt of the grievance, if no face to face meeting was requested, or within seven (7) days of the face to face meeting, if one was requested. The Sheriff's time limits may be extended if the Sheriff is unavailable during the seven (7) days.
- 7.1.06 The Sheriff's ruling concerning the performance evaluation is final and may not be appealed or grieved further by the employee. Even if the Sheriff rules against the employee, the employee has a right to have any written submissions attached to and maintained with the performance evaluation.
- 7.1.07 The job performance appraisal will be rendered on an employee:
- A. 10 days prior to completion of probationary status.
 - B. 10 days prior to promotion or transfer.
 - C. Not later than 10 days after an employee's seniority date.
 - D. Unscheduled Performance Evaluations shall be prepared as follows:
 - i. Not more than 10 days after a rater ceases to be the rater of the employee;
 - ii. Not more than 10 days after the employee ceases to be subject to the rater.
 - iii. Under other circumstances deemed by the rater such as, but not limited to, employees who are alleged to be continually inefficient in the performance of their duties.

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 Office 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 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.
- Should the employee choose to participate in any political activity during their regular work-schedule, they must request vacation leave or leave without pay.
- 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 an employee officially designates a campaign treasurer, or begins campaigning, whichever occurs first, and until the day after the election. 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. The use of county equipment and time under this chapter is strictly prohibited.

CHAPTER 9

DISCIPLINE/DISCIPLINARY ACTION

SECTION 1. GENERAL PROVISIONS

- 9.1.01 As further set out in these rules and regulations, and orders and directives of the Office, any employee shall be subject to disciplinary penalties for any action that is determined to be harmful to the El Paso County Sheriff's Office. It is deemed to be in the best interest of the Office that no employee be subjected to disciplinary action without just cause. The Commission recognizes the rules of conduct, regulations, orders, directives, policies and procedures as set forth in the Policy and Procedure Manual of the El Paso County Sheriff's Office 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 Office's policy. Discipline is intended to be corrective in nature. Generally, it should be progressive and administered with the intent of assisting the employee to learn. 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 2.4.06, 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 be 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; sick leave abuse.
 - C. Insubordination - Disobedience of a lawful order.
 - D. Disrespect - Offensive in conduct, language or demeanor.
 - E. Dishonesty, perjury or knowingly submitting fictitious reports.
 - F. Fighting or otherwise disrupting harmonious relations between employees during normal duty hours or while in uniform.
 - G. Being under the influence or consumption of intoxicating beverages or controlled substances such as narcotics, non-prescribed prescription drugs, or possession of the same, while on the job or while in uniform.
 - H. Discrimination and/or Sexual Harassment.
 - I. Is consistently inefficient in the performance of the duties of his position so that his general average of efficiency is below the minimum standards established.
 - J. Physical or verbal abuse of a person in custody of the Office.
 - K.. Violation of any penal or duty-related statute, Civil Service Commission rule, regulation or order, Office Policies and Procedures, or the County Code of Ethics.
 - L. Conduct or action that would seriously impair job effectiveness.

- M. Conduct or communication detrimental to, or has an adverse effect at, the work place.
- N. 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 Office.
- O. Absent just cause, failure to obey a summons to appear before any court or the Civil Service Commission.
- P. Conviction, or deferred adjudication community supervision of any felony offense, class B or above misdemeanor, or any offense involving family violence.
- Q. 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 (Revised March 1, 2017)

- 9.2.01 Any act on the part of a Sheriff's Office 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 omission.
- 9.2.03 Suspension - To be used when an employee has committed a major act or omission, or a series of minor acts or omissions that could be subject to disciplinary action as provided in the disciplinary matrix. 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.
- 9.2.04 Demotion - To be used when an employee has committed a major infraction or after repeating a prior disciplined infraction of a less severe nature.
- 9.2.05 Dismissal - To be used when an employee has committed a major infraction or after repeating a prior disciplined infraction of a less severe nature.
- 9.2.06
 - A. When an employee is arrested, charged or indicted for a felony, or a misdemeanor involving an act of violence or moral turpitude, the employee shall be placed on Administrative Leave without Pay pending the disposition of the criminal charge. The employee on such leave has the option of applying his accumulated vacation leave during this period.
 - B. If an employee is under investigation for suspected improprieties, (s)he may be placed on Administrative Leave pending the results of the investigation. If (s)he is placed on such leave, it shall be with pay for a period not to exceed ten (10) days (80 hours). Should the investigation take longer and with justifiable reasons given by the investigators, the employee shall be placed on Administrative Leave without Pay pending the results of the investigation. The employee on Administrative Leave without Pay has the option of applying accumulated vacation leave during this period. If the case is unfounded, exonerated or not sustained, all time lost by employee will be reimbursed.
- 9.2.07 An employee may, at the discretion of the Sheriff, forfeit vacation leave in lieu of suspension for a period not to exceed ten (10) days (80 hours). An election to forfeit vacation leave constitutes a waiver of the employee's right to appeal the disciplinary action.
- 9.2.08 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 Official rules violated, the date, time and place that the employee violated the rules together with a specific description of the employee's act or omission which violated the rules, and the nature of the discipline being enforced. The Notice shall be personally served upon the employee or sent by Certified Mail to the address he has on file with the Office.

- 9.2.09 Upon receipt of the Notice, the employee has five (5) working days to respond to the allegations contained therein. This response may be in writing or may be made in person to the Sheriff or his designee. The employee is entitled to have representation to assist him in his response, provided, however, that in the event the representative is an Office 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 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 Office and employee reach a consensus and agreement relative to the proposed disciplinary action, no appeal may be taken to the Commission.
- 9.2.10 The employee shall be furnished, by personal service or certified mail, a written notice of discipline, signed by the Sheriff. Such notice shall comply with the requirements set forth in Section 9.2.09 and shall state the conditions and rights to appeal the disciplinary action, including applicable time limits. Except in cases of dismissal, the statement of disciplinary notice shall state that further violations on the part of the employee could result in more severe discipline up to and including dismissal.
- 9.2.11 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.
- 9.2.12 Disciplinary action for non-criminal activity shall not be initiated against an employee for an infraction which occurred more than 180 days prior to the service of the *Notice of Proposed Disciplinary Action* or written reprimand upon the employee. In disciplinary matters, where the provisions of Section 9.2.08 are not implicated, disciplinary action shall not be initiated for an infraction which occurred more than 180 days prior to the service of the written notice of discipline.
- 9.2.13 An employee will not receive more than one disciplinary action for the same violation.

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. Disciplinary actions subject to the grievance process as defined by Chapter IX are suspensions, demotions and dismissals. Employees shall not have the right to appeal reprimands. Subject to the provisions of these rules, non-disciplinary action grievances are used by an employee who desires to complain of matters such as:

- A. Improper application of rules, regulations and procedures.
- B. Unfair treatment, including coercion, restraint or retaliation.
- C. Discrimination because of race, color, age, religion, gender, gender identification, sexual orientation, national origin, disability, or veteran status.
- D. Application of benefits or working conditions.

Any Civil Service protected employee may process a grievance. Disciplinary action grievances 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. FILING NON-DISCIPLINARY GRIEVANCES

- 10.3.01 An employee having a non-disciplinary grievance shall submit it in writing to the Sheriff and copied to the Civil Service Commission, within fourteen (14) days following actual or constructive knowledge of the alleged act, omission, occurrence or event giving rise to the grievance. The Sheriff shall file his decision with the Civil Service Commission in writing within twenty-one (21) days. If the grievance is (1) not granted in writing by the Sheriff, (2) not abandoned in writing by the grievant or (3) not resolved by mutual written agreement, the grievant has fourteen (14) days to request a hearing before the Civil Service Commission. If the Sheriff does not file a response with the Civil Service Commission, the grievance will automatically be set for a hearing before the Civil Service Commission.

SECTION 4. FILING DISCIPLINARY GRIEVANCES

- 10.4.01 A employee having a disciplinary grievance shall submit it in writing to the Civil Service Commission and copied to the Sheriff within fourteen (14) days following the receipt of the order of disciplinary action.

SECTION 5. GRIEVANCE PROCEDURES

- 10.5.01 The grievant and the Sheriff may agree in writing to extend the time limits set out in Section 3 and Section 4 above. However, if the employee fails to meet the filing time limits, the grievance will be considered null and void, unless good cause is shown.

10.5.02

Upon receipt of the written notice of appeal, the Commission shall hold any hearing relative to the appeal and make any decision known, in writing, to the employee subject to the following procedures:

A. The employee has a right to have a personal representative to assist with the grievance. If the employee has a representative, all communications and notices concerning the grievance between the Sheriff's Office and the employee shall be through the employee's designated representative. The employee and/or his personal representative may not use government time or resources to prepare for the grievance.

B. The grievant shall have the burden of proof by a preponderance of the evidence in non-disciplinary grievances. In disciplinary grievances, the Sheriff has the burden of proof by a preponderance of the evidence.

C. Hearings before the Commission will be set for the next available meeting date that is at least twenty-one (21) days after the grievance is filed. If more time is needed to hear the matter, the Commission may continue the hearing to another date.

D. All parties filing documents with the Commission shall serve a copy of the documents upon the opposing party at the same time. At least seven (7) days prior to the date set for the hearing, all parties shall furnish each other and the Commission with the names of the witnesses to be called, a brief description of the witness' connection to the grievance, and a copy of each document, record, or exhibit to be introduced at the hearing. Each party is responsible for notifying the witness(es) and requesting the presence of its own witness(es). A party cannot rely on the other party's witness list as a guarantee that a witness will be present. The Sheriff shall compel the attendance of any Office employee listed on the grievant's witness list. No party may require the attendance of more than three (3) character witnesses.

- a. In any hearing conducted pursuant to this Chapter, the Chair of the Commission shall, on request of the affected employee, the county attorney, or a designee of the employee or county attorney administer oaths and issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of books, records, documents, papers, accounts, and other tangible things deemed relevant to the controversy by the requesting party, provided the request is filed with the Human Resources Department by the 10th day before the hearing is held. (Revised 1.26.16)
- b. Any subpoena issued pursuant to the provision of this section shall be delivered to the party requesting the subpoena. The party requesting service shall provide a copy of the subpoena to the other party. The subpoena shall be served by any person authorized to serve process under Texas law.
- c. The requesting party shall file the return with the Civil Service Commission and provide a copy of the return to the other party. Any party or witness objecting to a subpoena may file a Motion to Quash with the Commission, and the Commission shall rule on that motion prior to commencing the evidentiary hearing.

E. When either party requests a continuance, that party shall file a written motion with the Commission, setting forth the grounds upon which such motion is made. Except for good cause shown, any such motion shall be made not less than seven (7) days prior to the scheduled date of the hearing. If both parties agree to the continuance in writing and it is the first continuance of the hearing, the continuance shall be automatically granted and the Director of Human Resources is authorized to postpone the item until the next regularly scheduled Civil Service meeting.

F. A decision by the Commission becomes final upon the expiration of fourteen (14) days from the date the decision is announced in open session by the Commission, unless either party moves to re-open the original decision within that fourteen (14) day period. If a motion to re-open is timely filed, the Commission will have thirty (30) days to decide whether to re-open the original hearing. The Commission may re-open the original hearing upon good cause. If the Commission does not rule on the motion to re-open within thirty (30) days, the decision becomes final.

G. If the motion to re-open is denied, the decision becomes final as of the denial. If a motion to re-open is granted, the Commission shall schedule the matter for hearing for the next regularly scheduled Civil Service meeting and shall designate the issues to be considered at that hearing. Only evidence relevant and material to those issues so designated shall be admissible. The decision by the Commission following this hearing becomes final upon announcement in open session.

10.5.03 If a disciplinary grievance is sustained, an employee is entitled to reinstatement with benefits and back pay commensurate with the Commission's ruling.

SECTION 6. RETALIATION

10.6.01 Employees will not be subject to retaliation or other discriminatory actions on account of their filing a grievance or exercising any other right to which they are entitled. Previous, final disciplinary actions may be considered by the Sheriff for purposes of the application of progressive discipline or promotional considerations.

CHAPTER 11

PROMOTIONAL PROCEDURES

SECTION 1. POLICY STATEMENT

- 11.1.01 It is the policy of the El Paso County Sheriff's Office to provide fair and equal promotional opportunities to all eligible employees.
- 11.1.02 The Sheriff's Office will implement and maintain a two tier promotional system for commissioned positions. The promotion structure for detention officers consists of the ranks of Floor Control Officer, Sergeant and Lieutenant. The promotion structure for peace officers includes 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 Office.

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 aforestated ranks it applies equally to detention officers, provided however, promotional eligibility shall be limited so that only peace officers may seek promotion to the aforestated ranks for peace officers and only detention officers may seek promotion to the aforestated ranks for detention officers.

SECTION 3. SELECTION TO DEPUTY SHERIFF (Revised 7.20.15)

- 11.3.01 The Human Resources Department will post the announcement of a Basic Peace Officer Course and the list of eligibility requirements.
- 11.3.02 Eligibility requirements are:
- (1) Be employed as a permanent detention officer with the El Paso County Sheriff's Office with at least 12 months of continuous service in that capacity.
 - (2) Pass the physical fitness assessment administered by the Region VIII Training Academy.
 - (3) Pass a written exam.
 - (4) Pass an updated background investigation, which may include a polygraph exam.
 - (5) Pass an oral interview.
 - (6) Pass the medical evaluation.
 - (7) Pass the psychological evaluation.
 - (8) Meet TCOLE requirements.
- 11.3.03 The Human Resources Department will create an eligibility list with the names of the detention officers who have met all the eligibility requirements in 11.3.02. The order of the eligibility list will be

determined by the written exam score (from highest to lowest passing score). The Sheriff will determine the size of the class for the Basic Peace Officer Course. The participants will be selected by the Sheriff from the eligibility list. The Sheriff may deviate from the order of the list to take into account the following factors:

- (1) Past performance history of the eligible detention officers, to include the detention officers' internal affairs disciplinary history. The Sheriff may skip detention officers on the list who have had performance or disciplinary problems.
- (2) The diversity needs of the agency. The Sheriff may select detention officers lower on the list to fill up to 30% of the slots for the Course with qualified detention officers who help meet the diversity needs of the agency.

11.3.04 Detention Officers selected to become probationary deputies must successfully complete the Basic Peace Officer Course, State Licensing Exam and the patrol division's Field Training Officer Program. Any probationary deputy who does not successfully complete all of these prerequisites may be reassigned to his/her former employment status.

11.3.05 Detention Officers who met all the requirements listed in 11.3.02, but were not selected to attend the Basic Peace Officer Course must 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 Course but failed to successfully complete the Course, State Licensing Exam or the patrol division's Field Training Officer Program, must wait 6 months from the last day of attendance at the academy or the last date as a probationary deputy (whichever is later) to reapply.

11.3.07 The Sheriff may hire as a deputy a peace officer licensed by TCOLE and employed for at least five consecutive years with a law enforcement agency employing at least 50 peace officers. The number of peace officers from other agencies appointed as a deputy may not exceed 1 of 6 first time deputy appointments per calendar year. Deputies appointed under this subsection must:

- (1) Pass the physical fitness assessment administered by the Region VIII Training Academy.
- (2) Pass a background investigation, to include a polygraph exam.
- (3) Pass the medical evaluation.
- (4) Pass the psychological evaluation.
- (5) Have a TCOLE peace officer license and meet TCOLE requirements.
- (6) Attend and pass those portions of the Basic Peace Officer Course designated by the Sheriff.

SECTION 4. PROMOTION OF NON-UNIFORMED PERSONNEL

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

- 11.4.02 Vacant, full-time permanent positions are posted for a minimum of fourteen (14) days in the Detention Facility, Sheriff's Administration, County Human Resources Office, or at www.epcounty.com/jobs. The applicant is required to update personal information and submit a complete job application by the deadline of the posting.
- 11.4.03 The Human Resources Office will determine if applicants meet the minimum requirements and shall schedule them for appropriate testing. Qualified applicants will then be scheduled for a formal interview.

CHAPTER 12

DEFINITIONS

Absence Without Leave - An absence from duty which is not authorized.

Appeal/Grievance - A complaint in writing, filed with the Commission in the manner and within the time provided by these rules seeking redress.

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

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

Compensation - Salary and other forms of valuable consideration earned by or paid to an employee.

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

Days - In the calculation of prescribed time limits, calendar days will be used unless otherwise specified.

Disciplinary Action - An adverse action, including dismissal, suspension, demotion, or reprimand of 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.

Good Cause - Good cause may include newly discovered evidence which was not readily available at the time of the hearing despite reasonable efforts having been made to obtain the evidence, inability to have witness(es) appear despite reasonable efforts having been made to secure the attendance of the witness(es), unexpected illness or injury to any party or witness, or when the Commission's decision is contrary to law.

Immediate Household - Parents, spouse, children, grandparents, grandchildren, brother, sister, stepparents, stepchildren, parents-in-law and domestic partners who live with the employee in a familial context.

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 physician licensed in the United States.

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

Promotion - 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 Office 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.

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 Office as a result of resignation, dismissal, reduction in force, retirement or death.

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

Working Day(s) - Monday through Friday during the hours of 8:00am to 5:00pm (exclusive of recognized holidays for the employee).