



EL PASO COUNTY DEPARTMENT OF HUMAN RESOURCES

Attorney Longevity Pay Policy

Adopted Date: August 18, 2025

1. Purpose

- a. This policy establishes the County's provisions for longevity pay for attorneys employed in both prosecutorial and non-prosecutorial roles.
- b. It is intended to recognize and reward the eligible qualifying service of licensed attorneys whose work directly supports the administration of justice in Texas as outlined in the applicable statutes and policy below.
- c. By implementing this policy, the County affirms its commitment to the retention of experienced attorney personnel and the equitable treatment of attorneys across justice-related departments.
- d. Employees are eligible to receive only one form of longevity pay at a time. Attorneys may not simultaneously receive both State-funded longevity pay for prosecutorial service and County-funded longevity pay for non-prosecutorial service. Service credit may not be combined across categories for purposes of eligibility or calculation.

2. Statutory Prosecutor Longevity Pay

- a. In accordance with Texas Government Code Chapter 41, Subchapter D, eligible assistant district attorneys and assistant county attorneys ("assistant prosecutors") may receive longevity pay funded by the State of Texas. All provisions for prosecutor longevity pay are governed by state statute and are subject to legislative changes.
- b. To qualify for prosecutorial attorney longevity pay under the statute, an employee must:
 - i. Be employed full-time on the last day of the state fiscal quarter;
 - ii. Not be on leave without pay on the last day of the state fiscal quarter; and
 - iii. Have accrued at least four (4) years of lifetime service credit, as defined in Tex. Gov't Code §41.252, not later than the last day of the month preceding the last month of the state fiscal quarter.
 - iv. Have their eligibility certified by the district attorney, criminal district attorney, or county attorney of the county in which the employee is employed, as applicable.

- c. Service Time Calculation
 - i. Only service in Texas as a full-time, part-time, or temporary assistant county attorney, assistant district attorney, or assistant criminal district attorney is counted.
 - ii. Time accrued in multiple offices is aggregated and counted toward the total service time provided such service meets the statutory definition of lifetime service credit.
 - iii. An assistant prosecutor who is on leave without pay for an entire calendar month does not accrue lifetime service credit for that month.
 - iv. An assistant prosecutor who simultaneously holds two or more positions that each accrue lifetime service credit accrues credit for only one of the positions.
 - v. An assistant prosecutor who begins working on the first workday of a month in a position that accrues lifetime service credit is considered to have begun working on the first day of the month.
- d. The elected officials of the County Attorney and District Attorney's Offices are not eligible for the state-funded prosecutorial longevity pay.
- e. Payment and Administration
 - i. Upon meeting the eligibility criteria, an attorney shall receive quarterly longevity pay in the following manner:
 - a) \$20 per month for each completed year of eligible service after the fourth year of service.
 - ii. Longevity pay shall not exceed \$5,000 per year.
 - iii. The elected official certifies the eligibility of the assistant prosecutors in their offices.
 - iv. Longevity pay is distributed quarterly, contingent upon funding received from the State Comptroller.
 - v. The County Auditor's Office is responsible for administering these payments once certified.
- f. Change in Employment Status
 - i. If an assistant prosecutor ceases to be a full-time employee after the first workday of a month but otherwise qualifies for longevity pay, the assistant prosecutor's compensation for that month will include full longevity pay.
- g. Limitations on Private Law Practice
 - i. An assistant prosecutor who receives state-funded longevity pay may not engage in the private practice of law if, from all public funds received, the assistant prosecutor's salary equals or exceeds 80% of the salary paid by the State of Texas to a district judge.

3. Non-Prosecutorial Attorney Longevity Pay

- a. The County authorizes longevity pay for attorneys in non-prosecutorial positions. This policy is not contractual in nature and Commissioners Court has the sole authority to authorize pay under Tex. Loc. Gov't Code 152.011. This policy is in effect only when funds are available and budgeted for by Commissioners Court. Commissioners Court may rescind its approval of this Policy within its discretion, provided such rescission does not retroactively affect payments already earned for prior qualifying periods..
- b. To be eligible for non-prosecutorial attorney longevity pay under this policy, an employee must:
 - i. Be licensed to practice law in the State of Texas.
 - ii. Be employed full-time in a County position which is classified on the Attorney Pay Scale on the last day of the County's fiscal quarter;
 - iii. Not be on leave without pay on the last day of the County's fiscal quarter;
 - iv. Have accrued at least four (4) years of service of aggregated service credit no later than the last day of the month preceding the final month of the County's fiscal quarter.
- c. Service Time Calculation
 - i. Only service in a county organization in Texas as a full-time, part-time, or temporary non-prosecutorial attorney in a position requiring a law license is counted;
 - a) Eligible positions include assistant public defenders, attorneys in a domestic relations office, and attorneys serving as a legislative or governmental affairs manager.
 - ii. Time in private practice or non-attorney positions does not qualify.
 - iii. Time accrued in multiple offices is aggregated and counted toward the total service time.
 - iv. If an eligible attorney separates from the County and returns within 30 days, prior service will be reinstated for purposes of this policy
- d. The appointed Chief Public Defender is not eligible for this longevity pay.
- e. Payment and Administration
 - i. Upon meeting the eligibility criteria, an attorney shall receive quarterly longevity pay in the following manner:
 - a) \$20 per month for each completed year of eligible service after the fourth year of service.
 - ii. Example Calculations:
 - a) At 5 years of service: \$100/month
 - b) At 10 years of service: \$200/month

- iii. Longevity pay shall not exceed \$5,000 per year.
- f. Change in Employment Status
 - i. If an attorney in non-prosecutorial position ceases to be a full-time employee after the first workday of a month but otherwise qualifies for longevity pay, the non-prosecutorial attorney's compensation for that month will include full longevity pay.
- g. Administration and Funding
 - i. Department heads are responsible for verifying attorney eligibility on a quarterly basis and for submitting certifications to the County Auditor's Office.
 - ii. Not later than the 15th day of each county fiscal quarter, departments must certify eligible attorneys for the prior quarter.
 - iii. The County Auditor's Office is responsible for administering these payments once certified.
 - iv. The County shall distribute longevity pay not later than the 60th day after the start of each fiscal quarter, either in the next regularly scheduled payroll or as a separate payment.
 - v. Longevity pay is in addition to regular salary and is not considered base pay.
- h. Limitations on Private Law Practice
 - i. A non-prosecutorial attorney who receives County-funded longevity pay may not engage in the private practice of law if, from all public funds received, the non-prosecutorial attorney's salary equals or exceeds 80% of the salary paid by the State of Texas to a district judge.