



## COMMISSIONERS' COURT AGENDA ITEM

**Meeting Date:** 06/14/2010

**Prepared by:** Betsy Keller, HR Director

### **Description:**

Approve the committee's recommendation on Requests #2010-034, #2010-035, and 2010-036 to approve waiving the hiring freeze for a Procurement & Indigent Specialist, a Secretary, and a Clerk position not to be filled prior to meeting the 6 week waiting periods for the County Sheriff's Office.

### **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.

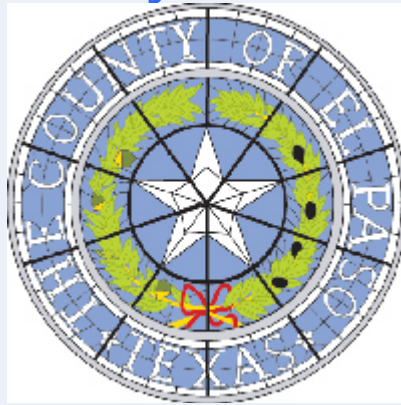
The County Sheriff's Office submitted Request #2010-034 for a waiver for a Procurement and Indigent Specialist position and Request #2010-036 for a waiver for a Secretary position. Sheriff Richard Wiles and Commander Wendy Wisneski represented the department on these 2 items. On #2010-034, the department explained that this position works with inmates regarding medical expense coverage they may have and attempts to have any medical expenses paid by the inmate's coverage. The position also is responsible for determining indigence on inmates. The committee also reviewed the fact that the position serves both detention facilities. On #2010-036, the committee reviewed that this is the sole administrative support person for the commander of the downtown detention facility and is the person who greets visitors and answers the phone for the commander's office and also serves as backup reception to other areas when their phone lines are busy. This person also takes minutes for meetings for the commander and performs other administrative support duties for the commander.

The County Sheriff's Office submitted Request #2010-035 for a waiver for a Clerk position. Sheriff Wiles and Commander Angel Colorado represented the department on this request. This position is responsible for compliance with inmate files and insures that all documents are in the inmates' files. The committee reviewed the responsibilities and the need for the position due to an upcoming inspection.

### **Recommendation:**

Based on the information presented, the committee recommends approving waiving the hiring freeze for a Procurement & Indigent Specialist, a Secretary, and a Clerk position not to be filled prior to meeting the 6 week waiting periods for the County Sheriff's Office.

## 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:

2010-034

05-05-10

Department:

Date Position Needed To Be Filled By:

El Paso County Sheriff's Office Detention Facility ASAP

### Submitted By:

Name:

James Nance

Title:

Lieutenant

Telephone Number:

546-2232

### Exception Requested:

Position Title:

Procurement and Indigency Specialist

Full-time or Part-time:

Full-time

Length of Time Position Has Been Vacant:

1 WEEK

Name of Last Person Who Filled the Position:

Lourdes Soto

### 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:

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

☒ Yes

☐ No

If yes, please explain:

Medical cost recovery

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:

Assists with medical care arrangements of inmates

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:

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

☒ Yes

☐ No

If yes, please explain:

Assists with medical issues of inmates and equipment accountability of Division.

Please explain how the responsibilities are being currently managed?

Work spread out to other sections

Why can they not continue to be managed this way?

Alternate sections will not be able to continue proper oversight.

What are the consequences of not filling the position?

Lost revenue and potential for liability

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

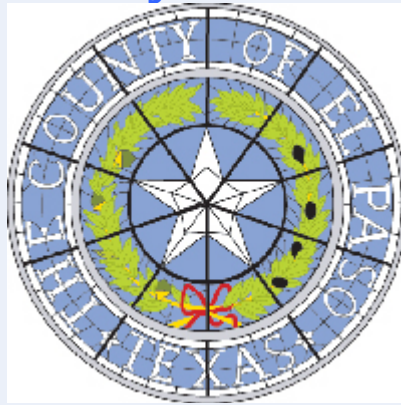
Are you willing to cut your operating budget to cover or offset this expense?

No

**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,**

Status: ☐ Approved by Committee ☐ Rejected by Committee ☐ Other: \_\_\_\_\_  
☐ Approved by Commissioners Court Date: \_\_\_\_\_  
☐ Rejected by Commissioners Court Date: \_\_\_\_\_

## County of El Paso



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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:

2010-035

05/06/2010

Department:  
Sheriff's

Date Position Needed To Be Filled By:

### Submitted By:

Name:

Maria Santana

Title:

Sergeant

Telephone Number:

915-856-4808

### Exception Requested:

Position Title:

Clerk

Full-time or Part-time:

Full-time

Length of Time Position Has Been Vacant:

1wk from resignation; approx 2 months of work. comp. claim/sick leave

Name of Last Person Who Filled the Position:

Delia Bautista

### 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:

Inmates are assigned to public work details based on their custody levels. One of the clerk's functions is to review custody levels and assess program eligibility.

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

☐ Yes

☒ No

If yes, please explain:

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:

Clerk reviews and validates inmates request for participation in educational and work programs such as GED, ESL, Job Readiness, Anger Management, etc.

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:

Per TCJS Chapter 269.1, a record is maintained on each inmate. One of the clerk's functions is to ensure the record is up-to-date. The clerk also maintains accreditation statistical data on assaults, inmate program participation, disciplinary violations etc.

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

☒ Yes

☐ No

If yes, please explain:

Under TCJS (291, 283, 269), the jail is responsible for providing inmates with services and activities, maintaining disciplinary procedures and records and maintaining inmate records.

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

☒ Yes

☐ No

If yes, please explain:

This position involves the maintenance of confidential documentation that is filed into inmate records; maintaining record of all inmate services offered ensuring all requests are read and answered accordingly and inmates are scheduled as time and space permits; assists officers in generating the documentation necessary to hold disciplinary hearings; also, this position is a "back-up" to our mail clerk position; this clerk is also responsible for ensuring all inmate files are signed out and returned accordingly and that all files for releases are sent to the appropriate destination in a timely manner

Please explain how the responsibilities are being currently managed?

Why can they not continue to be managed this way?

At this time, my operations clerk is doing as best she can to maintain her duties as well as attempting to do all of the inmates files clerk duties. The Operations clerk also has to continue with her own duties of generating a roster for Inmate Services (GED, ESL, Job readiness, Anger/Substance Abuse Counseling) on a weekly basis. Filing class rosters that are used to verify invoices for these services.

What are the consequences of not filling the position?

By not filling this position, the Operations Sections Inmate File Clerks will assume the work load presently being handled by this clerk position. This could have a serious impact on ensuring that documentation is filed in the appropriate Inmates' jacket and that in turn would have a impact on the annual Texas Commission on Jail Standards Inspection.

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

\$20,404.00

Our section is supposed to have four clerks...I have one out on WCM and it is unknown at this time when she will return..she is also pregnant so if/when she comes back, she will be taking maternity time off soon; I have two clerks doing the job of 4 and this has been for several months...that is a big burden for them and if one of them requests time off or is sick, that will leave us w/one clerk attempting to keep up w/the workload of four.

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

This position has been paid for and was included in the operating budget.

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**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.)**

Status:	<input type="checkbox"/> Approved by Committee	<input 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



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Requests for exceptions will be submitted through the Human Resources Department for review by a five member committee on the Exception Request Form (included below). The committee generally meets once per month or 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:

2010-036

06-02-10

Department:

Date Position Needed To Be Filled By:

Sheriff's Office, Detention Facility Bureau

06-18-10

### Submitted By:

Name:

Wendy Wisneski

Title:

Commander

Telephone Number:

546-2228

### Exception Requested:

Position Title:

Secretary

Full-time or Part-time:

Full-time

Length of Time Position Has Been Vacant:

Name of Last Person Who Filled the Position:

Veronica Salazar

### 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:

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

☐ Yes

☒ No

If yes, please explain:

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:

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:

Processes all personnel paperwork for the Division. Provides assistance to the public and other agencies conducting business with the Division.

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

☒ Yes

☐ No

If yes, please explain:

Is responsible for timely submission of reports required by the Sheriff's Office, State and Federal agencies.

Please explain how the responsibilities are being currently managed?

Clerk is covering

Why can they not continue to be managed this way?

The clerk's duties are being covered by several others. Will fall behind over time.

What are the consequences of not filling the position?

Potential for legal liability because of failure to meet deadlines for reports and delays in processing personnel paperwork.

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?

Status: ☐ Approved by Committee ☐ Rejected by Committee ☐ Other: \_\_\_\_\_  
☐ Approved by Commissioners Court Date: \_\_\_\_\_  
☐ Rejected by Commissioners Court Date: \_\_\_\_\_

ETC.



# **County of El Paso Hiring Freeze Policy**

**Effective 04/20/2009  
Amended 10/19/2009**

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 amended 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 those that are statutorily required where only 1 position exists in the department to perform the function to only include bailiff, court coordinator, and court reporter; 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 (e.g. lifeguards and parks maintenance workers).

## **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 five 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:

- Commissioner Dan Haggerty
- Commissioner Veronica Escobar
- County Auditor's office
- County Attorney's office
- 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<sup>th</sup> each year 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.