

**EL PASO COUNTY SHERIFF'S OFFICE**



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**CIVIL SERVICE COMMISSION**

*Betha Bruner*  
COUNTY CLERK  
EL PASO COUNTY TEXAS

**SPECIAL MEETING MINUTES  
1:30 P.M. MONDAY, FEBRUARY 27, 2018  
SHERIFF'S HEADQUARTERS  
3850 JUSTICE ROAD  
SHERIFF'S CONFERENCE ROOM  
EL PASO, TEXAS 79938**

**Chair  
Fermin Acosta Jr.**

**Commissioner  
Maria Elvira Williams  
Bertha A. Gallardo**

**OPEN MEETING**

The meeting was called to order at 1:30 pm. Members present were Chair Acosta, Commissioner Gallardo and Commissioner Williams. County personnel present were Marilyn Mungerson, from the County Attorney's Office; Ludy Velo and Suky Gomez, from the Human Resources Department; Bill Ellis from the Sheriff's Office, and Holly Lytle from the County Attorney's Office. Tom Whitten from the Sheriff's Office walked in at 2:04 p.m.

**PUBLIC COMMENT**

No public comment.

**APPROVE – CONSENT AGENDA**

**FEBRUARY 27, 2018**

**MOTION #1 (ITEM #1)**

Approve the minutes of the Special Meeting for the Sheriff's Civil Service Commission on February 12, 2018.

On this day, on motion of Commissioner Gallardo, seconded by Commissioner Williams, it is the order of the Commission to approve item one. The motion carried by majority vote of the commission.

**VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo**

**NO – None**

**ABSENT: None**

## REGULAR AGENDA

**FEBRUARY 27, 2018**

**MOTION #2 (ITEM #2)**

Discuss and take appropriate action to approve recommended changes to Chapter 2, Section 9 *Employment - Demotion*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 01:24/56:38)

On this day, on motion of Commissioner Gallardo, seconded by Commissioner Williams, it is the order of the Commission to approve the recommended changes to Chapter 2, Section 9 *Employment - Demotion*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis of proposed changes to identify whether it's a disciplinary demotion or a voluntary demotion to determine what step or pay will the employee be placed in order for the policy to be clearer. Chair Acosta asked, "if there were any problems in the past with the policy". Ludy, provided response to the board that it has come across when we had followed the County's policy and even then it wasn't clear. Commissioner Gallardo asked Holly Lytle, "If she felt comfortable with this policy". Commissioner Williams, also asked Holly Lytle "If there had been any grievances filed due to this policy". After Holly Lytle from County Attorney's office responded to the board's concerns and briefly explained that due to the old verbiage under the County policy it was not clear when placing an employee in the right step according to the years of service, and drafted the policy in order to be fair, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #3 (ITEM #3)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 1 *Leave Policies - Notification of Absence*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 08:29/56:38)

On this day, on motion of Commissioner Williams, seconded by Commissioner Gallardo, it is the order of the Commission to approve the recommended changes to Chapter 5, Section 1 *Leave Policies - Notification of Absence*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis in order for the policy to be clearer when someone were to call in or not call in within the three days or more if it was a standard ruling as to when there is an abandonment of job. Commissioner Williams asked, "How does the employee notified that they lost their job". Holly Lytle from County Attorney's office briefly explained the process and the policy due to employees not being able to communicate their absence and make it consistent with County's policy, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #4 (ITEM #4)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 2 *Leave Policies - Sick Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 11:36/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 5, Section 2 *Leave Policies - Sick Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis when someone is calling in for three days or more required to provide a doctor's note. Same rule applies under FMLA. Holly Lytle from County Attorney's office briefly explained there was no significant change as there has always been the three day rule as it's mainly to match changes with the County's policy to include eliminating only accepting doctor's note from a licensed physician in the United States and accept a note from a licensed physician from another state, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #5 (ITEM #5)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 3 *Leave Policies - Vacation Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 15:51/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 5, Section 3 *Leave Policies - Vacation Leave*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and explained policies are being revised to match them to the County's policies. Provided to commissioners proposed significant changes recommended by Bill Ellis to include: 1) 5.3.02 to change to read The County of El Paso, Texas 2) accrual rates to read up to 5 years 3) under part-time accrual rates to read up to 5 years. Holly Lytle from County Attorney's office explained the policy was updated to match up the language with the County, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #6 (ITEM #6)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 4 *Leave Policies - Approved Time Off*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 18:07/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 5, Section 4 *Leave Policies - Approved Time Off*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and the significant changes to include: 1) Administrative Leave with pay 2) addition of language of pendency of an internal affairs or criminal investigation 3) to attend mandatory EAP appointments during working hours 4) under appointment should read appointments 5) when subpoena to attend any court proceeding or (6) up to five (5) workings days per year for other reasons as authorized by the Sheriff. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #7 (ITEM #7)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 5 *Leave Policies - Military Reserve Training*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 19:15/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 5, Section 5 *Leave Policies - Military Reserve Training*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and the significant changes to include: 1) change the first sentence to match the verbiage to the County's policy 2) change the last sentence to: compensation of employees classified as regular part time will be based on the established work schedule for the employee. No other comments or concerns were addressed by the commission, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #8 (ITEM #8)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 8 *Leave Policies - Holidays*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of Recording 20:06/56:38)

On this day, on motion of Commissioner Gallardo seconded by Commissioner Williams, it is the order of the commission to approve the recommended changes to Chapter 5, Section 8 *Leave Policies - Holidays*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and the significant changes to include:

1) post of the holidays 2) clarify as to what day should be taken when a holiday falls on a weekend 3) to be clearer on employees that work the shift schedule 4) for the policy to be clearer on the holiday pay. Holly Lytle from County Attorney's office responded to the board's concerns and briefly explained the policy again to incorporate the language with the County. Commissioner Acosta feels that it's important to make this changes and clarify to make sure that it's laid out, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #9 (ITEM #9)**

Discuss and take appropriate action to approve recommended changes to Chapter 5, Section 9 *Leave Policies - Leave Without Pay*, of the El Paso Sheriff's Office Civil Service Commission Rules and Regulations. (Time of recording 23:30/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 5, Section 9 *Leave Policies - Leave Without Pay*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and the significant changes to include: 1) to be clearer to ensure that any leave without pay is up to the discretion of the Sheriff. Commissioner Williams asked, "If leave without pay would be going to school, etc." Commissioner Gallardo asked, "If they can extend their pay without leave after their FMLA has been exhausted". Holly Lytle responded to the board's concerns and briefly explained the policy not to exceed the 90 days in addition to any leave and gives the Sheriff additional discretion to the employees, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #10 (ITEM #10)**

Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 3 *Promotional Procedures - Selection to Deputy Sheriff*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of recording 30:17/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 11, Section 3 *Promotional Procedures - Selection to Deputy Sheriff*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and the significant changes to include: 1) under section 11.3.07 remove the language "and employed for at least five consecutive years with a law enforcement agency and employing at least fifty peace officers" 2) this will allow the Sheriff to hire lateral transfer from other Counties.

Holly Lytle from County Attorney's office briefly explained the policy to be able to give the Sheriff the right to hire with a lateral. Assistant Chief Tom Whitten briefly explained to the commission the process on the transfers, and have the authority to hire from small Counties, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**FEBRUARY 27, 2018**

**MOTION #11 (ITEM #11)**

Discuss and take appropriate action to approve recommended changes to Chapter 11, Section 4 *Promotional Procedures – Promotion of Non-Uniformed Personnel*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. (Time of recording 41:37/56:38)

On this day, on motion of Commissioner Williams seconded by Commissioner Gallardo, it is the order of the commission to approve the recommended changes to Chapter 11, Section 4 *Promotional Procedures – Promotion of Non-Uniformed Personnel*, of the El Paso County Sheriff's Office Civil Service Commission Rules and Regulations. After Ludy Velo from Human Resources provided a synopsis and the significant changes to include: 1) identify someone that has been promoted to a higher pay grade to be placed in a probationary period for 6 months as past practice. Holly Lytle from County Attorney's office briefly explained the policy, the motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**MEETING ADJOURNED**

**FEBRUARY 27, 2018**

**MOTION #12 (ITEM #12)**

On this day, there being no further business to discuss, Commissioner Gallardo moved to adjourn the meeting at 2:27 p.m., seconded by Commissioner William. The motion carried by majority vote of the commission.

VOTE: YES – Chair Acosta, Commissioner Williams, Commissioner Gallardo  
NO – None  
ABSENT: None

**EXAMINED AND APPROVED THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2018:**

  
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FERMIN ACOSTA JR., CHAIR

  
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SUKY GOMEZ, RECORDING SECRETARY