



Travis County Commissioners Court Agenda Request

Meeting Date: Tuesday, September 24, 2013

Prepared By/Phone Number: Debbie L. Maynor, 854-9170 *DM*

Elected/Appointed Official/Dept. Head: Leslie Browder, 854-9106 *LB*

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action to authorize the Human Resources Management Department to give notice regarding the current status of occupied positions no longer subject to the notice of Reduction in Force dated July 2, 2013.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The Public Integrity Unit (PIU) of the Travis County District Attorney's Office did not receive approval from the Governor for appropriations that are traditionally used to fund the PIU. State funding for the PIU was eliminated effective August 31, 2013.

On July 2, 2013, the Commissioner's Court approved action to provide notice to affected individuals occupying a position that was subject to be eliminated effective September 30, 2013, pursuant to Travis County Reduction-In-Force (RIF) Policy, Section 10.017. A copy of the policy is attached. Although State funding for the PIU ended as of August 31, 2013, the District Attorney is able to absorb the additional costs of retaining PIU employees in her General Fund budget for one more month, or through September 30, 2013.

On August 6, 2013, the Commissioners Court directed the Planning and Budget Office to identify Fiscal Year 2014 funding options for the PIU. Funding of \$1,762,646 was needed to supplement \$734,422 already identified by the District Attorney's in her forfeited assets account to provide funding for the entire fiscal year.

On August 27, 2013, several options were presented to the Commissioners Court that identified options for covering the unfunded amount of \$1,762,646, which includes 15 full-time equivalents (FTEs), in the General Fund. These options represented a combination of ongoing and one-time funding solutions. On September 4, 2013, the Commissioners Court approved these funding options as part of the budget mark-up process. The Fiscal Year 2014 budget is scheduled for consideration and adoption by the Commissioners Court on September 24, 2013.

STAFF RECOMMENDATIONS:

Staff recommends that the Human Resources Management Department be authorized to give notice to 15 FTEs no longer subject to the notice of Reduction in Force dated July 2, 2013. These positions will be included in the proposed Fiscal Year 2014 General

Fund budget, as authorized by the Commissioners Court on September 4, 2013. A copy of the draft notice to these employees is attached.

ISSUES AND OPPORTUNITIES:

As indicated previously, State funding for the PIU ended as of August 31, 2013, and eligible expenses incurred through this date can be billed to the State. The District Attorney's Office has indicated that savings are available in the office's General Fund budget to cover the remaining month of September in the current fiscal year. Funding from the forfeited property account will cover 10.5 FTEs as a one-time solution for Fiscal Year 2014.

This agenda request is related to another agenda request submitted to the Commissioners Court from the District Attorney's Office, which appears under "Other Items". In addition to providing a report to the Court on Fiscal Year 2014 planned spending for the forfeited property account, the District Attorney seeks approval to send similar notices to employees whose salaries and benefits will be reimbursed by the forfeited assets account. Out of 10.5 PIU FTEs to be funded from the forfeited property account, 8.5 FTEs will be notified that their position will no longer be subject to the notice of Reduction in Force dated July 2, 2013. The other two PIU FTEs will be notified that funding for their position will be extended through October 31, 2013, to allow them more time to seek alternative employment. One additional FTE, who was not a part of the state-funded PIU, has been historically funded through forfeited property and is not affected by the RIF notices. The addition of 10.5 PIU FTEs to be funded by the forfeited property account brings its total funding commitment for County personnel to 11.5 FTEs for Fiscal Year 2014.

FISCAL IMPACT AND SOURCE OF FUNDING:

Funding of \$1,762,646 is included in the Fiscal Year 2014 General Fund budget and \$734,422 will be funded from the District Attorney's forfeited funds.

REQUIRED AUTHORIZATIONS:

Sherine Thomas, 854-9513

Debbie Maynor, 854-9170

Assistance Program (EAP). Special Project regular employees have no guarantee of continued employment and may be terminated, without notice, at any time prior to the project ending date. The County's Reduction-in-Force Policy, 10.017, does not apply to Special Project regular employees.

10.016 Nepotism

- (a) The members of the Commissioners Court and other elected officials are prohibited by Texas law from appointing, voting on or confirming the appointment to any office, position, clerkship, employment or duty of any person related to that official within the second degree of affinity or the third degree of consanguinity unless that person was continuously in the position for at least one year before the election of the related member of the Commissioners Court or the elected official.
- (b) Relationships by affinity are those created by marriage. Relationships of consanguinity are "blood kin." The number of degrees of affinity or consanguinity are determined by the number of "begots" between the 2 persons involved. In order to determine this, it is necessary to find the nearest common ancestor shared by the officer and the person to be hired and count the begots. For example, a man is related to his nephew in the third degree of consanguinity because his father begot him, his father begot his brother, and his brother begot his nephew. Three begots, therefore, three degrees. The wife of this man is related to his blood relatives by marriage and the degree of the relationship is determined in the same way that the husband's relationship to them is determined. Therefore, the man's wife is related to his nephew in the third degree of affinity. The man would have a problem with nepotism because he is within the third degree of consanguinity. His wife would not have a problem with nepotism because her relationship to the nephew is not within the second degree of affinity.

10.017 Reduction-In-Force⁵

- (a) It is the intent and desire of the Commissioners Court to invoke this guideline only when there is a need to reduce staff due to budgetary requirements and to promote governmental efficiency.
- (b) It is also the intent of the Commissioners Court to attempt to place those affected employees into positions for which they are qualified in the same or other County departments as determined by the Elected/Appointed Official.
- (c) Reduction-in-Force (RIF) is a reduction in the number of positions allocated to a department because of reduction in budget or workload. This includes the reduction or termination of grant funding. The Director of the Human

⁵ 10.017 was amended 6/27/1995, Item 3.

Resources Management Department will provide notice to the Commissioners Court 120 days prior to the expiration of grant funds.

- (d) An official written notice of a RIF should be transmitted from the Commissioners Court to employees affected by a RIF at least 90 days prior to effective date of separation. The RIF notice should include the effective date of separation. If a position is vacant at the time the Commissioners Court anticipates or decides to eliminate it, then the RIF notice shall be sent to the Elected/Appointed Official or Executive Manager responsible for that position. Such notice shall be effective against any employee subsequently placed in the empty position as if the notice had been given to the employee personally on the date it was received by the Elected/Appointed Official. Failure to provide notice at least 90 days prior to the effective date of separation shall not affect the effective date of separation.
- (e) The County will award a minimum of 90 days of combined employee benefits, salaries, and outplacement assistance, such as job counseling and resume development (to employees released through a RIF) for each position which is eliminated as a result of a RIF. The 90 days of benefits shall begin on the date of receipt of the notice that the position is being eliminated. The benefits attach to the position, not to the employee. Therefore, if a new employee is placed in a position after the date on which the RIF benefits have begun, such new employee shall be entitled to such benefits only for the portion of the 90 day period allocated to that position. If an employee leaves a position for any reason after the date on which the RIF benefits have begun, the right of the employee to receive such benefits shall cease on the date of their departure.
- (f) When a RIF employee is placed in another County position, the following are the guidelines:
 - (1) Placement at the same classification level will result in no salary change for the employee.
 - (2) Placement at a higher classification level will result in a promotional increase as indicated by the current promotional procedure.
 - (3) Placement at a lower classification level may result in a salary decrease [the same as the demotion procedure found in 10.030 (c) (1) and (2)]. However, an analysis of the employee's qualifications (see 10.027 (b) (1) to (4)) will be made in an effort to maintain the income level of the affected employee. The salary of the employee should be in line with other incumbents within the department functioning in the same classification.
- (g) Under no circumstances can a position exceed the maximum rate of pay for its classification without approval by the Commissioners Court.
- (h) An employee affected by a reduction-in-force whose position is reinstated by the Commissioners Court within six months from the effective date of

separation, shall be afforded the opportunity to be reinstated with no loss of benefits, and at their old rate of pay.

10.018 Reemployment⁶

- (a) Purpose. The purpose of this policy is to identify the eligibility for reemployment with the County and for receipt of benefits after reemployment.
- (b) Definitions. In this policy:
 - (1) Regular employee: An employee, hired by the County for whom there is no termination date specified at the time of employment or whose specified termination date has passed, who is eligible for employee benefits, and who usually works more than 19 hours per week.
 - (2) Former regular employee: A person who was previously employed by the County or any of the elected or appointed officials in Travis County.
 - (3) Retiree: A former regular employee of the County who is receiving an annuity from the Texas County and District Retirement System based on service to County.
 - (4) Reemployment: Rehiring of a former regular employee, who resigned, was terminated or was laid off due to a reduction in force (RIF) and the rehiring of a retiree.
- (c) Policy
 - (1) This policy applies to both a former employee and a retiree who seeks reemployment with County as a regular employee.
 - (2) County requires a regular employee to participate in TCDRS. A former regular employee who is reemployed must continue his or her membership with TCDRS and must contribute to that system as legally required. A retiree who is reemployed and continues to receive an annuity from TCDRS must establish a new membership with TCDRS and must contribute to that system as legally required, based on reemployment status.
- (d) Process and Procedure
 - (1) A regular employee who is planning to retire must complete the Travis County Retiree Declaration and Authorization form at the time of submitting a letter of retirement.
 - (2) In addition, a regular employee who is planning to retire may not seek, make, or have an agreement, promise or have an understanding about being reemployed after retirement, or be given a preferential status related to being reemployed with any elected or appointed official, employee or representative of the County.

⁶ Section 10.018 was replaced 3/7/2006, item 6.



Human Resources Management Department

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Memorandum

DATE: September __, 2013

TO: _____ slot # _____

FROM: Debbie L. Maynor, Director, Human Resources Management Department

SUBJ: STATUS OF REDUCTION IN FORCE ("RIF")

CC: Rosemary Lehmborg, Travis County District Attorney
Leslie Browder, County Executive of Planning and Budget

You received a notice on July 2, 2013 that your position was being eliminated on September 30, 2013 due to a Reduction-In-Force (RIF).

We are pleased to inform you that your position will not be eliminated at this time. You remain an "employee-at-will" of Travis County subject to the policies and procedures of the Travis County District Attorney's Office.

Should you have questions, please contact Kim Austin-Smith, Manager, Staffing and Organizational Services of the Travis County Human Resources Management Department at 512-854-9165.