



Travis County Commissioners Court Agenda Request

Meeting Date: September 24, 2013

Prepared By/Phone Number: Beverly Evans/854-9792

Elected/Appointed Official/Dept. Head: Rosemary Lehmberg, District Attorney

Commissioners Court Sponsor: Judge Samuel T. Biscoe

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AGENDA LANGUAGE:

Consider and take appropriate action on a request from the District Attorney to:

- A. Receive Fiscal Year 2014 Forfeited Property Account budget from the Travis County District Attorney's Office in accordance with the provisions of Article 59.06(d) of the Texas Code of Criminal Procedure.
- B. Authorize the Human Resources Management Department to give notice to the employees occupying positions subject to a Reduction in Force letter dated July 2, 2013, of the duration of Forfeited Property Account funding in Fiscal Year 2014.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The Travis County District Attorney's Office is submitting the Fiscal Year 2014 Forfeited Property Account budget in accordance with a statutory requirement. No Commissioners Court action is required for the acceptance of the budget. A copy of the budget is attached.

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 District Attorney indicated to the Commissioners Court that \$734,422 in funding from the Forfeited Property Account could be allocated to provide partial funding for the PIU in Fiscal Year 2014. This funding will cover personnel costs associated with 10.5 FTEs currently working in the PIU.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, agenda@travis.co.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.

Approval of the Commissioners Court action is required, and requested by the District Attorney's Office, in order to take the following actions:

- 1) Send letters to 8.5 FTEs whose positions will be funded from the Forfeited Property Account in Fiscal Year 2014 informing them that they are no longer subject to the RIF notice dated July 2, 2013. The notice will indicate that funding from the Forfeited Property Account is currently provided for Fiscal Year 2014.
- 2) Send letters to 2.0 FTEs notifying them that their positions will be funded from the Forfeited Property Account for one additional month only (October 2013), and otherwise remain subject to the RIF notice of July 2, 2013.

Copies of the draft letters are attached.

STAFF RECOMMENDATIONS:

N/A

ISSUES AND OPPORTUNITIES:

The District Attorney's Office will update the Commissioners Court in spring 2014 on whether funding is expected to be available in the Forfeited Property Account to continue funding these positions in the Fiscal Year 2015 budget.

FISCAL IMPACT AND SOURCE OF FUNDING:

This request does not have a fiscal impact on the County's General Fund.

REQUIRED AUTHORIZATIONS:

N/A

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, agenda@travis.co.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

**TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE
FORFEITED PROPERTY ACCOUNT BUDGET
FY2014**

EXPENDITURE CATEGORIES	BUDGET
Salaries and Fringe Benefits	\$870,000
500050 Permanent Employees	
500060 Termination Pay	
500070 Temporary Employees	
501010 Salaries - POPS	
502010 Overtime	
503010 Longevity Pay-All Employees	
503030 TCLEOSE Pay	
503050 Bilingual Pay	
506010 FICA Tax-OASDI	
506020 FICA Tax-Medicare	
506040 Life Insurance Benefit	
506050 Retirement Contribution	
506060 Worker's Compensation	
506030 Medical Insurance Benefit	
Supplies & Equipment	\$10,000
510020 Books	
510030 Building Maintenance Supplies	
510060 Communication Supplies & E	
510070 Computer Equipment & Perip	
510080 Custodial Supplies & Equip	
510100 Electrical Supplies & Equip	
510140 Hardware Supplies & Equip	
510180 Law Enforcement Supplies	
510200 Office Equipment	
510210 Office Furniture	
510220 Office Supplies	
510230 Office Supplies/Equipment-CO	
510260 Safety Supplies & Equip	
510270 Recreational Supplies & Equip	
510310 Software	

Services		\$10,000
511070	Psychiatric Services	
511270	Notary Services	
511280	Other Legal Services	
511670	Rent-Other Machinery & Equip	
511720	Long Distance	
511730	Postal/Freight Out Services	
511840	Lab Services	
511850	Interpretation/Translation	
511860	Investigative Services	
511900	Other Services	
511950	Temp Personnel Services-CI	
Travel & Professional Development		\$10,000
512010	Travel Encumbrance	
512020	Inhouse Training/Online Co	
512030	Professional Licenses	
512040	Professional Membership	
512050	Registration Conferences	
512060	Subscriptions & Publications	
512090	Travel-Lodging, Meals & Other	
512100	Travel -Mileage	
Court & Law Enforcement Related		\$10,000
514030	Court Costs	
514120	Court Ordered Lab Testing	
514130	Court Transcripts	
514140	Expert Witness Testimony	
514150	Extradition Related Travel	
514190	Medical Exams-Victims	
514230	Substitute Court Reporter	
514260	Witness Expense	
Capital Outlay		
520000	Capital Outlay	\$10,000
Transfers		
595000	Transfers to Other Funds	\$5,000
	TOTAL	\$925,000

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

1010 Lavaca Street, 2nd Floor • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512) 854-4203

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.



HRMD

Human Resources Management Department

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Memorandum

DATE: September __, 2013

TO: _____ slot # _____

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

SUBJ: AMENDED REDUCTION IN FORCE ("RIF") NOTICE

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 eliminated effective September 30, 2013 due to a Reduction in Force (RIF) pursuant to Travis County Code §10.017. This notice amends that effective date to October 31, 2013.

As an employee, your continued compliance with Travis County Policies and Procedures and those of the District Attorney's Office is expected through the date of separation. Outplacement services, including assistance to complete termination paperwork, job counseling, application/resume development, interview techniques, and job search strategies are available through the Human Resources Management Department.

Please contact Kim Austin-Smith, Manager, Staffing and Organizational Services of the Travis County Human Resources Management Department at 854-9165 to schedule an appointment to discuss outplacement services. Ms. Austin-Smith may also arrange for you to visit with a benefits specialist, if you wish.