



COMMISSIONERS COURT
COMMUNICATION

COURT ORDER NUMBER _____
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DATE: 12/17/2024

**SUBJECT: CONSIDERATION OF A WAIVER OF TERMINAL BENEFITS –
CRIMINAL COURTS**

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider the approval of a waiver of terminal benefits for the Criminal Courts for position number 20002559 – Auxiliary Criminal Court Coordinator effective January 1, 2025.

BACKGROUND

In order to fill a vacancy created by an employee terminating, the previous employee's terminal benefits (vacation) must be exhausted. This prevents the County from paying both the terminated employee and the replacement from the budgeted funds for a single position at the same time. Detention Officer positions do not require the exhaustion of terminal benefits, and Deputy Sheriff positions in the Judicial Division require the exhaustion of a maximum of 120 hours of terminal benefits.

With the exception of the aforementioned position, departments must request a waiver of terminal benefits in order to fill a vacant position before the vacation time being paid out has been exhausted. These requests must be justified in writing and receive the Commissioners Court approval. Departments may choose to seek waivers of terminal benefits for a variety of reasons. Hard-to-fill positions, for example, may require more immediate hiring actions to avoid losing an identified candidate. Single-incumbent or high-level managerial positions may also cause a department to seek a waiver to promote continuity of services or continual department management. Small departments also struggle with keeping positions vacant for extended periods of time, as there may not be sufficient staff to assume the resulting workload. Waivers of terminal benefits may result in a net cost or net savings depending on whether or not the new hire will earn less than the previous incumbent.

The incumbent of the Auxiliary Criminal Court Coordinator position will leave County service on December 31, 2024, with approximately ninety-four (94) hours of vacation. This General Fund position is responsible for providing case management and reporting for the criminal courts. The incumbent also serves as a Court Coordinator during Court Coordinator absences. Leaving this position unfilled will hamper the productivity and efficiency of the Criminal Courts. Due to the critical duties performed by this position, Human Resources requests a waiver of terminal benefits.

FISCAL IMPACT

The FY 2025 net cost to the General Fund will be approximately \$4,474.44 including fringe benefits. An appropriations adjustment from Courts Judiciary into Salaries of \$4,475.00 will be made to offset this cost to result in a net zero fiscal impact.

SUBMITTED BY	Human Resources	PREPARED BY:	Amber Duckworth
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