



COMMISSIONERS COURT COMMUNICATION

REFERENCE NUMBER _____

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DATE: 12/05/2023

**SUBJECT: APPROVAL OF A WAIVER OF TERMINAL BENEFITS – 233RD
DISTRICT COURT**

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court approve a waiver of terminal benefits for the 233rd District Court for position number 20002649 – Court Reporter effective January 1, 2024.

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 positions, 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 Court Reporter position will retire from County service on December 31, 2023, with four hundred (400) hours of vacation. This General Fund position is responsible for documenting, maintaining, and preserving the required records and statistics as it pertains to departmental operations for the Court. Leaving this position unfilled will hamper the ability of the Court to process court proceedings. Due to the critical duties performed by this position, the 233rd District Court requests a waiver of terminal benefits.

FISCAL IMPACT

The FY 2024 net cost to the General Fund for the waiver will be approximately \$33,073.62 including fringe benefits.

SUBMITTED BY:	Human Resources	PREPARED BY: APPROVED BY:	Amber Duckworth Anjanie Ramnarine
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