SANDOVAL COUNTY, NEW MEXICO

PERSONNEL
RULES AND REGULATIONS
&
SEXUAL HARASSMENT POLICY

(Begins on page 104)

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SANDOVAL COUNTY
PERSONNEL RULES AND REGULATIONS

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Sandoval County provides equal employment opportunity [EEO] to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, spousal affiliation, or status as a covered veteran, in accordance with applicable State and Federal law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, demotion, termination, layoff, recall, transfer, leave allocation, compensation, and training.

Sandoval County expressly prohibits any form of unlawful employee harassment or discrimination based on race, color, religion, gender, sexual orientation, national origin, age, disability, spousal affiliation, or veteran status. Improper interference with the ability of Sandoval County's employees to perform their job duties is prohibited.

ARTICLE I. PURPOSE AND SUPPLEMENTATION OF THE RULES AND REGULATIONS.

The Board of County Commissioners has adopted these Rules and Regulations to create a system of personnel administration to implement the provisions of Ordinance No. 09-02-15.14A, as adopted and/or amended.

The Board of County Commissioners as the superintending authority of the County has adopted these Rules and Regulations and may amend, repeal or adopt new or revised rules and regulations at its discretion. These Rules and Regulations may be supplemented by general policies and procedures, adopted by the Board. These Rules and Regulations may be subject to interpretive memorandum issued by the County Manager. No policy, procedure or interpretive memoranda shall be contrary to these Rules and Regulations. A complete set of all policies, procedures and interpretive memoranda shall be maintained by the Human Resources Director and shall be available to all employees.

I.1 USE OF PRONOUNS

All pronouns used in these Rules and Regulations shall include the masculine, feminine and neuter gender, and shall include the singular and plural, and the context of these Rules and Regulations shall be read accordingly.

I.2 USE OF "SHALL", "MAY" or "CAN"

As used in these Rules and Regulations, the terms "shall", "will" and "must" or the like are mandatory and terms "may" or "can" or the like are to be permissive, probable or possible.

ARTICLE II. EMPLOYMENT RELATIONS DEFINITIONS.

- **Agency:** An administrative division of government that provides services for another unit.
- **Americans with Disability Act (ADA):** The Federal law which states, in part, that, "...no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied benefits of or be subjected to discrimination in programs or activities sponsored by a public entity."
- **Appeal:** An action by which an affected party challenges the decision or determination of an Elected Official or Division Director in matters involving the interpretation and/or application of Ordinance No. 09-02-15.14A and/or these Personnel Rules and Regulations.
- **Applicant:** An individual who has finalized and submitted a complete application for employment on a timely basis.
- **At-Will Employment:** At-Will Employment means that, unless there is a contract providing otherwise, employment is voluntary and for an indefinite period and can be terminated at any time for any reason not contrary to Federal or State Statutes by either the employee or employer.
- **Base Salary:** An employee's rate of pay based on an adopted salary schedule, excluding premiums, such as overtime pay, standby pay or other inducements.
- **Board of County Commissioners:** The elected governing body of the County, consisting of five (5) districted commissioners, with the statutory power to set salaries, except for elected County officials, and to employ a County Manager to conduct the business of the County, to serve as personnel officer, fiscal director, budget officer and property custodian and to act generally as the administrative assistant to the Board of County Commissioners, aiding and assisting it in the exercise of its duties and responsibilities.
- **Bona Fide Occupational Qualifications:** The designation given to any position which is limited to a particular race, gender or national origin where such factors are determined essential to successful job performance and the normal operation of the County. All qualifying candidates for such positions may be required to take a certified test to establish that they meet the bona fide occupational qualification.
- **Break In Employment:** Any period of separation of employment of at least one (1) workday of not being in the classified service.

- **Candidate:** Any applicant who has been deemed qualified by the Director, and is on the list of applicants eligible to fill a vacant position.
- **Classified Employee:** An employee who has successfully completed his probation.
- **Classified Service:** All positions in the County which are not specifically named as unclassified by Ordinance No. 09-02-15.14A and in these Personnel Rules and Regulations.
- **Classification:** A job position which is occupationally distinct.
- **Classification Plan:** A collection of classes or job titles and accompanying job specifications, based on duties, authority and responsibilities of positions, approved by the Board of County Commissioners.
- **Closing Date:** The last day when a person or an employee can submit her application for a posted job vacancy, also see "Filing Date."
- **COBRA:** The Consolidated Omnibus Budget Reconciliation Act of 1985 amending Federal employment laws to provide continuation of employer-sponsored group health coverage that otherwise might be terminated.
- **Collective Bargaining Ordinance:** County Ordinance No. 04-09-16.13, as amended, repealed and reauthorized to guarantee employees the right to organize and bargain collectively with the County.
- **Compensation:** Salary and benefits provided to an employee for services rendered.
- **Compensatory Time:** Is subject to the same limitations as FLSA overtime and is granted in lieu of overtime pay by the Elected Official or Division Director.
- **Conflict of Interest:** Any business or transaction or a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties.
- **Contract Employee:** An employee wherein a written agreement between the Board of County Commissioners and the person has been entered into which creates an obligation to perform particular duties subject to the terms and conditions of the agreement and mutual obligations specified.
- **Days:** Calendar days unless specifically identified otherwise.
- **Demotion:** The reduction in title and compensation or from full-time to part-time which can be the result of a major or minor disciplinary action, lay-off or an employee's voluntary request.
- **Director:** The Human Resources Director.

- **Division Director:** The administrative head of a County division with the authority to hire or fire employees.
- **Disability:** A physical or mental impairment that substantially limits one or more life activity.
- **Discrimination:** Refusal to hire, or the imposition of some other adverse employment action against an individual because of race, sex, age, color, national origin, handicap, disability or medical condition, veteran status, or any other unlawful criterion, except where a bona fide occupational qualification applies.
- **Due Process:** The entitlement of a full-time classified non-probationary employee to administrative procedures that will be fair and that notice of the proceedings will be given and that he will be given an opportunity to be heard prior to the County imposing actions which will affect his employment status.
- **Elected Official:** A person elected or appointed to the position of County Commissioner, County Assessor, County Sheriff, County Probate Judge, County Clerk or County Treasurer. (Constitution of the State of New Mexico, Article X, Section 2, A & B)
- **Employee:** Includes all classified County employees. Unclassified employees are excluded unless specifically included in the provision(s) of Ordinance No. 09-02-15.14A and/or in these Personnel Rules and Regulations. See Article XI – UNCLASSIFIED EMPLOYEES
- **Employer:** An Elected Official or Division Director having the power to fill a vacant position or to take disciplinary action.
- **Employment List:** The list of names, certified by the Director, from which a candidate may be selected for appointment.
- **Employment Requirements:** A position's individual job related qualification standards established by the County in accordance with the specific requirements and/or needs of the position and are subject to review and recommendation by the Director.
- **Equal Employment Opportunity:** Includes, but is not limited to, the right of all individuals to expect fair and equal treatment by the County in hiring, promotion, discharge, compensation, and other terms and conditions and privileges of employment.
- **Examination:** A quantitative competitive assessment of qualifications, knowledge, skills, fitness and abilities of an applicant, including tests.
- **Exempt Employee:** Executive, administrative, and professional employees where the exact terms and conditions of employment exempts the employee

from the Fair Labor Standards Act's minimum wage and overtime pay requirements.

- **FMLA:** The Federal, Family and Medical Leave Act which entitles eligible employees up to twelve (12) weeks of unpaid leave in a twelve (12) month period for certain qualifying reasons.
- **FLSA:** The Federal Fair Labor Standards Act which among other things requires employers to pay certain of its employee's premium overtime for hours worked in excess of forty (40) hours in a workweek. Employees may either be classified as Covered (non-exempt) or Exempt if they meet certain criteria and standards.
- **Filing/Closing Date:** The last date when a grievance, application or other personnel matter can be received by the Director, Elected Official or Division Director.
- **Grievance:** A classified employee's complaint regarding any term or condition which is beyond the employee's control and is answered by due process.
- **Hatch Act:** A Federal law (5 U.S.C. §§7321-7328) which prohibits local government employees who are principally paid in whole or in part by grants made by the United States or a Federal agency from participating in certain political activities.
- **Hearing:** A proceeding before an Elected Official or Division Director or a third party in which evidence is presented on a proposed suspension without pay, demotion or termination and a recommended written decision is rendered.
- **Hearing Officer:** An independent third party qualified to render a decision upon the appeal by a classified employee who has been suspended without pay, demoted for disciplinary reasons or discharged from County employment.
- **Hire Date:** The date of the offer, acceptance and commencement of employment.
- **Hostile Work Environment:** A work environment consisting of discriminatory intimidation, ridicule and/or insult to the extent that it interferes with an employee's work performance or creates a direct or indirect offensive work environment.
- **Immediate Family:** A spouse, child, parent or any person for whom he serves as legal guardian.
- **Inclement Weather/Emergency:** An occurrence which makes it difficult for employees to get to work or where the worksite may be temporarily restricted due to forces beyond the County's control.

- **Job Analysis:** A review of the duties and responsibilities of a position to determine the appropriate title, duty assignment and classification.
- **Job Description:** The primary resource document in position classification defining and describing representative duties and responsibilities and setting forth the minimum requirements (qualifications) essential to the performance of the work of the title.
- **Job Title:** A descriptive name that identifies a position with similar duties, responsibilities and qualifications.
- **Just Cause:** A reasonable and lawful basis for action that refers to a standard of reasonableness used to evaluate whether a classified employee's action constituted just cause for discipline or termination.
- **Line authority:** The assignment of activities and/or approval authority in a manner that does not relinquish the Elected Official's and/or County Manager's administrative oversight or statutory or contractual responsibility.
- **Layoff:** The separation or demotion of an employee from his classified position for reasons of economy or efficiency or other related reasons but not for disciplinary reasons.
- **Layoff Rights:** Rights afforded classified employees as a result of the layoff process.
- **Legal Holiday:** Public holidays designated by the Board of County Commissioners which are generally consistent with Federal, State and/or County government holidays.
- **Leave Administrative:** Leave with or without pay granted by the County Manager for good cause.
- **Leave, Authorized:** An absence from work utilizing any paid leave or authorized leave without pay.
- **Leave, Annual:** Leave with pay granted to a non-probationary employee from his accrued balance when approved by his supervisor.
- **Leave, Military:** Leave with pay authorized for an employee who is a member of the National Guard or Air National Guard of New Mexico or any organized reserve unit of the armed forces of the United States for a period not to exceed fifteen (15) working days in each Federal fiscal year.
- **Leave, Sick:** Leave with pay granted to an employee from an accrued balance when a personal or immediate family member illness or other medical conditions prevents him from reporting to work and is approved by his supervisor.

- **Leave, Unauthorized:** An unpaid absence where the employee fails to appear for work without authorized leave or who appears for work but is in violation of County policy governing his readiness for work.
- **Light/Modified Duty Position:** A position for an employee who has suffered a disability or who for other reasons cannot perform their regular duties within their job description whenever practicable and when such work is available.
- **Manager/Supervisor:** An employee in a position that directs internal staff and who plans, organizes, integrates, coordinates and/or controls the activity of others and who is held accountable for the performance of employees, services, systems, programs and resources and who can change their direction, objectives and assignments to meet performance and business needs.
- **Moral Turpitude.** Gross violation of standards of moral conduct, vileness, such that an act involving moral turpitude was intentionally evil, making the act a crime. The existence of moral turpitude can bring a more severe criminal charge or penalty for a criminal defendant.
- **Near Relative:** A spouse or ex-spouse, child, step-child, step-parent, sibling, step-sibling, grandparent or step grandparent, aunt, uncle, first cousin, niece or nephew, or like relations of the employee's spouse. The definition shall cover any person related to the employee by birth, adoption, marriage or domestic union.
- **Nepotism:** An action which gives preferential treatment to blood relatives or unrelated relatives by marriage or legal union in areas of employment including but not limited to selection, benefits, pay, promotion or discipline.
- **Non-Exempt:** Employees who are covered by the Fair Labor Standards Act who are entitled to the minimum hourly wage and must be paid overtime pay after forty (40) hours of work in a workweek, unless exempted by FLSA.
- **Notice of Contemplated Action:** The initial notice served by the Elected Official or Division Director on an employee of a proposed suspension, demotion or termination.
- **Notice of Contemplated Action Response**: A written response by the employee or employee representative appealing the proposed action and requesting hearing on the proposed suspension, demotion or termination.
- **Notice of Final Action:** A written notice served on the employee when there is no timely filing of an appeal or the notice provided after the final predetermination (Loudermill) administrative hearing.

- **Part-Time Employee:** An unclassified employee whose regular hours of work are less than the regular and normal workweek and he may be classified or temporary.
- **Pay Scale:** A pay plan maintained corresponding to the classification plan.
- **Performance Review/Evaluation:** A process whereby an employee's performance is reviewed at least every two (2) years.
- **Pay Period:** A two-week period, of which there are twenty-six (26) in a calendar year.
- **Political Activity:** Being a candidate or holding elective office or use of his position or employment with the County to influence support of candidates or elected officials, political parties, political action committees or similar organizations in any election or pre-election activity, provided, however; that nothing herein shall deny the right of an employee to express his views on any issue.
- **Probationary Period:** A conditional employment period, which is the initial three hundred and sixty five (365) calendar days of continuous County employment, which can be extended based on performance by up to ninety (90) days, during which an employee is terminable without due process.
- **Progressive Discipline:** An action, that does not set precedent, which can range from a reminder, to an oral or written warning, to a suspension, demotion or dismissal and is based on the infraction and can be imposed without first having to enforce a less severe form of discipline.
- **Promotion:** The change of an employee from their classified position to a higher classified position in a higher pay grade or to an unclassified position for which she applies and qualifies.
- **Public Office, Candidate:** An employee becomes a candidate when the employee files a petition or nomination papers, pays a filing fee, is nominated by a political party or declares her intent to run for a public office. The public office being sought can be a non-partisan elected position or an elected position on a legally constituted State or local unit of government.
- **Public Safety Employee:** Generally is involved in the protection of the general population from all manner of significant danger, injury, or harm. This protection is typically provided by law enforcement, fire, EMS and detention personnel.
- **Reasonable Accommodation:** A modification to a job required by the Americans with Disabilities Act due to the limitations of an otherwise qualified employee or applicant with a disability, unless the employer can

demonstrate that the accommodation would impose an undue hardship on the operation.

- **Reassignment:** The in-title movement of an employee to a new job function, work shift, location, or supervisor within the same organizational division.
- **Reclassification:** The change of a position from one class title to a different class title based on modifications in the position's duties and responsibilities.
- **Red Circle rate:** When an employee's base rate of pay is above the maximum salary for a position, the employee's pay rate will be "red circled" or frozen at its current level until the pay plan catches up with the employee's pay.
- **Reduction in force**: Separation by layoff due to the shortage of County funds, abolishment of position(s), lack of work, or action by the Board of County Commissioners to reduce or eliminate function(s).
- **Resignation:** Notice given by an employee desiring to leave County employment in good standing, at least two weeks before separation, unless the Elected Official or Division Director consents to a shorter notice.
- **Resignation not in good standing:** Giving up of one's position without giving the required notice, a disciplinary removal or an unauthorized absence from work for three (3) consecutive working days.
- **Requirements:** The minimum qualifications required for successful performance of the job duties.
- **Retirement Program:** The Public Employees Retirement Association of New Mexico (PERA) available to all County employees and elected officials, conditioned by State laws and regulations.
- **Sexual Harassment:** Any unwanted sexual attention or such attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted.
- **Substance Abuse:** The use of controlled substances, prescribed and non-prescribed or alcohol by an employee when it interferes with his job performance, conduct, attendance, safety or when it violates the law and/or the sale or distribution while on County property or while on County business.
- **Supervisor:** See "Manager."
- **Suspension:** The temporary separation from classified employment for disciplinary reasons.
- **Termination:** The removal of a classified employee from employment for disciplinary reasons.

- **Transfer:** The voluntary or involuntary movement of a classified employee between organizational units or departments.
- **Trial Period:** A twenty (20) working day period after a classified employee is promoted during which he may return to his former position, if vacant, or to a similar vacant position for which he qualifies or a twenty (20) working day period during which the Elected Official or Division Director can return the employee to his former position, if vacant.
- **Veteran:** An honorably discharged soldier, sailor, marine or other member of any branch of the armed forces who served in any military or naval services of the United States Armed Forces
- **Veterans Preference:** Preferential treatment for those veterans who meet the established criteria and who have presented evidence of their service record on or before the application closing date.
- **Unclassified Employees:** Salaried or contract employee or professional consultants, independent contractors, conditional employees, casual/PRN, probationary, term, part-time and emergency employees, who are terminable at-will and cannot grieve disciplinary actions; see Article XI.
- **Workweek:** The regularly scheduled work hours in a seven (7) day period starting on a Saturday and ending on Friday and as defined in the FLSA there can be no averaging of two (2) or more workweeks.
- **Workweek, Public Safety:** FLSA and NM Statutes provide a partial exemption for public safety departments to establish a work period ranging from seven (7) to twenty eight (28) days in which overtime is paid after a specified number of hours in each work period in accordance with FLSA Section 7(k).
- **Without prejudice:** A declaration that no rights or privileges of the employee concerned are to be considered as thereby waived or lost except in so far as may be expressly conceded or decided.
- **Writing or written:** Information in written form and/or an alternative format, where deemed appropriate, and when requested and may be addressed to the employee's last known address by certified mail or hand delivery.

ARTICLE III. ADMINISTRATION OF EMPLOYMENT RELATIONS AND EMPLOYEE RECORDS.

The County Manager, through the Director, shall administer Personnel Ordinance No. 09-02-15.14A as promulgated or amended and follow these Rules and Regulations as adopted or amended by the Board of County Commissioners.

III.1 – Administration by County Manager.

1. The County Manager shall administer the employment relations system as established in Ordinance No. 09-02-15.14A, these Personnel Rules and Regulations and all existing and future approved policies, directives and procedures.

2. The County Manager shall recommend to the Board of County Commissioners new or revised amendments to the Ordinance, Rules and Regulations and policies and procedures as necessary for the efficient operation of the County.

3. The County Manager is authorized to implement administrative procedures and directives not contrary to the Ordinance or these Rules and Regulations to effectively administer the employment relations of the County.

4. The County Manager shall maintain the classification plan and pay scale of the County for classified employees.

5. The County Manager shall maintain a pay system and benefits for unclassified employees.

III. 2 – Employee Records.

1. The Director shall maintain an official personnel file and a separate medical file for each employee.

2. The employee's personnel files, at a minimum, shall contain the employee's name, Social Security Number, title, division, status of employment, job classification, payroll change notices, application form, certifications, letters of reference, medical information, leave accrual rate, commendations, performance evaluations, benefit participation authorizations, emergency contact information, records of final notice on any suspensions, demotions or termination and other

records required by State or Federal law or regulation. Each document in the employee's file must be signed or initialed by the employee, or if the employee refuses to sign, a supervisory-level employee, through his signature, shall attest that the document was given to the employee.

3. Leave Request Forms shall be retained in the employee's personnel file until the Sandoval County financial audit report for the year in which said request was created has been released.

4. All employee information deemed confidential shall be accessible only by the employee, the Director, managers in the employee's direct line of supervision, an Elected Official or Division Director in the event the employee seeks another County position, the County Attorney/designee, any person or representative authorized in writing by the employee and pursuant to any court order, judicial or administrative subpoena.

5. An employee may ask that items be removed from his personnel file by making a written request to the Director. The employee shall be informed in writing within ten (10) days of the request of action taken. Denial may be grievable in accordance with Ordinance No. 09-02-15.14A and Article IV of these Rules and Regulations.

III.3 – Position Classification.

III.3.A – Position Classification Criteria.

The Director shall determine position classifications subject to County Ordinances and the Fair Labor Standards Act (FLSA). Positions shall be evaluated in relation to one another based on duties and responsibilities, knowledge, skills and abilities required; working relationships and conditions; and impact and accountability.

III.3.B – Job Descriptions.

1. Job descriptions shall include the job title, classification, duties, responsibilities, minimum qualifications, and essential physical and mental functions of the job and shall specify required knowledge, skills, certifications and abilities.

2. The Director shall establish and maintain a complete set of job descriptions for all classified and unclassified positions subject to the

recommendation of the County Manager and approval by the Board of County Commissioners.

3. The Director shall review and revise job descriptions as necessary, with the advice and concurrence of the Elected Official or Division Director or designee. Revised job descriptions shall be presented to the Board of County Commissioners for action.

III.3.C – Position Evaluation Studies and Reclassification.

1. The County Manager may conduct job analysis study when the conditions warrant an evaluation of the County's workforce. The Director, after performing the study or engaging the services of a contractor to perform the study, shall submit its recommendation to the County Manager for review and action by the Board of County Commissioners.

2. An Elected Official or Division Director may request a new position classification or a reclassification of an existing position by submitting a written request listing the duties, responsibilities and qualifications of the proposed new position or proposed reclassification to the Director. The Director is to determine if the new position classification or reclassification is warranted, and submit her determination to the County Manager for review and action.

3. An employee who can justify that her position is improperly classified may submit a written request for a job analysis. The request must contain the specific job duties being performed which are not commensurate with the existing job description and submit the request to her supervisor. The supervisor will review the request and submit it to the Elected Official or Division Director with her recommendation. If the Elected Official or Division Director agrees that a job evaluation is warranted she will submit it to the Director for review. If the Director determines that the reclassification is unjustified, the position will remain as originally classified and the employee will be informed of the determination by the Director and/or the employee's supervisor.

III.4 –Recruitment, Selection, Promotion, Trial Period and Probationary Period.

III.4.A – Posting of Vacant Positions.

1. The Director is responsible for posting and recruiting qualified applicants for vacant budgeted positions.

2. The Elected Official or Division Director initiates the recruitment process by submitting a Job Requisition Form to the Director of her intent to fill a vacant position. The Job Requisition Form shall contain the title of the position, the name of the employee who vacated the position, the date the position was vacated and whether the position's duties remain the same or if there are changes to the duties; what the new or removed duties are and if all benefits owed the previous incumbent have been paid. The Director, after a review and determination that the position can be posted, will open the job for recruitment by:

(a) Transmitting the announcement of the vacancy to all Elected Official or Division Directors, who shall post the announcement on their employee bulletin board;

(b) By posting the announcement on the Human Resources Job Vacancy bulletin board accessible to the general public;

(c) If determined necessary, in a paid classified advertisement in a newspaper of general circulation in the area; and/or,

(d) By posting the vacancy on the County's web site.

The posting shall be effective for a minimum of one (1) week and may remain open "until filled" if the Director deems the position difficult to fill. Only the County Manager or designee may rescind a posting.

III.4.B – Exceptions to Posting Process.

Posting may be waived, with the approval of the County Manager, in order to fill a position with a qualified County employee when it is

determined to be in the best interest of the County, or for an emergency hire, or for an unclassified position.

III.4.C – Position Applications.

1. Applications for posted positions shall be submitted to the Director on the County's application form. An applicant shall only be considered for a position for which he is qualified and for which he has submitted a properly completed application containing the applicant's original signature and date. Only properly filled out applications forms received on or before the closing date will be accepted.

2. The applicant is responsible for furnishing proof of qualifying experience, certification, licensure, degree or other documents or credentials verifying qualifications for the job. When a degree is required an official transcript from the degree granting institution shall be submitted directly to the County within the prescribed date set by the Director.

3. The applicant shall furnish proof of identification and right to work in accordance with the Immigration Reform and Control Act of 1986.

4. The applicant shall certify to the truth of all statements in his application for employment.

5. False claims, statements, omissions or misrepresentations shall cause an applicant to be disqualified. If an untrue statement is discovered after hiring, the employee can be dismissed.

6. All applicants shall sign a Release of Information Form permitting the County to check references, employment history, and to conduct background investigations. Failure to sign the Release of Information Form shall cause the applicant to be disqualified.

7. Employee applicants who have been suspended within the prior twelve (12) months or probationary employees who have not received a "Satisfactory" rating in their most recent review shall not be permitted to apply for a posted classified position.

III.4.D – Screening of Applications.

1. The Director or her designee shall screen all applications and determine which applicants meet the minimum qualifications required for consideration to fill the vacant position.

2. The Director will prepare an unranked list of all applicants meeting the minimum requirements for review by the Elected Official or Division Director.

3. The Elected Official or Division Director seeking to fill the vacant position is responsible for selecting a minimum of three (3) applicants to be interviewed based on the applications of all applicants meeting the minimum qualifications. The Elected Official or Division Director will provide the Director with the names of at least three (3) applicants who are to be interviewed and return the files of the remaining applicants. The Elected Official or Division Director will set up the interview dates and times and provide the Director with the name of the applicant selected to fill the position. The Elected Official or Division Director will return all of the applications to the Director.

4. In the event fewer than three (3) qualifying applicants apply for the position, all applicants will be interviewed.

5. Non-selected applicants will be notified in writing by the Director within ten (10) working days.

III.4.E – Applicant Testing.

1. Written, verbal, physical agility and/or other testing of skills specific to the job description may be required.

2. Testing of an applicant shall only be administered if authorized by the Director and if such testing is developed in accordance with established professional techniques, relevant law, regulations and guidelines with the outcome to measure skills and abilities necessary for job performance.

3. If required, the County shall pay for any post-offer medical examination, drug test or psychological examinations.

4. Upon notice from the professional administering the examination and/or drug test that the applicant is unable to perform the duties and responsibilities of the job or for whom a confirmed positive test for drugs has been reported, that applicant shall not be offered the position.

III.4.F – Ineligible for Hire.

1. The applicant made any false statements, omitted relevant information or made any misrepresentation in his application.

2. Applicant did not meet the qualifications for the position.

3. Applicant failed any examination or test administered by the County or failed other requirements of the job description.

4. The applicant does not meet the criteria for insurance or bonding as required by County Ordinance or State law.

5. Applicant has been dismissed for cause by the County or left County employment while not in good standing.

6. Applicant has been convicted of a felony or misdemeanor involving moral turpitude.

The above list is not exhaustive and does not include all of the reasons which would make an applicant ineligible for hire.

III.5 – Employment Status.

III.5.A – Classification of Employees (FLSA).

1. A Non-exempt Employee is a full-time Fair Labor Standards Act (FLSA) employee who normally is scheduled for work a minimum of forty (40) hours in a seven (7) consecutive day period, and:

(a) Is paid on an hourly basis for hours worked; and

(b) Is eligible to participate in retirement benefits, annual and sick leave, and all other benefits and privileges provided by the County.

Non-exempt employees in public safety divisions may work from seven (7) to twenty eight (28) days in each work period as provided by FLSA Section 7(k) partial exemption from the forty (40) hours in a seven (7) consecutive day period.

2. An Exempt Full-Time Employee is an executive, administrative, computer related, highly compensated or professional employee as defined by the FLSA and whose compensation is based upon a fixed annual salary and is eligible for retirement benefits, annual and sick leave and all other benefits and privileges provided by the County.

3. The Director shall maintain a list of positions that are identified as exempt and meet the standard set by the FLSA.

4. Unclassified employees are covered in Article XI of these Rules and Regulations.

III.5.B – Probationary Employees.

1. An employee hired to fill a classified position shall serve a probationary period of three hundred sixty five (365) calendar days during which the employee's ability to perform all assigned tasks and duties of the position shall be assessed. The probationary period may be extended for up to an additional ninety (90) calendar days when the Elected Official or Division Director has presented the County Manager with justification and a corrective action plan. Any period of temporary light/modified duty or leave without pay during the probationary period shall extend the probationary period by an equivalent amount of time.

2. When an unclassified employee is hired to fill a classified position, the hire date for the classified position shall be used in computing the beginning of the probationary period.

3. The probationary period is essential to evaluate the employee's performance and to determine if the incumbent is adapting to and fulfilling the requirements of the job.

(a) The probationary employee shall receive a written performance evaluation at six (6) months and a final probationary

evaluation upon completing eleven (11) months of employment, unless terminated prior to completing his probation. The evaluation must inform the employee of areas for improvement, including a corrective action plan with timelines for each area needing improvement. The employee must receive a satisfactory final evaluation before the employee can become a classified employee entitled to the rights and benefits of that classification, including coverage by the merit provisions and the grievance procedures of Ordinance No. 09-02-15.14A and these Personnel Rules and Regulations.

III.6. – Nepotism.

It is the policy of the County that the practice of nepotism is prohibited. Nepotism, for the purpose of these Rules and Regulations, is defined as the practice of giving preferential treatment to near relatives or to unrelated persons sharing a spousal relationship in the area of employment, including but not limited to: selection, benefits, pay, promotion, and discipline. An Elected Official or Division Director, shall not hire or fill a classified or unclassified position with a relative who is a near relative except when that person's compensation in any calendar year is $600.00 or less or unless such employment shall first be approved by the Board of County Commissioners, whose duty it is to approve the bond of the person giving such employment, NMSA 1978, §10-1-10, et. seq.

III.6.A – Near Relative.

1. Any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood, marriage, or a recognized union similar to marriage.

2. A near relative includes: spouse or ex-spouse, child, step-child, parent, step-parent, sibling, step-sibling, grandparent or step-grandparent, grandchild or step-grandchild, aunt, uncle, first cousin, niece/nephew, or like relations of the employee's spouse. The definition shall cover any person related to the employee by birth, adoption, marriage or domestic partnership.

III.6.B – Direct and Indirect Supervision.

1. Direct supervision is the first level of supervision that has responsibility for the employee's performance evaluation, disciplinary action and/or employment status.

2. Indirect supervision is:

(a) A manager that is one (1) level above the employee's direct supervisor and who has the authority to make recommendations regarding the employee's employment status, performance evaluation, compensation or promotion.

(b) A non-exempt employee that is one (1) level below the employee's supervisor and serves in a lead capacity for the employee and has the ongoing responsibility of identifying or influencing work schedules, work assignments or coaching for the employee in the absence of the supervisor.

(c) If an indirect supervisor is in the chain of command for a relative, then the next supervisor up shall make all such supervisory decisions on employment status, performance, evaluations, compensation and promotion.

III.6.C – Change in Relationship Status.

Within five (5) working days of a change in assignment or near relative relationship among County employees, which leads to the supervision of or by a near relative, the employee shall inform the Elected Official or Division Director or designee in writing of the change in status. The Elected Official or Division Director shall notify the County Manager, who will make reasonable effort to arrange for the transfer or provide a procedure to address the direct supervision of one of the employees affected by the relationship. The transfer will be without loss of pay or length of service and with the full observance of the employee's rights unless the employee accepts a voluntary demotion. One of the employees shall exercise the option to voluntarily resign when efforts fail to break up the supervisory relationship.

III.7 – Conflict of Interest.

No employee shall:

1. Engage in any business or transaction, have a financial, direct or indirect interest, accept private employment or other public employment, or render services for private interest, which is incompatible with the proper discharge of the employee's responsibilities, which gives the appearance of impropriety, or could tend to impair his independence of judgment or action in the performance of his duties.

2. Accept any gift, whether in the form of money, service, loan, thing or promise, from any person that could tend to impair the employee's independence of judgment or action in the performance of his duties.

3. Disclose confidential information concerning the property, government or affairs of the County without proper legal authorization; or use such information to advance the financial or other private interest of self or others.

An employee may:

An employee, who is a candidate for public office, may accept campaign contributions and services in direct connection with any such campaign.

III.8 – Self-Employment/Supplementary/Outside Employment.

1. An employee of the County shall not engage in self-employment, supplementary employment and/or outside employment unless such employment is reported to and approved by the Elected Official or Division Director. The business needs of the County shall take precedence over the needs of any self-employment, supplementary employment or outside employment.

2. Authorization to engage in such employment shall not be denied unless the employee's outside employment is found to interfere with the primary responsibilities of an employee who is in an on call status for the County or is required to respond to a public safety emergency.

3. Permission for non-County employment, whether temporary or part-time, may be withdrawn if such employment results in the following:

(a) Use of County time, facilities, equipment or supplies and/or conflicts with the employee's official duties.

(b) Impairment of job duty performance.

(c) Unfavorable publicity to the County or the employment defames, embarrasses or reflects discredit upon the County in any manner.

(d) Reduction in the employee's punctuality, safety, work performance or an increase in use of accrued leave.

(e) The employment is unusually physically strenuous and/or hazardous.

4. An employee shall not be entitled to sick leave pay if unable to perform his County duties as a result of an injury or an occupational disease attributable to outside, supplementary or self employment.

5. The employee is ineligible for County Workers' Compensation Act, NMSA 1978 §52-1-1 et. seq., benefits for injuries incurred while engaged in such employment.

6. Failure to complete or update the authorization form or failure to provide complete and accurate information may subject the employee to disciplinary action and/or termination of the authorization.

III.9 – Political Activity.

The County finds that certain partisan and/or non-partisan political activity is inconsistent with the merit principles of Ordinance No. 09-02-15.14A and these Rules and Regulations. Nothing in these Rules and Regulations shall be construed to restrict off-hours political activity, to prohibit an employee from making voluntary contributions for political purposes, to restrict the right of employees to vote as they may choose or to restrict the right of employees to express their opinion on political subjects or candidates or to attend general political meetings.

III.9.A – Employee Political Activity.

An employee shall not:

1. Engage in any political activity during his hours of work for the County.

2. Hold a political position which is incompatible with his County employment.

3. During his hours of work for the County, solicit, orally or by letter, or obtain in any manner an assessment, subscription or contribution for any political party or for any partisan or non-partisan purpose whatever from any County employee.

4. Appear in any political advertisement or testimonial while in uniform or in apparel which displays the County's logo or name.

5. Wear or display any campaign clothing, signs, buttons or literature in the work place or on County equipment or vehicles.

III.9.B – Federally Funded Positions.

An employee whose principle employment is funded by or is in connection with an activity financed in whole or in part by Federal loans or grants is required to comply with the provisions of the Hatch Act, (5 U.S.C. §§ 7321-7328).

Permitted Activities

Covered County Employees may:

1. Run for public office in non-partisan elections;

2. Campaign for and hold office in political clubs and organizations;

3. Actively campaign for candidates for public office in partisan and non-partisan elections; and/or

4. Contribute money to political organizations and attend political fund raisers.

Prohibited Activities

Covered County Employees may not:

1. Be a candidate for public office in a partisan election;

2. Use official authority or influence to interfere with or affect the results of an election or nomination; and/or

3. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

III.10 – Change in Employment Status.

III.10.A – Demotion.

An employee may be demoted to a position in a lower grade due to disciplinary action or when an employee requests a demotion to a vacant position for which he qualifies. Pay adjustments for demotions shall be in accordance with Article III.12.H.

III.10. B – Transfer.

(a) An employee may be transferred to the same or an equivalent position for which he/she is qualified at the recommendation of the Elected Official or Division Director and the Director, and /or for any business reason deemed by the County Manager to be in the best interests of the County. Transfers may be within the same organizational unit and division or to a different organizational unit or division. Transfers under this Article are not grievable except as noted.

(b) An employee may be transferred to a position that is not equivalent as a result of a disciplinary action (involuntary demotion), a voluntary demotion, for the purpose of providing training and development that is deemed to be of benefit to the County, or to temporarily fill a vacant position:

i. Voluntary demotions shall be in accordance with Article III.10.A and Article III.12.H.
ii. Involuntary demotions shall be in accordance with Article IV.5.D; Article III.10.A and Article III.12.H. Demotions as a result of discipline are grievable pursuant to Article V.
iii. A temporary assignment to a lateral position shall not result in a pay adjustment.
iv. A temporary assignment to a higher classification shall be in accordance with Article III.10.D.

County owned equipment, e.g., cell phone, vehicle, uniform and/or safety equipment may be retained if these are essential to his carrying out the duties of the new position or temporary assignment.

III.10.C – Promotion.

Employees, upon application, shall be considered for promotion to fill any vacant position over outside applicants with equivalent qualifications. The County encourages employees to develop skills, attain greater knowledge in their career field and make known their qualifications for promotion to a more responsible position within County service. No supervisor shall deny an employee permission to apply for a promotion.

III.10.C.1 – Promotion Salary Increase:

The promoted employee is awarded an increase in line with the County salary plan: The increase is to the minimum of the new pay grade or five (5%) percent, whichever is greater. The pay adjustment shall be documented by the Director and forwarded to the Elected Official or Division Director and County Manager for approval.

III.10.C.2 – Promotion Trial Period:

The employee has twenty (20) working days in which to notify the Elected Official or Division Director of his desire to return to his former position. If, however, the position has been filled, he may be placed in another position for which he qualifies or in a position in his prior classification, if one exists. The Elected Official or Division Director has twenty (20) working days in which to request that the

employee be returned to his prior position. The employee must be informed as soon as possible of the reason for him being returned to his prior position.

III.10.D – Temporary Promotion

Assignments given to an employee requiring a higher level of responsibility or a higher classification for which she qualifies for a period of two (2) weeks or greater will entitle her to a temporary salary adjustment of five (5%) percent or to the minimum of the grade rate of the position, whichever is greater. The salary of an employee whose current salary has been adjusted because of a temporary promotion will revert to the employee's original salary upon termination of the temporary assignment and before any subsequent personnel action involving a salary rate change.

III.11 – Performance Evaluations

The employee performance review process is established to inform the employee of his performance; identify performance elements in which an employee does well and those duties which require improvement and provide him with an improvement plan, with dates for review on the specific improvement plan and performance objectives based on best management practices. Each classified employee shall be evaluated by his supervisor at least every two (2) years. The form allows the employee a space to respond or comment and with a place to review the evaluator's interaction during the review.

III.11.A – Performance Evaluation Filed

The original signed copy, signed by all of the parties, of the completed evaluation form shall be forwarded to the Director for procedure verification and to file in the employee's personnel file. A copy of the signed and verified evaluation form will be given to the employee and to the Elected Official or Division Director.

III.11.B – Performance Evaluation – Non-Grievable

The performance evaluation is a tool to inform the employee of his performance and is not grievable.

III.12 – Employee Compensation, Work Period/Day

III.12.A – Compensation Plan

A compensation plan for classified employees shall be adopted and/or amended by the Board of County Commissioners. Such plan shall establish a schedule containing a minimum and maximum pay range for each position in the classified service.

III.12. B – Compensation Plan Provisions

The compensation plan is intended to provide fair compensation for all classes in relation to the pay for other classes, general rates of pay for similar employment in the public and private sector, cost of living data, financial condition of the County and other factors. To this end the County Manager shall review the compensation plan annually and may initiate a comparative wage study by assigning the Director to make comparative studies of all the factors affecting the level of salaries and recommend such changes as may be justified. Such adjustments shall be made by increasing or decreasing the salary ranges provided in the base salary schedule and submitting them to the Board of County Commissioners for consideration. The rate of pay of employees may be adjusted to conform to the adjustment of the salary range for that class, but an employee's rate of pay will not be decreased as a result of the study or of the plan approved by the Board of County Commissioners. If a study shows that an employee's rate of pay exceeds the salary range for that class, the employee will be red-circled at their current rate of pay until such time the salary range catches up to their rate.

III.12.C – Unclassified Employees

The compensation for unclassified employees shall be in accordance with the County's compensation plan and other guidelines established by the Board of County Commissioners.

III.12.D – Salary/Pay Ranges

Salary ranges are intended to furnish administrative flexibility in recognizing job content differences among positions allocated to the same

class and in providing employee incentive for growth and improved performance.

III.12.E – Pay Adjustments

All pay increases for classified and unclassified employees shall be within the Board of County Commissioners' approved budget and the adopted compensation plan. Pay adjustments of ten (10%) percent or less for a classified employee(s), may be granted by the County Manager when justified by job market, retention and/or recruitment factors and when within the adopted compensation plan and approved budget. Pay adjustments above ten percent must be approved by the Board of County Commissioners.

III.12.F – Probationary FLSA Non-Exempt

Probationary FLSA non-exempt employees shall be hired at the entry-level pay rate, and upon his successful completion of the probationary period, shall receive the pay adjustment as approved by the Board of County Commissioners.

III.12.G – Probationary FLSA Exempt

FLSA Exempt probationary employees shall receive the County approved annual pay adjustment upon successfully completing the probationary period with the County Manager's approval.

III.12.H – Pay Adjustment for Demotion

An employee desiring a voluntary demotion must submit a written request for a voluntary demotion to the County Manager for action. When a classified employee is voluntarily demoted, the employee's pay shall be reduced by five percent (5%) per class change. When a classified employee is involuntarily demoted, his salary shall be reduced by ten percent (10%) or greater when authorized by the County Manager. At no point will the salary be less than the entry level for that position.

III.12.I – Hours of Work

1. Work Week - The scheduled work week of an employee shall normally be consistent with that of his departmental unit. The County Manager may approve necessary deviations to meet the needs of the County as long as the forty (40) hour weekly total is observed. A normal work week is usually a forty (40) hour period, not inclusive of unpaid meal time, consisting of five (5) work days. The Board of County Commissioners may establish work weeks for fire, sheriff and detention center or other public safety units ranging from seven (7) to twenty eight (28) days in which overtime is paid after a specified number of hours in each pay period pursuant to FLSA Section 7(k)

2. Work Day -The normal work day, beginning at 8:00 a.m. is a scheduled work period of at least eight (8) hours within a twenty-four (24) hour period. Work periods for field personnel may begin as early as 6:00 a.m. based on the operational requirements and seasonal needs. The normal work day for public safety personnel may consist of shifts as recommended by the Elected Official or Division Director and the County Manager and approved by the Board of County Commissioners in the annual budget.

3. Flex Schedule – Staggered work days or work periods, rotating shifts, split shifts, and other exceptions to the standard schedule may be established as required to meet the needs of the division, department and County. Such exceptions are subject to advance approval by the County Manager. Employees who are required to work an exception to the normal hours or basic shift are to be notified before the beginning of the workday or shift.

4. Meal Period – Employees' meal time is an unpaid meal period and is not inclusive of their minimum forty-hour work week. The employee's unpaid meal period shall be taken within the first five (5) hours of the work schedule. The meal period will be determined by the Elected Official or Division Director. During the unpaid meal period the employee is relieved of his job responsibilities and is encouraged to leave the work area. Public Safety employees are not subject to the provision of this subsection.

5. Paid Rest Breaks – Employees shall be provided two (2) fifteen (15) minute paid breaks within the eight (8) hour work day. The rest breaks shall be scheduled by the Elected Official or Division Director. The rest

breaks are not cumulative and if not used within the eight hour work day are forfeited. Public Safety employees are not subject to the provision of this subsection.

III.13 – Overtime Pay for FLSA Non-Exempt Employees

Overtime work is work performed by non-exempt employees, as defined in Article III.5.A-1, and ordered and approved by the Elected Official or Division Director or designee. Overtime work without prior approval will be paid; however, such action may be regarded as a violation of Ordinance No. 09-02-15.14A and these Rules and Regulations and may be subject to disciplinary action. Emergency situations, as determined by the Elected Official or Division Director, shall be an exception to the prior approval requirement.

III.13.A – Actual Time

Overtime is actual time worked in excess of forty (40) hours in a work period of seven (7) consecutive days. County approved holidays shall be credited as actual time worked when calculating overtime. Paid time-off, including annual leave, sick leave, and other approved leave time or other compensable hours not actually worked, shall not be credited for the purpose of calculating overtime.

III.13.B – Overtime Pay

An employee covered by the overtime provisions of FLSA working more than forty (40) hours within a work period of seven (7) consecutive days shall be compensated at the rate of one and one-half (1.5) times the employee's hourly rate of pay, for each hour of overtime worked. Public safety employees are covered by a partial FLSA exemption to the forty (40) hour overtime provision.

III.13.C – Recording Overtime on Time Sheet

An employee who worked overtime during a scheduled work week shall assure such hours are properly recorded on his time sheet to reflect actual time worked. The accumulated overtime during a scheduled work week shall be rounded to the nearest fifteen (15) minute increment.

III.13.D – Authorizing Overtime

Overtime work shall be kept to a minimum and authorized only under circumstances that require immediate action or in situations resulting from the nature of the operations or status of the activity. Budgetary constraints shall be considered when authorizing overtime.

III.14 – Compensatory Time in Lieu of Overtime Pay

The accrual of compensatory time in lieu of overtime pay must be requested by the employee and approved by the Elected Official or Division Director before the work commences. Accrual of compensatory time rather than overtime pay shall be at the option of the employee. Compensatory time accrues at a rate of one and one-half hours (1.5) for every hour of overtime worked and is limited to the same conditions set in Article III.13.A and III.13.C. Because compensatory time is granted in lieu of overtime pay, it is subject to restrictions on overtime pay specified in 5 U.S.C. §4109 (a)(1).

III.14.A – Compensatory Time Bank

A non-exempt employee may not accrue more than one-hundred twenty (120) hours in his Compensatory Time Bank. An employee with the maximum hours of compensation must be paid overtime pay for the overtime worked.

III.14.B – Use of Compensatory Time

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operation of the division, department or County. It shall normally be unduly disruptive if the request will require another employee to work overtime.

III.14.C – Pay for Compensatory Time

Compensatory time is to be paid at the regular time hourly rate of the employee. Only full-time classified non-exempt employees are eligible to accrue compensatory time in lieu of overtime. All accrued compensatory

time must be paid upon termination of a non-exempt employee or upon a change to exempt status.

III.15 – Callback Pay for FLSA Non-exempt Employees

Callback occurs when a FLSA non-exempt employee not on duty, mealtime excluded, is notified to return to work. Authorized callback shall be compensated at one and one-half (1.5) times the employee's hourly rate for each hour worked. An employee on callback shall be guaranteed a minimum of two (2) hours pay for each authorized callback, unless his regular reporting time is within one (1) hour of the callback. Callback time shall commence when the employee actually reports to duty and his first hour of callback shall be calculated as two (2) hours of callback.

III.16 – Standby Time and Pay for FLSA Non-Exempt Employees

1. An Elected Official or Division Director may place a FLSA non-exempt employee on standby status. Standby time is the time an employee is required to be available for duty during non-working hours. Standby time shall not be considered time worked when computing overtime. Standby time shall be assigned in writing on the basis of the County's need for the employee to be available and fit for duty during his non-working hours. The employee shall be issued a mobile phone, or agree to the use his personal mobile or land line phone without compensation, and is expected to be available for duty. The employee with the most seniority in the job classification shall be offered the right of first refusal for the standby time.

2. An employee assigned standby duty shall be paid on either a daily or weekly basis. A division or unit utilizing daily standby shall pay the employee one-half of his hourly salary for the day on standby; e.g., an employee's hourly rate is $15.02, his standby pay for the day is $7.51. For an employee utilizing the weekly approach, the employee shall be paid $45.00 per week for each week assigned.

III.17 – Public Safety Employees – Callback and/or Standby Time

Public safety employees, because of their role in protecting the general population from all manner of significant danger, injury, or harm, will abide by their internal policies and procedures and/or their Collective Bargaining Agreement(s) regarding callback and standby time and are not covered by Article III.15 and Article III.16.

III.18 – Shift Differential for FLSA Non-exempt Employees

The County Manager will recommend swing and evening shift pay rates for FLSA non-exempt employees who are assigned such shifts in the proposed annual budget for the Board of County Commissioner's action.

III.19 – Time Sheet

The Director shall prepare uniform time sheet forms for exempt and non-exempt employees, which shall be utilized by all County employees. The employee shall certify to the accuracy of the time sheet prior to submitting it for processing. The employee's signature shall represent that he has reviewed the time sheet and that the entries are accurate as to time worked, leave used, overtime or other allowances owed by the County for the services rendered during the affected biweekly pay period. The employee's supervisor must attest to the accuracy of the time sheet and sign it before it will be processed for payment. The pay established for a position shall be the total compensation received by the employee for services rendered. Time sheets must be submitted prior to issuing the paycheck.

III.19.A – Unsigned Time Sheet

Time sheets lacking the required signature will be processed; however, unless the employee has authorized direct deposit, the paycheck will be held until special authorization is provided by the Elected Official or Division Director or County Manager to release the paycheck. If the employee is on direct deposit, he must verify the accuracy of the unsigned timesheet and sign it prior to the next pay period.

III.19.B – Subsequent Inaccurate Time Sheets

Any unintended inaccuracies subsequently discovered or changes occurring after the employee signs a time sheet shall be processed on a corrected time sheet signed by the employee and the Elected Official or Division Director or designee.

III.19.C – Paycheck Authorization

An employee's paycheck shall not be delivered to any person except to the employee, unless the employee gives Finance written authorization for direct deposit or provides an authorization naming a person to pick up the check.

III.19.D – Final Pay in Case of Death

In case of death of an employee, the final salary and compensation for services rendered and unused annual leave shall be paid to the employee's named beneficiary, or if unnamed, to the employee's estate.

III.19.E – Time Sheet Records Retention

Hard copy [paper] time sheets shall be retained by the Finance Department until the Sandoval County financial audit report for the year in which said time sheet records were created is released. Electronic time records shall be retained for a minimum of three [3] years from date of creation.

III.20 – Authorized Per Diem and Travel Reimbursement

Authorized reimbursements for travel and other activities related to official County business shall be approved through the budget process. The Elected Official or Division Director shall authorize all payments of mileage, per diem, and travel allowances pursuant to the policies established by the Board of County Commissioners, State of New Mexico or if applicable, the Federal reimbursement rate.

III.21 – Uniforms and Personal Protective Equipment

An employee who is required by the County to wear a uniform in order to perform his duties will be provided a uniform or a voucher to purchase such uniform according to the guidelines established by the division or department. An employee who is required to wear personal protective equipment to perform his job function shall be issued the protective equipment or a voucher to purchase such protective equipment pursuant to guidelines established by the department or division.

ARTICLE IV DISCIPLINARY ACTIONS AND ADMINISTRATIVE PROCESS PROCEDURES

IV.1– Management Rights

The Board of County Commissioners, through and by the County Manager, Elected Official or Division Directors, other managers or designees shall retain all management rights, including but not limited to:

1. Represent the County and have the care of the County property and the management of the interests of the County in all cases where no other provision is made by law, NMSA 1978 §4-38-18, or as amended.

(a) Maintain the efficiency of government operations entrusted to it by law;

(b) Determine the mission of the County;

(c) Determine the resources to be allocated to accomplish the mission and goals of the respective County division as units of County government;

(d) Determine the number of employees to be employed and for the capacity of such employment at any time;

(e) Determine the methods, means, and personnel by which the operations of the County's Divisions are to be operated and conducted;

(f) Act in the advancement of the objectives and interests of all other duties and responsibilities imposed upon the County by the New Mexico State Constitution, Federal and State statutes, ordinances and administrative regulations;

(g) Determine the location and operation of its facilities;

(h) Maintain uninterrupted service to the community; and

(i) Take all such actions necessary to maintain such services.

2. Take the necessary action regarding its employees to discharge the functions of the County and to hire a County Manager to conduct the business of the County, NMSA 1978, §4-38-19, or as amended.

(a) Direct employees, establish and enforce reasonable rules and regulations governing the conduct and safety of its employees;

(b) Establish schedules and take such other actions necessary to carry out the functions entrusted to, or imposed upon it by law;

(c) Hire, promote, transfer, assign and retain employees in positions;

(d) Suspend, demote, dismiss, and otherwise discipline employees for just cause;

(e) Lay-off or otherwise relieve employees from duty for lack of work or other legitimate reasons;

(f) Determine the qualifications for, select and hire new classified employees;

(g) Determine the qualifications and select employees for promotion and transfer;

(h) Determine qualifications for, and select and hire supervisory, unclassified and exempt personnel;

(i) Determine the number and arrangement of work schedules, shifts, and starting and stopping times thereof;

(j) Evaluate, test and provide for the examination of employees and applicants for employment or continued employment to determine their fitness and suitability to carry out their job functions; and

(k) Determine and implement all procedures and standards not otherwise restricted, limited or prohibited by Ordinance No.09-02-15.14A.

IV.1.A - Supervisory Responsibility

Supervisors are at all times responsible for their own adherence, and for ensuring employees' compliance with all Sandoval County Policies, Rules, and Safety Requirements, as well as with all applicable State of New Mexico and Federal laws and regulations.

IV.2 – Employee Rights

A classified employee shall have the right to:

1. File a grievance as defined in Articles IV and/or Article V or file claims as permitted by Federal or State law and to be free from employer coercion, harassment or retaliation for filing such grievance or claims.

2. A due process (Loudermill) hearing shall be afforded all classified full-time employees who have successfully completed their probation, prior to suspension, demotion or termination.

3. Have all confidential personnel records held private and not be disclosed except when necessary in the normal course of business or when legally mandated.

4. Review his personnel records at a time that is mutually convenient for the Director and employee.

IV.3 – Conditions or Actions not Grievable

The following conditions or actions shall not be grievable:

1. Whether an adopted County Ordinance, policy or an established practice is appropriate.

2. In matters when a method of review is mandated by law or when avenues of statutory review are available, for example, review which can be obtained through filing of charges with the NM Human Rights Division or EEOC, or the filing of Workers' Compensation claim.

3. In matters when the County is without authority to act or does not have the ability to provide a remedy.

4. Transfers, assignments, removal from assignments, temporary upgrades and promotions.

5. Position desk audits, job evaluations, performance reviews or selection for vacant positions.

6. Denial or termination of self-employment, supplementary employment and/or outside employment.

IV.4 – Basis for Employee Discipline

Disciplinary actions shall be based on just cause. Disciplinary action(s) is not necessarily progressive. In some instances, a specific incident may justify severe disciplinary action up to and including termination. Disciplinary actions shall be consistent with governing laws and regulations, Ordinance No. 09-01-5.9A, these Rules and Regulations and division and/or departmental policies and/or procedures; and shall be taken without regard to race, color, religion, age, national origin, sex, handicap, disability, spousal affiliation, medical condition or veteran status except where a bona fide occupational qualification applies.

IV.5 – Disciplinary Ranges

Discipline, to be effective, should be designed to correct and improve an employee's performance and/or behavior. The County encourages employees to resolve disciplinary issues informally and County supervisors are encouraged to use counseling and corrective action plans to assist the employee in correcting work violations and behavioral issues and to improve work performance. Disciplinary actions, constructive criticism or counseling shall be conducted in a professional manner respecting the employee's concern for privacy and self respect.

IV.5.A – Verbal – Oral Warning

A verbal warning is typically used for minor infractions and shall serve to inform the employee that his behavior, work performance and/or conduct require improvement. Supervisors shall keep written notations of oral warnings, in a confidential file within their control, and the employee shall be informed that the informal record of the incident exists. Oral warnings should be administered as soon after the incident occurs or as soon after the supervisor becomes aware that the incident took place as is

reasonably achievable. The employee will be given a reasonable period of time to correct the behavior. If the employee's work improves and no further action is taken within a 12 month period after the infraction the notation shall be destroyed and the employee informed that he is meeting his work performance satisfactorily. Verbal warnings are not placed in the employee's personnel file and are not grievable.

Actions which may result in a verbal warning include, but are not limited to:

- Substandard work performance;
- Repeated absence or tardiness; and/or
- Any conduct not in keeping with generally accepted standards of behavior associated with County employment.

IV.5.B – Written Warning Notice and Corrective Action Plan

1. In situations where an oral warning has not resulted in the expected improvement in performance, or when the infraction justifies more severe initial action, the employee will be issued a written warning and corrective action plan. The proposed written warning notice and corrective action plan must be reviewed by the Director before the notice is given. The Elected Official or Division Director or designee shall issue the notice. The employee will be required to sign the notice, and be given a copy of the rule, policy, procedure or Article violated and informed that he will be given an opportunity to respond to the warning and to give his version of the situation or circumstances. The purpose of the signature is not to admit to the purported misconduct, but only to acknowledge receipt. If the employee refuses to sign, a supervisory-level employee, through his signature, shall attest that the written warning was given to the employee. The employee may only grieve written warnings through Article IV.7. Actions which may result in a written warning notice corrective action plan include, but are not limited to:

- The actions listed for verbal warnings;
- Insubordination;
- Initial failure to follow safety rules;
- Initial failure to follow other County procedures;
- Inattention to duties; and/or

- Any non-physical altercation with fellow employee(s) and/or or client(s).

2. A written warning and corrective action plan may be removed from the employee's personnel file upon written request of the employee and approval by the County Manager provided the employee has not received further disciplinary action within the following twelve (12) month period.

IV.5.C – Suspension

An employee may be suspended without pay for a single serious offense or for continued substandard job performance or misconduct after previous attempts to correct such behavior have failed. All suspensions must be reviewed by the Director prior to issuing the notice of contemplated disciplinary action. A suspension of an employee shall not exceed 30 working days.

Actions which may result in a suspension include but are not limited to:

- Actions listed in verbal warning and written warning;
- Unauthorized absence without leave;
- Rude, insolent and/or outraged behavior;
- Misuse or abuse of County property;
- Failure to report a DWI citation or arrest or any other arrest or citation within two [2] workdays of the event, except for minor traffic violations and civil offenses; and/or
- Failure to report an accident in a County vehicle within the prescribed time limits.

IV.5.D – Demotion

An employee may be demoted for a single serious offense or for continued substandard job performance or misconduct after previous attempts to correct such behavior have failed. When a demotion is proposed for substandard job performance the employee may have received a prior corrective action plan or a written notice to correct such behavior, neither of which resulted in the desired improvement. The proposed demotion must be reviewed by the Director prior to issuing the notice of contemplated disciplinary action.

Actions which may result in a demotion include, but are not limited to:

- Actions listed in verbal warning, written warning, and suspension;
- Sexual misconduct;
- DWI conviction;
- Theft of County property;
- Willful, excessive or repeated infractions and/or violations of County rules and/or policies;
- Falsifying or altering time sheets;
- Use of official position for personal advantage;
- Gambling in any form on County property or County time; and/or
- Accepting a gift(s) or entertainment that implies that the employee's objectivity was affected by accepting such.

IV.5.E – Termination

An employee may be terminated when the employee commits a single serious infraction, when he has failed to correct unacceptable behavior, for continued failure to execute or fulfill job duties or requirements, or when the employee has engaged in behavior that is serious in nature and unacceptable for County employees. The proposed termination must be reviewed by the Director prior to issuing the notice of contemplated disciplinary action.

Actions which may result in termination include, but are not limited to:

- Actions listed in verbal warning, written warning, suspension and demotion;
- Plea of No Contest or Conviction of a felony;
- Falsification of County documents, including employment application;
- Use of alcohol, prescribed, transferred or controlled medications which impair judgment, and/or illegal substances while on duty;
- Violation of the County's Sexual Harassment Policy;
- Conflict of interest as defined by the County's Ordinance and these Rules and Regulations;

- Threatening, striking or violently attacking a fellow employee or client;
- Third preventable vehicle or construction equipment accident;
- Continued failure to satisfactorily fulfill required duties;
- Failure to report for work for three consecutive work days (classified as a voluntary quit/abandoned the job);
- Failure to report revocation or suspension of licensure or certification, which causes the employee to no longer meet the minimum requirements or prevents him/her from performing the essential functions of his/her job; and/or
- Any actions which are deemed to warrant termination by the County Manager.

(Unclassified Employees – See Article XI)

IV.5.F – County Reserves Right

The County reserves the right to exercise judgment and to impose disciplinary actions as determined appropriate based on the circumstances of each case.

IV.5.G – Unreasonable Discipline

An employee cannot be disciplined for refusing to perform an illegal act, an unsafe task, or for any reason that is prohibited by law.

IV.6 –Notice of Contemplated Action

1. An Elected Official or Division Director or her designee shall present the employee with a written Notice of Contemplated Action after a proposed suspension, demotion or termination has been reviewed by the Director. The notice shall:

(a) Specify the basis for the proposed disciplinary action;

(b) Include a copy of the violated section of Ordinance No. 09-02-15.14A, of the Article of these Rules and Regulations or of division and/or departmental policy or procedure;

(c) Specify the supporting evidence;

(d) Specify the proposed disciplinary action; and

(e) Advise the employee of the right to respond in writing within five (5) working days from service of the notice; and

(f) Propose a date, time and place for the pre-disciplinary hearing by the County Manager or designee.

The Notice of Contemplated Action shall be hand-delivered to the employee by his immediate supervisor and /or Elected Official or Division Director. The employee shall acknowledge receipt by signing a copy of the notice and affixing the date and time of receipt. If necessary, the notice shall be sent by certified mail, return receipt requested.

2. In cases where County property, other employees or citizens could be or are at risk as a result of the employee's action, the County Manager may place the employee on administrative leave with pay up to a maximum of twenty (20) working days for the good of the County. The employee must call his supervisor each workday within one-half hour after the start of his normal work reporting time and affirm his availability to report to work if needed.

IV.7 – Pre-Disciplinary Hearing

The employee must inform the Elected Official or Division Director within five (5) working days of the receipt of the Notice of Contemplated Action that the date proposed in the Notice is acceptable, or propose an alternate date for the pre-disciplinary hearing. This information shall be in writing and be hand delivered by the employee or his designated representative to the Elected Official or Division Director and receipt acknowledged by her.

The Elected Official or Division Director shall meet with the employee or with the employee and his representative (at the employee's expense) within five (5) working days of the receipt of the notice from the employee. The employee's representative may speak on the employee's behalf at the hearing. The pre-disciplinary hearing is the employee's opportunity to respond to the proposed disciplinary action.

IV.8 – Accepts Discipline – Notice of Final Action

If the employee does not respond in writing within five (5) working days of being served the Notice of Contemplated Action, the Elected Official or Division Director shall issue the Notice of Final Action.

The Notice of Final Action shall:

1. Specify the action to be taken;

2. Specify the facts forming just cause for the disciplinary action;

3. Specify the support evidence;

4. Specify the effective date of the disciplinary action, which must be at least 24 hours from the service of the notice of Final Disciplinary Action;

5. The employee must acknowledge receipt of the Final Notice of Disciplinary Action. If the employee refuses to sign, a supervisory employee may witness that the employee received the Final Notice. If for some reason the Final Notice is mailed it must be sent by certified mail, return receipt required;

6. The Elected Official or Division Director shall send the Director the original, signed copy of the Notice of Disciplinary Action and Notice of Final Action to be placed in the employee's Personnel File.

IV.9 – Pre-Disciplinary Hearing - Notice of Final Action

In the event the employee has availed himself of Article IV.7 the Elected Official or Division Director shall render her decision in a written, Notice of Final Action within five (5) working days of the pre-disciplinary hearing.

The Notice of Final Action shall:

1. Specify the action to be taken;

2. Specify the facts forming just cause for the disciplinary action;

3. Specify the supporting evidence;

4. Address any explanations or defenses the employee/representative offered in writing or during the informal hearing;

5. Specify the effective date of the disciplinary action, which must be at least 24 hours from the service of the notice of Final Notice of Disciplinary Action; and

6. Advise the employee of the right to file a written appeal of the proposed disciplinary action within ten (10) days of the effective date of disciplinary action.

7. The Notice of Final Action shall be either hand-delivered to the employee, who shall acknowledge receipt of the notice, or sent to the employee by certified mail, return receipt required.

8. Disciplinary actions levied per the above procedure shall not be held in abeyance pending appeals to a third party hearing officer.

IV.10 – Computation of Time and Time Limits

All time periods referred to in Article IV and Article V shall be measured in workdays, excluding holidays recognized by the County, except where stated otherwise. Computation of time shall begin on the first work day after proof of service and acknowledged receipt, or proof of attempted service, witness attestation, and end at the close of business on the designated working day. Service by certified mail, return receipt, is considered delivered four (4) working days after the postmarked date.

All time limits set out in Article IV and Article V shall be strictly enforced. Any of said time limits may be extended with respect to a specific Notice of Contemplated Action, Notice of Final Action or steps within the grievance procedure by written mutual agreement of the parties.

ARTICLE V GRIEVANCE PROCEDURES

The purpose of the Grievance Procedure is to provide a classified employee with a due process means to address suspensions, demotions and terminations. Grievances may be initiated only by the affected employee and may not be pursued without the employee's consent. Once a grievance has been through the final step and decided by the Hearing Officer, a repeated filing of grievances on the same issue will not be permitted. While the grievant may designate a representative at any point in the grievance process, labor unions do not have representation rights for non-bargaining unit employees and the employee cannot have more than one (1) designated representative for any grievance. A classified employee shall pursue the grievance process according to the rules contained in this Article.

V.1 – Notice of Appeal of Suspensions, Demotions or Terminations

An employee may file a Notice of Appeal for a Grievance Hearing before a Hearing Officer for a suspension, demotion or termination. Notice of appeal must be filed with the Director no later than ten (10) days after receipt of the Notice of Final Action.

V.2 – Hearings

The hearings on appeal from disciplinary action relate to personnel matters and shall be closed to the public, unless the employee requests an open hearing. The hearing before the Hearing Officer is solely for the purpose of receiving evidence to refute or to substantiate specific charges which the Hearing Officer has been requested to hear. The hearing shall be conducted in an orderly manner. The Hearing Officer shall observe high standards of conduct so that the integrity, impartiality and independence of the Grievance Hearing are preserved. The Elected Official or Division Director shall have the burden of proof by a preponderance of evidence.

V.3 – Hearing Officer

The Hearing Officer has the authority to set the hearings for suspensions, demotions, or terminations, determine issues of grievability and render decisions thereon. The decisions shall include findings of fact and conclusions of law consistent with the evidence. The Hearing Officer shall not have the authority to amend, modify or arbitrate away any of the provisions of Ordinance No. 09-02-

15.14A or of these Personnel Rules and Regulations, including adopted departmental/division policies or procedures. The Hearing Officer shall confine herself to the precise issues of the suspension, demotion or termination.

V.4 – Selection of a Hearing Officer

1. The Director shall issue a request for proposal for Hearing Officer Services and shall maintain an active list of at least five (5) qualified hearing officers.

2. Within ten (10) calendar days of receipt of a timely appeal from an employee or the employee's representative, the Director and the employee or the employee's representative will meet to select a Hearing Officer. A Hearing Officer will be selected by mutual agreement or by the parties alternately striking the names off the list of eligible hearing officers until only one name remains. The employee shall exercise the first strike.

V.5 – Pre-Hearing Conference and Hearing Rules of Procedure

Within ten [10] days of being appointed, the Hearing Officer shall schedule and conduct a pre-hearing conference by such method deemed appropriate by the Hearing Officer. Each party shall submit a pre-hearing statement to the Hearing Officer at the pre-hearing conference or as determined by the Hearing Officer. The pre-hearing statement shall contain the following information:

1. A statement of the issues;

2. Proposed stipulations of fact;

3. A list of witnesses to be called and a summary of their testimony;

4. A list of exhibits;

5. Requests for discovery;

6. Request for subpoenas; and

7. Estimated amount of time needed for the hearing.

V.6 – Pre-Hearing Order

The Hearing Officer shall issue a pre-hearing order which shall contain the following:

1. The issue(s) to be heard;

2. Stipulations of fact;

3. A deadline for disclosure of all witnesses and documentary evidence;

4. A deadline for discovery;

5. A deadline for filing pre-hearing motions and the manner in which they will be heard or acted upon; and

6. A hearing date, scheduled within ten days, which may be continued only for good cause, as agreed to by all parties.

V.7 – Hearing Rules, Order of the Hearing

1. The Hearing Officer shall follow the evidentiary standards for administrative hearings.

2. Either party may be represented at the hearing by a person of their choosing, provided the representative has submitted a written entry of appearance to the Hearing Officer prior to the hearing.

3. The County shall be entitled to have an employee, in addition to its representative, in the hearing room during the course of the hearing.

4. The Hearing Officer shall clear the hearing room of all witnesses prior to commencing the hearing.

5. All oral evidence and testimony shall be taken only under oath.

6. The Hearing Officer may admit all evidence if it is evidence on which reasonable persons are accustomed to rely upon for the conduct of serious affairs.

The Hearing Officer may exclude immaterial, irrelevant or unduly cumulative testimony.

7. The Hearing Officer may take administrative notice of those matters in which courts of this State may take notice.

8. The Director shall arrange for an electronic record of the hearing to be made. A copy of the recording shall be provided to the employee or his representative. No transcripts shall be produced unless one is requested by a party, and such requesting party shall be responsible for the cost of the transcript.

9. Order of the Hearing shall be:

(a) Opening statements, limited to ten [10] minutes:

(i) by Elected Official or Division Director or representative

(ii) by employee grieving or representative

(b) Presentation of issues:

(i) by Elected Official or Division Director or representative, with witnesses being subject to cross examination by the employee or representative and then to questions by the Hearing Officer, with the right to redirect and further cross examine respective parties and witnesses.

(ii) by employee grieving or representative, with witnesses being subject to cross-examination by the Elected Official or Division Director or representative and then to questions by the Hearing Officer, with right to redirect and further cross examine respective parties and witnesses.

(c) Rebuttal and surrebuttal

(i) by Elected Official or Division Director or representative

(ii) by employee grievant or representative

(d) Closing statements:

(i) by Elected Official or Division Director or representative

(ii) by employee grievant or representative

V.8. – Decision of the Hearing Officer

The Hearing Officer shall prepare a written decision upholding, reversing or modifying the suspension, demotion or termination within twenty (20) calendar days of the conclusion of the hearing. The decision shall be served on the parties by certified mail, return receipt requested. The decision of the Hearing Officer is the final administrative decision of the case.

1. In the event the Hearing Officer has reversed or modified the disciplinary action, the Hearing Officer shall have the authority to award back wages and County-contributed benefits to the employee. The Hearing Officer shall have no authority to grant interest in connection with any award of back wages or benefits. In the event the Hearing Officer awards back wages, the employee shall provide the County with a sworn statement of gross earnings or unemployment compensation since the effective date the employee began serving his disciplinary action. The County shall be able to offset earnings and unemployment compensation received during the period against the back wages awarded. After the written decision is issued the Hearing Officer shall retain jurisdiction of the case for the sole purpose of resolving any disputes regarding back wages and County-contributed benefits.

2. The Hearing Officer's fees, and expenses for the hearing shall be paid:

(a) Equally by the County and the employee if the employee's suspension, demotion or termination is modified by the Hearing Officer;

(b) By the County if the Hearing Officer finds in favor of the employee; or

(c) By the employee if the Hearing Officer finds in favor of the County.

3. Prior to the Hearing, the County, the grieving employee, and his representative, if any, shall sign a Memorandum of Agreement attesting and agreeing to (a), (b), and (c) above regarding payment of the Hearing Officer's fees and expenses.

4. Each party shall bear all of its own costs.

5. The final decision of the Hearing Officer can be appealed to the appropriate judicial forum.

ARTICLE VI REDUCTION IN FORCE (LAYOFF)

VI.1 – Reduction in Force

Employees are subject to separation by layoffs due to a shortage of County funds, abolishment of position(s), lack of work, or action by the Board of County Commissioners to reduce or eliminate function(s). The action to approve a reorganization or elimination of function(s) shall be documented in a Layoff Plan. The Plan shall be submitted to the Board of County Commissioners for approval at least 30 working days prior to an action being taken to implement the Plan. The Plan shall include the criteria to be used to determine the order of layoff and the order in which employees will be considered for rehire and/or reinstatement.

VI.2 – Procedures for layoffs

1. When a division or Elected Official or Division Director proposes abolishing a position through reorganization or to eliminate a function due to technological or other modernizations, the County Manager shall be notified of the proposed change.

2. The County Manager will review the proposed layoff and inform the Board of County Commissioners of the elimination of the job function(s) or reorganization, within forty-five (45) days of the request. The employee(s) holding the position(s) will be informed within the forty-five (45) day period prior to action by the Board of County Commissioners.

3. The County Manager shall cancel all postings for job vacancies except those that are considered critical or essential to the mission of the County.

4. Employee(s) scheduled for layoff shall be notified no less than twenty (20) calendar days prior to the layoff of their impending layoff, insofar as reasonably practicable.

5. Employee(s) on layoff must reapply for a position in order to be considered for future employment.

VI.3 – Order of Layoff

1. The County Manager, with the assistance of the Director, shall determine the order of layoff based upon the business needs of the County.

2. A classified, full-time employee shall not be laid off if there is a vacant position into which the employee can be transferred for which the employee is qualified.

3. An employee scheduled for layoff may be offered or assigned to another position provided:

(a) He meets the qualifications for the position.

(b) He agrees to accept the pay of the grade to which he will be assigned, and

(c) He has not been disciplined within the past twelve (12) months.

4. When two or more classified employees holding similar positions are to be laid-off, determination on retention and job transfer shall be made in the following order:

(a) Length of service with the County;

(b) Length of service in the position; and

(c) Job performance and/or prior disciplinary action.

VI.4 – Layoff Privileges

An employee on layoff status shall be given an opportunity to be interviewed for any vacancy for which he has applied and for which he qualifies.

1. Rehire limitation and layoff term:

(a) The layoff term is for six (6) months after the layoff date.

(b) The rehire option terminates after he has refused a job for which he qualifies and when the pay rate is the same or comparable to the position from which he is being laid-off.

(c) He shall be removed from layoff and rehire status when he has accepted another position within the County.

VI.5 – Reinstatement

1. Laid-off employees shall be offered re-employment in reverse order of layoff, i.e., the last employee to be laid-off shall be the first person to be offered reinstatement, if qualified for available work.

2. Any classified employee who is laid-off and returns to work within six (6) months from the date of layoff shall be re-credited all unused sick leave hours and shall be placed in the accrual rate he had on the date of his layoff.

3. A classified employee who is subsequently re-employed within the six (6) month layoff term limit shall not have a break in service for the purposes of calculating time-in-service and County benefits; however, the layoff time served is not creditable time for purposes of PERA.

VI.6 – Layoff not Grievable

An employee has no grievance rights with regards to layoff actions.

ARTICLE VII SEPARATION FROM COUNTY

An employee who resigns, is laid-off or terminated by the County shall complete an Employee Clearance Form prior to leaving the County's employment.

1. The employee who is separating from the County will account for any tools or items for which he has accepted responsibility while employed by the County. The accounting by the Elected Official or Division Director shall include the condition of the tools/items, their location and, if he cannot account for the County property, provide a statement regarding their reassignment, loss or theft.

2. The Director shall process all separating employees by completing an exit interview and checking the Employee Clearance Form. If any money is due the County, resulting from missing or damaged County property, the Director shall obtain from the Elected Official or Division Director the signed Equipment/Property Issue Form with the replacement cost of the County property and deduct a reasonable amount for the depreciation of the missing, damaged and/or lost equipment. The County Manager will determine the appropriate action to collect the amount that is owed the County, if any.

VII.1 – Separation Pay

An employee leaving County employment shall receive payment for all earned compensation and accrued annual leave hours, less any amount owed the County. The employee shall receive his final paycheck on the next regular pay day after his date of resignation. An employee who is terminated or laid-off shall receive his final paycheck within five (5) workdays of his last day of work.

VII.2 – Resignations

1. An employee who intends to resign shall provide the Elected Official or Division Director with a written notice of resignation specifying the date of departure and the reason for leaving County employment. The letter of resignation shall be attached to the Employee Clearance Form and both delivered to the Director within two (2) workdays of receipt.

2. An employee who fails to report to work for three (3) consecutive workdays without prior leave authorization shall be considered to have abandoned his position and resigned from the County. This is job abandonment and is not grievable. His final paycheck will be available for him within ten (10) days of

resignation. He will be required to fill out the Employee Clearance Form and to return all County Property at the time he picks up his final paycheck. The three (3) days of abandonment will be charged to leave without pay. The employee is ineligible for rehire.

VII.3 – Time in Service Computation/Break in Service

1. Computation of time-in-service for leave accrual and other purposes, except PERA, shall be made on the basis of each employee's date of hire, less any leave without pay or other break in service. Time in service for PERA retirement purposes is determined by PERA and an employee is to call PERA for exact information relating to their retirement time calculation. In general, an employee hired on or before the 16th of the month receives credit for the month and if an employee terminates on or after the 15th of the month, service credit is awarded for that month. In addition to hire date and termination date, an employee must receive fifty (50%) percent or more of their monthly salary to be awarded service credit for the month.

2. A classified employee who has resigned in good standing from the County and is rehired within ninety (90) calendar day of his resignation shall be credited with the break-in-service time at the date of rehire, except for PERA retirement time. He shall not serve a probationary period.

3. Any accrued sick leave on his balance at the time of resignation shall be reinstated when re-employed within ninety (90) days of his resignation in good standing.

4. An employee who resigns in good standing and is rehired may be credited prior County employment time for annual leave accrual calculation upon receipt and approval of a written request submitted to the County Manager.

ARTICLE VIII LEAVE AND HOLIDAYS

Leave is any authorized absence, with or without pay, during regularly scheduled work hours that is approved by the County Manager, Elected Official or Division Director or designee. Absence without leave is an unauthorized absence and is subject to disciplinary action. An absence without authorized leave of three (3) workdays is considered abandonment and the employee is considered to have resigned from employment. Employees must be on a paid leave status the day before and the day after a holiday to receive holiday pay. The paid leave must be approved prior to the holiday.

VIII.1 – Authorized Leave

1. Authorized leave is any approved absence which utilizes accrued annual or sick leave or leave without pay, when justified. Approval is granted by the Elected Official or Division Director or designee.

2. Authorized leave is granted in accordance with the work load in the division and must be approved in advance by the Elected Official or Division Director. Inappropriate or untimely submittals for leave may result in the leave being denied.

3. Annual leave must be requested on the Leave Form and shall be submitted by the employee at least three (3) working days prior to the proposed annual leave. Employees requesting annual leave of one (1) workweek or more should submit their leave request at least two (2) work weeks prior to the requested leave.

4. When the annual leave affects the submittal of the time sheet, the employee shall submit his time sheet to his Elected Official or Division Director with the appropriate entry for the leave and sign and date it at the time he turns it in to his Elected Official or Division Director or supervisor. The time sheet will be processed by his Elected Official or Division Director in a timely manner.

5. Leave without pay which has been authorized will be noted on the time sheet, signed by the employee or his designee to whom he has given written authorization to sign the time sheet, and processed by the Elected Official or Division Director or designee.

6. An employee on extended leave without pay for forty (40) continuous working hours or greater shall make arrangements one (1) work week prior to the expiration of the leave without pay to return to work by calling his Elected Official or Division Director. Failure to do so may result in disciplinary action up to and including termination.

7. The Elected Official or Division Director in each division shall be responsible for the maintenance and transmittal of leave records to the Director.

VIII.2 – Unauthorized Leave

1. An employee who fails to appear for work and is not on authorized leave, or who appears for work but is in violation of County or division policy governing his readiness for work shall be considered to be on unauthorized leave without pay. It is understood that there may be extenuating circumstances for the unauthorized absence and due consideration shall be given each case as to the type of leave to be retroactively approved or take other action deemed appropriate. Each case is unique and does not set a precedent. Failure of the employee to return to work at the date and time specified by the Elected Official or Division Director or to request an extension, if warranted, shall be considered to be an absence without leave, and the employee is considered to have abandoned his position with the County.

2. An employee on unauthorized leave shall not be paid for any period of unauthorized leave and shall not accrue annual or sick leave.

3. Employees who are absent without authorized leave of three (3) consecutive work days shall be considered to have abandoned their position and to have submitted voluntary resignations. No leave benefits shall accrue during this unauthorized leave.

VIII.3 – Annual Leave Accrual

This Article establishes the procedure for accruing and accumulating annual leave. An employee shall not accrue annual leave for time worked in excess of the normal forty (40) hours in a workweek, nor shall annual leave be accrued when the employee is on unpaid leave. Upon termination or separation from County employment, he shall be compensated for unused, accrued annual leave, less any amount owed the County. Probationary employees shall be entitled to accrue annual leave; however, they are not allowed to take annual leave until they have

successfully completed three (3) months of employment with the County and have earned a satisfactory performance evaluation.

1. Employees shall accrue annual leave from the first day of employment and shall accrue annual leave pursuant to Article VIII.4. Annual leave shall be in proportion to the time sheet of hours paid up to a maximum eighty (80) hours per pay period.

2. A maximum of eighty (80) hours of annual leave may be carried forward after the last pay period in December of each calendar year. However, in the event a classified employee's request for annual leave was denied due to operational requirements with regard to workforce, that employee shall not suffer loss of leave time accrued, provided, however, that the excess time shall be taken by March 1st of the following year. That employee's request shall be granted on a priority first-come first-serve basis, unless the duties of the employee require her to complete time-sensitive arrangements. The County Manager may provide an additional extension based on good cause as justified by the employee and his Elected Official or Division Director.

Employees who have worked for Sandoval County for a continuous period of ten (10) or more years may cash out those hours in excess of eighty (80) hours in December of each calendar year, but may not cash out more than forty (40) hours in any calendar year.

3. The estate of an employee in a classified position who dies while a County employee shall be compensated for all of the employee's accrued annual leave at the employee's final hourly rate.

4. When an employee changes from one accrual rate to another by completing five (5) years and ten (10) years of County employment, the increased accrual rate for the employee shall commence on the anniversary date of employment.

5. A temporary or casual employee shall not be eligible to accrue annual leave.

6. An employee who has exhausted all accrued sick leave shall be entitled to use annual leave for an illness or injury or FMLA.

7. Requests for annual leave may be rescinded due to workload requirements or workforce shortages. In the event approved leave is rescinded (see VIII.3.2), annual leave accruals above the eighty (80) hour maximum allowed to be carried over to the next calendar year will be paid, unless an extension is granted in writing.

8. Annual leave shall not be charged in less than multiples of one-half (.5) hour.

9. Annual leave will not be granted in advance of accrual.

VIII.4 – Annual Leave Accrual Rates

1. Classified employees who have been employed by the County from one (1) to five (5) years shall accrue 3.08 hours of annual leave per eighty (80) hour pay period.

2. Classified employees who have been employed by the County from five (5) to ten (10) years shall accrue 4.62 hours of annual leave per eighty (80) hour pay period.

3. Classified employees who have worked ten (10) years or more shall accrue 6.15 hours of annual leave per eighty (80) hour pay period.

4. Part-time employees who work between twenty (20) hours and thirty-nine (39) hours in a workweek shall accrue annual leave on a prorated basis.

VIII.5 – Sick Leave

Sick leave may be authorized to a classified employee when a medical reason keeps the employee from performing the duties of the position, when the employee's attendance jeopardizes the health of others, pursuant to Article XIV, FMLA and for care of immediate family members in the event of an illness.

1. Sick leave requests for an appointment with a health care provider should be turned in by the employee as soon as the appointment is confirmed or as soon as practicable.

2. Sick leave shall be reported to the employee's supervisor or designee by the employee or a family member, if the employee is hospitalized or physically unable to place the call himself, within one (1) hour of his normal reporting to work time. If the illness or injury is going to require an extended absence from work, the employee or family member shall inform the supervisor or designee of the amount of sick leave that is required to recover from the illness or injury.

3. A Request for Leave Form shall be completed by the employee when sick leave is requested or upon returning to work. Sick leave shall not be charged in less than one-half (.5) hour increments.

4. An employee who is absent for three (3) consecutive work days or more for his own illness or injury may be asked to bring in an original signed explanation by a health care provider who is attending to the illness or injury certifying that he was unable to work due to health reasons.

5. In instances when the employee utilizes sick leave for three (3) consecutive work days for the medical treatment of the employee's spouse, parent, children or any person for whom he serves as legal guardian, the employee may be required to provide a written notation from the health care provider rendering treatment to the family member, certifying that the employee participated in providing care to the spouse, child, parent or legal dependent.

6. A note from the health care provider may be requested by the Elected Official or Division Director to support sick leave utilization patterns that indicate abuse of sick leave, when there is excessive use of sick leave in relation to his employment with the County or when performance is inadequate and/or he demonstrates an inability to maintain regular work attendance.

7. An employee requesting sick leave for any portion of or for the day before or following a holiday may be required to bring in an original note from the health care provider who treated him certifying that he was unable to work for health reasons or because of medical considerations of an immediate family member.

8. A probationary employee's use of sick leave shall be approved by the Elected Official or Division Director on a day-to-day occurrence.

VIII.6 – Sick Leave Accrual

Classified employees accrue four (4) hours of sick leave per pay period, thirteen (13) days per year. Sick leave accruals can be carried over from year to year up to a maximum of four hundred and eighty (480) hours.

1. Sick leave accruals in excess of four hundred and eighty (480) hours may be sold back to the County in June of every year at the rate of $.65 on the dollar.
2. Sick leave shall not be compensated upon separation from County employment, except as defined in Article XIII.9 Retirement Incentive – Sick Leave Conversion.

3. Sick leave benefits will not accrue when the employee is on leave without pay, on an approved leave of absence of thirty (30) calendar days or longer, unless on approved FMLA.

4. Part-time employees who work between twenty (20) hours and thirty nine (39) hours per week shall accrue sick leave on a prorated basis.

5. Approved sick leave shall not be debited for absence on observed holidays or other non-work days; however, hours shall be counted as FMLA if an employee is on approved FMLA leave.

VIII.7 – Personal Leave

Classified employees who have completed their probationary periods and who work more than twenty (20) hours shall receive one (1) day of personal leave with pay per calendar year. Non-probationary employees may take their personal days with the approval of their Elected Official or Division Director or designee. The personal leave day must be taken within the calendar year or forfeit the personal leave day.

VIII.8 – Leave and Employment Rights for Members of the Uniformed Services

An employee who is a member of the National Guard, a State Defense Force, a reserve component of the uniformed services of the United States, the Civil Air Patrol or who volunteers for such service shall be granted military leave with or without pay in accordance with The Uniformed Services Employment and

Reemployment Rights Act (USERRA), 43 USC §4301-4033, for "services in the uniformed services" as defined in the Act, and the New Mexico Statutes and Rules, including but not limited to NMSA 1978, §20-4-7, §20-5-14, and §20-7-5.

1. An employee who is a member of a uniformed service shall provide proof of his military duty.

2. Military leave with pay shall be granted for a period not to exceed one hundred and twenty (120) hours each Federal Fiscal year. An employee on military leave in excess of one hundred and twenty (120) hours in that year may utilize his annual leave; however, an employee shall not be required to first exhaust his annual leave and/or personal leave day before being placed on leave without pay status. The employee on military leave without pay does not accrue annual or sick leave.

3. Military leave shall be granted for all required and documented examinations, service drills, training periods and military-related deployment and emergency obligations.

4. An employee who is on military leave with pay shall have the same rights and benefits as any other employee who is on a leave with pay status.

5. An employee returning from military leave shall be entitled to job restoration.

6. For service of 1 to 30 days, a veteran must report to his or her employer by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home and an 8-hour rest period. For Service of 31 to 180 days, a veteran must submit an application for reemployment no later than 14 days (as is possible and reasonable) after their completion of military service. For service of 181 or more days, a veteran must apply for pre-service reemployment within ninety (90) days after separation from active duty.

7. If the veteran is hospitalized or recuperating when discharged, the ninety (90) day application period begins upon release from the hospital or completion of the recuperation as certified by the health care provider, which may last up to two (2) years and/ or as otherwise provided in USERRA Title 38, Chapter 43 Section 4312(e).

8. The County shall, in accordance with the Americans with Disabilities Act, make reasonable accommodations for the employee.

9. The employee discharged or released from active duty in the armed forces of the United States must attest to it by other than a dishonorable discharge.

10. Reservist and National Guard members returning from initial active duty for training have an application period of thirty (30) days instead of the ninety (90) days for veterans.

VIII.9 – Holidays

Legal holidays and all proposed County holidays or partial holidays for the calendar year shall be designated by the Board of County Commissioners by the end of January of each year. The holiday schedule for the succeeding calendar year will be posted by the Director upon receipt of the Board's action.

1. Temporary, seasonal and emergency hire employees shall not be entitled to holiday pay, and will be on an unpaid status for the holiday.

2. When the holiday falls on the employee's regular day off, the employee shall be granted the holiday on the day following the holiday, work load permitting, as determined by the Elected Official or Division Director, and, in any event, she shall be granted the holiday by the following pay period.

3. A FLSA non-exempt employee who is required to work on a designated legal holiday shall be paid at the rate of two and one-half (2.5) times their regular hourly rate of pay for the first eight (8) hours worked. Thereafter, the employee shall be compensated at his regular straight hourly rate until the employee qualifies for overtime under the FLSA provisions of these Rules and Regulations.

4. Part-time employees shall be paid for the holiday at the employee's straight time hourly rate prorated. A part-time employee who works the holiday shall be paid a premium of one and one-half (1.5) times his straight hourly rate of pay for the actual hours worked on the holiday.

5. An employee who is on unapproved sick leave or unauthorized leave without pay on his scheduled workday before or after a holiday shall not receive pay for that holiday.

VIII.10 – Civic Duty Leave

An employee shall be granted necessary time off with pay for the following:

1. Performing jury duty. Compensation for the hours that an employee serves as a juror shall be in compliance with State Statutes. The fee the employee receives for serving as a juror shall be turned into the County.

2. When subpoenaed to appear before a court, hearing officer or public body for the purpose of testifying.

3. Performing emergency civilian duty in connection with civil defense.

4. Voting in a national, State or local election in which an employee is a qualified elector. An employee who is registered to vote shall be granted up to two (2) hours paid leave for voting between the voting poll's time of opening and time of closing on Election Day. The employee's Elected Official or Division Director may specify the hours of the leave and the employee shall take only the time required to go, vote and return from voting. This leave is not granted to any employee whose workday begins more than two (2) hours subsequent to the time of the opening of the polls, or ends more than three (3) hours prior to the closing of the polls or whose work hours are modified accordingly. Employees are encouraged to vote early, absentee or request a mail-in ballot.

VIII.11 – Bereavement Leave

Bereavement leave is leave with pay for which an employee is not charged annual or sick leave due to the death and services for a mother, father, spouse, son, daughter, stepchild(ren), sibling, a pre-acknowledged domestic partner, a grandparent, grandparent in-law, grandchild, or parent in-law, daughter-in-law or son-in-law. An employee shall be required to complete the Bereavement Leave Request Form and provide proof of the familial relationship of the deceased relative, in a method acceptable to the Director.

1. A maximum of three (3) bereavement leave days are allowed for in-state familial deaths and services.

2. A maximum of five (5) bereavement leave days are allowed for out-of-state familial death and services.

3. Additional days may be granted by the Elected Official or Division Director or County Manager; however, any additional days will be charged to accrued annual leave or leave without pay.

VIII.12 – Leave Without Pay

The County Manager may grant a classified employee Authorized Leave Without Pay (ALWOP) for a period not to exceed one (1) year, when the County Manager deems that such leave is in the best interest of the County. An employee on ALWOP shall return to work upon exhausting the ALWOP. If the employee does not return to work and has not been authorized an extension for just cause the employee shall be deemed to have voluntarily resigned and separated from County employment.

1. Requests for leave without pay of five (5) working days or less may be approved by the Elected Official or Division Director, for just cause.

2. An employee granted ALWOP shall first exhaust all available applicable annual leave, comp time and personal leave day prior to being placed on ALWOP.

3. An employee on ALWOP shall not accrue annual or sick leave or a personal leave day while on ALWOP.

4. A temporary employee may be hired to fill the position of the employee on ALWOP of greater than three (3) months of ALWOP.

5. The ALWOP employee shall be returned to the same position if the employee returns within six (6) months of the day the ALWOP became effective. The position will not be guaranteed for a period of greater than six (6) months.

6. An employee requesting ALWOP of more than six (6) months must sign an agreement requesting the ALWOP and stating that he understands that he is no longer guaranteed his former position.

7. An ALWOP employee may return to employment status with the County within the period of the ALWOP provided the employee notifies the County Manager in writing of his intention to return to work at least one (1) month in advance.

8. A request for ALWOP for medical reasons must be accompanied by a physician's certificate when the request is made and by a physician's certification of suitability for work when the employee returns to work from medical ALWOP.

9. All benefits cease while the employee is on ALWOP, except as provided for by FMLA. An employee whose leave is not covered by FMLA, Article XIV, wishing to continue his medical benefits, may do so solely at his own expense.

10. Leave without Pay will be afforded to all employees where compliance with State or Federal law (such as the Pregnancy Discrimination Act, ADA, New Mexico Human Rights Act, the NM Promoting Financial Independence for Victims of Domestic Violence Act, or other applicable law) prevails.

a) Employees will be required to provide proof/certification of the need for leave.
b) Leave under this section shall be restricted to a maximum of six months, or as otherwise provided by applicable law. Employees will not accrue annual or sick leave or a personal leave day while on leave without pay.
c) An employee whose leave is not covered by FMLA, Article XIV, wishing to continue his medical benefits, may do so solely at his own expense.
d) The employee shall, as appropriate, fulfill Return to Work requirements.
e) When leave without pay is extended to a probationary employee, the probationary period shall be extended for the same amount of time the probationary employee was absent from work.

VIII.13 – Family Medical Leave

Family and medical leave under the Federal Family and Medical Leave Act, 29 U.S.C. § 2601 et. seq. (FMLA) shall be administered for eligible employees in accordance with the Family and Medical Leave Policy, see Article XIV.

ARTICLE IX INJURY TIME AND WORKERS' COMPENSATION

Employees injured on the job or suffering from occupational diseases, as defined in the New Mexico Workers' Compensation Statutes NMSA 1978 §52-1-1, as amended, shall receive Workers' Compensation benefits as prescribed in the law.

IX.1 – Reporting Procedures

Employees shall report all on-the-job injuries or accidents to their direct supervisor (or chain of command) immediately after the occurrence or as soon as possible (within the same shift).

Upon notice of an accident or injury, supervisors must call the Risk Management Claims "Hotline" (505) 239-1610 (days, evenings and weekends) to report the incident and action taken. **Within twenty-four (24) hours of the occurrence,** supervisors shall complete the *Workers Compensation Claim forms* for incidents involving injuries, or the *Multi-line Claim Forms* to report accidents and e-mail the forms to the Risk Management Supervisor.

IX.2 – Medical Procedures

1. In all injuries or illnesses which are medical emergencies, the employee or witness shall call 911 for an emergency response or report to the nearest emergency room or urgent care center. It is the employee's responsibility, or that of the employee transporting the victim, to inform the emergency response provider or the treating health care provider that the injured person is a Sandoval County employee. The employee's supervisor shall report the emergency medical treatment to the Risk Management Supervisor immediately.

2. All treatment subsequent to the emergency care shall be coordinated by Risk Management and the County's Workers Compensation medical provider. Employees requiring follow up appointments or treatments after returning to work shall coordinate these with their supervisor in order to maintain required staffing levels and minimize disruption to the workplace.

3. When the employee's job-related injury does not require an emergency action, the employee must go to the County's contracted medical provider. The Worker's Compensation medical provider may treat the employee or refer him to another health care provider, as necessary.

4. The County will provide employees with on-the-job injuries access to reasonable and necessary health care services and is responsible for selecting the health care service provider. Any treatment, device or prescription obtained from private or other medical providers may not be covered by Workers' Compensation.

5. All information related to an on-the-job injury will be retained by Risk Management in compliance with the confidentiality provisions of the NM Workers' Compensation Act.

IX.3 – RESERVED

IX.4 - Injury Time Compensation

1. For all workdays not paid by Workers' Compensation, an employee injured on the job may use accrued sick and/or annual leave for each regularly scheduled work day, after the injury.

Workers' Compensation payment received for all such days when annual or sick leave was used by the employee shall be paid directly to the County by Workers' Compensation. Annual or sick leave used by the employee in lieu of Workers' Compensation shall be re-credited to the employee upon the County's receipt of the reimbursement by Workers' Compensation after the expiration of the statutory waiting period.

In no event shall such use of paid leave result in receipt by the employee of more remuneration than would normally be received in the regular course of employment. The Finance Department is responsible for monitoring this provision.

2. The employee shall accrue annual and sick leave while on injury time.

3. In the event of a lump sum settlement, the settlement shall be adjusted for the injury time payments previously received, provided that in no case shall the deduction exceed the amount of the lump sum settlement.

IX.5 – Return to Work

No employee shall return to their work site without prior clearance from Human Resources & Risk Management. An employee ready to return to work shall contact Human Resources & Risk Management to obtain a Fitness for Duty

Form and a copy of their job description, which is to be reviewed and completed by the employee's attending medical provider. An employee may be returned to his former position, be assigned to a comparable position, or be assigned to an alternate position based upon the medical provider's assessment of the employee's ability to perform the essential duties of his job with or without restrictions.

Supervisors shall not allow any employee to return to work without the proper clearance from Human Resources & Risk Management.

IX.6 – Light/Modified Duty

1. An employee returning from Workers' Compensation disability may return to temporary light/modified duty if an appropriate position is available and the employee's physician certifies that the employee is capable of performing the functions of the temporary light/modified duty assignment.

2. Temporary light/modified duty assignment is defined either as performing the same job as the employee held at the time of the injury, or as performing the functions of another position for which the employee is qualified, for fewer than eight (8) hours each day or having reduced physical requirements for a full workday or for less than a full workday.

3. The terms and conditions of temporary light/modified duty assignments shall be determined by the Elected Official or Division Director in conjunction with the Director.

IX.7 – Re-employment of County Employees Injured on the Job

A full-time employee who has received, or is due to receive, benefits pursuant to the Workers' Compensation Act, and who is unable to return to work during the six (6) month period for which the County shall hold the employee's position open, and if the County is subsequently hiring, may apply for his pre-injury job, a modified job similar to the pre-injury job or any job that pays less than the pre-injury job, provided that the employee is qualified for the job. The County shall rehire the employee, provided that the employee is fit to carry out the job without significant injury or risk and the employee's treating health care provider certifies that the employee is capable of performing the job functions.

ARTICLE X PARTISAN AND NON-PARTISAN OFFICE HOLDERS

Employees who are a State or local government elected official or a candidate for such office shall be covered by Ordinance No. 09-02-15.14A and this Article.

X.1 – Candidacy

An employee becomes a candidate when the employee files a petition or nomination papers, pays a filing fee or is nominated by a political party or non-partisan group for public office.

X.2 – Leave for Seeking Political Office

An employee declaring her candidacy in a race for a public position requiring an election by voters registered with any county clerk, shall take leave of absence without pay or use accrued annual leave for a period of 30 calendar days before the primary, general, run-off and/or special election. The employee may utilize accrued annual leave; however, when she has used her accrued annual leave balance she will be placed on authorized leave without pay.

1. If elected, the employee shall resign prior to taking the oath of office, if the elected position creates a conflict of interest, or request flex time or make other arrangements with the County Manager to retain County employment and hold the elected office.

2. If the employee is not elected in the primary, run-off or general election, he shall return to his position the day after the election, or request to be placed on annual leave or another authorized leave status.

3. If the employee is elected, or is a candidate in the general or run-off election, he can return to his position after the primary election, but must take leave thirty (30) calendar days prior to the general or run-off election. If the run-off occurs within thirty (30) calendar days or less of the primary election the employee must request annual leave or another authorized leave up to the date of the run-off election.

X.3 – Leave for State or Local Office Officials

A County employee who is also a State or local government official shall take annual leave or arrange for another form of authorized leave status to be approved by the County Manager, when she is on State or local government business. The County Manager shall ensure that the duties of the County position be given first priority.

X.4 – Compensation by the State or Local Government

When the employee is on annual leave or other paid leave status paid for by the County and is also paid for that time by their elected position, she shall reimburse the County the amount paid to her by the State or local governmental unit. This does not cover per diem or mileage reimbursement.

ARTICLE XI UNCLASSIFIED EMPLOYEES

Articles of these Rules and Regulations that apply to unclassified employee are as follows: Article I, Article II, Article III.1 and 2, III.4C,D, E and F, Article III.6, Article III.7, Article III.8, Article III.9, Article III.12.C and E, Article III.18, Article III.19, Article VII, Article VIII.8, 9, 10, 11, 12 and 13, Article IX, Article X, Article XIII and Article XIV.

XI.1 - Policy Statement

The Rules and Regulations contained in this Article shall be applicable to all unclassified employees. It is the policy of the Board of County Commissioners that unclassified employees shall enjoy the benefits that recognize the nature of their "at-will" employment status.

XI.2 – Unclassified Employee Definitions

1. Part-time Employees

A part-time employee is an employee who works twenty (20) or more hours a week, but less than forty (40) hours in a seven (7) day period. A part-time employee may be eligible to participate in County-sponsored insurance benefits if such employee meets the eligibility criteria. All part-time employees are terminable at-will and cannot grieve employment decisions.

2. Appointees of Elected Officials

The appointee of the Board of County Commissioners is the County Manager. The appointees of the Sheriff are the Undersheriff and personal secretary. The appointee of the County Assessor, County Clerk and County Treasurer is a Chief Deputy for each elected office. All appointees of elected officials are terminable at-will and cannot grieve employment decisions. Appointees of elected officials are eligible for County-sponsored insurance benefits if they meet eligibility criteria, annual leave, for retirement benefits in accordance with applicable State statutes and regulations and all other benefits and privileges provided by the County and this Article.

3. Appointees of the County Manager

The Appointees of the County Manager are the Assistant County Manager, contract employees and/or other positions determined necessary by the Board of County Commissioners and funded in the County's budget. All appointees of the County Manager are terminable at-will and cannot grieve employment decisions. Appointees of the County Manager are eligible for retirement benefits in accordance with applicable State statutes and regulations, annual leave and all other benefits and privileges provided by the County and this Article or as specified in her employment contract.

3.A County Attorney

As a contract employee, unless otherwise provided in the contract, the County Attorney is an unclassified employee and is subject to XI.2.3.

4. Casual Employees/PRN

Casual employees are employees paid on an hourly basis and who are called on short notice on an occasional or irregular basis in a division. Casual employees are paid only for the hours worked. They do not receive or accrue any employee benefits, including but not limited to leave, holidays or overtime. Casual employees are terminable at-will and cannot grieve employment decisions.

5. Emergency Hires

Emergency hire employees are employees hired to fill positions for a period not to exceed sixty (60) calendar days, without posting the job, because of an emergency situation and are paid on an hourly basis only for the hours worked. Emergency hires do not receive or accrue any employee benefits, including but not limited to leave, holidays or overtime. An emergency hire may be extended with the approval of the County Manager for a period not to exceed thirty (30) additional calendar days. Emergency hires are terminable at-will and cannot grieve employment decisions.

6. Temporary Employees

Temporary employees are hired on either a full-time or part-time basis or to a position established for a period of no more than six (6) months. Temporary employment may be extended with the approval of the County Manager for a

period of no more than sixty (60) calendar days. Temporary employees do not receive or accrue any employment benefits, including but not limited to leave or holidays. Temporary employees are terminable at-will and cannot grieve employment decisions.

7. Term Employees

Term employees are hired for a specific period of time to perform a specific service, whose term and conditions of employment are determined by the County Manager. Term employees shall be terminated pursuant to the term and conditions set by the County Manager and employment decisions cannot be grieved.

XI.3 – Appointee Disqualified

No person shall be eligible for employment in an unclassified position if such person has been convicted of a felonious or infamous crime or a misdemeanor involving moral turpitude, unless such person has been pardoned or restored his political rights.

XI.4 – Pay Upon Separation

An unclassified employee leaving County employment shall receive payment for all earned compensation and all accrued annual leave hours up to a maximum of two hundred twenty-five (225) hours. An unclassified employee resigning his employment shall receive his final paycheck, less any amount owed to the County, at the next regular scheduled date of pay. An unclassified employee who is terminated shall receive his final pay check, less any amount owed to the County, within ten (10) days of his last day of work.

XI.5 – Annual Leave

1. A full-time unclassified employee shall accrue annual leave at the rate of ten and fifteen one hundredth (10.15) hours per pay period (thirty three [33] calendar days per year) or as set forth in any written agreement between the unclassified employee and the Board of County Commissioners.

2. A part-time unclassified employee shall accrue annual leave on a pro-rata basis as set forth for classified employees.

3. Casual, temporary and emergency hires do not accrue annual leave, personal leave, bereavement or other leave benefits unless provided for by Federal or State laws.

4 Unclassified employees shall not be granted annual leave in advance of accrual.

5. An unclassified full-time employee who has completed twelve (12) months of County employment and who has accrued over two hundred twenty five (225) hours of annual leave shall be eligible to sell-back to the County forty (40) hours of annual leave in June of every year.

6. An unclassified employee who is eligible for PERA retirement and provides the Director with written notice that he will be retiring from employment may take annual leave just prior to his separation from the County.

7. Unclassified employees, with the exception of part-time employees, may carry forward a maximum of one hundred twenty (120) hours after the last pay period in December of each calendar year, or fifty percent (50%) of the time earned from the date of hire if the employee has worked for the County less than one year as of the last pay period in December. This provision applies to all unclassified employees unless otherwise provided in a written agreement between the unclassified employee and the Board of County Commissioners.

8. Annual leave shall not be charged in less than multiples of one-half (.5) hour.

XI.6 – Sick Leave

1. Part-time employees accrue sick leave on a pro-rata basis as set forth for classified employees.

2. Casual, temporary and emergency hires do not accrue sick leave.

3. Full-time unclassified employees shall not accrue sick leave and shall use accrued annual leave in lieu of sick leave, unless specified in a contract between the unclassified employee and the Board of County Commissioners.

XI.7 – Compensation

1. The compensation for the appointees of the County Clerk, County Treasurer, County Assessor and County Sheriff is set by the Board of County Commissioners.

2. The compensation for all other unclassified employees shall be set by the County Manager through the budget process and as approved by the Board of County Commissioners or by a contract between the unclassified employee and the Board of County Commissioners.

XI.8 – Personal Holidays

In addition to designated holidays, each full-time unclassified employee, except casual, temporary and emergency hire employees, shall be given two (2) personal holidays per fiscal year. These days shall be used during the fiscal year in which these are received or they are forfeited. Personal holidays shall be requested three (3) days in advance and shall be taken in two (2) eight (8) hour segments.

Part-time employees shall earn one (1) personal holiday per fiscal year and maybe be taken in two (2) four (4) hour segments.

ARTICLE XII DRUG AND ALCOHOL POLICY AND TESTING

It is the policy of Sandoval County to provide a work environment that is free from the use, possession, sale or distribution of illegal drugs and to comply with the Drug Free Workplace Act of 1988. Sandoval County recognizes that the misuse of alcohol and other legal drugs or illegal drugs by County employees can lead to accidents, employee injury and other harm to the employees and the general public. Accordingly, the County requires that all covered employees and contractors will be subject to testing to determine the presence of illegal drugs or alcohol, non-prescribed legal drugs, or a detrimental level of legal drug within the employee or contractor which interferes with job performance, conduct, attendance, safety, or when it violates the law. The County encourages employees to seek treatment and to utilize the Employee Assistance Program.

XII.1 – Prohibited Conduct

1. The use of controlled substances, prescribed and non-prescribed drugs or alcohol by an employee is within the purview of the County when it interferes with job performance, conduct, attendance, safety and when it violates the law. The unlawful manufacture, distribution, dispensation of, possession or use of a controlled substance or possession of drug paraphernalia by employees while on County premises or while on County business is prohibited.

2. An employee who has a blood alcohol level in excess of .04 is not fit for duty. An employee who is under the influence of illegal or non-prescribed drugs is not fit for duty. An employee who is taking prescribed medication that impairs his ability to perform his job duties and responsibilities is not fit for duty. Conducting County business, which includes driving vehicles or operating County equipment, while under the influence of alcohol or other drugs, is prohibited.

3. Any employee who tests positive for illegal or non-prescribed drugs or for alcohol while on duty shall be subject to termination. All due process requirements will be met by the County.

XII.2 – Drug and Alcohol Testing

The County may perform post-offer, pre-employment drug and alcohol screening. It shall perform tests on individuals in safety sensitive positions as required by Federal and/or State of New Mexico laws and regulations such as

United States Department of Transportation (USDOT) and Federal Motor Carrier Safety Administration (FMCSA).

XII.3 – Employee Assistance Program

The Sandoval County Employee Assistance Program [EAP] is provided via contract with a counseling entity that provides similar services for many public employers in New Mexico. The EAP offers aid, counseling, and advice at no cost to employees and their families for substance abuse, on and off-the-job behavioral concerns, financial, and certain legal issues.

ARTICLE XIII MISCELLANEOUS

XIII.1 – Employee Responsible for Reporting Changes

All employees shall report changes of name, address, telephone number, emergency contact and other related employment information within five (5) working days to the Director.

XIII.2 – Training

The Director shall be responsible for proposing employee training to the County Manager which fosters and promotes County service programs and in-service training of employees for the purpose of improving the quality of personnel services rendered to the County and aiding to equip employees to advance in County employment.

XIII.3 – Licensing Requirements

Employees are responsible for meeting the requirements involved in obtaining the necessary licenses, certificates, permits and registrations to carry out their duties and responsibilities. The Director shall inform the Elected Official or Division Director when a new licensing, certification or permitting requirement is imposed on a position and work with the employee to meet the new requirement. Elected Official or Division Directors and supervisors are responsible for seeing that their employees maintain their credentials. Failure to maintain required credentials may result in disciplinary action pursuant to Article IV.5.

XIII.4 – Union Activity

No employee shall be coerced, threatened or pressured into joining or not joining any organization or union. No union or organization or their representative may interrupt or interfere with the normal conduct of County business. Visits for the purpose of conducting organization business and/or recruiting shall be confined to those areas where no County business is being conducted.

XIII.5 – Violence in the Workplace

It is the County's goal to provide a work environment that is free from violent behavior and of threats of violence. Violent behavior and threats of violence are unacceptable and are prohibited. Intimidating, coercing, threatening,

discriminating against and/or taking reprisal against an employee for assisting with an investigation of a complaint or for reporting violent behavior or threats of violence is prohibited.

XIII.6 – Working Conditions

The County Manager shall promote measures directed toward more sanitary, safe and healthful working conditions; toward affording better facilities for employees; toward greater security and economic advantages as by means of group insurance and credit union participation options and toward any other means of bettering the conditions and improving the morale of County employees.

XIII.7 – Dress and Appearance

Employees are constantly in the public eye; consequently, it is important that the employees present the best image possible to the public. Employees should always be clean and neatly dressed in clothing appropriate and suitable for their work assignment.

XIII.8 – PERA and Insurance Benefits

All County employees, except elected officials and certain casual and certain temporary employees are required to join the Public Employees Retirement Association of New Mexico, (PERA). Copies of the latest PERA rules and provisions may be obtained from the Human Resources and Risk Management Division.

The County provides group health, life insurance and other benefits to its classified and unclassified employees. These benefits may be changed at the discretion of the Board of County Commissioners. These changes are not grievable. Specific benefits of the current programs and related policies may be obtained from the Director.

XIII.9 – Retirement Incentive - Sick Leave Conversion

An employee, upon qualifying for PERA retirement by years of service plus age, number of years of service or medical retirement, is eligible to participate in the County's Retirement Incentive Program. The Program allows an employee to convert up to five hundred thirty two (532) hours of accrued sick leave into a one-time lump sum cash dollar for dollar payment at their current hourly pay rate. An

employee must apply for retirement at the time he becomes eligible in order to participate in the program. The conditions to participate are as follows:

1. The employee must have at least ten (10) years of County service.

2. The employee must request PERA retirement.

3. The employee must retire no later than December 31st of the same year.

4. The employee must inform the Director in writing of his intent to retire six (6) months prior to his retirement date.

5. The Director can verify that PERA has received and is processing the employee's retirement application.

6. An employee within this provision of these Rules and Regulations may accrue and convert up to five hundred thirty two (532) hours in his sick leave bank.

7. The employee may convert his accrued leave bank, up to five hundred thirty two (532) hours at his current hourly pay rate.

8. The incentive pay will be made with the employee's final pay period check.

An employee who does not retire or rescinds his application to retire during the first year of PERA eligibility forfeits participation in the Retirement Incentive Program. He will still be able to participate in the sick leave conversion at .65 cents on the dollar as defined in Article VIII.6.

XIII.10 Inclement Weather / Emergencies

1. When the Sandoval County area experiences bad weather with snow and/or ice on the roads making it difficult for employees to get to work on time or when there is an emergency, the County Manager, in consultation with the Chair of the Board of County Commissioners, will announce the nature of the emergency and the action to be taken by the County. The County provides many essential services which involve divisions providing services around-the-clock, seven days a week or services which require employees to take care of the road conditions or

provide assistance to citizens who are dependent on the County for their safety and wellbeing. These services cannot be suspended; therefore, the County's policy toward bad weather must reflect the distinct nature of its work and the diversity of the various divisions.

2. The governing policy is that the County will remain open and may allow two hours of administrative paid leave for those employees who follow the inclement weather policy. Employees should make every effort to get to work in those divisions providing essential services. They should realize it may take additional time to get to work and start their commute to work early to allow for the road conditions. Further, it is the employee's responsibility to understand the inclement weather practice as it applies to his job and to inform his supervisor of his ability to fulfill his employment obligation. Employees from the previous shift will be held over until they are released by their supervisor. He will assure that the appropriate staffing level has been achieved before allowing them to go home.

3. For those divisions where the County is not "officially closed" by announcement of the County Manager, employees experiencing problems, (icy/snow packed roads, dead battery, etc.) should report in by telephone for instructions from their supervisor. With their supervisor's approval, the employee will be allowed to charge his time off to vacation or personal holiday or to make up the time. While essential services will be continued, sometimes it is considered prudent by the administration to delay the opening of less essential elements of the County. Information regarding the County's action regarding the emergency condition(s) will be issued to the media, primarily local television and radio stations and the Associated Press. Even so, employees are to call their supervisor for instructions and about reporting to work.

4. The following guidelines will be used in reporting time for employees during inclement weather or other emergency occurrences:

(a) Employees who do not report for work and do not call in will not be paid.

(b) Employees who call in and who are more than two (2) hours late for work because of inclement weather shall be placed on Administrative Leave with pay for two (2) hours and will be given the option to utilize their annual leave or personal holiday, or to make up the time during the work week if practicable.

(c) Employees who call in and are unable to get to work and are approved for annual leave or leave without pay will not be credited with the two (2) hour administrative leave granted by the declared emergency. These employees will be charged with the entire day of annual leave or leave without pay.

(d) Employees who are not providing essential services who wish to leave early due to hazardous road conditions, carpooling arrangements, child care or other circumstances affected by the emergency, shall request annual leave or leave without pay. Every effort will be made to approve reasonable requests.

(e) Overtime will be granted to non-exempt employees who work over forty (40) hours in the work week.

(f) Employees who report being sick during the inclement weather or emergency will be eligible to use sick leave only when approved by their supervisor.

(g) Because inclement weather may be localized, the Elected Official or Division Director may request the County Manager, to declare an emergency for the specific location.

The Fair Labor Standards Act (FLSA) presumes that the employer, therefore the supervisor, controls the actions of each non-exempt employee. The policy relative to the action of essential service employees during inclement weather and or emergencies depends on communication between the employee and her supervisor. It is the responsibility of the employee to contact his supervisor and inform him of the conditions affecting their particular situation. The supervisor in turn must provide the employee with clear direction. Even in some non-essential service divisions, some functions must go on; therefore, the supervisor must know who they can count on to cover the required staffing during the emergency period.

ARTICLE XIV FAMILY AND MEDICAL LEAVE ACT (FMLA)

OBJECTIVE: To outline a uniform policy to administer leave for eligible employees under the Family and Medical Leave Act of 1993 (FMLA).

STATEMENT: The FMLA provides eligible employees up to twelve (12) weeks of unpaid leave in a defined twelve (12)-month period for certain qualifying reasons, as defined below. The County may substitute, or the employee may request to substitute, accrued paid leave for unpaid leave; accordingly, the substitution of paid leave is outlined below. Any time utilized, whether paid or unpaid, counts toward the twelve (12)-week entitlement.

GLOSSARY OF FMLA TERMS

Eligible Employee: Eligibility is determined as of the day FMLA leave is to commence and requires the following:

1. Employment for at least twelve (12) months with the County.

   (a) The twelve (12) months need not be consecutive.

   (b) The twelve (12) months equals fifty-two (52) weeks for purposes of determining whether intermittent/occasional/casual employment qualifies.

   (c) A week in which an employee is maintained on the payroll counts as a week of employment.

2. The employee has provided at least 1,250 hours of service during the twelve (12) months immediately preceding the period of leave. FLSA Exempt employees who have worked at least twelve (12) months for the employer are presumed to have worked at least 1,250 hours during the previous twelve (12) months.

Health Care Provider: Health care providers who may provide certification of a serious health condition include:

1. Doctor of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices.

2. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) who are authorized to practice in the State and are performing within the scope of their practice as defined by State law.

3. Nurse practitioners, nurse midwives and clinical social workers authorized to practice under State law and performing within the scope of their practice as defined by law.

4. Any health care provider recognized by the County.

5. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

Spouse: Husband or wife as recognized under State law for purposes of marriage.

Domestic Partner: A person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender). The Domestic Partner relationship shall be established by submission of an Affidavit of Domestic Partnership filed with the County Human Resources and Risk Management Division.

Family Member: "Family member" is defined in FMLA to include the employee's spouse, son, daughter or parent (but not a parent "in-law"). A "son" or "daughter" is any child under eighteen (18) years of age who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day-to-day basis and for whom the employee is financially responsible or who is an eligible dependent under the County's health benefits plan (e.g., a step child or foster child.) A "son" or "daughter" is also a child over eighteen (18) years of age who is incapable of self-care because of a mental or physical disability. A "parent" is any biological parent, or any individual who assumed day-to-day and financial responsibility for the employee when the employee was a child.

Parent: Biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a child; does not include parent in-law.

Son or Daughter: Biological, adopted, or foster-child, stepchild, legal ward, or child of a person standing *in loco parentis.*
12-Month Period: The twelve (12) month period measured forward from the date the employee's first FMLA leave begins.

XIV.1 – Leave Provisions, Second and Third Opinions

Eligible employees are entitled to take twelve (12) weeks of leave during the defined twelve (12)-month period for the following reasons:

1. Birth of a child to the employee, adoption of a child by the employee, or placement of a foster child with the employee.

   (a) Entitlement to leave under this provision expires at the end of the twelve (12) month period beginning on the date of such birth/adoption/placement.

   (b) Intermittent or reduced leave schedule is permitted for leave under this provision.

2. The employee is needed to care for a spouse, domestic partner, child, or parent with a serious health condition (as defined below).

3. The employee has a serious health condition (as defined below) making him/her unable to perform the essential functions of his job.

Serious Health Condition: A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves any of the following:

1. Any period of incapacity or treatment connected with in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.

2. A period of incapacity requiring absence of more than three (3) consecutive calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider.

3. Any period of incapacity due to pregnancy or for prenatal care.

4. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's disease, stroke, terminal diseases, etc.).

5. Any absences to receive multiple treatments (including any period of recovery from there) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Intermittent or Reduced Leave: When medically necessary, leave for a serious health condition may be taken intermittently or on a reduced leave basis in increments of not less than one-half (.5) hour.

1. If leave is foreseeable based upon planned medical treatment, the employee shall make a reasonable effort to schedule treatment so as not to unduly disrupt County operations and provide no less than 30 days notice before leave is to begin, unless treatment is required to begin in less than 30 days.

2. The County retains the right when an employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable based on a planned medical treatment, to temporarily transfer the employee to an alternative position for which the employee is qualified if such position is available and would better accommodate recurring periods of leave than does the employee's regular position. Such an alternative position shall have equivalent pay and benefits but may also be a part-time job provided the employee shall not be required to take more leave than medically necessary.

3. Intermittent leave may be taken for bonding with a newborn child, or a child accepted for adoption or foster care, only with the consent of the County through the supervisor, in coordination with the Human Resources Division and in accordance with the FMLA.

4. Use of any accrued annual or sick leave for intermittent FMLA purposes must be documented on an Application for Leave of Absence Form.

5. Certification for intermittent/reduced leave for planned medical treatment must include dates of expected treatment and the duration of such treatment.

Both Parents Employed by the County: In the case of leave for a birth, adoption or, placement of a child into foster care, married couples or domestic partners are limited to a combined total of twelve (12) weeks. This limitation does not apply to leave for a serious health condition of the employee, the employee's child, spouse or parent, except that the employee is limited to a maximum of twelve (12) weeks in a twelve (12)-month period, including any time used for the birth of a child, adoption of a child, or placement of a child in foster care with the employee.

Procedure: Employees must request leave under the provisions of FMLA, in writing, through their supervisor to the Director, or his/her designee. When an employee requests family or medical leave, the employee's department must send a Personnel Action Form (PAF), the Application for Leave of Absence, and the Medical Certification for Leave of Absence to the Director. The Director will advise the employee, in writing, of his or her reemployment and benefit rights.

Notice: Thirty (30) days notice shall be given by the employee to his/her supervisor and the Director, or his/her designee, when the need for leave is foreseeable. When the need for leave is not foreseeable, the employee is required to provide notice as soon as practicable. This generally means within one (1) or two (2) business days of learning of the need for leave. Initial notice in this case may be verbal, but must be followed up in writing. Where extenuating circumstances exist in regard to this notice requirement, individual situations will be considered on a case-by-case basis, and designation of leave is not guaranteed if notice requirements are not met. Note: There will be no adjustment to previously issued performance evaluation forms as a result of a request for retroactive designation of leave as FMLA leave. In the case of an extended period of disability due to illness, injury or maternity beyond the twelve (12) week FMLA entitlement, an employee may request Extended Leave of Absence, in accordance with these Rules and Regulations.

Designation of Leave: When the County becomes aware of a situation that qualifies for FMLA leave, and the employee has not requested such leave, the County may designate any time utilized for this situation as FMLA leave. The employee shall be so notified. The twelve (12) month period in which the twelve (12) weeks of FMLA leave entitlement occurs shall be measured forward from the date an employee's first FMLA leave begins.

Paid or Unpaid Leave: Employees shall be required to utilize available sick leave for FMLA qualifying absences. If sick leave is exhausted, employees may elect to use annual leave, compensatory time or unpaid leave.

Note: In all cases, FMLA leave is for a total of twelve (12) weeks (four hundred eighty [480] work hours) in a twelve (12)-month period for all qualifying FMLA absences combined (except as provided for under Military Family Leave Entitlements).

Medical Certification: Any employee seeking leave under the FMLA for a serious health condition of the employee, spouse, domestic partner, child or parent must provide the Director with a medical certification issued by the health care provider for the employee, spouse, domestic partner, child or parent. Subsequent recertification may be required by the County by verbal or written request on a reasonable basis. These forms may be obtained from the Human Resources Department. The certification must state all of the following:

1. The commencement date of the condition.

2. The probable duration of the condition.

3. Appropriate medical facts regarding the condition.

4. As applicable:

(a) A statement that the employee is needed to care for the family member including the estimated time that such care is needed.

(b) A statement that the employee is unable to perform the functions of his/her position.

(c) A statement of the medical necessity for intermittent leave or a reduced schedule.

(d) The dates on which treatment is expected to be given and the duration of the treatment where intermittent leave or a reduced schedule is requested.

(e) A statement that intermittent or reduced leave is necessary to care for a family member or to assist in the recovery of the family member, including the expected duration and schedule of the leave.

(f) A statement of the expected frequency and duration of chronic or episodic conditions where intermittent leave or a reduced schedule is requested.

Second and Third Opinions

An employee may be required, at the County's expense, to obtain a second opinion by a health care provider designated or approved by the County. If necessary, a third opinion may be required at the County's expense from a health care provider approved jointly by the employee and the County. This third opinion shall be final and binding. The County may also request additional medical certificates at reasonable intervals during family/medical leave, but no more often than every thirty (30) days.

XIV.2 – Returning To Work

A fitness-for-duty report is required prior to the employee's return from FMLA leave for their own serious health condition. Upon returning from leave, an employee is entitled to be restored to the position held when the leave began or an equivalent position. The employee is also entitled to receive any negotiated pay increases which have occurred and for which the employee would have been eligible during the leave period.

If an employee is no longer qualified to hold the prior position due to the lapse of a license or the inability to attend necessary courses as a result of the leave taken, a reasonable opportunity to fulfill these conditions will be provided upon the employee's return to work.

Employees who take leave due to personal illness must provide certification from the health care provider that the employee can return to work.

XIV.3 – Employment and Benefits Protection

1. Health Insurance: Under FMLA, during paid or unpaid leave, an employee is entitled to maintain his/her selected health plan under the same conditions as if employment had continued during the leave period. The employee must continue to pay the employee's portion of the health care premium if the employee's health care plan calls for such payment. An employee may choose not to retain health coverage during leave. However, upon returning from leave, the

employee is entitled to be reinstated in the health coverage plan on the pre-leave terms without a qualifying period, physical exam, etc.

2. The County's obligation to maintain health benefits ceases if an employee's premium payment is more than 30 days late. However, reinstatement of benefits upon the employee's return from leave will be provided. In the event an employee fails to make the premium payments, and the County continues to provide the health care coverage, the County may recover the premiums paid while the employee was on leave. The County may also recover premiums paid during the leave period if the employee fails to return to work after the leave expires, unless failure to return to work is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. Recovery of the premium may be collected through a deduction from any sums due to the employee.

3. Life Insurance: This benefit will continue during an approved FMLA leave.

4. PERA: The employee will not accrue service credit for PERA benefits during the period of any unpaid portion of an approved FMLA leave.

XIV.4 – Required Action

The Director shall be responsible for the communication, explanation, implementation, and maintenance of this policy to assure compliance by all affected employees.

XIV.5 – Confidentiality

The County will keep confidential all information relating to requests for FMLA leave. This information will only be disclosed to those with a need to know, and will be used only to make decisions in regard to the provisions of this policy.

XIV.6 – Fraudulent Use

The County reserves the right to obtain information that may lead to the discovery of an employee's fraudulent use of FMLA leave. Any employee who fraudulently obtains FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions.

XIV.7 – Programs to Deter FMLA Abuse

The County Manager is authorized to implement programs to deter FMLA abuse.

XV. FAMILY AND MEDICAL LEAVE ACT MILITARY FAMILY LEAVE ENTITLEMENTS

STATEMENT: The National Defense Authorization Act for FY 2008 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12) month period for any "qualifying exigency" arising out of the active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12) month period" to care for a covered service member with a serious injury or illness.

XV.1 - Eligibility, Leave Entitlements, Notice and Certification Requirements; Second and Third Opinions and Recertification (not permitted)

Sandoval County will comply with all provisions of the Family and Medical Leave Act as amended by the National Defense Authorization Act for FY 2008 (NDAA) providing for Military Family Leave Entitlements.

XV.2 – Required Action

The Director shall be responsible for the communication, explanation, implementation, and maintenance of this policy to assure compliance by all affected employees.

XV.3 – Confidentiality

The County will keep confidential all information relating to requests for FMLA leave. This information will only be disclosed to those with a need to know, and will be used only to make decisions in regard to the provisions of this policy.

XV.4 – Fraudulent Use

The County reserves the right to obtain information that may lead to the discovery of an employee's fraudulent use of FMLA leave. Any employee who fraudulently obtains FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions.

XVI. DOMESTIC ABUSE LEAVE

As required by Chapter 50, Article 4 NMSA 1978, the "Promoting Financial Independence for Victims of Domestic Abuse Act," Sandoval County shall grant leaves of absence, intermittent if necessary and paid or unpaid, for up to fourteen (14) days in any calendar year, up to eight (8) hours per day, for victims of domestic abuse who require the time off to obtain orders of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or district attorneys' victim advocates, or to attend court proceedings related to domestic abuse of the employee or an employee's family member.

XVI.1- Leave Provisions

For domestic abuse leave, employees may use annual leave, sick leave, compensatory time (if any has been accrued), or unpaid leave.

XVI.2- Notice

Employees are required to provide notice prior to taking such leave, or to provide notice within twenty-four (24) hours of taking leave when taken in an emergency.

XVI.3 - Certification

The County may require proof of need such as police reports, written statements of attorneys, orders of protection or other Court documents. Time off for domestic abuse leave shall not count against an employee's attendance record.

XVI.4 – Required Action

The Director shall be responsible for the communication, explanation, implementation, and maintenance of this policy to assure compliance by all affected employees.

XVI.5 – Confidentiality

The County will keep confidential all information relating to requests for Domestic Abuse Leave. This information will only be disclosed to those with a

need to know, and will be used only to make decisions in regard to the provisions of this policy.

XVI.6 – Fraudulent Use

The County reserves the right to obtain information that may lead to the discovery of an employee's fraudulent use of Domestic Abuse Leave. Any employee who fraudulently obtains leave may be in violation of these Personnel Rules & Regulations and therefore subject to disciplinary action.

XVI.7 – Retaliation Prohibited

There shall be no retaliation by the County against employees who exercise their right to take domestic abuse leave. Taking of domestic abuse leave shall not impact the employee's eligibility for benefits.

AMENDMENTS PASSED, APPROVED AND ADOPTED BY THE SANDOVAL BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF SANDOVAL COUNTY, NEW MEXICO, on the 17th day of November, 2011.

1)Amendment to Article II- Employment Relations Definitions, specifically, **a)** striking the definition of "Appointing Official," **b)** adding the definition of "Division Director," **c)** adding the definition of "Elected Official," and **d)** striking the term "Appointing Official" and replacing it with the term "Elected Official or Division Director" throughout the entire text of Article II.

2) Amendment to Personnel Rules & Regulations to strike the term "Appointing Official" and replace it with the term "Elected Official or Division Director" throughout the entire text of the Personnel Rules & Regulations, as appropriate.

3) Amendment to Article III.4.F-Ineligible for Hire, specifically, removal of section (7), "Applicant was dismissed from the County during his probationary period."

4) Amendment to Article III.20-Authorized Per Diem and Travel Reimbursement, specifically, **a)** striking "in advance" at the end of the first sentence and replacing it with "through the budget process," and **b)** striking the second sentence and replacing it with " The Elected Official or Division Director shall authorize all payments of mileage, per diem, and travel allowances pursuant to the policies established by the Board of County Commissioners, State of New Mexico or if applicable, the Federal reimbursement rate."

5) Amendment to Article VIII.3-Annual Leave Accrual, section 2, specifically **a)** striking the language beginning with the word "Except" and ending with "(effective January 1, 2011)," and **b)** adding a second paragraph: "Employees who have worked for Sandoval County for a continuous period of ten (10) or more years may cash out those hours in excess of eighty (80) hours in December of each calendar year, but may not cash out more than forty (40) hours in any calendar year."

6) **Amendment to Article XI-Unclassified Employees, specifically XI.2-Unclassified Employee Definitions, paragraph 3, Appointees of the County Manager**, specifically, striking "Division Directors" and "the County Manager's Executive Assistant and."

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AMENDMENT Pg. 1 of 2
Sally G. Padilla, Sandoval County Clerk

7) **Amendment to Article XIII.10-Inclement Weather/Emergencies**, specifically, **a)** adding the language "in consultation with the Chair of the Board of County Commissioners" in section 1, **b)** changing "one hour" to "two hours" in section 2, in section 4(b), and in section 4 (c), **c)** adding the language "by announcement of the County Manager," in section 3, **d)** adding the word "utilize," in section 4 (b) and **e)** striking the phrase "pay period" and substituting the phrase "work week if practicable" in section 4 (b).

BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY

Darryl F. Madalena, Chairman

Orlando J. Lucero, Vice Chairman

Don E. Leonard, Member

Don G. Chapman, Member

Glenn Walters, Member

ATTEST:

Sally Padilla, County Clerk

APPROVED AS TO FORM:

Patrick Trujillo, County Attorney

SANDOVAL COUNTY, NEW MEXICO
SEXUAL HARASSMENT POLICY

1. PURPOSE

The purpose of this policy is to define sexual harassment, provide procedures for the investigation of sexual harassment claims, and ensure that violations are remedied fully.

The County of Sandoval ("County") does not tolerate workplace sexual harassment. Sexual Harassment violates an individual's right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Sexual harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated.

2. SEXUAL HARASSMENT DEFINED

Sexual harassment is unwanted sexual conduct of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

A. Unwanted sexual advances;

B. Demands for sexual favors in exchange for favorable treatment or continued employment;

C. Repeated sexual jokes, flirtations, advances or propositions;

D. Verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies;

E. Leering, whistling, touching, pinching, assault, coerced sexual acts or suggestive, insulting or obscene comments or other non-verbal gestures;

F. Displaying sexually suggestive objects or pictures in the work place;

G. Displaying, storing, or transmitting pornographic or sexually oriented materials to, or from, County equipment or facilities.

H. Engaging in indecent exposure; or

I. Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances.

3. INDIVIDUALS COVERED

This policy covers all County employees. The County will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, or by customers, suppliers, or other non-employees who conduct business with the County. The County strongly encourages reporting of all incidents of sexual harassment, regardless of who the harasser is.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser,

individuals in position of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

4. RESPONSIBILITIES OF EMPLOYEES, SUPERVISORS AND DIRECTORS

A. Employees

If an employee(s) believes that she/he have been subject to sexual harassment or any unwanted sexual attention, she/he should:

1. Make her/his unease and/or disapproval directly and immediately known to the harasser, if possible;
2. Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and
3. Immediately report the incident to the County's Human Resources Director or designee, or the Legal Department.
4. Employees may also choose to report the incident to their supervisor.

B. **Supervisors, Division Directors:**

Supervisors are to address the allegation(s) of sexual harassment within their department immediately and responsibly, whether there has been a written or formal complaint.

Supervisors shall report the allegation immediately to the H. R. Director and if the situation calls for immediate corrective action to prevent prohibited conduct from reoccurring discuss the matter and recommended action with the H.R. Director.

A supervisor who knowingly allows or tolerates sexual harassment is in violation of this policy shall be subject to disciplinary action up to and including dismissal.

C. **Human Resources Director/County Attorney/Investigator**

The Director/County Attorney/Investigator shall be responsible for:

1. Ensuring that both the individual filing the complaint (hereinafter "Complainant") and the accused individual (hereinafter "Respondent") are aware of the seriousness of a sexual harassment complaint.
2. Explaining the County's sexual harassment policy and investigation procedures separately with the Complainant and Respondent.
3. Exploring informal means of resolving sexual harassment complaint(s).
4. Notifying law enforcement if criminal activity(ies) is alleged.
5. Arranging for an investigation of the alleged harassment and the preparation of a written report with findings of fact for the Decision-Making Panel's action, see Section 8.

5. REPORTING A COMPLAINT

An employee(s) often can stop or prevent sexual harassment by immediately and directly expressing her/his disapproval of an employee or person's attention or conduct that gives the impression of being unwelcomed sexual behavior. While the County encourages an employee who believes she/he is being harassed to firmly and promptly notify the offender that his/her behavior is unwelcomed, it also recognizes that power, position and/or status difference between a Respondent and Complainant may make such a confrontation impracticable.

In any case, an employee(s) is strongly encouraged to report all incidents of sexual harassment or inappropriate sexually oriented conduct to the Human Resources Director or designee or the Legal Department or the employee's division director/supervisor immediately after the occurrence of an incident of alleged sexual harassment. In the event the Human Resources Director or designee, or the Legal Department or a supervisor is informed of a complaint, the allegations shall be immediately reported to the County Manager. In the event any one of these employees is the employee who committed the act, i.e., "Respondent", the Complainant shall file their report with one of the above listed employees who is not a Respondent. The employee receiving such complaint will contact an outside independent investigator to conduct the investigation.

The Director/designee shall assist the employee who has been harassed, i.e., "Complainant" in completing a complaint report. To ensure the prompt and thorough investigation of a sexual harassment complaint, the Complainant should provide as much of the following information as possible:

A. The name, department, and position of the employee(s) or person(s) allegedly causing the harassment;

B. An accurate description of the objectionable behavior or misconduct, including the date(s), location(s), and the names of witness(es);

C. The alleged effect of the objectionable behavior or misconduct on the Complainant. If her/his position, salary, benefits, promotional opportunities, or other terms or conditions of employment are or have been affected.

D. The name(s) of other employee(s) who may have been subjected to the same or similar harassment;

E. The steps the Complainant has taken to try to stop the harassment; and how she/he would like the objectionable behavior to be addressed, and

F. Any other information the Complainant believes to be relevant to the harassment complaint.

6. INVESTIGATION

The Director/designee shall be responsible for ensuring that a confidential and impartial investigation begins within ten (10) working days after a complaint has been filed. The County shall attempt to complete investigations within fifteen (15) working days after the complaint has been filed. Except in the most unusual circumstances, investigation shall be completed within thirty (30) working days.

In most cases, the Director/designee shall conduct the investigation. However, the County may utilize a qualified human resources representative or an independent outside investigator to lead the investigation if necessary to expedite the resolution of a complaint or to resolve any potential conflict of interest. In any case, a second person, usually a human resource representative or member of County Legal, may accompany the primary investigator during all interviews with the Complainant, Respondent, and witnesses so that information obtained during the interviews can be corroborated.

The investigator shall contact the Respondent and give him/ her copy of the complaint and solicit the Respondent's account of the alleged incidents. The Director/designee or independent investigator shall inform the Respondent that a report will be prepared at the close of the investigation, and shall advise the Respondent of his/her right to be represented by legal counsel.

Confidentiality shall be maintained throughout the investigatory process by the County, Respondent and the Complainant, to the extent practical and appropriate under the circumstances.

A. **Investigatory Process – Employees:**

In investigating a report or complaint of sexual harassment, the County shall consider the suggestions and requests of the Complainant, but shall investigate the matter independently as it sees fit, keeping the Complainant informed of the status of the investigation as the County deems appropriate. Steps to be taken in the investigation shall be determined based upon the particular facts and circumstances of any given complaint, and may include but are not limited to the following:

1. Confirm the name and position of the Complainant and Respondent.
2. Gather as many relevant facts as possible in a non-judgmental manner about the alleged harassment.
3. If a pattern of the alleged harassment is uncovered; determine the frequency and type of the alleged harassment and, if possible, the dates and locations where the alleged harassment occurred and investigate whether other employee(s) may have been allegedly harassed by the Respondent.
4. Find out if there are witnesses who observed the alleged harassment.
5. Ask the Complainant how she/he responded to the alleged harassment.
6. Determine whether the Complainant informed or consulted with anyone else about the alleged harassment, and if so, with whom and what was the outcome of this was.
7. Develop a thorough understanding of the relationship, degree of control and amount of interaction between the Respondent and Complainant.
Determine whether the Respondent has carried out any threats or promises directed at the Complainant.
8. Interview other management employees or supervisors who may be aware information related to the harassment, and what response, action or recommendation, if any, the Complainant received from these individuals.
9. Review the Complainant's recommended corrective action suggestion with her/him to better understand what action she/he would like the County to take to satisfactorily address her/his concerns to resolve the alleged harassment.
10. When first interviewing the Respondent, remind him/her of the County's policy against retaliation for making a complaint of sexual harassment.

B. **Investigatory Process - Non-Employees:**

Although the County's ability to discipline a non-employee harasser is limited by the degree of control, if any, that the County has over the alleged harasser, the County shall investigate allegations of sexual harassment raised by its employees involving alleged harassing conduct by non-employees and take appropriate action under the circumstances.

7. INVESTIGATIVE REPORT

The Director or designated investigator shall prepare a written report immediately following the completion of the investigation. Except in the most unusual circumstances, the report must be

completed and provided to the Decision-Making Panel within 15 working days after the completion of the investigation.

The report shall include:

A. A summary of the complaint.
B. A summary of the Respondent's response.
C. A summary of the statements and evidence obtained during the investigation.
D. A finding of whether a violation of this policy occurred and an explanation supporting the finding. If a violation occurred, the finding must include a statement about the severity of the violation. Policy violations can include prohibited sexual harassment as well as a reckless or frivolous filing or filing a complaint without grounds of a sexual harassment complaint.
E. A summary of prior settlements or substantiated complaints against the Respondent.
F. An appendix containing the complaint, statements of the Complainant and the Respondent, witness statements, and other tangible evidence obtained during the investigation.

8. DECISION-MAKING PANEL

The Decision-Making Panel shall consist of the County Manager or designee, the Human Resources Department Director or designee (unless H.R. conducted the investigation), a director, and the County Attorney/designee. After consideration of the report and consultation with the legal and risk management, the Decision-Making Panel shall agree to one of the following:

If the complaint is upheld:

A. Order the harassment to stop,
B. Initiate the appropriate disciplinary action against the Respondent, recommend the restoration of any employment benefits the Complainant lost because of the harassment, and
C. Provide any other relief necessary to remedy the situation, including but not limited to referring the Complainant and Respondent to conflict resolution.

If further investigation is required:

A. Inform the Director/independent investigator which areas need to be re-investigated and what they feel was incomplete in the report and
B. Require a supplementary report be submitted within 10 working days.

If the complaint is dismissed:

A. Determine and put in writing why the complaint is found to be without merit.
B. Inform the Complainant and Respondent of their decision, and
C. The Decision-Making Panel shall recommend discipline against the Complainant when it finds that the complaint was reckless, frivolous, or unsubstantiated.

9. RESOLUTION OF THE COMPLAINT

If the Decision-Making Panel sustains the complaint, the Respondent shall be subject to appropriate disciplinary action, as determined by the Decision-Making Panel. The Complainant shall be

informed of the disciplinary action taken. If the County determines that no sexual harassment has occurred or if its findings are inconclusive, such finding shall be communicated to the Complainant and Respondent in an appropriate manner.

A. **Disciplinary action:**

Individuals found to have engaged in misconduct constituting sexual harassment shall be appropriately disciplined, up to and including dismissal. Individuals found to have known of sexual harassment but who failed to bring the misconduct to the attention of the County shall also be appropriately disciplined, up to and including dismissal.

B. **False accusations:**

If an investigation results in a determination that the Complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the Complainant shall be subject to disciplinary action, up to and including dismissal.

10. MONITORING COMPLIANCE

The Elected Official/Division Director of an individual found to have violated this policy shall be responsible for monitoring the individual's compliance with any conflict resolution referrals, training obligation or other mediated agreements. The Elected Official/Division Director shall make all reasonable efforts to ensure that the harassment does not reoccur and that the Complainant is not subjected to retaliation.

11. PROTECTION AGAINST RETALIATION

The County shall not in any way retaliate against a Complainant or permit any employee to do so. Retaliation is a serious violation of this policy and shall be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment shall be subject to disciplinary action, up to and including dismissal. However, protection against adverse action for making a complaint of sexual harassment does not extend to those who knowingly or in a malicious manner make "false accusations" of sexual harassment.

12. RECORDS RETENTION AND CONFIDENTIALITY

The County shall maintain a written record of each complaint, its investigation and resolution. Written records shall be maintained in a confidential manner. Written records shall be maintained for a minimum of three (3) years from the date of the resolution.

All inquiries, complaints and investigations shall be treated confidentially. Information shall be revealed strictly on a need-to-know basis and in accordance with State and Federal law. The identity of the Complainant usually is revealed to the Respondent and witnesses. The H. R. Director or designated investigator shall take adequate steps to ensure that the Complainant is protected from retaliation during the period of the investigation.

A copy of the investigation report summary and the final decision shall be included in the personnel file of the Respondent only if the investigation and Decision-Making Panel conclude that the employee engaged in prohibited conduct.

No record of a complaint shall be kept in the Complainant's personnel file; unless the investigation and Decision-Making Panel conclude that the complaint was reckless, frivolous or vexatious.

All information pertaining to a sexual harassment complaint or investigation shall be maintained by the Human Resources Division in a secure file.

13. OTHER AVAILABLE PROCEDURES

The procedures available under this policy shall not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under State or Federal law.

14. TRAINING

As part of the County's commitment to maintaining a work place that is free from sexual harassment, the County shall provide on-going training for employees and supervisors on at least an annual basis.

15. EMPLOYEE ACKNOWLEDGEMENT

I, _____ acknowledge that I have received a copy of the Sandoval County's Sexual Harassment Policy. I further acknowledge that I have received training on the Policy and have been advised to read the Policy and to become familiar with its content. I have been provided with the name(s) of the
employee(s) designated by the County to answer questions about the Policy.

_____
Signature of Employee

_____
Printed Name of Employee

_____
Date

_____
Human Resources Department

_____
Date
Original in Employee File
Copy to Employee with a copy of the Policy

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF SANDOVAL COUNTY, NEW MEXICO, on this 5th day of February, 2009 with an effective date of Feb 5, 2009.

ATTEST:

Sally Padilla, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY

Chairman

Vice Chairman

Member

Member

Member

APPROVED AS TO FORM:

David Mathews, County Attorney

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