SANDOVAL COUNTY, NEW MEXICO
PERSONNEL ORDINANCE NO. 09-02-05.14A

AN ORDINANCE REPEALING ORDINANCE NO. 02-17-88-I, AND
ORDINANCE NO. 03-12-18.13 AS AMENDED OR REVISED BY PRIOR
BOARD ACTIONS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,
THE GOVERNING BODY OF THE COUNTY OF SANDOVAL THAT THE
PERSONNEL ORDINANCE IS HEREBY ADOPTED ESTABLISHING
THE COUNTY’S EMPLOYMENT RELATIONS.

Section 1. Title and Purpose

The purpose of the Personnel Ordinance No. 09-02-15.14A [pursuant to
NMSA 1978 §4-37-1, as amended] is to establish for Sandoval County (hereinafter
referred to as the “County”) a system of personnel administration based solely on
qualification and ability, which will provide greater economy and efficiency in the
management of County affairs.

It is the express intent of the Board of County Commissioners that the
provisions of this Ordinance, while not a contract of employment, or offer to enter
into a contract of employment shall establish the standards to be followed for
employer-employee relations, with the exceptions only as provided herein or as
amended by official action. As approved and published, and as amended or revised
the Ordinance shall be distributed to all divisions and programs to ensure that an
official copy is available to all employees during normal working hours.

Section 2 Use of pronouns

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

Section 3. Prohibited Acts

1. It is unlawful for any person to authorize, approve or consent to a
strike by one or more employees of the County. It is unlawful for any employee of
the County to strike. For the purposes of this Ordinance strike means the willful
failure to report for work, the willful absence from his position, the failure to fully,
faithfully and properly perform the duties of employment, work stoppage, work slowdown, or any action which is intended to or does disrupt the effective and orderly operation and function of County government for the purposes of bringing about change in the terms and conditions of employment.

2. Notwithstanding other provisions of law, any County employee who violates the provisions of this Section of the Ordinance or any subsection of this Section shall thereby abandon and terminate his appointment or employment and shall no longer hold such position or be entitled to any of the rights or benefits of such position. Such termination of employment or appointment shall be immediate and compulsory.

3. If, subsequent to such violation, any person shall be appointed or reappointed or employed or reemployed as a County employee within a one year period of the violation his compensation shall in no event exceed that received by him immediately prior to the violation; and he shall not receive any increase in salary and/or benefits until the expiration of a one-year period from the appointment, reappointment, employment or reemployment.

**Section 4. Employment Relations**

The employment relations policy of the County is as follows:

1. All employment decisions made by the County government shall be based on merit and fitness.

2. Just and equitable incentives and conditions of employment shall be established to promote efficiency and economy in the operations of County government.

3. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

4. Employees shall not be discriminated against because of race, sex, age, color, national origin, religion, handicap, disability or medical condition, veteran status, or any other unlawful criterion except where a bona fide occupational qualification applies.
5. To assure fair and objective treatment of all job applicants and employees and to ensure that employees are protected against coercion for partisan or political reasons.

6. Every consideration shall be given to the rights and interests of employees consistent with the best interests of the public and the County.

7. Continued employment of employees covered by this Ordinance shall be subject to the availability of funds.

Section 5. Violation of this Ordinance

Any employee of the County who violates or attempts to violate this Ordinance shall be subject to disciplinary action up to and including dismissal.

Section 6. Classified and Unclassified Positions

Covered employees:

The classified employees of the County shall be covered by all the provisions of this Ordinance. Unclassified employees are not covered by the merit provisions, are terminable at-will, and may not avail themselves of the grievance procedure set forth in this Ordinance. Individuals who contract independently with the County to provide services are not subject to this Ordinance.

Appointing Officials cover both elected and non-elected supervisory heads of each division, department, office, agency, or other unit of County government.

1. All positions in the County service shall be divided into classified and unclassified categories, except those positions held by elected officials, members of County boards and commissions, and independent contractors which shall not be in either category.

2. The classified service is comprised of all County employees except those who are specifically placed in the unclassified service category by this Ordinance.
3. Unclassified service is comprised of the following:

   (a) A maximum of one appointee, for the County Assessor, County Clerk and County Treasurer, namely the Chief Deputy Assessor, Chief Deputy Clerk and Chief Deputy Treasurer.

   (b) The Undersheriff and the Sheriff’s personal secretary.

   (c) The County Manager, Assistant County Manager.

   (d) The County Attorney and/or contract attorney(s).

   (e) Part-time, casual/PRN, contract, temporary, probationary, term and emergency hire employees.

4. Unclassified employees are not subject to the merit provisions of this Ordinance, are terminable at-will, and cannot grieve layoffs, dismissals or other disciplinary actions through the grievance procedures contained in this Ordinance. Unclassified employees, except casuals, temporary, terms, and emergency hires, are entitled to all other rights and benefits contained in this Ordinance.

5. The appointees of the County Assessor, County Clerk, County Sheriff and County Treasurer shall not be hired, transferred or otherwise placed into the classified service by or on behalf of the elected official for which such appointee has served, provided, however; all such appointees shall be eligible to obtain a classified position in another department if such selection is in accordance with the merit selection process of this Ordinance.

6. All individuals regularly employed in the County service on the effective date of this Ordinance shall retain their classified status until they resign, voluntarily accept an unclassified position, or until terminated, dismissed or laid-off in accordance with the procedures established in this Ordinance and the Rules and Regulations adopted pursuant to this Ordinance. All appointments to classified service on and after the effective date of this Ordinance shall be made in accordance with the merit and qualification provision contained in the County’s Ordinance and its Rules and Regulations.
Section 7. Administration

The County Manager shall hire and supervise a Human Resources Director who shall administer the Ordinance’s merit and employment relations system, the adopted rules and regulations and other applicable policies.

The County Manager and Human Resources Director shall, subject to existing law:

1. Submit to the Board of County Commissioners for action such amendments, new or revised employment relations rules and regulations, policies, compensation plans and/or other applicable regulations as are deemed necessary.

2. Administer and maintain the merit system, employment records and policies established under this Ordinance and under its authority.

3. Develop, maintain and apply procedures for employee recruitment, promotion and training; employee evaluation and corrective action plans, discipline of employees for just cause and related aspects of personnel management for all County employees, subject to the provisions of State and Federal laws, County ordinances, including the employment rules and regulations adopted or amended pursuant to this Ordinance and all applicable policies adopted or amended by the Board of County Commissioners.

4. Issue administrative instructions and/or interpretive memoranda to provide guidance in furtherance of this Ordinance and division or departmental policies and/or standard operating procedures or other employment relations rules or regulations governing the County, after approval by the Board of County Commissioners.

5. Establish a system of ratings to evaluate the work performance of each employee.

6. Take actions, as may be necessary, to carry out the mission of County government in emergencies.

7. Manage and exercise judgment on all matters not specifically prohibited by this Ordinance or by a collective bargaining agreement in effect between the County and an employee organization.
Section 8. Selection for Employment, Retention and Compensation

1. All classified employees shall be hired in accordance with the employment regulations governing the eligibility and selection of employees based on qualifications and merit.

2. Applicants selected for screening and eligibility for employment must be able to satisfactorily perform all assigned duties and responsibilities associated with their positions and must continue to perform satisfactorily to maintain continued employment with the County.

3. There shall be a pay plan consisting of a base salary schedule approved by the Board of County Commissioners and the assignment of each class to its appropriate place in such schedule.

4. The pay plan, as approved by the Board of County Commissioners, shall be administered by the County Manager.

Section 9. Personnel Records

The Human Resources Division shall maintain the official personnel file, including medical records for each County employee. The personnel file is the sole property of the County.

1. The Director shall maintain a record of each employee's employment history in accordance with operational necessity and applicable State and Federal law requirements. Employees shall have access to their own file. No material shall be placed in an employee's file without providing him with a copy.

2. All employee information deemed confidential shall be accessible only to the employee, supervisors in the employee's direct chain of command, the Human Resources Director, a hiring appointing official in the event the employee seeks another County position, the County Attorney or designee, any person or entity authorized in writing by the employee, and pursuant to any court order, judicial or administrative subpoena, NMSA 1978, §14-3-16 as amended.

3. In no case will any medical or other treatment records be available to anyone other than the Director or her designee according to NMSA 1978, §14-3-1, et seq.
4. Only the County Manager or designee may authorize the permanent removal of material from an employee’s file.

Section 10. Collective Bargaining Agreements

The provisions of this Ordinance do not apply to employees included in a collective bargaining agreement but can cover matters not covered by a collective bargaining agreement, if explicitly stated in the collective bargaining agreement.

Section 11. Rules and Regulations and Supplemental Policies and Procedures

1. The rules and regulations included in Ordinance No. 02-17-88-I and all amendments thereto are hereby repealed and rescinded. The rules and regulations adopted under the authority of this Ordinance are established as policy of the Board of County Commissioners to implement its provisions.

2. The supplemental employment relations policies and procedures adopted by the Board of County Commissioners including the Vehicle Use and Fleet Maintenance Policy, Safety Manual, Computer Acceptable Use Policy, Sheriff’s Office Standard Operating Procedures, Sheriff’s Office Rules of Conduct, and Detention Center Standard Operating Policy and Procedures are hereby declared to carry the full force and effect of this Ordinance and all employees subject to the provisions of those policies and procedures are required to adhere to their requirements. In the event that any provision of any such policy or procedure or subsequently adopted supplemental policies and/or procedures is determined by a competent authority to be contrary to or at variance with the provisions of this Ordinance, the provisions of the Ordinance shall govern and the affected policy or procedure shall be interpreted as if the provisions were not contained therein and shall be revised or deleted by amendment to said policy or procedure by formal Board action.

Section 12. Hearing Officer

1. The final administrative arbiter of suspensions, demotions and dismissals shall be a Hearing Officer.

2. An employee seeking a hearing before the Hearing Officer must follow the grievance procedures set forth herein.
3. The Hearing Officer shall have the power to direct the County Manager to require the presence of County employees at any hearing for the purpose of testifying.

4. The Hearing Officer shall not have the authority to amend, modify or arbitrate away any of the provisions of this Ordinance, the Rules and Regulations or policies or procedures adopted pursuant to Ordinance No. 08-12-18-11A. The Hearing Officer shall confine himself to the precise issues submitted.

5. The County shall maintain a list of at least five (5) hearing officers who have at least three (3) years experience in the area of employment law or human resources management, experience in conducting administrative hearings and the ability to render and write unbiased and impartial decisions.

6. The Hearing Officer’s fees and expenses for a hearing shall be paid:

   (a) Equally by the County and employee if the employee’s suspension, demotion or dismissal is modified by the Hearing Officer.

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

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

7. The Hearing Officer’s decision is appealable to district court pursuant to the provisions of the Uniform Arbitration Act, NMSA 1978, §44-7A-20, et seq.

Section 13. County Property

An employee shall not misuse County property, records or other material in his care, control or custody, nor shall any County property, record or other material be removed from the County’s premises without written authorization by the County Manager, Elected Official or designee. No employee shall use County property, record or equipment for personal gain or share information related to County business with any individual and/or organization outside where there is a conflict of interest.
Section 14. Effective Date

This Ordinance, as amended and adopted, shall take effect 30 days from the date of its adoption by the Sandoval County Board of Commissioners.

Approved, adopted and enacted this 17th date of November, 2011.

SANDOVAL COUNTY BOARD OF COUNTY COMMISSIONERS

Darryl F. Madalena, Chairman

Orlando J. Lucero, Vice Chairman

Don E. Leonard, Commissioner

Don G. Chapman, Commissioner

Glenn Walters, Commissioner

ATTEST:

Sally Padilla, County Clerk

APPROVED AS TO FORM:

Patrick Trujillo, County Attorney