



Personnel Rules & Regulations

Sandoval County Human Resources

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OVERVIEW



General Provisions

Purpose	The purpose of the Personnel Rules and Regulations is to establish consistent, basic policies and procedures concerning relations between Sandoval County and its employees. The rules contained herein replace and supersede all previously issued rules, policies, and regulations applicable to employees of Sandoval County.
Scope	As rules and regulations cannot be readily formulated for every possible situation, these policies and procedures serve as a general basis and guide for the proper, efficient, and effective administration of personnel matters of Sandoval County. The provisions of these policies and procedures shall apply to all County employees, with the exception that the provisions governing a range of discipline and the grievance of disciplinary actions do not apply to appointed, probationary, or represented employees as applicable in the applicable collective bargaining agreement. The County Manager is authorized to implement administrative procedures, standard operating procedures, and directives that are consistent with the terms of these policies and procedures to provide further guidance and clarification.
Employee Conduct	Employees are subject to the Ethics Ordinance and Governmental Conduct Act. Any discipline resulting from violations of the aforementioned policies shall be governed by these rules and regulations.
Employee Knowledge and Information Policy	The Human Resources Department shall provide a copy of these policies and procedures to all current and new employees with instructions to read these policies and procedures. Employees shall sign a receipt for the copy, which shall be maintained in the employee's personnel file in the Human Resources Department.
Use of Pronouns	All pronouns used in this policy and procedures manual shall include the masculine, feminine, and neuter genders, the singular and plural, and the context of this policy shall be read accordingly.
Collective Bargaining Agreement (CBA)	In cases where the provisions of a CBA conflict with these rules and regulations, the terms of the collective bargaining agreement shall control.



Equal Employment Opportunity Policy

Purpose	Sandoval County provides equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, age, gender, sexual orientation, national origin, disability status, gender identity, ancestry, serious medical condition, status as a covered veteran, or any other characteristic in accordance with applicable State or 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.
Policy	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, gender identity, ancestry, serious medical condition, or veteran status. Sandoval County also expressly prohibits any form of retaliation against an employee for making a complaint or report of discrimination, for assisting in any investigation of a complaint or report, or for requesting a reasonable accommodation. Any employee found to have engaged in retaliation shall be subject to discipline up to and including termination.
Reporting and Complaint Procedure	If an employee feels he or she has been subject to such treatment or has witnessed such treatment, the situation should be reported immediately to the Human Resources Director. The Human Resources Director shall be responsible for ensuring that a confidential and impartial investigation is conducted.



Disabilities and Reasonable Accommodation

Policy	Sandoval County is committed to the fair and equal employment of individuals with disabilities. It is Sandoval County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the County. In accordance with the Americans with Disabilities Act (ADAA, as amended), reasonable accommodations shall be provided to qualified individuals with disabilities when such accommodations do not impose an undue hardship and are necessary to enable the employee to perform the essential functions of the job or to enjoy equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.
Disability	"Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A "qualified person with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.
Reasonable Accommodation	Sandoval County shall seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for and perform the essential functions of a job without any reasonable accommodations. However, there are situations where a workplace barrier may interfere. A "reasonable accommodation" is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job. Three types of reasonable accommodations shall be considered: 1. Changes to the job application process so that a qualified applicant with a disability receives equal consideration for the job opportunity; 2. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; and 3. Adjustments that shall allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.
Requesting a Reasonable Accommodation	An employee with a disability is responsible for requesting an accommodation from the Human Resources Department, or his or her supervisor, and for providing medical documentation regarding the disability when requested by the Human Resources Department. In the absence of an employee's request for accommodation, no employee should be asked if an accommodation is



needed or desired except as follows: where an employee has disclosed a disability or has an obvious disability and the supervisor reasonably believes that the employee may need an accommodation. The supervisor or Department Director shall consult with the Human Resources Director to determine whether the employee shall be asked about the possible need for an accommodation. In no case shall a supervisor or Department Director discuss the matter directly with the employee or anyone else but the County Manager, Deputy County Manager, or Human Resources Director or designee. Once medical documentation is received, the Human Resources Department shall work with the employee and the County Manager to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation, if one or more exists, shall be selected that is most appropriate for both Sandoval County and the individual employee. While an individual's preference shall be considered, the County is free to choose between equally effective reasonable accommodations with consideration toward expense and impact on the rest of the County.

A request for reasonable accommodation shall be denied if it would create an undue hardship for the County. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the County's overall financial resources, the financial resources of the particular department at which the accommodation is to be made, the number of employees in the department, the total number of employees of the department/County, and the type of operation.

Safety

Employees are expected to comply with all safety procedures. Sandoval County shall not place qualified individuals with disabilities into positions that shall pose a direct threat to the health or safety of others or themselves. A direct threat means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that placing an individual with a disability poses a direct threat shall be made by the Human Resources Department and shall be based on factual, objective evidence. A written copy of the determination shall be given to the employee who may submit additional information or challenge the determination that his or her placement poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee shall be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.



Complaint Procedure

It is the policy of Sandoval County to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment or has witnessed such treatment, the situation should be reported immediately to the Human Resources Director. The Director shall be responsible for ensuring that a confidential and impartial investigation is conducted. Any employee found to have engaged in retaliation against an employee for requesting a reasonable accommodation under this policy, registering a complaint under this procedure, or for assisting in the investigation of any registered complaint shall be subject to immediate disciplinary action up to and including termination.



Definitions

ADA	The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to state and local government programs and services. https://www.dol.gov/general/topic/disability/ada
Board of County Commissioners of Sandoval County	“County Commission” means the Board of County Commissioners of Sandoval County, a body politic established under NMSA 1978, Sections 4-23-1 and 4-38-1. Unless otherwise stated the Board of County Commissioners of Sandoval County will be identified as the “County Commission” within this document.
Classified Employee	An employee who is hired into a classified position in the County and who has successfully completed his or her probation.
Classified Position	Any position in the County service that is not specifically designated as unclassified.
County Premises or On-the-Job	Includes County parking lots, County-owned or leased property or vehicles, County facilities, or any facility used for business purposes by the County. On-the-job also includes work activity that occurs outside of Sandoval County.
Demotion	The act of an employee moving into a lower grade and a position of lesser responsibility either voluntarily or involuntarily.
Department Director	The director of a referenced County department; references include that person’s designee.
Designee	An employee that has been officially chosen to do or be something.
Domestic Abuse Leave	A leave of absence of up to fourteen (14) days in a calendar year for victims of domestic abuse who require time off to obtain orders of protection, meet with law enforcement, consult with attorneys or victims’ advocates, or to attend court proceedings. Employees may use annual leave, sick leave, compensatory time, or unpaid leave. The leave may be taken intermittently. Employees are required to provide notice prior to taking such leave and proof of need may be required. https://nmonesource.com/nmos/nmsa-unanno/en/item/18553/index.do#!b/a4A
Domestic Partner	A person of the same or opposite sex who lives with the employee in a long-term relationship of indefinite duration and has not been married to anyone



else during the previous 12 months. There must be an exclusive mutual commitment similar to that of marriage, in which the partners agree to be financially responsible for each other's welfare and share financial obligations. An Affidavit of Domestic Partnership is a County form and legal document that is required to establish a domestic partnership for County benefits.

Elected Official

An Elected Official is a County Commissioner, County Sheriff, County Clerk, County Treasurer, County Assessor, or County Probate Judge. Elected Officials are unclassified employees.

Ethics Ordinance

The proper operation of democratic government requires that elected and appointed officials, employees and volunteers of local governments be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office or the pursuit of public office not be used for personal gains; that the public have confidence in the integrity of its government; and, that, persons and businesses seeking to contract and contracting with the county abide by the requirements set out herein to prevent conflicts of interest and unfair contracting practices.

https://library.municode.com/nm/sandoval_county/codes/code_of_ordinances?nodeId=CD_ORD_CH2AD_ARTVET_S2-171AU

Family Medical Leave Act (FMLA)

The Family Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

<https://www.dol.gov/agencies/whd/fact-sheets/28-fmla>

Federally Funded Positions

An employee's position is completely funded by federal loans or grants and is required to comply with the provisions of the federal Hatch Act.

Governmental Conduct Act

Governs the ethical and legal conduct of public officers and employees at all levels of government.

<https://nmonesource.com/nmos/nmsa/en/item/4364/index.do#!b/a16>

Non-Exempt Employee

An employee who is primarily performing work that is subject to the overtime provision of the Fair Labor Standards Act. Overtime pay is required. Some non-exempt employees in public safety departments may work from seven (7) to twenty-eight (28) days in each work period as provided by the FLSA Section 7(k) partial exemption from the forty (40) hours in a seven (7) consecutive day period.



EEOC	The Equal Employment Opportunity Commission enforces laws that make discrimination illegal in the workplace. The Commission oversees all types of work situations including hiring, firing, promotions, harassment, training, wages, and benefits.
Exempt Employee	An employee in an executive, administrative, computer-related, highly-compensated, or professional position as defined by the FLSA whose compensation is based upon a fixed annual salary and who primarily performs work that is not subject to overtime provisions of the Fair Labor Standards Act. Overtime pay is not required by FLSA for exempt employees.
NM State Statute NMSA 10-1-13(C)	Each county officer shall appoint a deputy or clerk, as allowed by law, who shall take the oath of office required of the appointing county officer and shall receive salary as provided by law. In case of the death of the appointing county officer, the deputy shall continue in office and perform the duties of the county officer until a new county officer is appointed and qualified as required by law.
Non-Probationary Employee	An employee who has successfully completed the prescribed probationary period of employment.
Probationary Employee	A person offered employment and who is eligible to become a classified employee begins employment as an at-will employee and must serve a one-year probationary period. During the probationary period, the employment relationship may be terminated without cause or advance notice at any time. Probationary employees cannot grieve or appeal disciplinary actions.
Regular Employee	A full or part time employee hired into a classified or unclassified position that is not a temporary, seasonal (PRN), or emergency hire.
Religious Accommodations	Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. It requires employers to provide reasonable accommodations for employees sincerely held religious beliefs or practices, unless it would cause an undue hardship. https://www.eeoc.gov/laws/guidance/what-you-should-know-workplace-religious-accommodation
Spouse	Husband or wife as defined or recognized under New Mexico law.
Term Position	A term position is an unclassified position created for a special project or for a program that is not usually funded by the general fund of the County and that has a term longer than three (3) months.



Two Weeks' Notice	Formally providing the County two weeks in advance that you shall be resigning your position.
Unclassified Employee	A County employee who is at-will and serves at the discretion of the County Manager, except for unclassified County Commission staff. Unclassified employees have no property interest in continued employment and may be terminated for any or no reason. Unclassified employees shall be entitled to all the rights and benefits to which classified employees are entitled except for the rights of disciplinary actions, the grievance resolution procedure, appeals, and layoffs.
USERRA	The Uniformed Services Employment and Reemployment Rights Act guarantees an employee returning from military service or training the right to be reemployed at his or her former job (or as nearly comparable a job as possible) with the same benefits. https://www.dol.gov/agencies/vets/programs/userra/USERRA-Pocket-Guide



WORKPLACE



Workplace Safety

Policy

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state, and federal safety and health regulations and with any special safety concerns for use in a particular area.

Employee Responsibility

Every employee in the County assumes the responsibility for individual and organizational safety. Failure to follow County safety and health guidelines or engaging in conduct that places the employee, fellow employees, the general public, or County property at risk may lead to disciplinary action up to and including termination.



Drug-Free Workplace

Policy

The County is committed to providing a work environment that is alcohol and drug-free for its employees and the general public. With this goal in mind, the County prohibits the use, possession, sale, attempted sale, manufacture, purchase, solicitation, or transfer of prohibited substances on any County premises or on the job. The County is authorized to test employees for the use of prohibited substances per federal, state, and local law.

Definitions

Prohibited substances are:

- alcohol,
- drug paraphernalia,
- substances identified as illegal pursuant to state or federal law (whichever has the higher standard),
- controlled substances,
- prescription medications prescribed to someone other than the employee who possesses the medication or is in the possession of an employee who does not have a valid prescription, or
- other substances that can be inhaled, injected, ingested, absorbed, or otherwise introduced into the body in any other way that might alter an individual's perception, coordination, response time, reflexes, vision, mental capacity, performance, or judgment.

Prescription and Over-the-Counter Medications

Employees must report the use of an over-the-counter medication or legally-prescribed medication that affects the ability to perform the job safely. The employee must report the use of the medication to the supervisor immediately if the medication affects the individual's perception, coordination, response time, reflexes, vision, mental capacity, performance, or judgment.

Marijuana (Cannabis)

Under the Controlled Substances Act, marijuana is classified as a Schedule I drug. The County follows federal law as it pertains to medical or recreational marijuana. Under federal law, marijuana is treated like an illegal, controlled substance.

Cannabis includes marijuana or any substance which includes THC.



Types of Alcohol and Drug Testing

In accordance with federal and state law, the County shall conduct testing under any of the following circumstances:

- **Pre-employment:** Final candidates selected for safety-sensitive positions shall be given a conditional offer of employment pending, in part, the final results of the pre-employment testing.
- **Random:** Employees in safety-sensitive positions shall be selected at random for drug testing at any interval determined by the County, pursuant to applicable state law.
- **Reasonable Suspicion:** An employee shall be tested based on reasonable suspicion that the employee is under the influence of a prohibited substance or alcohol. Reasonable suspicion is based on, but not limited to:
 - Direct observation of the consumption or possession of alcohol, illegal drugs, or drug paraphernalia
 - Abnormal conduct or erratic behavior while at work
 - Noted difference or decline in quality of work
 - Admission of consumption or possession of prohibited substances
 - A report of consumption, possession, or use of prohibited substances provided by a reliable and credible source from which a sworn affidavit has been obtained
- **Inspection/Search:** Any employee may undergo a search if there is reasonable suspicion that the employee is under the influence or in possession of prohibited substances or alcohol while on duty.
- **Post-Accident:** All employees shall undergo testing when the employee is involved in a work-related accident resulting in a physical injury to the employee, other individuals, or damage to property. Any accident involving County-owned vehicles is subject to this provision.
- **Discharge of a Firearm:** An employee who discharges a firearm in an adversarial situation shall be required to undergo drug and alcohol testing.

Safety Sensitive Positions

Factors the County Manager shall consider when designating safety-sensitive positions are whether the position or an employee in the position:

- Is engaged in law enforcement,
- Is authorized to carry firearms,
- Is a Firefighter, Paramedic, or EMT,
- Is Detention personnel,



- Is authorized to drive a County vehicle to transport passengers, equipment, or goods, collect geographic or property data, conduct property or facility inspections, etc.,
- Is authorized to drive or operate heavy machinery or otherwise potentially hazardous equipment,
- Is otherwise engaged in activities affecting public health or safety
- In a position that the County determines involves the utilization of motorized equipment, or
- Is subject to other applicable State of New Mexico or Federal regulatory requirements.

Refusal to be Tested

The following situations shall be treated in the same manner as a positive test result:

- The failure of an employee to appear at the collection site when scheduled, or within thirty (30) minutes of the scheduled time, after receipt of notification to appear for testing,
- Refusal to provide a specimen,
- Refusal or failure to provide an adequate specimen when such is not supported by a valid and verified or verifiable medical cause or explanation,
- Refusal to comply with specimen collection procedures prescribed to ensure the integrity of the specimen, or
- Tampering with or the taking of any action that results in the compromise of the specimen.

The County Manager may waive this requirement to be tested for just cause.

Retesting

An applicant or employee who tests positive on an alcohol or drug test may elect to have, at the applicant's or employee's expense, a portion of the original specimen, if available, retested by another approved testing facility. The request for a retest must be made within two working days of the applicant's or employee's notification of positive results. The original testing laboratory shall then arrange for the shipment of the sample to an approved testing facility of the applicant's or employee's choosing. The County shall reimburse the applicant or employee for the retest if the retest is negative.

Confidentiality

Laboratory reports or test results shall be placed in the employee's confidential file unless they are a part of a disciplinary action taken in accordance with the provisions of the County's Policies and Procedures. Files relating to laboratory reports or test results are confidential and are available on a need-to-know basis only, or as otherwise allowed by law.



Voluntary Admission	The County encourages employees to voluntarily disclose abuse or misuse of a prohibited substance to the Human Resources Department. An employee who self-identifies and requests referral to a drug or alcohol rehabilitation program before a safety-related incident or being randomly selected for drug or alcohol testing shall be referred to such programs without reprisal or disciplinary action. The County may allow an employee to take a leave of absence to participate in a rehabilitation program. The employee shall be tested during the rehabilitation period. The employee shall be responsible for the cost of these tests. A positive test result shall be grounds for termination of employment.
Conviction of Drug and Alcohol Crimes During Employment	Any employee who is arrested or convicted of a misdemeanor or felony criminal drug or alcohol violation must notify the Human Resources department immediately. Reporting such information does not automatically result in termination of employment, but the employee shall not be allowed to work in a safety-sensitive position or operate a County vehicle until the final disposition. The County shall evaluate these situations on a case-by-case basis.
Medical Evaluation	The County reserves the right to require an employee to undergo a medical evaluation when there is reasonable suspicion of substance abuse.
Discipline	Employees in violation of the Drug-Free Workplace policy are subject to disciplinary action up to and including termination.



Workplace Harassment

Policy

The County is committed to taking reasonable steps to provide a professional working environment free from all forms of harassment, whether based on sex, sexual orientation, gender identity, race, color, religion, national origin, age, disability, or any other protected classification. Although this policy focuses on sexual harassment, it applies equally to all forms of harassment. Non-sexual harassment, including bullying, can be physical, verbal, or environmental and is prohibited regardless of whether it is based on an unlawful discriminatory motive, other discrimination, personal animosity, or for any other reason. This policy also applies when a County employee is subject to harassment in the workplace by someone outside of Sandoval County.

All County employees and members of the public have a right to be free from harassment from employees on official duty. Sandoval County employees are prohibited from engaging in harassing conduct in the workplace. Employees are also prohibited from engaging in conduct outside of work that creates a hostile work environment at work. Any act of harassment based upon a protected classification is a violation of County policy.

Definition of Sexual Harassment

According to the EEOC, sexual harassment is any unwelcome sexually-oriented behavior, demand, comment, or physical contact initiated by any individual at the work place when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment,
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Examples of Sexual Harassment

Sexual harassment can occur in a variety of forms. Harassing conduct based on gender is often sexual in nature but sometimes is not. This policy forbids harassment based on gender or gender identity regardless of whether the offensive conduct is sexual in nature. Sexual harassment is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.



The following are some common but not exclusive examples of behaviors or situations that may constitute sexual harassment if they are unwelcome or if they create a hostile, intimidating, or offensive work environment:

- Sexual statements, comments, jokes, or innuendoes,
- Display of sexually-oriented visual items such as calendars, cartoons, photos, or posters,
- Assault, molestation, or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against, or hugging,
- Requests, demands, or subtle pressure for sexual activity,
- Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior,
- Promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention, or sexual behavior,
- Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures, and sexually suggestive materials;
- Any conduct that ridicules, is malicious, or abusive to an individual because of the individual's gender,
- Pressuring an employee to go out on a date, or
- Asking an employee questions of a sexual nature.

**Responsibility to
Report Harassment**

Any employee who believes they are a victim of harassment because of their protected classification should first notify the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the matter to the Elected Official, Department Director, Human Resources Director, County Attorney, or County Manager. These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of Sandoval County. All employees who observe, or become aware of harassment have an obligation to bring the matter to the Elected Official, Department Director, Human Resources Director, County Attorney, or County Manager, even if the employee is not the victim of harassment.

**Investigation of
Complaints**

It is the County's intent to provide a fair process for investigating and resolving complaints of harassment.

**Protection Against
Retaliation**

The County shall not retaliate against an individual who reports harassment in good faith, and retaliation in and of itself is grounds for disciplinary action up to and including termination without prior progressive discipline.



Retaliation is a serious violation of this policy and should be reported immediately.

Discipline

Harassment, including sexual harassment, of employees or members of the public may be cause for dismissal. If the County determines that harassment has occurred or that counseling, training, disciplinary measures, or termination are appropriate, it shall take appropriate measures to correct the problem following the County's disciplinary procedures. Serious cases of harassment constitute cause for termination without prior progressive discipline.

Employees who knowingly make false allegations of sexual harassment shall be subject to disciplinary action.

Mandatory Training

Periodic mandatory training for all employees, including supervisors, managers and Elected Officials shall be provided by the County to increase knowledge of the workplace harassment policy, state and federal laws, and the process for enforcing the policy.

**Vendors and
Customers**

Employees should report sexual harassment from vendors, customers, and the general public.



Workplace Violence

Policy

The County expressly prohibits any act or threat of violence, direct or indirect, by any employee, former employee, customer, visitor, or any other person against any employee in the workplace.

Anyone found to be responsible for threats of or actual violence or other conduct that violates these guidelines shall be subject to prompt disciplinary action up to and including termination of employment.

Employee's Role

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor, Human Resources, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril nor attempt to intercede during an incident.

County's Role

The County is responsible for:

- Promptly and thoroughly investigating any allegation of behavior that is perceived to violate this policy,
- Initiating corrective action up to and including termination of employment against any employee who engages in behavior that the County determines violates this policy, and
- Taking appropriate action with all individuals who engage in behavior on County premises that the County determines violates this policy.

Weapon-Free Workplace

Policy

It is strictly prohibited for any employee, other than sworn law enforcement officers, to possess firearms (regardless of any permit), explosives or dangerous weapons on County premises, on County property, or at County activities.

The County may conduct a search when there is a reason to believe that a person is in possession of a firearm (regardless of any permit), explosives, or any other weapon, device, instrument, or substance that could be used or intended to be used that is capable of producing death or serious bodily injury.

Any violation of this policy, including a refusal to consent to a search, may subject an employee to disciplinary action up to and including termination.

Motor Vehicle

Guidelines

Employees shall not operate an official vehicle within eight (8) hours after the consumption of any alcoholic beverages. Employees shall not be under the influence of alcohol or any drug that may impair driving.

Family members or other guests may accompany a County employee in a County vehicle on an infrequent basis. However, employees shall not expose family members or authorized passengers to undue danger. If a commissioned officer is required to respond to a potentially dangerous incident, the employee shall stop and have the passenger exit in a safe area. Individuals other than the County employee are permitted to operate the vehicle only in cases of medical or safety emergencies.

Employees who drive County vehicles are permitted to use County fuel cards or an approved method of payment to purchase fuel. Employees who drive personal vehicles on official business shall be reimbursed for mileage with prior Department Director approval.

Employees eligible to take County vehicles home on a regular basis are limited to the County Manager and employees specifically authorized by the County Manager or commissioned deputies and the Sheriff. Employees who drive a County vehicle to and from home to work shall receive a pay deduction in their paycheck for the use of the County vehicle unless otherwise exempt based upon position.

Employees shall be appropriately attired when operating a County vehicle.

Employees are fully responsible for ensuring the care, cleaning, and scheduled preventive maintenance of an assigned vehicle, but are prohibited from personally performing, or allowing anyone other than an authorized mechanic to perform any mechanical repairs or alterations. Employees are expected to notify their immediate supervisor of any problems or damages to the assigned vehicle within 24 hours of the incident.

Employees shall not smoke or use tobacco products, including electronic cigarettes, inside a County vehicle. Employees may not alter the body, appearance, markings, mechanical, electrical, or radio systems or add equipment to a vehicle or rearrange accessories without prior approval of the County Manager. Employees may not place bumper stickers, window

stickers, magnetic ad/placard plates, or stickers on the vehicle unless authorized by the County Manager.

The hands-free use of cell phones is permissible while driving County vehicles; however, an employee is prohibited from reading or viewing a text message or manually typing on a handheld mobile communication device while driving a vehicle on County business.

Valid License

County employees who are required to drive as part of their job must have a valid New Mexico driver's license with proper endorsement(s) for the vehicle(s) to be driven. An employee without a valid license is not permitted to drive a County vehicle or to drive a personal vehicle on County business. Failure to report in writing the lack of a valid driver's license when requested to drive may result in disciplinary action. Driving a County vehicle or driving a personal vehicle on County business without a valid driver's license may result in disciplinary action up to and including termination.

Defensive Driving Training

All employees who regularly drive County vehicles are required to successfully complete initial and recurrent defensive driving, or equivalent, training courses. Failure to successfully complete the required courses may result in the revocation of the employee's driving privileges.

Motor Vehicle Record Review

The County may conduct a periodic motor vehicle record review on employees. This review may include County volunteers.



Employment



Employment Status

Full-Time Employee A full-time employee is one who normally is scheduled to work a minimum of thirty-two (32) hours per week. A full-time employee is eligible for the benefits provided by the County unless otherwise specified based on employment status.

Part-Time Employee A part-time employee is one who works twenty (20) or more but less than thirty-two (32) hours per week. A part-time employee is eligible for the benefits provided by the County unless otherwise specified based on employment status.

Appointed Employees The appointees of elected officials are as follows:

- County Manager
- County Attorney
- Fire Chief
- Undersheriff
- Executive Secretary to the Sheriff
- Deputy Assessor
- Deputy Clerk
- Deputy Treasurer
- Others designated by job description approved subsequent to these policies and procedures by the County Commission

Unclassified staff who report to the County Manager shall be appointed by the County Manager subject to approval by the County Commission.

Appointed employees shall receive a salary set by the County budget. Appointed employees are terminable-at-will and cannot avail themselves of the grievance procedure set forth herein but are entitled to all other benefits provided by the County unless otherwise stated.

Unclassified Employees

County Manager

The County Manager is a salaried, Fair Labor Standards Act (FLSA) exempt employee and is responsible to the County Commission for the efficient administration of all of the of the County. The County Manager is responsible for proper management of fiscal and budgetary matters, real property and facilities, roads, streets and county operations that are assigned to the County Commission by the New Mexico Constitution, state law, or County ordinances.



The County Manager shall have the power and duty to:

- Carry out the directives and policies of the County Commission and enforce all orders, resolutions, ordinances, and regulations of the County Commission and exercise all executive authority.
- Select, appoint, direct the work of, discipline, and remove the Deputy County Manager, Department Directors, and all subordinate employees of the county, subject to the Sandoval County Personnel Policy. The County Manager may delegate the authority with respect to the direction of work and discipline to the Deputy County Manager and Department Directors. Unless authorized by another section of this policy, neither the County Commission nor any of its members shall dictate, either directly or indirectly, the appointment of any person by the County Manager nor prevent the County Manager from exercising his or her own judgement in the appointment of the Deputy County Manager, Department Directors, or the executive assistant to the County Manager.
- Exercise control over all divisions, departments and bureaus of the county government; and to establish an organizational structure for the efficient supervision of all county employees.
- Prepare and submit the annual budget and capital programs to the County Commission and execute the budget and capital programs in accordance with the appropriations and ordinances enacted by the County Commission.
- Ensure that all ordinances, resolutions and orders of the County Commission and all the laws which are subject to enforcement by the County Manager, or by staff who are delegated authority by the County Manager, are faithfully executed.
- Carry into execution such other powers or duties as required by the County Commission, this policy, and NMSA 1978, § 4-38-19.
- Serve as the agent for the County Commission and shall be empowered to make decisions on behalf of the County Commission in legal matters that do not exceed the County Manager's established signature authority.



Appointees of the County Manager

The appointees of the County Manager are the Deputy County Manager, contract employees, and other positions determined to be necessary by the County Commission and funded in the County's budget. Appointees are chosen by the County Manager subject to the concurrence of the County Commission.

Deputy County Manager

The Deputy County Manager (DCM) is a salaried, Fair Labor Standards Act (FLSA) exempt employee hired by the County Manager with the concurrence of the County Commission and who serves at the pleasure of the County Manager. The Deputy County Manager is not entitled to overtime pay or to the grievance process, but receives all other benefits provided to full-time regular employees. The DCM has authority over all department directors as assigned by the County Manager.

County Attorney

The County Attorney is a salaried, Fair Labor Standards Act (FLSA) exempt employee who represents the County, its elected officials, and its departments in all phases of legal work including research, court appearances, meetings, and conferences. The County of Sandoval and its elected officials shall be the County Attorney's sole clients, except that that the County Attorney may represent pro bono clients in accordance with Rule 16-601, NMRA. The County Commission may authorize the County Attorney to provide representation to other parties if that work would further county purposes. The County Attorney shall recognize the County Manager as the agent for the County Commission in matters under the authority delegated to the County Manager by the County Commission.

Appointees of Elected Officials

The appointees of the County Commission are the County Manager, County Attorney, and Fire Chief. The appointees of the Sheriff are the Undersheriff and Executive Assistant. The appointee of the County Assessor, County Clerk, and County Treasurer is a Deputy for each elected office. Appointees of elected officials shall be allowed to participate in County-sponsored insurance benefits if they meet eligibility criteria. They shall be allowed to accrue and receive retirement benefits in accordance with applicable State statutes and regulations.

The time in office for appointees of the Sheriff, County Assessor, County Clerk, County Treasurer, and Probate Judge shall end at the expiration of the



term for the Elected Official or at such a time the Elected Official releases them from service.

Appointees of the Sheriff, Assessor, Clerk, and Treasurer can be released from employment by the County Manager for violations of County rules, regulations, and policies.

Should there be a vacancy in the office of Sheriff, County Assessor, County Clerk, or County Treasurer, the appointed Deputy shall serve in those positions as defined by state law.

Casual Employees / PRN

With the approval of the County Manager or designee, Casual Employees may be hired on an hourly basis. These employees are called in on short notice to perform duties on occasional or irregular basis in a department. They are paid only for hours worked and do not receive or accrue any employee benefits.

Emergency Hires

With the approval of the County Manager or designee, Emergency Hire employees are hired to fill positions for a period not to exceed sixty (60) calendar days without posting the position because of an emergency situation. These employees are paid on an hourly basis only for the hours worked. An Emergency Hire shall be extended with the approval of the County Manager or designee for a period not to exceed thirty (30) additional calendar days. Emergency Hires do not receive or accrue employee benefits.

Temporary Employees

With the approval of the County Manager or designee, temporary employees can be hired for a period of up to six (6) months. Temporary employees may be hired on a full-time or part-time basis. Temporary employment shall be extended with the approval of the County Manager or designee for a period of no more than sixty (60) additional calendar days. Temporary employees do not receive or accrue employment benefits.

Term / Grant Employees

With the approval of the County Manager or designee, term employees may be hired for a specified period of time to perform a specific service and whose term and conditions of employment are determined by the County Manager. Term employees may be hired on a full or part-time basis. Term

employees shall be terminated at the conclusion of the term unless terminated earlier at the sole discretion of the County.

Employees hired in a position funded by a grant shall be hired as term employees unless otherwise approved by the County Manager or designee.

All unclassified employees are subject to County policies and procedures. Unclassified employees are terminable-at-will and cannot avail themselves of the grievance procedure set forth herein.

Probationary Employees

The purpose of the probationary period is to evaluate the employee's ability, potential, and performance. A full-time or part-time probationary employee is one who is hired to fill a classified position but has not yet completed the probationary period of employment. A probationary employee may be terminated with or without cause at any time during the probationary period and is not entitled to the grievance procedure set forth herein, but is entitled to all other county benefits provided.

The probationary period shall be three hundred sixty-five (365) days from the date of hire. Any period of temporary, light, or modified duty, or leave without pay during the probationary period shall extend the probationary period by an equivalent amount of time.

An employee who is transferred or demoted to another position within the probationary period shall be subject to a new probationary period. That probationary period shall be three hundred sixty-five (365) days beginning on the date the employee is moved into the new position. During the probationary period following a transfer or demotion, an employee may use paid leave as approved by the appropriate Elected Official or Department Director. An employee who is promoted to another position within the probationary period shall not be subject to a new probationary period.

A probationary employee accrues annual and sick leave. However, they shall not take any accrued annual leave until they have successfully completed 90 calendar days of employment with the County. An employee is allowed to use accrued sick leave as it accrues.

An employee hired on the condition that the employee obtains a specific certification shall obtain the certification during the probationary period except as otherwise provided for in the job description. Failure to obtain such certification within the period bars the employee from becoming a



classified employee and may result in the employee's dismissal, demotion, or reduction in pay.

An employee who is hired in a Casual/PRN, Emergency Hire, TERM, or Temporary capacity and is subsequently hired to fill the same classified position as a probationary employee shall serve the required probationary period. The beginning date of the probationary period is the date the employee began filling the position on a temporary basis.

Probationary Evaluation

To determine whether an employee has satisfactorily completed the probationary period, the employee's Elected Official, Department Director, or direct supervisor shall complete a written performance evaluation. The probationary employee should receive the written performance evaluation upon completing eleven (11) months of employment. An employee shall remain on probation until the probationary evaluation is completed. The evaluation should inform the employee of areas for improvement, including a corrective action plan with timelines for each area needing improvement. However, a supervisor or manager's failure to perform the prescribed evaluations shall not limit the County's right or discretion regarding the termination of the employee during the probation period.

With the approval of the County Manager or designee, the probation period may be extended up to 90 days in the event additional time is needed to evaluate the employee's performance. Any extension of probation beyond 90 days requires written justification from the Elected Official, Department Director or direct supervisor and approval by the County Manager or designee.

If a newly hired employee does not satisfactorily complete the probationary period, the employee shall be dismissed. The proposed dismissal of a probationary employee must be approved by the County Manager or designee.

Performance Evaluation

The Department Director or Elected Official shall discuss performance with a probationary employee at three, six, and nine months during the probationary period. A written performance evaluation shall be done at the end of the probationary period.

The probationary employee's performance must be satisfactory or above at the end of the probationary period before the employee can become a non-probationary classified employee entitled to all of the rights and benefits of



that status. Classified employee evaluations shall be conducted annually thereafter.

Employees may also be evaluated upon the following conditions:

- A change of status
- Recommendation of any type of salary increase, including merit increases if available
- Demotion or suspension
- Any other time that an Elected Official or Department Director wishes to make the performance of an employee a matter of record.

A performance evaluation shall be completed on a form provided by the Human Resources Department. The evaluation should include an overall appraisal of the employee's performance. A narrative summary of the employee's performance is required in situations of subpar performance.

The employee may submit a written rebuttal to any performance evaluation that shall be attached to and become a part of the performance evaluation. The rebuttal shall be submitted within ten (10) days of the evaluation. Performance evaluations are not grievable.

In the event a classified employee receives an overall evaluation of less than satisfactory, the Elected Official or Department Director shall provide the employee with a written improvement plan covering the specific areas of deficient performance and steps for improvement.



Recruitment and Selection

Recruitment and Posting Procedure

A vacant position shall be filled either by the transfer of a current County employee or by the hiring of a new employee.

An interdepartmental transfer shall be based on qualifications, experience, and overall suitability for the position. An employee currently under investigation or disciplinary action is not eligible for an interdepartmental transfer without the approval of the County Manager.

When in the best interest of the County, the County Manager has authorization to transfer an employee from one department into another department when an open position exists and Human Resources has determined the employee meets the minimum qualifications of the position. The County Manager shall provide written justification when completing this process for the employee's personnel file.

Vacant budgeted positions shall be posted using the applicant tracking system (ATS) as well as the job vacancy bulletin board located in Human Resources. If deemed necessary, a paid classified advertisement in a newspaper or other source of general circulation in the area may occur.

The job posting shall be effective and open for a minimum of fourteen (14) calendar days or remain open until filled.

Exceptions to Posting

A job posting may be waived with the approval of the County Manager or designee to fill a position with a qualified County employee when it is determined to be in the best interest of the County, for an Emergency Hire, or for an unclassified position.

To waive a job posting, the Elected Official or Department Director must provide a written justification explaining the reason for requesting the waiver to the County Manager or designee.

While a posting may be waived, individuals must still meet the qualifications for the position and satisfy all other employment requirements including pre-employment screening as required.

**Applicant
Responsibility**

Submission of Applications:

- Applications for posted positions shall be submitted to the County via the applicant tracking system (ATS).
- Applicants shall be considered only for open positions for which they have applied and are qualified.
- The applicant is responsible for furnishing proof of qualifying experience, certification, licensure, degree, and other documents or credentials verifying qualifications for the position.

Applications, along with supplemental documentation, are the property of the County and shall not be returned to the applicant.

Immigration Act Compliance: The applicant is responsible for furnishing proof of identity and right to work in accordance with the Immigration Reform and Control Act of 1986.

Interviews

The Human Resources department shall screen all applications, determine which applicants meet the minimum qualifications required for consideration to fill a vacant position, and refer applicants who have met the minimum qualifications to the department for consideration through the applicant tracking system (ATS).

Upon receipt of a veteran's application, Human Resources shall verify the veteran applicant has received another than dishonorable discharge from the military through a DD214 form, or verify the applicant is a member of the National Guard who has successfully completed basic training.

An unranked list of all applicants meeting the minimum qualifications shall be available in the ATS for review by the Elected Official, Department Director, and other designees. The ATS shall identify veterans who meet the minimum qualifications for the posted position on the list of qualified applicants.

All internal applicants shall be interviewed for open positions in which they apply and qualify.

The Elected Official, Department Director, or designee is responsible for selecting a minimum of three (3) applicants to be interviewed from the unranked list. If fewer than three (3) qualified applicants apply for the position, all applicants shall be interviewed. All qualified veterans identified on the hiring list shall be scheduled for an interview.



An interview panel consisting of a minimum of three (3) County representatives shall participate in the interview process. The interview panel shall include one of the following or a designee: County Manager, Deputy County Manager, or a Human Resources representative. The interview panel requirements do not apply to the hiring of the County Manager, County Attorney, or Deputy County Manager.

**Employment
Reference Checks**

Candidates selected to interview shall be asked to sign a release of information form authorizing the County to check references and employment history, and to conduct background investigations. Only those applicants who sign this written authorization shall be considered for employment.

Before offering the applicant a position, the Elected Official or Department Director shall obtain two (2) or more references. References are not required for the transfer or promotion of a current Sandoval County employee.

Applicant backgrounds shall be checked where job appropriate.

Physical Examinations or Other Testing:

- Post-offer physical examinations and other testing shall be required as identified in job descriptions within the limits of applicable state and federal law.
- Post-offer screening tests shall be at the County's expense. Any further testing recommended to an applicant by any of the testing practitioners shall be at the applicant's own expense.
- Upon notice from the professional administering an examination or test that the applicant is unable to perform the duties and responsibilities of the job, or for whom a confirmed positive test for drugs or other controlled substances has been reported, the applicant shall not be offered the position.

Driving Record, Pre-Screening:

- A driver's driving record shall be obtained for applicants being considered for positions that require driving as part of the position. A pattern of careless or reckless driving within the past five years may disqualify an applicant. A conviction of DWI/DUI in the past five (5) years may disqualify an applicant from employment.



Ineligibility for Hire

An applicant shall be considered ineligible for hire by Sandoval County if the applicant has:

- Made any false statement or deliberate omission on the employment application,
- Not met the requirements of the position as stated in the job announcement; fails to complete or pass required tests; fails to complete or pass post-offer examinations including physical agility testing or other requirements,
- Failed to submit a complete application or missed the established closing date of the position,
- Not met the criteria for insurance or bonding as required by County policy or state law,
- Been certified by an appropriately licensed professional that the applicant cannot perform the essential function(s) of the position,
- Directly or indirectly obtained information regarding any recruitment examination to which the applicant was not entitled,
- Participated in the compilation, administration, or any part of the selection process in which the applicant is competing,
- Failed to notify the interview panel that the applicant has a familial, personal, or romantic relationship with a member of the interview panel, or
- Directly or indirectly given or offered any valuable consideration, or secured any special or confidential information, for the purpose of affecting the rights or prospects of any person with respect to employment in the County.

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

Ineligibility for Rehire

An applicant or appointee shall be ineligible for rehire who has:

- previously been dismissed for cause by the County,
- left County employment while the subject of a pending notice of contemplated disciplinary action or a performance improvement plan,
- failed to return County property post-employment, or
- separated from County employment without proper notice (job abandonment).

An applicant or appointee who previously resigned from County employment while under investigation shall be ineligible for rehire. This

does not apply to the Sheriff's Undersheriff or Executive Assistant per New Mexico Statute 4-41-5.

Ineligibility of Applicants for Deputy Sheriff and Detention Officer:

- No person under indictment or with pending criminal charges shall be eligible to serve as a Deputy Sheriff or Detention Officer.

Any exception to this policy must be approved by the County Manager on a case-by-case basis.

Selection

Selection of an applicant for hire should be made based on the following:

- Skills
- Educational background
- Experience
- Personal Interview
- References
- Results of pre-employment examinations and tests, when required

Upon the selection of a candidate for a position, the Elected Official, Department Director, or designee shall upload the candidate's interview questions, reference check forms, a signed copy of the application, job description, and the Release of Information Form into the applicant tracking system (ATS).

The new hire shall not be scheduled to work until his or her application has been routed and approved through the ATS and the new hire has completed the new hire orientation process.



Changes in Employment Status

Promotion

County employees are encouraged to take advantage of promotional opportunities for which they qualify. Failure to promote is not a grievable action.

Employees who meet the qualifications, upon application, shall be interviewed and considered for promotion to fill any vacant position. The County encourages employees to develop skills, attain greater knowledge in their career fields, 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.

Upon promotion, the employee shall be placed in the pay grade for the position to which the employee is being promoted at a rate of pay commensurate with education and directly related experience when compared to other employees in the same position.

Temporary Promotion

A temporary promotional assignment given to an employee requiring a higher level of responsibility or a higher classification shall entitle them to a temporary salary adjustment of five percent (5%) or the minimum of the pay grade of the position upon the approval of the County Manager or designee. In the case of an unclassified employee, the County Commission may approve such rate as it deems appropriate.

The salary of an employee whose current salary has been adjusted because of a temporary promotion shall revert to the employee's original salary upon termination of the temporary assignment.

An employee may not be temporarily assigned to a vacant position for more than six months unless otherwise approved by the County Manager or designee. For a vacant position to which an employee has been temporarily promoted, the vacant position shall be posted within seven (7) days of a temporary promotion assignment.

Demotion

An employee shall be demoted, either voluntarily or involuntarily, by his or her Elected Official or Department Director with the concurrence of the County Manager or designee, to a vacant position for which the employee is qualified when:

- The employee would otherwise be laid off because the employee's position is being abolished due to a lack of funds or lack of work and there are no appropriate vacancies at the same level;
- The employee does not possess the necessary ability to render satisfactory performance in the position presently held; or
- The employee voluntarily requests such a demotion through a written request to the County Manager.

Demoted employees shall receive a reduction in pay. The employee shall be placed in the pay grade for the position to which the employee is being demoted at a rate of pay commensurate with education and directly related experience when compared to other employees in the new position.

Only a classified, non-probationary employee demoted due to an inability to render satisfactory performance in the position presently held is entitled to grievance proceedings.

Transfer

An employee shall be transferred by the County Manager or designee from one position to another either voluntarily or involuntarily if it is in the best interest of the County.

Transfers may include changes in classification and rate of pay commensurate with education and directly related experience when compared to other employees in the new position. The employee may begin work in the new position at the start of the pay period following the completion of a Personnel Change Form with all required signatures.

Involuntary transfers that do not involve a demotion are not grievable.

Additional Duties

An employee assigned additional duties that are not promotional in nature may qualify for a temporary salary adjustment of up to five percent (5%) upon the approval of the County Manager or designee. The salary of the employee whose current salary has been adjusted because of additional temporary duties shall revert to the employee's prior salary upon termination of the temporary duties. An employee may not be assigned temporary additional duties for more than six months unless otherwise approved by the County Manager or designee.

Reclassification of Positions

An employee may request a review of an existing position to determine if the current pay grade and classification of a position is appropriate.

To request a position review, the employee must submit a written justification to his or her Elected Official or Department Director for review. If approved, the Elected Official or Department Director shall contact the Human Resources Director to have a position analysis questionnaire (job analysis) completed by the employee. The Human Resources Department shall conduct a review of the position and recommend a grade or classification change to the County Manager or designee for final approval if applicable. The final decision regarding a job analysis is not grievable.

**Classified Employees
Who Accept
Unclassified Positions**

An employee who previously held a classified position with the County before serving in an unclassified position is not guaranteed a position once the term of the unclassified position ends. The employee may apply for any vacant classified position and shall be interviewed for positions in which they qualify. Intradepartmental hires shall require the approval of the County Manager.

Resignation

An employee voluntarily resigning shall submit, in writing, a two-week notice of resignation to the Elected Official or Department Director specifying the date of departure and the reason for leaving County employment. Failure to provide a written two-week notice of resignation or not working the notice period shall be grounds for refusal of future employment with the County.

If an employee chooses to rescind his or her resignation, the County may refuse to accept the rescindment.

An unauthorized absence from work for a period of three consecutive, regularly scheduled working days shall be considered a voluntary resignation. This is job abandonment and is not grievable by a classified employee. The employee shall be ineligible for rehire.

Reduction in Force

Should it become necessary for the County to reduce the number of County employees because of the lack of work, the elimination of function(s), elimination of position(s), or insufficient or lack of appropriation of funds, the County Manager shall determine the necessity for layoffs.

The reduction plan shall be approved by the County Commission. Reductions in Force are not grievable.

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:

1. Length of service with the County
2. Length of service in the position
3. Job performance or prior disciplinary action

Employees to be laid off shall be notified at any time during a pay period and shall be allowed to work through the end of that regular pay period or receive pay to the end of that period.

Accrued annual leave shall be paid on the next regular payday.

A laid-off employee must reapply to be considered for future employment.

Layoff Privilege

A classified employee on layoff status shall be given preference for rehire for any vacancy for which he or she has applied and for which he or she qualifies.

The preference for rehire shall continue under these conditions:

1. For six (6) months after the layoff date,
2. Until the laid-off employee accepts another County position, or
3. Until the employee has refused a job for which he or she qualifies for which the pay rate is the same or comparable to the position from which he or she is being laid off.

Order of Reemployment

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

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

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.



Conditions of Employment

Nepotism

To avoid nepotism or the appearance of impropriety involving nepotism, no Elected Official or Department Head shall hire or fill a classified or unclassified position with a near relative. Any exceptions to this rule must be approved by the County Manager prior to employment.

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 a 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/domestic partner. This definition shall cover any person related to the employee by birth, adoption, marriage, domestic partnership, or cohabitation.
 - a. Direct supervision is the first level of supervision that has responsibility for the employee's performance evaluation, disciplinary action, or employment status.
 - b. Indirect supervision involves a supervisor above the employee's direct supervisor who has the authority to make recommendations regarding the employee's employment status, performance evaluation, compensation, or promotion.

Any situation arising from a direct or indirect supervisory relationship, including but not limited to proposed new hires, transfers, and promotions, should be referred to Human Resources for review.

If an indirect supervisor is in the chain of command, then the next supervisor up shall make all supervisory decisions on employment status, performance evaluations, compensation and promotion, responsibilities, and benefits.

Employees who enter into a relationship that would be prohibited under the definition of nepotism shall inform the Human Resources Department within seven days of the event making them such. Failure to inform Human Resources may result in discipline up to and including termination.

In the event employees become related, attempts shall be made to make accommodations within the department or find a suitable vacant position to which one of the employees shall be transferred provided the employee is qualified for that position. Any transfer shall be without loss of pay or length of service unless the employee offers a voluntary demotion (to an available classification) or resignation. If a transfer to an existing position is not available and the employee does not offer a voluntary demotion or resignation, the employees involved shall be permitted to determine which of them shall resign. If the employees cannot make a decision, the County Manager or designee shall have the discretion to decide which employee shall remain employed.

Violation of this policy shall constitute just cause for discipline, up to and including termination whether or not the employee knowingly or willfully engaged in such violation.

Personal Relationships

The County strongly believes that an environment where employees maintain clear boundaries between personal and business interactions are most effective for conducting business. The County reserves the right to act if an actual or potential conflict of interest arises between individuals who occupy positions at any level in the same line of authority. Supervisors are prohibited from having an intimate relationship with subordinates and shall be disciplined for such actions, up to and including termination of employment.

Interpersonal relationships within the work environment shall be professional at all times. Those relationships that impair an employee's ability to exercise good judgment in the performance of the employee's duties for the County are discouraged and shall be cause for discipline up to and including termination of employment.

If a supervisor becomes aware of a conflict of interest created by a consensual relationship, the supervisor shall report the conflict to the Elected Official or Department Director in writing with a copy to the Human Resources Director.

Conflicts

No employee shall engage in any business transaction, accept private employment, or other public employment that is incompatible with the proper discharge of the employee's responsibilities as a County employee.



All employees shall immediately report outside employment using an authorization form to his or her Elected Official or Department Director. The business needs of the County shall take precedence over the needs of any self-employment, supplementary employment, or outside employment. A new authorization form must be submitted and approved annually in January or whenever there is a change to the employee's outside work or his or her County duties or responsibilities.

An employee whose last performance evaluation was below satisfactory overall, who is on a Corrective Action Plan, or who has received a disciplinary suspension or demotion within the previous 12 months, is not eligible for approval of self-employment, supplementary employment, or outside employment.

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, or if it reasonably appears that such employment has or is likely to result in one of the following:

- Use of County time, facilities, equipment, or supplies that conflicts with the employee's official duties
- Impairment of job duty performance
- Unfavorable publicity to the County or the employment defames, embarrasses, or reflects discredit upon the County in any manner
- Reduction in the employee's punctuality, safety, work performance, or an increase in use of accrued leave
- The employment is unusually physically strenuous or hazardous

An employee shall not be entitled to sick leave pay if unable to perform his or her County duties as a result of an injury or an occupational disease attributable to outside, supplementary, or self-employment. The employee is ineligible for Workers' Compensation benefits through the County for injuries incurred while engaged in such employment.

The County Manager may deny any outside employment by any employee that is determined to conflict with County operations. The determination by the County Manager cannot be grieved.

Prohibited Political Activities

All employees are prohibited from the following:

- Holding a political position that is incompatible with his or her County employment
- Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office, or for any other political purpose
- Appearing in any political advertisement or testimonial while in uniform or in apparel that displays the County's logo or name
- Directly or indirectly coercing, attempting to coerce, commanding, or advising a county officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose
- Threatening to deny or denying promotion to any employee who does not vote for certain candidates, requiring employees to contribute part of his or her pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising events and similar events, or advising employees to take part in political activity or matters of a similar nature
- Engaging in political activity, wearing or displaying campaign material, or campaigning on County property, in a County vehicle or using County resources for the same
- Attending partisan political functions in a County vehicle or County uniform, unless the attendee is there in his or her official capacity

Leave for Seeking Political Office

An employee declaring their candidacy in a contested race for a public position requiring an election by voters registered with any county clerk, shall take a leave of absence without pay or use accrued annual leave or PTO for a period of fifteen (15) calendar days before the municipal, primary, general, run-off or special election. If the employee elects to utilize accrued annual leave, they shall be placed on authorized leave without pay upon exhaustion of the accrued annual leave balance.

If the elected position creates a conflict of interest, the employee shall resign prior to taking the oath of office.

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



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.

**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 they are on State or local government business. The County Manager shall ensure that the duties of the County position be given first priority.



Licensing Requirements

Policy

Employees are responsible for obtaining and maintaining the necessary licenses, certifications, permits, and registrations required or necessary to carry out the duties and responsibilities of the position. The Elected Official or Department Director shall inform the affected employee when a new license, certification, or permit requirement is imposed for a position. Failure to obtain and maintain required credentials shall result in disciplinary action up to and including termination.

Electronic Equipment and Communications

Policy

County-owned electronic communications equipment – including but not limited to computers, telephones, voice mail, e-mail, tablets, and Internet access systems – are County property as are its contents.

It is the employee's responsibility to keep the County provided electronic equipment free from damage or destruction. Damage due to an employee's negligence shall be the responsibility of the employee.

The use of all County-owned electronic equipment is intended for County business purposes.

The County reserves the right to intercept, monitor, review, and download any communications or files created or maintained on these systems.

The use of electronic equipment and communications is held to the same standard as any other County business communication, including compliance with anti-discrimination and anti-harassment policies.

The County shall make efforts to increase overall network security and prevent unauthorized data access by updating its password policy from time to time.

The County shall maintain email correspondence for all county employees consistent with State statute and County policy.

Supplemental rules or policies shall be promulgated covering electronic and communications equipment.

Dress and Appearance

Policy

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

Employees in designated positions shall be required to wear special clothing, uniforms, or protective personal equipment to perform the job functions of those positions. These employees shall be provided the necessary items or a voucher to purchase the items according to the guidelines established by the employee's respective department.

Clothing and personal grooming should project a competent, professional image suitable to the employee's position and job duties. Clothing should be clean, properly pressed if appropriate, and free of tears, fraying, and other signs of damage or excessive wear at the beginning of each workday or duty shift.

The following are considered inappropriate for employees in all departments while on duty:

- Tattoos or garments with political statements, foul language, words or pictures promoting illegal activities or of a sexual nature, use of controlled substances, or violence
- Flip flops
- Clothing that leaves the midriff bare
- Clothing that is tight, transparent, baggy, or low-slung as to reveal underclothing or the absence thereof

Where necessary, Sandoval County may make a reasonable accommodation to this policy for a person with a disability.

Elected Officials or Department Directors shall be responsible for the administration of these guidelines and may promulgate additional dress and appearance guidelines for their respective departments, so long as the guidelines are reasonable, business-related, and equitably administered.

County Property

Use of Property

Employees shall not misuse County property, records, or other materials in their care, control, or custody; nor shall any County property, records, or other material be removed from the premises of the County offices unless written permission has been given.

Return of Property

At the time that an employee resigns or is involuntarily dismissed, the employee shall return all County property to the appropriate Elected Official or Department Director, including but not limited to:

- Keys
- Badges
- Vehicles
- Supplies
- Equipment
- Uniforms

All cell phones, tablets, laptops, and any other portable electronic equipment assigned to the exiting employee shall be turned into IT for cleaning, inspection, and reissue back to the assigned department.

Failure to Return

Employees that fail to return allocated County property shall be deemed ineligible for rehire. The County also reserves the right to take legal action to recover County property.



Personal Business

Policy

Personal business shall not be conducted during work hours except during an employee's approved break time or lunch time.

The Elected Official or Department Director may approve an employee conducting personal business in the case of a medical or family emergency.



Union Activity

Policy

No employee shall be coerced, threatened, or pressured into joining or not joining any organization or union. No union or organization or its representative may interrupt or interfere with the normal conduct of County business. Visits for the purpose of conducting organization business shall not interfere with the County's operations.

Personnel Files

Policy

The County keeps certain records about each employee's employment in a personnel file. The documents contained within that file are the property of the County and must be maintained for government and County record keeping purposes. Some employment records are kept in separate files, such as records about:

- Medical conditions and leave
- Investigations
- Worker's Compensation injuries and illnesses
- Benefit information
- I-9 requirements

All files connected with an employee are considered confidential and access is limited to those who have a job-related need to know and who have been authorized to see the file or as permitted by law.

Employee Access

Current employees may ask the Human Resources department to inspect their personnel files. This inspection is to be supervised by the Human Resources Department. No documents shall be removed from the file.

Former Employees

Former employees may not have access to, or copies of, the former employee's personnel file unless required by law.

Legal and Third-Party Requests

Employees must forward any legal or third-party request for personnel files to the Legal department. The County reserves the right to request a subpoena and employee authorization before releasing any personnel documents to third parties.

Record Retention

The employee's personnel file is maintained in County archives in accordance with applicable State of New Mexico and Federal laws.



Attendance

Policy

Sandoval County is a public service organization responsible for providing taxpayers with quality services in a safe and timely manner. The ability to do so is directly dependent upon all County employees' attendance and work performance.

When an employee is absent from work, it adversely impacts coworkers, the workflow within the department, and the delivery of services to taxpayers.

Excellent attendance is an expectation of all employees of Sandoval County.

Sandoval County recognizes that regular attendance promotes higher staff morale and fair workload allocation. To that end, the Attendance policy is intended to provide the basis for a consistent and equitable approach toward the management of attendance.

Unauthorized Leave / Absent without Leave

Any scheduled hours of work missed without prior permission or a reasonable excuse, as determined at the discretion of the County, shall be considered an unauthorized absence. This includes tardiness for work, time used in excess of allowed for lunch or breaks, and early departure from work. Any appearance at work that is in violation of County or department policy governing readiness for work shall be considered to be unauthorized leave without pay. Any unauthorized leave of absence or without leave shall be subject to disciplinary action up to and including termination.

Any employee on unauthorized leave is required to utilize the employee's available accrued leave balances, but the leave time shall remain designated as an unauthorized absence and the employee shall be subject to disciplinary action. An employee on unauthorized leave for an injury or illness shall first exhaust all available and applicable leave, including sick leave, compensatory time, administrative leave days, personal holidays and annual leave before being on unpaid leave. An employee on unauthorized leave for a non-medical situation shall first exhaust all available and applicable leave, including annual leave, compensatory leave, administrative days, and personal days before being on unpaid leave.

An employee on unauthorized leave shall not accrue leave during any unauthorized leave period.

Authorized Leave

Any approved absence, which utilizes accrued annual, PTO, or sick leave for which the employee has provided justification and that is approved by the Department Director, Elected Official, or designee.

**Excessive
Absenteeism**

Unauthorized absenteeism creates the following workplace hardships and may result in disciplinary action up to and including termination:

- Reduced productivity
- Missed deadlines
- Delayed services/deliverables
- Errors or an inferior work product
- Work being reassigned to coworkers

Excessive absenteeism may be shown by the ranking of employees in order of attendance and showing that the employee of note is far behind the middle or norm, or as defined by department standard operating procedures (SOPs).

Expectations

Excluding leave or time utilized for certified conditions or qualifying exigencies under the Family and Medical Leave Act (FMLA), or as provided for under the Americans with Disabilities Act, Uniformed Services Employment and Reemployment Rights Act (USERRA) or the NM Workers' Compensation Act (NMWCA), the following conditions for attendance shall apply:

- **Tardiness:** When an employee reports late to work, or from a break or lunch, the employee is expected to immediately report the reason to his or her supervisor. The supervisor should apply reasonable and fair standards in determining if the reason given by the employee should be considered a valid excuse.
- **Early Departure:** No employee shall leave work early without his or her supervisor's permission. Employees departing early without permission shall be required to submit a Request for Leave for the time missed and shall be subject to disciplinary action for unauthorized leave. If an employee has requested to leave early on the same work day, the supervisor may either approve a Request for Leave or grant permission to flex an employee's schedule within the work week for an FLSA non-exempt employee.
- **Unscheduled Absence:** Employees unable to report to work shall notify his or her supervisor as soon as possible, but at least one hour prior to the start of the employee's scheduled workday. A Request



for Leave shall be completed and submitted to his or her supervisor upon the employee's return to work. An employee who is absent for three (3) or more consecutive work days, or who has demonstrated a pattern of tardiness or absence, is required to provide an original written note from a health care provider or other corroborating source or document.

Leave without Pay

Employees are required to utilize wage replacement benefits (annual leave, sick leave, or PTO) for absences from work that would result in fewer hours than are normally scheduled to work in a week. An employee absent for an injury or illness shall first exhaust all available sick leave, compensatory time, administrative leave days, personal holidays and annual leave before being placed on unpaid leave. An employee absent for a non-medical situation shall first exhaust annual leave, compensatory time, administrative leave days, and personal holidays before being on unpaid leave.

FLSA Exempt: if an exempt employee has exhausted leave accruals, they may not be docked pay for absences of less than eight (8) hours; however, they are still subject to disciplinary action for unauthorized leave or abuse of leave as described herein.

Flex Time

If an employee is approved for flex time, FLSA non-exempt employees must flex their hours within the same work week. FLSA Exempt employees, with their supervisor's approval, may flex their hours or make up the time according to an agreed-upon schedule.

Roles and Responsibilities

Employees are expected:

- To attempt best efforts to be physically and mentally fit for work,
- To attend work, on time, for every scheduled day of work
- To provide advance notice of a scheduled absence to enable the supervisor to adjust work flow during his or her absence
- To provide reasons for absence, tardiness, or leaving early
- To contact his or her supervisor directly or through a person expressly designated by the supervisor if unable to attend work
- To provide documentation from a health care provider (or other corroborating source or document, as appropriate) when requested under County policy
- To follow required procedures when requesting and utilizing leave and recording hours worked

Supervisors are expected:



- To communicate expectations and the County attendance policy to employees
- To review and approve or deny Requests for Leave in a timely and reasonable manner
- To ensure timesheets and leave forms accurately reflect leave and actual hours worked before signing them
- To counsel employees regarding attendance
- To provide employees with information concerning their personal rate of absenteeism
- To record reasons given for absences, tardiness, and arriving or leaving early
- To report absenteeism concerns to Human Resources including absences over three (3) days, patterns of repeated absenteeism, and conditions or events which shall be qualifying under FMLA or the ADAA, as amended
- To refer employees to Human Resources for information and guidance on the ADAA, as amended, FMLA, USERRA, and NMWCA, as appropriate

Represented employees are subject to the terms of their collective bargaining agreement. If his or her contract does not address attendance, this policy shall prevail.



Discipline and Grievance Procedures



Formal Complaint Process

Policy

This policy outlines the process when a complaint is filed by employees or non-employees alleging misconduct or unlawful discrimination against another employee or non-employee.

All employees have the responsibility to report knowledge of misconduct.

An employee who submits a good faith complaint shall be free from restraint, interference, coercion, discrimination, or reprisal for filing the complaint and any appeals. False or malicious complaints or complaints made without a reasonable basis shall be subject to disciplinary action up to and including termination.

All employees have a responsibility to cooperate with management in any investigation and failure to cooperate may result in discipline up to and including termination.

Written Complaint Procedure

An employee alleging misconduct against another employee or non-employee shall submit a written complaint to the Human Resources Director, County Manager or designee. The written complaint must contain the following information:

- The date(s) on which the alleged misconduct or incident took place
- A statement specifying the alleged misconduct or circumstances giving rise to the complaint
- Any evidence supporting the complaint, including any witnesses to the alleged misconduct or incident

The Human Resources Director, County Manager, or designee shall review the complaint and determine if an administrative internal investigation is necessary.

If it is determined an administrative internal investigation is necessary, the County Investigator or another investigator shall be assigned to investigate the matter, which may include among other actions, to speak with witnesses, supervisor(s), or coworkers involved, and the employee making the complaint.



The Human Resources Director, County Manager, or designee may also recommend the matter be referred for a mediation meeting between the involved employees if agreed upon by all parties.

The Human Resources Director, County Manager, or designee shall provide a response to the complaint. A copy of the complaint and the response shall be filed with the Human Resources Department.



Employee Discipline

Employee Discipline	Disciplinary actions for all County employees shall be based on just cause. Disciplinary actions shall be consistent with governing laws and regulations and shall be taken without regard to race, age, religion, color, national origin, ancestry, sex, sex orientation, physical or mental disability, or medical condition. No employee shall be disciplined for refusing to perform an act contrary to state, federal, or local law, Sandoval County ordinance, Sandoval County personnel rules and regulations, or department standard operating procedures.
Just Cause	Just cause is described as any conduct, action, or inaction arising from, connected with, or impacting the employee's work, whether on or off duty, that is inconsistent with the employee's obligations to the County; or conduct reflecting a disregard of the County's policies or procedures. Just cause includes but is not limited to inefficiency, unacceptable performance, incompetence, misconduct, negligence, insubordination, or conviction of a felony or misdemeanor related to an employee's position. Just cause may include actions or omissions that bring discredit to the County.
Disciplinary Action	Department Directors or Elected Officials shall include the Human Resources Department in any disciplinary actions and shall provide originals of any documented disciplinary action to the Human Resources Department within two (2) working days of that disciplinary action for placement in the employee's personnel file. Disciplinary action(s) is not necessarily progressive and the County reserves the right and discretion to determine the appropriate level of discipline for any performance deficiency or behavioral misconduct for each case without utilizing progressive discipline. In some instances, a specific incident may justify discipline up to and including termination.
Consultation and Concurrence	Terminations, involuntary demotions, and suspensions require approval from the County Manager or designee.



Alternate Assignment The County Manager or designee may designate an alternate work assignment for the employee or place the employee on administrative leave with pay for the following reasons:

- Where County property, other employees, or the general public could be or are at risk as a result of the employee's action, or
- The employee's continued presence in the workplace is deemed to pose a risk to the integrity of a factual investigation or to County operations during an investigation, or
- in consideration of possible disciplinary action.

When on administrative leave with pay, the employee must remain available for work and must report to the department supervisor each workday within one-half hour after the start of the employee's normal work reporting time affirming the employee's availability to report to work if needed.

Failure by an employee to call in or to appear for work if instructed to do so shall be considered insubordination and an unauthorized absence that may be grounds for disciplinary action up to and including termination.

Progressive Discipline The continued employment of any individual by the County depends on acceptable conduct and satisfactory work performance. Failure to meet standards of conduct or work performance are sufficient grounds for progressive disciplinary action up to and including termination.

Each case of unsatisfactory performance or act of misconduct shall be evaluated individually. The corrective action used depends on the severity of the infraction and the employee's previous work record.

The Department Director, Elected Official, or appropriate supervisor may choose to use a performance improvement plan in addition to the progressive disciplinary action as set forth below.

Counseling Session The purpose of counseling is to provide guidance and direction to personnel in an attempt to make corrections to behaviors or actions that, if repeated or unchanged, could lead to disciplinary action.

Performance Improvement Plan The County recognizes that performance issues can often be resolved before they become disciplinary issues. Supervisors are encouraged to discuss performance issues with employees as they occur and to develop a performance improvement plan for those issues. These issues may include



but are not limited to attendance and tardiness, appearance, safety, and other forms of employee conduct and performance.

The supervisor should take the following steps to make the employee aware of the performance problem and to initiate corrective action.

1. Document the performance issue and expectations on a Performance Improvement Form addressed to the employee.
2. Meet with the employee to review the performance improvement plan. Explain the concerns clearly to ensure that the employee understands the performance problem and the expectations.
3. Listen to the employee's explanation of the situation and determine whether there are mitigating circumstances.
4. Develop a Performance Improvement Plan that outlines how the employee can improve behavior/performance and how the supervisor will observe and determine that the change has taken place. Establish a time frame in which the changes should take place and monitor progress.

If an employee does not progress satisfactorily or meet the established time frame, the supervisor shall contact the Human Resources Department to consult regarding the next steps. In extraordinary circumstances a supervisor may initiate immediate corrective action pending contact with the Human Resources Department or County Manager.

The Department Director, Elected Official, or appropriate supervisor may choose to use the Performance Improvement Plan in addition to the progressive disciplinary action as set forth below.

All performance improvement plans must be reviewed and approved by the County Manager or designee before being issued to the employee.

Range of Discipline

To be effective, discipline short of termination should be designed to correct and improve an employee's performance or behavior. The County encourages supervisors to identify and implement appropriate corrective actions to assist the employee in correcting deficiencies to improve work performance. However, the County retains full discretion to determine what constitutes appropriate discipline.

Disciplinary actions or counseling shall be conducted in a professional manner and not in the presence of the employee's coworkers or the public.



Documented Warning:

- A documented warning is typically used for minor infractions and shall serve to inform the employee that his or her behavior, work performance, or conduct requires improvement. Supervisors shall document what rules, regulations, ordinances, policies, or procedures were violated.
- The supervisor shall sign and date the documented warning. The employee shall be given an opportunity to sign and date the documented warning acknowledging its receipt without admitting any wrongdoing. In cases where the employee refuses to sign and date the documented warning, the supervisor shall notate the refusal. The employee shall be given a copy of the documented warning.
- The Department Director, Elected Official, or designee shall provide the original documentation to the Human Resources Department to be filed in the employee's personnel file.
- A documented warning is not grievable.

Reprimand:

- Reprimands occur in situations where a documented warning has not resulted in the expected performance improvement, or when the infraction justifies more severe corrective action. Supervisors shall document what rules, regulations, ordinances, policies, or procedures were violated.
- The reprimand shall be reviewed and approved by the Human Resources Director before being issued to the employee.
- The Elected Official, Department Director, or designee shall issue the reprimand and any performance improvement plan if applicable.
- The Elected Official, Department Director, or designee shall sign and date the reprimand. The employee shall be given an opportunity to sign and date the reprimand acknowledging its receipt without admitting any wrongdoing. In cases where the employee refuses to sign and date the reprimand, the supervisor shall note the refusal. The employee shall be given a copy of the reprimand.
- An employee shall be informed of his or her opportunity to respond in writing to the reprimand within (5) working days of its issuance. The employee's response shall be attached to the reprimand.
- The Department Director, Elected Official, or designee shall provide the original documentation including any employee response to the Human Resources Department to be filed in the employee's personnel file.



- A reprimand is not grievable.

Suspension:

- A suspension without pay occurs when an employee:
 - commits a single serious infraction or multiple infractions,
 - continues substandard job performance or misconduct, or
 - fails to execute or fulfill job duties or requirements after previous attempts to improve performance or behavior have failed.
- Suspensions shall not exceed thirty (30) calendar days. All proposed suspensions shall be reviewed and approved by the Human Resources Director, the County Attorney, and the County Manager or designees before issuing any notice of contemplated action to the employee.
- The suspension of employees is subject to formal grievance procedures.

Involuntary Demotion:

- Involuntary demotion occurs when an employee:
 - commits a single serious infraction or multiple infractions,
 - continues substandard job performance or misconduct, or
 - fails to execute or fulfill job duties or requirements after previous attempts to improve performance or behavior have failed.

All proposed involuntary demotions shall be reviewed and approved by the Human Resources Director, the County Attorney, and the County Manager or designees prior to issuing any notice of contemplated action to the employee.

- An employee shall be demoted to a lesser position for which the employee is otherwise qualified. When demoted, the employee shall receive a decrease in compensation commensurate with the new position. Each demotion shall be recorded and filed in the employee's personnel file maintained in the Human Resources Department.
- The involuntary demotion of employees is subject to formal grievance procedures.

Termination:

- Termination occurs when the employee:
 - Commits a single serious infraction or multiple infractions



- Continues substandard job performance or misconduct
- Fails to execute or fulfill job duties or requirements after previous attempts to improve performance or behavior have failed
- All proposed terminations shall be reviewed and approved by the Human Resources Director, the County Attorney, and the County Manager or designees prior to issuing any notice of contemplated action to the employee.
- The dismissal of employees is subject to the formal grievance procedures.

Behavior and Actions The following is an illustrative list of just-cause actions or behaviors which may result in disciplinary action. This list is not intended to be an exhaustive list and the County reserves the right to discipline an employee for actions or reasons not outlined in this list:

1. Substandard, negligent, or unsatisfactory work performance
2. Tardiness/Absenteeism to include abuse of sick leave, unauthorized absence from work, or failure to adhere to the established work schedule
3. Insubordination or defiance of supervisory authority
4. Failure to adhere to supervisor or employee responsibility as defined by County policy
5. Failure to obtain prior authorization to work overtime
6. Failure to meet or maintain job qualifications as set forth in the job description
7. Failure to timely obtain or retain licensure, certification, or other authority required for the performance of the employee's position or which prevents the employee from performing an essential function of his or her job, including failing to report revocation or suspension
8. Unauthorized use, possession, abuse, theft, or vandalism of County property



9. Use of County position, equipment, employment, or work time for personal advantage, to advance private interests, or for illegal purposes
10. Unauthorized use, possession, abuse, theft, or embezzlement of County funds
11. Failure to adhere to established procurement policies or laws
12. Falsifying documents or any official record to include the falsification or unauthorized alteration of timesheets, professional certifications, or degrees
13. Failure to follow applicable federal, state, and county safety rules or procedures
14. Violation of the County's dress code and grooming policy
15. A physical or non-physical altercation with employees or members of the public
16. Any violent, threatening, bullying, intimidating, disruptive, horseplay, rude, insolent, profane, or angry behavior toward another person
17. When required to possess a valid driver's license or drive a County vehicle as part of employment requirements, failure to report to the Human Resources Department within two (2) business days any traffic citation(s) for:
 - a. driving while under the influence of intoxicating liquors or substances
 - b. reckless driving or careless driving
 - c. open alcoholic beverage container
 - d. revoked or suspended license
18. Failure to report any felony charge or arrest, or a misdemeanor charge or arrest that directly relates to the particular job duties of the employee's position within (2) business days of the incident to the County Manager or designee



- a. Public safety employees formally indicted or charged for crimes shall be subject to additional discipline according to applicable law and/or policy.
- 19. Use of, possession of, distribution of, or reporting to work under the influence of alcoholic beverages, controlled substances, or prescribed medications which affect one's ability to perform job duties or pose a safety threat to themselves or others
- 20. The operation of a County vehicle while impaired to the slightest degree
- 21. Operating a County vehicle or construction equipment in a negligent, careless, or reckless manner including being involved in preventable vehicle or construction equipment crashes or incidents
- 22. Failure to adhere to the County's vehicle use policy
- 23. Failure to immediately report a crash involving a county vehicle or equipment to an immediate supervisor by the quickest means of communication
- 24. Sexual harassment
- 25. Other harassment
- 26. Unlawful discrimination or violation of the County's Equal Opportunity Employment policy
- 27. False or malicious complaints, or complaints made without a reasonable basis in fact
- 28. Retaliation by any employee against any other employee or other person for reporting or complaining about unlawful or improper conduct
- 29. Retaliation by any employee against any other employee or other person for participating in an administrative or criminal investigation
- 30. Untruthfulness



31. Failure to cooperate with an administrative internal investigation, untruthfulness during an investigation, or failure to disclose relevant information known to the employee, which adversely affects work outcomes, or the effective investigation of a workplace incident, complaint, or concern
32. Violation of investigation confidentiality
33. Violation of the State Governmental Conduct Act
34. Unauthorized disclosure of confidential information from County records, reports, or other data belonging to the County
35. Inappropriate use of Information Technology resources or equipment including but not limited to County-issued cell phones
36. Improper or inappropriate behavior toward the public or other employees that causes discredit to the County or which impairs the employee's ability to perform his or her job duties
37. Influencing, or attempting to influence a hearing officer, or person charged with investigating or implementing discipline other than through established grievance procedures
38. Distribution of non-County literature, vending, soliciting, or collecting contributions while on the job, on County property, or in a County vehicle, or assisting with the same, without prior authorization of the County Manager or designee
39. Unauthorized employee possession of a weapon on County property or in a County vehicle
40. Any actions that violate these personnel rules and regulations, the Personnel Ordinance or other County ordinances or policy, department policies or procedures, information technology security policies, or professional code of ethics followed by those in the same profession as the employee, or applicable law

Conditions or Actions The following matters are not grievable:

Not Grievable

- Disputes concerning an established County policy
- Matters where a method of review is mandated by law



- Matters where the County is without authority to act or does not have the ability to provide a remedy
- Dismissal of probationary employees during the probationary period
- Dismissal of unclassified employees at any point during their employment with the County
- Performance evaluations, performance improvement plans, documented warnings, reprimands, promotions, transfers, temporary assignments, removal from temporary assignments, and lay-offs

Formal Discipline

The County shall provide formal disciplinary and grievance procedures for all classified employees. Classified employees covered under a collective bargaining agreement shall adhere to formal discipline and grievance procedures within said agreement. Formal discipline and grievance procedures apply only to the suspension, involuntary demotion, and termination of classified employees.

A grievance shall be initiated only by the affected employee. The employee can only file a single grievance concerning a particular disciplinary action. 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 non-bargaining employees cannot have more than one (1) designated representative for a grievance.

Drafting of Notice

A written notice of contemplated action shall be drafted in consultation with the Human Resources Department. The County Manager or designee shall review the notice before it is issued to the employee.

The Notice of Contemplated Action shall:

- Specify the basis for the proposed disciplinary action.
- Cite and attach a copy of the violation.
 - Article or section within these personnel rules and regulations
 - Personnel or Ethics Ordinance, other approved County ordinance or policy, department policies or procedures, or department standard operating procedures
 - Professional code of ethics followed by those in the same profession as the employee
 - Applicable law.
- Describe the factual evidence relied upon to support the proposed discipline.

- Specify the proposed disciplinary action.
- Advise the employee of the right to respond in writing within five (5) working days from service of the notice.
- Specify a date, time, and place for the pre-disciplinary hearing.

Service of Notice of Contemplated Action

The Notice of Contemplated Action shall be hand-delivered to the employee by the immediate supervisor, Elected Official, Department Director, Human Resources Director, County Manager, or designee.

The employee shall be given an opportunity to read, sign and date the Notice of Contemplated Action acknowledging its receipt without admitting any wrongdoing.

In cases where the employee refuses to sign and date the Notice of Contemplated Action the individual issuing the notice shall note the refusal. The employee shall be given a copy of the Notice of Contemplated Action.

For the purposes of the disciplinary process, the County shall make an effort to hand-deliver any documentation related to the disciplinary process. This documentation may include disciplinary action forms, memoranda, documents, and correspondence.

If hand delivery is not feasible, the notice shall be sent by certified mail, return receipt requested. Receipt of the notice shall be presumed two (2) days after the date of mailing unless an earlier date of receipt is established by return receipt.

Employee Response

If the employee chooses to respond in writing to the Notice of Contemplated Action, the response is due no later than 5 p.m. on the fifth work day after service prior to the scheduled hearing. The response shall be hand delivered by the employee or a representative to the Human Resources Director or County Manager and receipt acknowledged. If the employee responds in writing, the employee shall be deemed to have waived the pre-disciplinary hearing, unless the employee expressly requests, in writing, that the pre-disciplinary hearing be convened.

If the time set in the notice of the pre-disciplinary hearing is not feasible for the employee, the employee may request that the pre-disciplinary hearing be rescheduled. Such request should be submitted in writing and hand delivered to the Human Resources Director or County Manager or designee no later than three (3) working days before the scheduled hearing. The



request shall specify the reason(s) why the employee seeks to reschedule the hearing. It shall also include a phone number where the employee can be reached or a message reliably left.

The Human Resources Director or County Manager shall respond to the employee's request no later than one (1) working day prior to the scheduled hearing, advising whether the hearing is being rescheduled and, if so, specifying the date, time, and location of the rescheduled hearing. Such response shall be to the phone number provided by the employee, and a written response shall follow either by hand delivery to the employee or by mail.

Pre-Disciplinary Hearing

Absent the waiver of the pre-disciplinary hearing by written response to the Notice of Contemplated Action, the Elected Official, County Manager or Department Director shall meet with the employee or with the employee and representative (retained at the employee's expense). 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. The employee or designated representative may present information and argument. However, this is not an evidentiary hearing, and testimony other than from the employee or the employees designated representative shall not be offered or accepted.

The Human Resources Director or designee shall attend the Pre-Disciplinary Hearing and be responsible for proper decorum being followed during the hearing. The Human Resources Director or designee shall ensure the hearing is audio recorded.

In the event the employee's representative is disruptive to the pre-disciplinary hearing proceedings, the Human Resources Director or designee shall note on the audio record that he or she is making the decision to ask the employee's representative to leave the hearing. If the employee's representative refuses to leave, the Sheriff's Office shall be called to intervene, the pre-disciplinary hearing shall be concluded, and the formal disciplinary process shall continue with whatever information was provided at the pre-disciplinary hearing.

The Elected Official, County Manager, or Department Director shall render a decision in a written Notice of Final Action within five (5) working days of the written response or the pre-disciplinary hearing, whichever is later unless an extension of time is approved in writing by the County Manager or designee.



The Notice of Final Action shall:

- Specify whether the proposed disciplinary action has been upheld, modified, or overturned
- List the facts forming just cause for the disciplinary action
- Identify the supporting evidence
- Address any explanations or defenses the employee/representative offered in writing or during the informal hearing.
- Advise the employee of the right to file a written appeal of the disciplinary action within ten (10) calendar days of the effective date of the disciplinary action
- Identify any corrective action or change in behavior or performance expected of the employee, and the consequences of the employee's failure to take the corrective action or to fulfill the expectations, if applicable

The Notice of Final Action shall be hand-delivered to the employee who shall acknowledge receipt of the notice. If hand delivery is not feasible, the notice shall be sent by certified mail, return receipt requested, with a copy by regular mail. Receipt of the notice shall be presumed four (4) working days after the date of mailing unless an earlier date of receipt is established by return receipt.

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

Default Decision

If the employee does not respond in writing within five (5) working days of being served the Notice of Contemplated Action, and fails to appear at the pre-disciplinary hearing, the employee shall be deemed to have accepted the discipline and the Elected Official, County Manager or Department Director shall issue the Notice of Final Action.

The Notice of Final Action shall:

- State the date that the Notice of Contemplated Action was issued
- Note that the employee did not respond in writing within five (5) working days of being served the Notice, or did not appear at the pre-disciplinary hearing, or the employee affirmatively agreed to the contemplated discipline
- Specify the action to be taken whether the proposed disciplinary action has been upheld, modified, or overturned
- List the facts forming just cause for the disciplinary action



- Identify the supporting evidence
- Identify any corrective action or change in behavior or performance expected of the employee and the consequences of the employee's failure to take the corrective action or to fulfill the expectations, if applicable

The Notice of Final Action shall be hand delivered to the employee by his or her immediate supervisor or Elected Official, Department Director, or County Manager. If hand delivery is not feasible, the notice shall be sent by certified mail, return receipt requested, with a copy by regular mail. Receipt of the notice shall be presumed four (4) working days after the date of mailing unless an earlier date of receipt is established by return receipt.

The Elected Official, Department Director, or County Manager shall send the Human Resources Director the original, receipt-acknowledged copy of the Notice of Contemplated Action and Notice of Final Action, or copies of the mailed notices, to be placed in the employee's Personnel File.

Computation of Time All time periods referred to in the discipline and grievance procedure policies 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 physical service and end at the close of business on the designated working day. Service by certified mail, return receipt, is considered physically served four (4) working days after the postmarked date, or on the date acknowledged in the return receipt, whichever is earlier; and service by regular mail is considered physically served four (4) working days after the date of mailing.

The County Manager or designee may extend any time limit in writing at his or her sole discretion.

Notice of Appeal A classified employee may file a Notice of Appeal for a suspension, involuntary demotion, or termination. If the County Manager directly issued and upheld the affected employee's notice of final action, the employee may appeal the County Manager's decision to a Hearing Officer.

Notice of Appeal must be filed with the County Manager and a copy delivered to the Human Resources Director no later than ten (10) working days after receipt of the Notice of Final Action.

The Notice of Appeal shall identify:



- The facts relied upon in the Notice of Final Action that are disputed,
- Any interpretation or application of Sandoval County personnel rules and regulations, Code of Conduct or other approved County ordinance or policy, department policies or procedures, or department standard operating procedures, professional code of ethics followed by those in the same profession as the employee, or applicable law relied upon in the Notice of Final Action which is disputed by the employee, and
- Any other reason why the employee is contesting the disciplinary action.

**County Manager
Review**

The County Manager or designee shall review the Notice of Appeal. The County Manager or designee may schedule an informal review hearing with the employee. The employee may be represented at the informal hearing by a single representative. The Elected Official or Department Director or designee may also attend the hearing and respond. The Human Resources Director or designee shall also attend the hearing. The hearing may be audio recorded.

Within ten (10) working days after the receipt of the Notice of Appeal or an informal review hearing, whichever is later, the County Manager or designee shall issue a decision upholding, reversing, or modifying the disciplinary action. In the event the County Manager or designee has not issued a decision within ten (10) working days after the date of filing of the Notice of Appeal, the employee has the right to appeal to a Hearing Officer as if the County Manager or designee has upheld the Notice of Final Action.

**County Manager
Final Decision Appeal**

If the employee is not in agreement with the County Manager’s decision, or if ten (10) working days have passed without a County Manager decision, the employee has ten (10) working days to file a written request for a grievance hearing before a Hearing Officer with the Human Resources Director. Such hearing shall be for review of the Notice of Final Action as it may have been issued or modified by the County Manager or designee.

Hearings on appeal from disciplinary actions relating to personnel matters shall be closed to the public unless both the employee and the County Manager or designee agree to an open hearing. The hearing before the Hearing Officer is solely to receive evidence and argument concerning the factual basis for the discipline or the reasonableness of the discipline imposed. The County Attorney’s Office or designee represents the Elected



Official, Department Director, or County Manager in this hearing and the County shall have the burden of proof by a preponderance of evidence.

Hearing Officer

The Hearing Officer has the authority to set a hearing on the merits of the challenged discipline, to set pre-hearing conferences, or otherwise determine issues of grievability, jurisdiction, and procedural issues, and to render decisions thereon. The decisions shall include findings of fact and conclusions of law consistent with the evidence. The Hearing Officer shall be confined to the precise issues raised by the employee in the Notice of Appeal and such other issues as may be stipulated by the employee and the County.

Hearing Officer Qualifications: The hearing officer shall be a personnel professional, be familiar with public or private personnel systems, or have pertinent experience in the fields of management, education, or the law. The hearing officer is not required to be a resident of Sandoval County.

Selection of Hearing Officer

The Human Resources Department shall maintain a list of qualified Hearing Officers. The parties may agree to a Hearing Officer who is not on the County's list.

Failure by the employee or the employee's representative to meet with the Human Resources Director or designee to select a Hearing Officer shall constitute a waiver of the employee's right to pursue his or her appeal. The time may also be extended by written agreement of the parties.

Within five (5) working days of the selection of a Hearing Officer, the employee shall submit to the Human Resources Director a Notice of Acceptance, signed by the employee, attesting and agreeing to the provisions regarding payment of the Hearing Officer's fees and expenses. The employee's failure to sign and submit such Notice of Acceptance within five (5) working days of the designation of the Hearing Officer shall constitute a waiver of his or her right to proceed with the grievance.

Pre-Hearing Conference and Hearing Rules of Procedure

Within ten (10) working 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



otherwise ordered by the Hearing Officer. The Pre-Hearing Statement shall contain the following information:

- A statement of the issues raised in the Notice of Appeal and any other stipulated or proposed stipulated issues
- Proposed stipulations of fact
- A list of witnesses to be called by each party and a summary of their testimony
- A list of exhibits
- Requests for discovery
- Request for witnesses
- The estimated amount of time needed for the hearing

Pre-Hearing Order

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

- The issue(s) to be heard
- Stipulations of fact
- A deadline for disclosure of all witnesses and documentary evidence
- A deadline for discovery
- A deadline for filing pre-hearing motions and the manner in which the motions shall be heard or acted upon
- A hearing date, scheduled within twenty (20) working days of the Pre-Hearing Order, which shall be continued only for good cause or by stipulation of the parties

Hearing Rules, Order of the Hearing

1. The Hearing Officer shall follow the evidentiary standards for administrative hearings.
2. Either party shall be represented at the hearing by a person of his or her choosing, at the party's own expense, 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 throughout the hearing. The appealing employee may also be present throughout the hearing.
4. The Hearing Officer shall clear the hearing room of all other witnesses before commencing the hearing.
5. All oral evidence and testimony shall be taken under oath.
6. The Hearing Officer may admit all evidence if it is evidence on which reasonable persons are accustomed to rely 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 Human Resources Director shall arrange for an electronic record of the hearing to be made. The employee or his representative may request a copy of the recording from the Human Resources Director.
9. Order of the Hearing shall be:
 - a. Opening statements, limited to ten [10] minutes:
 - i. by County Attorney or representative
 - ii. by employee grieving or employee's representative
 - b. Presentation of issues:
 - i. County Attorney or representative, with witnesses being subject to cross examination by the employee or employee's representative and then to questions by the Hearing Officer, with the right to redirect and further cross examination by the respective parties
 - ii. By employee grieving or employee's representative, with witnesses being subject to cross-examination by the County Attorney or representative and then to questions by the Hearing Officer, with the right to redirect and further cross examination by the respective parties
 - c. Rebuttal and surrebuttal:
 - i. by County Attorney or representative
 - ii. by employee grievant or employee's representative
 - d. Closing statements:
 - e. by County Attorney or representative
 - f. by the employee grievant or employee's representative
10. The Hearing Officer may hold the hearing open after the conclusion of the foregoing proceedings for submission of specific supplemental evidence or for submission of written argument by the parties. A specific deadline shall be set by the Hearing Officer for any supplemental submission and for the conclusion of the hearing.

Decision of Hearing Officer

The Hearing Officer shall prepare a written decision upholding, reversing, or modifying the suspension, involuntary demotion, or termination within fifteen (15) working days of the conclusion of the hearing, unless an extension of time is approved, in writing, by the Human Resources Director. 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.

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 on 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 or her 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.

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

- Equally by the County and the employee if the employee's suspension, involuntary demotion, or termination is modified by the Hearing Officer
- By the County if the Hearing Officer reverses the suspension, involuntary demotion, or termination
- By the employee if the Hearing Officer upholds the suspension, involuntary demotion, or termination

Each party shall bear all of its own costs.

The final decision of the Hearing Officer shall be affirmed, modified, corrected, or vacated under the provision of NMSA 1978, 39-3-1.1.



COMPENSATION AND BENEFITS



Work Schedules

Hours of Work

An employee shall work scheduled hours according to work schedules established by the Elected Official or Department Director subject to review by the County Manager or designee.

The Sandoval County work week is defined as 12:01 am Saturday through midnight Friday. The scheduled work week of an employee shall normally be consistent with that of the departmental unit. The County Manager may approve necessary deviations to meet the needs of the County as long as a forty (40) hour weekly total is observed. The normal work day for public safety personnel may consist of shifts as recommended by the Elected Official, Department Director or County Manager.

Employees shall be paid for travel time from home to any work site within Sandoval County or from the work site to home only when they are called out for duty above and beyond their scheduled hours of work.

Breaks and Meal Period

The Fair Labor Standards Act (FLSA) does not require breaks or meal periods to be given to workers. A Sandoval County non-exempt employee is allowed two (2) paid fifteen (15) minute breaks during his or her shift as defined by the work schedule and supervisor. Rest breaks are not cumulative and if not used within the eight-hour work day are forfeited.

The lunch period is considered unpaid time and shall be determined by the Elected Official, Department Director or County Manager. The employee's unpaid meal period shall be taken within the first five (5) hours of the work schedule. During the unpaid meal period, the employee is relieved of duties and is encouraged to leave the work area.

Due to the nature of some County positions, exceptions to the lunch period shall be made with the approval of the employee's supervisor.

Public Safety employees are not subject to the provision of this subsection.

Alternative Work Schedules

The option to establish alternative work schedules shall be administered by Elected Officials or Department Directors, subsequent to the approval of the County Manager or designee, where feasible and within the following guidelines:



- Elected Officials and Department Directors must establish core periods of work during which maximum staffing is required. Once core periods have been established, employees have the option to request alternative schedules built around the core period.
- Alternative schedules must add up to forty (40) hours per week for full-time employees, or to the hours per work period defined in Section 207(k) of the Fair Labor Standards Act, where applicable. An alternative work schedule is a regular, weekly schedule that is based on other than the normal working hours for the position or department. In no case can an alternative work schedule result in overtime.
- Employees, Elected Officials, and Department Directors are expected to establish a regular agreed-upon work schedule that can be maintained for a period of weeks or months. Working a different schedule every day at the employee's discretion is not permitted.
- In those departments where alternative scheduling is feasible, participation is voluntary. There are circumstances – such as shift work and the required presence of employees who are the sole providers of a given service – where alternative scheduling is not feasible.
- Employees with documented performance problems or with documented patterns of absenteeism and tardiness shall not be eligible for alternative scheduling unless they can show that the absenteeism or tardiness would be eliminated by an alternative schedule.
- The option to work an alternative schedule is a privilege, not a right, and can be withdrawn at any time because of business necessity, diminished performance, or abuse of the privilege.
- The chief responsibility of County employees is to provide service to the public. Therefore, alternative scheduling shall not be used as a means of avoiding contact with the public or avoiding supervision.

Pay Periods

Employees shall be paid every two weeks or as required by law.

Overtime Pay

Overtime pay shall be paid to FLSA non-exempt employees when overtime work is authorized by the Elected Official, Department Director or designee. Employees that work overtime without proper authorization shall be paid for hours worked, but shall be subject to disciplinary action. Emergency situations, as determined by the Elected Official or Department Director, shall be an exception to the prior approval requirement.



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 may be exempt from the overtime provisions of the FLSA.

Recording Overtime on Timesheet

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

Authorizing Overtime

The purpose of an overtime authorization procedure is to control labor costs by managing the cost of overtime pay to FLSA non-exempt employees.

Overtime Approval: Supervisors should always consider flex time if practical, before requesting authorization for overtime. Supervisors are required to utilize an approved overtime authorization form to obtain approval from the Elected Official, Department Director, or designee prior to allowing the use of overtime, except for emergency situations.

Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval before working hours that extend beyond their normal schedule. Non-exempt employees are not allowed to work off the clock whether at the workplace or at home under any circumstances.

Mandatory Overtime

During busy periods, for special events, or in an emergency, the County may require employees to work extended hours. Supervisors shall first ask for volunteers to work overtime. The supervisor may impose overtime beginning with the least senior member of the work unit. Overtime shall be allocated equitably among all employees on a rotating basis.

Consequences of Overuse of Overtime

Supervisors who authorize staff members to work overtime, or who have knowledge of overtime work being performed without prior approval from management shall be subject to disciplinary action. Supervisors who continually rely on the use of overtime hours in order to complete work



without it being deemed extenuating by management shall be subject to disciplinary action up to and including termination.

Time served on jury duty shall be considered hours worked when calculating overtime. Holiday, vacation, sick, and other hours not actually worked shall not be considered work hours in calculating overtime unless otherwise approved by the County Manager due to business needs.

Exempt employees shall not receive overtime pay.

Compensatory Time

The accrual of compensatory time in lieu of overtime pay must be approved by the Elected Official or Department Director before the work commences. Compensatory time accrues at a rate of one and one-half (1.5) hours of time for every hour of overtime worked.

- A non-exempt employee may accrue compensatory time in place of overtime payment for overtime hours worked. Compensatory time hours accrued and taken off shall be recorded for each non-exempt employee and submitted to the Elected Official or Department Director and Payroll each pay period on approved forms.
- Employees may not accrue more than one hundred twenty (120) hours in his or her compensatory time bank. Employees regularly scheduled on a 48/96 shift shall accrue up to one hundred sixty-eight (168) hours in his or her compensatory time bank. An employee with the maximum hours of compensatory time banked must be paid overtime pay for overtime worked.
- An employee shall be permitted to use such time within a reasonable period after making a request if the use of the time does not unduly disrupt the operation of the department or County. It shall normally be unduly disruptive if the request shall require another employee to work overtime.
- Compensatory time is to be paid at the regular time hourly rate of the employee. All accrued compensatory time must be paid upon termination of employment or upon a change to exempt status.

Final Paycheck

An employee who resigns shall receive a final payroll check per applicable State of New Mexico and Federal law. An additional check that includes any other items such as accrued vacation or compensatory time outside the regular payroll check, if applicable, shall be paid within 30 days.

An employee who is dismissed shall receive a final payroll check as required by law.



In case of death, final salary and compensation for unused annual leave shall be paid to the employee's named beneficiary or, if unnamed, to the employee's estate, on the next regularly scheduled payday.



Remote-Work Policy and Guidelines

Purpose

The purpose of this policy and guideline is to allow for certain employees to have the ability to remote-work and establish guidance for employees and supervisors to make for a safe and productive remote-work environment.

This policy ensures compliance with applicable County policies and state and federal laws in support of employees working remotely. Employees covered by collective bargaining agreements are governed by the provisions of their respective bargaining agreements and not this policy. Remote-work is a privilege, not an employee right. All requests for remote-work shall be considered on a case-by-case basis.

Definitions

Normal business hours: 8:00 am to 5:00 pm, unless alternative business hours are published for the department, or an employee has previously been approved for a flex work schedule.

Remote work: Remote-work allows an eligible employee to work at an alternative work location, other than a County worksite. Unless otherwise approved, this remote work location is the employee's home.

In a remote-work arrangement, the Elected Official or Department Director shall decide the employee's remote work schedule. When an employee is approved to work remotely, the employee shall work normal business hours, unless otherwise approved by the Elected Official or Department Head.

Determination of Eligibility

Approval of an employee to work remotely is at the sole discretion of the County. There are several factors that the County must consider prior to approving an alternative work location including type of employee, type of work performed, and location of the employee's remote worksite. Elected Officials and Department Directors should also consider the operational needs of the department and the impact of the decision on other employees working in the same unit. Some employees are ineligible for remote work.

Type of Work Performed

The type of work that an employee performs is a factor in determining the appropriateness of approving remote work. In general, job duties that involve analytical work, research, advising, or computer-oriented duties (data entry, web design, word processing, programming) may be the most appropriate types of work to be performed at a remote work location. Job



duties that are unsuitable for remote work include duties that require in-person interaction, direct supervision, or access to physical material that cannot leave County property, e.g., protected or confidential data or documents.

Regardless of the type of work performed, the employee must be able to fully perform the job duties during scheduled hours of work. Employees should not be approved for remote work in response to an inability to get to work on time or consistently. Employees should also not be approved for remote work so that they are able to provide childcare or other caregiving at the same time they are expected to perform their assigned duties.

Location of Remote Worksite

An employee's remote worksite must be conducive to performing their duties and must have phone access and internet access (a minimum bandwidth of 50MBs/50MBs and a recommended 100MBs/100MBs) capable of performing all work tasks and attending necessary online work meetings. An employee's remote worksite shall be a single, designated place. Unless otherwise approved, this remote worksite is an employee's home. Additionally, an employee's remote worksite must be a safe, secure, and ergonomic work environment.

Requests for Reasonable Accommodation

In some instances, an employee may request a remote work location as a reasonable accommodation due to a qualifying medical condition. This type of request does not fall within the scope of this policy. Upon receiving such a request, the direct supervisor should refer the employee to the Human Resources Department.

Employees Ineligible for Remote Work

The following employees are ineligible for remote work:

- any employee who has received discipline in the form of a suspension or an involuntary demotion in the prior 12-month period
- any employee who has received discipline for attendance issues
- any employee deemed ineligible by the County based on departmental needs or an employee's performance

Approval Process

The approval of remote work requests must be obtained from the following:

- Elected Official or Department Director,
- Human Resources,
- IT, and

- County Manager or designee.

Scheduling

Employees permitted to remote-work shall be assigned a remote-work schedule by their direct supervisor. Employees shall be required to work at their County worksite as needed. Remote-work days shall not be guaranteed.

Measurement of Productivity

Employees shall be required to account for work performed through logs, calendars, or any other means determined at their supervisor's discretion.

Proper Recording of Hours Worked

All non-exempt employees working remotely are required and expected to record all hours of work accurately using methods designated by the County. There are no exceptions to this requirement.

Implementation Procedures

Upon receiving a request from an employee to work remotely, the Elected Official or Department Director should determine if the employee is eligible and evaluate whether the arrangement meets the operational needs of the department. If the request is approved, the employee should complete the required documents below:

Required Documents for All Remote Work Location Agreements

- Remote Work Agreement. Elected Officials or Department Directors should approve the request to work remotely for a defined period. Elected Officials or Department Directors are discouraged from approving an employee's request to work remotely for an indefinite period. An employee may submit a new request to remote-work upon expiration of an existing agreement.
- Cybersecurity Checklist for Remote Work. The employee is responsible for ensuring cybersecurity as a condition of approval to remote work.
- Informational Technology Checklist. The employee is responsible for maintaining County equipment. Any damage to County equipment must be reported immediately. Any departure from employment with the County and failure to return equipment shall result in the value of the equipment either deducted from the employee's final paycheck(s) or pursued by any legal remedy available.

Emergency Clause

In emergency circumstances, the County Manager may waive the provisions of this section.



**Equipment and
Service Expense**

An employee who has requested to work remotely is responsible for providing, maintaining, and repairing employee-owned equipment in addition to paying for electronic service expenses used at the remote-work location at personal expense.

**Termination of
Remote Work
Agreement**

Management shall terminate the agreement at any time.



Timeclock Policy

Policy	Sandoval County may use an electronic time tracking system to capture and record employee time records. The electronic time tracking system allows the County to accurately record, track, and report employee information in real time. This allows employees to accurately monitor and keep track of their time and enables the County to efficiently process employee time worked and leave taken for payroll purposes.
Official Time	To ensure consistency of treatment for hourly employees, the date recorded in the timekeeping system or other specified recording method shall be considered the official record of the workday for the County. Any disputes over actual hours worked or attendance shall be resolved by referring to the timekeeping records.
Employee ID Number	Every County employee is assigned an employee ID number upon hire. Employees are responsible for knowing the ID number and protecting it from unauthorized use.
Daily Requirements	If available, all non-exempt employees must “clock in” and “clock out” at the start of their shift, during lunch breaks, and at the end of the shift.
Falsification, Tampering, and Unauthorized Viewing	The following infractions are prohibited and shall be considered severe. Due to the severity of these infractions, employees shall be subject to immediate discipline up to and including termination. • Any attempt to tamper with timekeeping hardware or software • Clocking in or out for another employee • Interference with another employee’s use of the time clock system • Unauthorized viewing of another employee’s time in the time clock system
Clock Problems	If an employee is unable to clock in or out because of a time clock malfunction, accidental oversight, or other reason, it is the employee’s responsibility to immediately inform the supervisor of the problem.
Unreported Hours	The FLSA does not permit an employer to benefit from the work of an employee without compensating them for such work. Therefore, all hours worked must be reported. Any time spent working not recorded is strictly prohibited. Employees that under-report or fail to report hours worked are subject to discipline up to and including termination.



Disputes In the event an employee has a dispute over time that was worked, they should bring it to the attention of the supervisor immediately. Any dispute that cannot be resolved should immediately be reported to the Human Resources Department.

Holidays Employees who are eligible for paid holidays shall have those days entered into the timekeeping system.

Timesheet Employees who are not required to utilize the timeclock shall submit a timesheet. The employee shall certify to the accuracy of the timesheet prior to submitting it for processing. The employee's signature shall represent that they have reviewed the timesheet and that the entries are complete and accurate as to actual time worked, leave used, or other allowances owed by the County for services rendered during the affected biweekly pay period. The employee's supervisor must attest to the accuracy of the timesheet and sign it before it shall be processed for payment. Timesheets must be submitted before issuing the paycheck.

Unsigned Timesheet

Timesheets lacking the required employee signature shall be processed. Failure to sign a timesheet may result in disciplinary action up to and including termination.

Subsequent Inaccurate Timesheets

Any unintended inaccuracies subsequently discovered or changes occurring after the employee signs a timesheet shall be processed on a corrected timesheet signed by the employee and the Elected Official, Department Director, County Manager or designee.

Paycheck Authorization

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

Timesheet Records Retention

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



Per Diem and Mileage

Policy

Sandoval County follows the State of New Mexico Mileage and Per Diem policy.



Public Employees Retirement Association of New Mexico (PERA)

Policy

Public Employees Retirement Association of New Mexico (PERA) is designed to provide County employees with a retirement income. All County employees, except those exempt by statute, are required to join PERA.

Copies of the latest PERA rules and provisions may be obtained from the Human Resources Department. The County shall adhere to all regulations for participation.



Insurance

Policy

The County may offer group insurance for health, life, dental, vision, and disability plans. Insurance plans shall be changed at the discretion of the County Commission. Specific benefits of the current policies can be obtained from the Human Resources Department.

The County may pay a portion of the insurance premiums. It is the employee's responsibility to complete and return to the Human Resources Department all necessary forms to initiate insurance coverage within thirty-one (31) calendar days of date of hire.

The terms of the policies shall determine periods of enrollment/disenrollment and coverage of family members and other persons.



Job Related Injuries, Occupational Illness and Personal Injuries

Policy

Employees injured on the job or suffering from occupational diseases, as defined in the New Mexico Worker's Compensation Statute shall receive Workers' Compensation benefits as prescribed by law.

Injury Leave Pay

There is a seven (7) day waiting period before an employee becomes eligible to receive payment for lost wages. An employee injured on the job shall use accrued annual time, accumulated compensatory time, or sick leave for each regularly scheduled work day after the injury occurs for all such days not paid by workers' compensation. If available leave has been exhausted, the employee shall be unpaid for missed work time subject to FLSA regulations.

If the employee is on workers' compensation time for more than four (4) weeks, is entitled to compensation for the first seven (7) days, and has used accrued annual or sick leave for the first seven (7) days of injury, the workers' compensation payments received for all such days shall be reimbursed to the County by the employee. In that event, the 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.

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.

Reporting

All work-related injuries must be reported to the employee's direct supervisor (or chain of command) as soon as possible. Upon notice of an accident or injury, supervisors must call the Risk Management Claims "Hotline" (days, evenings and weekends) to report the incident and action taken.

Employees are required to complete and submit a First Report of Injury Form and a HIPAA Compliance Authorization for Disclosure of Protected Health Information Form to his or her direct supervisor within twenty-four (24) hours of the incident.

The supervisor is required to complete and submit an Employer's First Report of Injury or Illness packet to Risk Management within twenty-four (24) hours or as soon as practicable.



All accidents are required to be reported, however minor.

Compensation

The decision to approve or deny a claim for benefits is made by the County's insurer of record, not by the County itself. If an employee's claim is approved for benefits, any and all payments relating to the injury or illness shall be made directly by the County's insurer.

Coordination

Family medical leave (FML) as applicable under the Family Medical Leave Act (FMLA) shall run concurrently with workers' compensation leave. The Human Resources Department and Risk Management shall coordinate the administration of FML and workers' compensation.

Return to Work

Prior to returning to work following an injury or illness, an employee shall obtain a release, including any restrictions, from the treating physician and shall submit the release to Risk Management.

If the employee is released without restrictions, Risk Management shall notify the Elected Official or Department Director that the employee is cleared to return to work without restrictions. The employee shall return to work on the assigned date and time.

If the employee is released with temporary restrictions, Risk Management shall attempt to locate a modified/light duty assignment within the employee's current department or in another County department consistent with the employee's temporary restrictions, if necessary.

If no work is available consistent with the employee's restrictions, the employee shall be referred to the Human Resources Department to discuss available leave of absence options.

Modified / Light Duty

If an employee is temporarily unable to perform one or more of the essential functions of their job for a temporary period of time due to an injury or illness, the County shall endeavor to place the employee in a modified/light duty assignment as long as meaningful and necessary work is available. This assignment shall be consistent with the employee's skills and abilities and any medically necessary work restrictions.

A modified/light duty assignment is an alternate assignment within an employee's current job classification or an assignment in a different job classification.



All requirements for modified/light duty assignments shall be evaluated on a case-by-case basis with consideration given to the skills and abilities of the employee, the medical or physical restrictions, and the availability of meaningful and necessary work. The physician's statement releasing the employee for light or modified duty shall include a description of the injury or illness, prognosis, work restrictions or limitations, the estimated length of time the employee may require light or modified duty work and, if applicable, any follow-up treatment or therapy required.

The County shall not place individuals into positions in which the employee's restrictions would pose a direct threat to the health or safety of the employee or others.

The terms and conditions of a temporary modified/light duty assignment, if approved, shall be determined by the Elected Official or Department Director in conjunction with Risk Management and the Human Resources Director. Once a modified/light duty assignment is approved, a Modified Duty Agreement shall be executed by the Risk Management Department, and the employee shall report to the department on the assigned date and time.

The County may require periodic medical updates from the physician regarding the employee's ability to perform the duties of the temporary assignment or to be released to return to full duty. The County may require an employee to submit to further examination with a physician chosen by the County at the County's expense if:

- The length of time for the temporary assignment appears to be excessive,
- The restrictions/limitations cannot be adequately interpreted or clarified by the employee's physician, or
- The County has reason to believe the employee's release for duty is inconsistent with job requirements.

A modified duty assignment shall not last for more than ninety (90) calendar days per illness/injury, unless extended, in writing, by the County Manager. This applies to both work-related and non-work-related conditions. The ninety (90) days may be continuous or intermittent. If the employee is not able to return to full duty within ninety (90) calendar days, an evaluation shall be conducted by the Human Resources Department to identify options



available to the employee, which may include consideration of medical retirement or termination.

The Elected Official or Department Director or designee shall permit the injured employee to keep physician appointments and any prescribed physical therapy sessions. The employee shall be required to use accrued sick or annual leave or authorized leave without pay for medical appointments or therapy.

If, while on a temporary modified duty assignment, the employee needs to be absent during work hours for medical treatment or a doctor's appointment, the employee must bring a statement from the treating physician/facility indicating whether there are any changes in the employee's condition that would impact the temporary assignment. This statement shall be delivered to Risk Management prior to returning to the work site. Risk Management shall notify the Elected Official or Department Director and the Human Resources Department of any changes in restrictions and, with the concurrence of Human Resources, determine if the Modified Duty Agreement can be extended.

Risk Management shall maintain contact with the injured employee, the department, and the Human Resources Department in order to provide information on an employee's status and any changes in restrictions.

The County reserves the right, for good reason, to discontinue a modified/light duty assignment at any time. Good reason shall include, but not be limited to, meaningful and necessary temporary work is no longer being available, operational, or physical difficulty prohibiting the continuance of the temporary assignment, or the employee's inability to satisfactorily perform the duties of the modified duty assignment.

**Reemployment of an
Injured Classified
Employee**

The County shall hold the position of a classified employee who is receiving or is due to receive benefits pursuant to the NM Workers' Compensation Act for a four (4) month period. A classified employee who is unable to return to his or her position within the four (4) month period may apply for a vacant position and shall receive preference in hiring for an additional six (6) months, provided the County is hiring, the employee is qualified for the position, and the employee's treating health care provider certifies that the employee is fit to carry out the job duties of the position without significant risk of injury.



**Non-Work-Related
Injury / Illness Return
to Work**

An employee who is returning from FML or Authorized Leave without Pay (ALWOP) for their own non-work-related illness or injury shall fulfill the return to work/fitness for duty requirements.



COBRA

Policy

An employee who separates from County employment for any reason other than gross misconduct may elect a continuation of coverage in the County's group health, dental, and vision plans, along with eligible family members. The employee shall be responsible for the payment of the full premium plus an administrative fee for continued coverage.



Classification and Compensation Plan

Policy

The County shall establish and maintain a Classification and Compensation Plan covering all employees. The Classification Plan defines and organizes all approved job titles, establishes the approved salary range for each job title, and defines procedures for making salary changes.

The Classification and Compensation Plan shall be administered by the Human Resources Department within established guidelines. The Human Resources Department shall recommend the Plan and Plan updates to the County Manager who shall, as appropriate, recommend them to the County Commission.

All compensation is contingent upon availability of funds and the budgeting of such funds each year by the County Commission.

Philosophy

Sandoval County believes the total rewards system is a management tool to communicate and reinforce its business strategies, mission, vision, values, operational, and financial needs with the goal of motivating employees to meet County objectives. The County's compensation philosophy is the foundation of this system and reflects the following principles:

- Recognize the value of total compensation which includes salary and non-salary benefits such as healthcare, annual and sick leave, retirement, and employee development.
- Apply pay practices consistently, fairly, and transparently without regard to race, national origin, religion, age, gender, gender identity, disability, or sexual orientation.
- Make pay plans as simple and practical as possible to facilitate understanding.
- Compensate jobs based on peer market data where the County competes for talent.
- Evaluate, on a consistent basis, the need for a market study of benchmark classifications to maintain market competitiveness and bring pay ranges into alignment.
- Encourage continuous job-related employee development at all levels.
- Recognize individual and team achievement, contribution, and excellence.



Position Classification The Human Resources Department shall determine position classifications subject to County Ordinances and the FLSA. Positions shall be evaluated with one another based on duties, responsibilities, knowledge, skills, and abilities required, working relationships and conditions, and impact and accountability.

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

The Human Resources Department 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 County Commission.

To modify an existing job description or develop a new one, Elected Officials, Department Directors, or designees must seek the advice and concurrence of the Human Resources Director.

Salary Basis It is the County's policy to comply with the salary basis requirements of the FLSA.

"Salary basis" means the employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions (see next paragraph), an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available.

Deductions from pay are permissible when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability
- For absences of one or more full days due to sickness or disability, if the deduction is made according to an employer's policy or practice
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions
- For penalties imposed in good faith for infractions of safety rules of major significance



- For unpaid leave taken by an employee under the Family and Medical Leave Act
- For the initial or terminal week of employment if the employee works less than the full work week

Any employee who believes that an improper salary deduction was made should immediately report this information to his or her supervisor or the Human Resources Director. Reports of improper deductions shall be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be reimbursed.

Salary Ranges

Sandoval County shall establish a minimum, midpoint, and maximum rate of pay for each pay range based on a competitive employment salary survey.

Hiring Rate

The hiring rate is the dollar amount, within the salary range assigned to the class, at which a new employee is hired.

The hiring rate shall be set at a point above the minimum when the qualifications and experience of the individual hired significantly exceed the minimum requirements of the position in terms of related education, relevant experience, or both.

- Criteria to be considered when weighing qualifications and experience include but are not limited to the following:
 - University-level or post-graduate-level degrees
 - Experience in the same or related field
- Any hiring rate above the minimum must be recommended and justified by the appropriate Elected Official or Department Director and requires approval of the County Manager or designee.

Major Salary Actions

Movement Within Range: Movement within a salary range takes place through in-range adjustments based on time in position.

In-Range Adjustment: An in-range adjustment shall be provided to classified employees within the employee's existing pay range to maintain equity among employees. In-range adjustments are contingent upon availability of funds and the budgeting of such funds each year by the County Commission. In-range adjustments are based on an employee's time in his or her current position and may not take the employee's rate of pay above the maximum amount of a salary range unless approved by the County Manager.



Promotion: A promotion occurs when an employee moves into a position with increasing job-related responsibility and a higher salary range.

Demotion: A demotion is the reassignment of an employee to a position with less job-related responsibility and in a lower salary class. A demotion can be either voluntary or involuntary, as a result of disciplinary action, or business necessity.

Lateral Transfer: A lateral transfer involves reassigning an employee to a position within a new salary range that is neither ten percent (10%) higher or lower than the employee's current position.

Salary Adjustment: All pay increases for classified and unclassified employees shall be within the County Commission approved budget and the adopted Compensation Plan, if applicable. Pay adjustments of five percent (5%) or less for a classified employee may be granted by the County Manager when substantiated with supporting evidence of job market, retention, or recruitment factors that justify the pay adjustment, and when within the adopted Compensation Plan and approved budget. Pay adjustments above five percent (5%) must be approved by the County Manager with the concurrence of the Chair of the County Commission and be substantiated with supporting evidence of job market, retention, or recruitment factors that justify the pay adjustment.

Represented to Non-Represented: When transferring to a new position, an employee shall be placed in the pay grade for the position in which the employee is transferring at a rate of pay based on the employee's education and directly related experience or, when applicable, be commensurate with the education and directly related experience when compared to other employees in the new position.

**Compensation for
New Position**

An Elected Official, Department Director or County Manager may request a new position classification by submitting a request and preliminary job description to the Human Resources Department, which shall then review the job description and complete a compensation market analysis based on the duties, responsibilities, and qualifications and provide the information back to the requestor for approval by the County Commission.

**Compensation
Change for an Existing
Position**

An Elected Official, Department Director or employee who can justify that a position is improperly classified may submit a written request for a job evaluation. The request must contain the specific job duties being



performed which are not commensurate with the existing job description. A request from an employee shall be submitted to his or her Elected Official or Department Director for review and recommendation. If the Elected Official or Department Director agree that a job evaluation is warranted, they shall submit it to the Human Resources Director for review.

A job evaluation shall be completed by a Human Resources Department representative, the employee, and the employee's direct supervisor. Upon completion of the job evaluation, the Human Resources Department shall submit the final determination to the County Manager or designee for review. The Human Resources Department shall inform the employee and Elected Official or Department Director of the County Manager's determination.

An employee that is reclassified shall retain his or her current date in position for the purpose of subsequent in-range salary adjustments.

Shift Differential

The County Manager shall recommend in the proposed annual budget swing and evening shift pay rates for FLSA non-exempt employees who are assigned such shifts. Shift differential shall be included in the regular rate of pay to calculate the overtime pay rate.

Callback Pay

Callback occurs when an FLSA non-exempt employee not on duty, lunch time excluded, is notified to return to work. If an employee is called to report back to work after having left the premises, he or she shall be paid for all hours worked at the employee's regular hourly rate. Employees shall be compensated for time worked from the time the employee is contacted for callback as recorded by the employee's supervisor making the contact. All hours worked for callback shall be considered time worked for purposes of computing overtime.

On-Call Pay

When a qualified exempt employee is unavailable, or flexing an FLSA non-exempt employee's schedule within the work week is not possible, an Elected Official or Department Director may place an FLSA non-exempt employee in on-call status to ensure availability of services outside of normal business hours or the employee's normal work schedule to respond to urgent or unexpected business needs.

An employee shall be placed on call for one or more days within the work week based on the business needs of the department. FLSA non-exempt



employees in an on-call status shall be compensated following properly approved department policies and procedures or SOPs.

The Human Resources Department shall provide a policy template and review department policies and procedures before they are submitted to the County Manager for approval.

**Public Safety On-Call
and Callback**

Public safety employees, because of their role in protecting the general population from all manner of significant danger, injury, or harm, are subject to properly approved standard operating procedures or collective bargaining agreement(s) regarding callback and on-call pay.



Employee Continuing Education

Purpose

The purpose of this policy is to provide employees with educational opportunities that increase skills and enhance contributions to Sandoval County. An employee's work performance is vital to the success of the County. Providing professional development to employees is an investment in their careers and the future of Sandoval County. This program shall:

- Encourage education
- Expand job knowledge and upgrade skills
- Assist employees in completing college coursework
- Prepare employees for other lines of work within the County

Eligibility

Full-time regular employees with at least one (1) year of continuous service with Sandoval County who have demonstrated satisfactory job performance at the time of the request, are eligible for reimbursement for educational costs that are approved by the County Manager or designee.

Employees currently on a Performance Improvement Plan or put on a Performance Improvement Plan shall not be eligible for the tuition reimbursement program until the employee completes the Plan.

The business needs of the County shall take precedence over the needs of the employee when there is a conflict in scheduling regarding continuing education.

Eligible Expenses

Educational opportunities must be in line with the employee's current job position and Sandoval County's mission. Professional development can be obtained through:

- An accredited University, College, or Technical/Vocational school. Sandoval County may reimburse up to six (6) credit hours a semester with a maximum of twelve (12) hours per calendar year for any combination of University, College, Technical/Vocation classes for undergraduate studies, or specialized technical training associated with a degree, license, or certificate.
- Books, parking, travel time, and other miscellaneous expenses are not covered and are not reimbursable.

Educational Leave

An employee may request, subject to the County Manager's approval, up to three (3) hours of educational leave per week to attend classes. Employees should make every effort to schedule classes during non-work time.



Procedure

To assist with budgeting, employees must submit the Continuing Education Assistance Application requesting educational assistance as far in advance as possible before taking any classes. The form must be submitted before the beginning of each semester or term. Employees must complete the Continuing Education Assistance Application and forward it to his or her direct supervisor for review and approval to attend and receive reimbursement for the desired training and/or resource. The application must include an applicable course of study, purpose, job relevance, cost, dates, times of classes, and the name of the institution or source of training.

The County may pay for the tuition at the time of registration for any employee making \$35,000 or less per year. Employees in this category shall have one opportunity to pass classes taken in pursuit of a degree, license or certificate before the County shall no longer reimburse tuition in advance-

Reimbursement

Employees making more than \$35,000 per year must have a G.P.A of 2.0 or higher for an Associate's or Bachelor's Degree or a G.P.A of 3.0 or higher for a Master's Degree if taking multiple classes. Proof of G.P.A must be submitted along with a Tuition Reimbursement Application to receive reimbursement.

Employees shall be reimbursed (subject to the availability of funds) for tuition for up to twelve (12) credit hours per calendar year (6 per semester) at the rates noted below.

- Associate's or Bachelor's: Grade C or above = 100% reimbursement
- Master's: Grade B or above = 100% reimbursement

Any grade less than a "C" for an Associate's/Bachelor's program is not eligible for reimbursement. Any grade less than a "B" for a Master's program is not eligible for reimbursement. A pass/fail course is 100% reimbursable if passed successfully.



TIME OFF AND LEAVES OF ABSENCE



Holidays

Policy	Legal holidays and all proposed County holidays or partial holidays for the calendar year shall be designated by the Board of Sandoval County by the end of December of the preceding year.
Eligibility	Full-time employees are entitled to holiday pay. Part-time employees are eligible for holiday pay at the employee's hourly rate of pay on a prorated basis for days normally scheduled to work. Casual, temporary, seasonal, and emergency hire employees shall not be entitled to holiday pay and shall be on unpaid status for the holiday.
Waiting Period	For eligible employees, there is no waiting period following an employee's hire date to receive holiday pay.
Scheduling	To receive pay for a designated legal holiday, employees shall be in a work or authorized paid leave status on their scheduled work day immediately preceding and following the holiday, or must have worked on the stated holiday. An employee absent without pre-approved leave or a physician's note excusing them on the scheduled work day before or after a holiday shall not receive pay for that holiday. When a holiday falls on an employee's regular day off, the employee's holiday shall be observed on the work day prior to or after the holiday, workload permitting as determined by the Elected Official or Department Director.
Leave of Absence	When a holiday falls during an employee's paid annual leave, the day shall be counted as a holiday, not as annual leave. When a holiday falls during an employee's approved sick leave, the day shall be counted as a holiday, not a day of sick leave.
Pay	FLSA non-exempt employees who are scheduled or required to work on a legal holiday or designated County observed holiday shall be paid at the rate of two (2.0) times regular hourly rate of pay. Thereafter, employees shall be compensated at their regular straight hourly rate until the employees qualify for overtime under the FLSA provisions of these Rules and Regulations.



For departments that conduct operations outside of the standard Monday through Friday work week, an Elected Official or Department Director may approve an employee's request to work on a County designated holiday and take off on an alternate day provided it is deemed to be beneficial to the County's business interests and does not result in overtime work. If an employee requests to work a designated holiday, he or she shall not be compensated at two (2) times his or her normal hourly rate, but are required to take an alternate day off with pay.

Personal Holidays

In addition to designated holidays, *classified* employees who have completed the probationary period and work more than twenty (20) hours per week shall receive one (1) personal holiday with pay per calendar year. The personal holiday will be paid based on the employee's regularly scheduled hours within one 24-hour day. Employees may take a personal holiday with the approval of their Elected Official or Department Director. The personal holiday must be taken within the calendar year or be forfeited.

Each full-time *unclassified* employee, except casual, temporary, and emergency hire employees, shall be given two (2) personal holidays per fiscal year. Each part-time unclassified employee shall earn one (1) personal holiday per fiscal year. These days shall be used during the fiscal year in which they are received or be forfeited.

Personal holidays shall be requested at least three (3) days in advance and shall be taken in eight (8) hour segments.



Leave of Absence

Policy

The County may grant a leave of absence, with or without pay, during regularly scheduled work hours, determined on a case-by-case basis, taking into consideration factors such as business need, the reason for leave, length of service, and length of requested time off. The County reserves the right to deny a leave request.

Absence without approved leave is subject to disciplinary action up to and including termination.

Administrative Leave with Pay

Administrative leave with pay shall be granted by the County Manager in situations including, but not limited to, a pending administrative investigation, disciplinary action, inclement weather, or other extenuating circumstances. Administrative leave with pay can be approved only by the County Manager.

Authorized Leave Without Pay

The County Manager may grant employees authorized leave without pay (ALWOP) for a period not to exceed one (1) year when the County Manager deems that such leave without pay is in the best interest of the County.

- An employee granted ALWOP for an injury or illness shall first exhaust all available and applicable annual leave, sick leave, compensatory time, administrative leave days, and personal holidays before being placed on ALWOP unless approved by the County Manager.
- An employee granted ALWOP for non-medical circumstances shall first exhaust all available and applicable annual leave, compensatory time, administrative leave days, and personal holidays before being placed on ALWOP unless approved by the County Manager.
- An employee on ALWOP shall not accrue annual or sick leave or a personal holiday while on ALWOP.
- A temporary employee may be hired to fill the position of the employee on ALWOP of greater than three (3) months.

If an employee on ALWOP returns to work within three (3) months, the employee shall be returned to the same position. If the employee is on leave without pay for more than three (3) months, the County shall attempt to return the employee to the same or a similar position for which the employee is qualified. The position shall not be guaranteed when an absence is greater than three (3) months.



An employee requesting ALWOP of more than three (3) months must sign an agreement requesting the ALWOP and state they understand they are not guaranteed the former position.

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

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.

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

**Leave without Pay
(LWOP) Required by
State or Federal Law**

Leave without Pay (LWOP) shall be afforded to all employees where required by state or federal law (such as the Pregnancy Discrimination Act, ADAA, New Mexico Human Rights Act, the NM Promoting Financial Independence for Victims of Domestic Violence Act, or other applicable law). Employees shall be required to provide proof and/or certification of the need for leave.

- LWOP shall be restricted to a maximum of six (6) months, or as otherwise provided by applicable law. Employees shall not accrue annual or sick leave or a personal holiday while on LWOP.
- An employee whose leave is not covered by FMLA, wishing to continue his or her medical benefits, may do so solely at his or her own expense.
- The employee shall, as appropriate, fulfill Return to Work requirements.
- When LWOP 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.



Annual Leave with Pay

Policy

The County provides annual leave to qualified employees for rest and recreation. Eligible full-time employees accrue annual leave according to the following schedule:

- Hire to fifth year: 4 hours per pay period
- Fifth to tenth year: 6 hours per pay period
- Tenth to fifteen years: 8 hours per pay period
- Fifteen and up: 10 hours

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

Annual leave shall not be charged in increments of less than one-half ($1/2$) hours, and increments of less than one-half ($1/2$) hours shall be counted as a full one-half ($1/2$) hour.

When a classified employee changes from one accrual rate to another by completing years of service, the accrual rate shall change at the start of the pay period following the anniversary date.

Annual leave shall not be granted in advance of accrual.

Eligibility

Full-time and part-time employees are eligible for annual leave with pay. Casual, temporary, and emergency hire employees do not accrue annual leave.

Accrual

A maximum of two hundred and twenty-four (224) hours of annual leave shall be accumulated and carried forward from calendar year to calendar year. However, in the event a classified employee's request for annual leave was denied due to operational requirements, that employee shall not suffer loss of leave time accrued, provided the excess time is taken by March 31st of the following year. The County Manager or designee may provide an additional extension based on good cause.

An employee does not accrue annual leave for time worked in excess of forty (40) hours per week.

An employee does not accrue annual leave while on leave without pay.



Accrual 48/96 Schedule	Employees scheduled for a 48/96 schedule will accrue annual leave based on hours worked.
Waiting Period	A probationary employee, except for an employee serving an extended probationary period following a transfer or demotion, shall not be able to use accrued annual leave until the completion of three (3) months of employment, except in the case of unusual conditions as determined by the Elected Official or Department Director with approval of the County Manager. If a probationary employee resigns or is dismissed before completing the probationary period, the employee shall be compensated for accrued annual leave time.
Scheduling	Annual leave should be requested and approved in advance. Reasonable effort shall be made to accommodate the employee's request. Approval shall be subject to advance notification and the needs of the department. Approval of annual leave can be rescinded due to workload requirements or workforce shortages. In the event approved leave is rescinded, annual leave accruals above the maximum allowed to be carried over to the next calendar year shall be paid, unless an extension is granted in writing.
Cash Out	Employees who have worked for the County for a continuous period of ten (10) or more years may cash out hours in excess of eighty (80) in December of each calendar year, but may not cash out more than forty (40) hours in any calendar year.
Holidays	If a County observed holiday falls during an employee's annual leave, the holiday is paid and is not counted as annual leave.
Paid Time Off (PTO) - Unclassified Term Employees and Appointees	A full-time unclassified term or appointed employee shall accrue paid time off (PTO) at the rate of ten and fifteen one hundredth (10.15) hours per pay period or receive paid time off consistent with the terms as set forth in any written agreement between the unclassified term or appointed employee and the County Commission. A part-time unclassified term or appointed employee shall accrue paid time off on a pro-rata basis as set forth for classified employees. Unclassified term or appointed employees shall not be granted PTO in advance of accrual.



**Unclassified
Employee PTO Sell
Back**

An unclassified full-time employee who has completed twelve (12) months of County employment and who has accrued over two hundred twenty-four (224) hours of PTO shall be eligible to sell back to the County up to forty (40) hours of PTO leave in June of every year.

PTO Carryover

Unclassified employees, with the exception of part-time employees, may carry forward a maximum of four hundred eighty (480) 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 County Commission.

**Separation of
Employment**

Upon termination from County employment, an employee shall be paid up to one hundred sixty hours (160) of unused accrued annual leave at the employee's current rate of pay.

An unclassified employee leaving County employment shall receive payment for all earned compensation and a maximum of two hundred twenty-four (224) hours of accrued annual leave or as otherwise provided by the employment agreement. An unclassified employee resigning his or her employment shall receive the final paycheck, less any amount owed to the County, at the next regularly scheduled date of pay. An unclassified employee who is terminated shall receive his final paycheck based on New Mexico law.

An employee shall not take accrued annual leave during the two-week resignation notice period prior to separation from County employment unless approved by the County Manager or designee.



Sick Leave with Pay

Policy	The County provides sick leave with pay to employees for absences due to personal or family illness or injury, medical and dental appointments that cannot be scheduled during non-working hours, unplanned events, and circumstances beyond an employee's control. • Eligible full-time employees accrue four (4) hours of sick leave per pay period • Part-time employees shall accrue sick leave on a prorated basis Sick leave shall not be charged in increments of less than one-half (1/2) hours, and increments of less than one-half (1/2) hours shall be counted as a full one-half (1/2) hour.
Eligibility	Full-time and part-time employees are eligible to accrue paid sick leave time. Casual, temporary, term and appointed employees do not accrue sick leave.
Accrual	A maximum of four hundred and eighty (480) hours of sick leave shall be accumulated and carried over from fiscal year to fiscal year. An employee does not accrue sick leave for time worked in excess of forty (40) hours per week. An employee does not accrue sick leave when on leave without pay.
Accrual 48/96 Schedule	Employees scheduled for a 48/96 schedule will accrue sick leave based on hours worked.
Waiting Period	Probationary employees accrue sick leave equal to the above schedule. Use of sick leave shall be approved by the employee's supervisor on a day-by-day basis during the probationary period.
Rehire	An employee who has been separated from the County for any length of time accrues sick leave at the same rate as a new hire.
Sick Leave Authorization	An employee or a family member, in the event the employee is incapacitated, shall report the need for sick leave to the employee's supervisor or designee as soon as possible.



Sick leave shall be authorized by the employee's supervisor when an employee is unable to perform normal job duties due to medical considerations including, but not limited to, illness, injury, pregnancy, childbirth, pre-arranged medical or dental examination, quarantine, therapy, counseling, and treatment.

Sick leave shall also be authorized for the same type of medical considerations involving an employee's spouse, parent, or child, regardless of place of residence, if the employee's personal attention is required. The definitions of spouse, parent, and child shall conform to those used in the FMLA of 1993 or as amended.

Sell Back

Sick leave accruals over 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.

Sick Leave Abuse

An employee may be disciplined up to and including termination for abusing sick leave. Sick leave abuse is defined as charging sick leave for work absences that do not qualify as such under this section. The following conditions may lead to a review of sick leave use for possible disciplinary action:

- Excessive leave unless justified by a physician's certification
- Patterns of use
 - After payday
 - Using the same day of the week repeatedly
 - The day before or after holidays, annual leave, weekends, or days off
- When the employee's been seen in an activity that appears inconsistent with the statement of illness
- When a review of sick leave use indicates that it is being used at the same rate that it is being accrued
- When an employee's supervisor has personal knowledge of any drug or substance abuse dependency.

Medical Certification

A physician's certificate is required:

- When the employee is absent from work for three or more consecutive days due to the serious illness of the employee, a household member, parent, spouse, or child;
- When the employee is absent for four or more days within two consecutive pay periods;
- At any time the Elected Official or Department Director deems it appropriate; or



- When a pattern of Sick Leave abuse may be indicated.

The County may request that an employee have a medical examination at the County's expense when it appears to the Elected Official or Department Direction that the employee cannot perform the essential functions of the position, when a pattern of sick leave use develops, or when an employee advises the Elected Official of Department Director that he or she cannot perform their job for medical reasons.

Approved sick leave hours shall be counted as FMLA if an employee is on approved FMLA leave.

Holidays

If a County observed holiday falls during an employee's sick leave, the holiday is paid and is not counted as sick leave.

An employee requesting sick leave for any portion of, or for the day before or following a holiday, is required to bring in an original note from the treating health care provider certifying the employee was unable to work for health reasons or because of medical considerations of an immediate family member.

Retirement Incentive

Upon qualifying for PERA retirement by years of service plus age, number of years of service, or medical retirement, an employee is eligible 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 his or her current hourly pay rate. The conditions to participate are as follows:

- The employee must have at least ten (10) years of County service.
- The employee must verify that they requested and have been approved for PERA retirement.

Separation of Employment

Upon termination from County employment, an employee shall not be paid for unused accrued sick leave except as otherwise provided for immediately above regarding Retirement Incentive.

An employee may not use accrued sick leave during the two-week resignation notice period prior to separation from County employment.



Leave Donation (Catastrophic Leave)

Purpose The purpose of this policy is to establish a uniform practice for administering catastrophic leave for classified employees of Sandoval County, collective bargaining agreements notwithstanding. The purpose of this voluntary program is to permit employees to contribute a portion of their accrued annual leave, sick leave, or personal holiday when an eligible employee has suffered a catastrophic injury or illness or has an immediate family member suffer from a catastrophic illness or injury, which renders the employee unable to work, as certified by a qualified medical provider.

Definitions For the purpose of this leave program, "CATASTROPHIC" shall be interpreted to include a serious illness or injury which is monumental, unusual, immediate in nature, and which is expected to preclude the employee from returning to work for an extended period of time.

Catastrophic Illness or Injury

Examples of a catastrophic illness or injury include, but are not limited to:

- Serious, debilitating illness, impairment, or physical/mental condition that involves an extended period of treatment or in connection with an extended stay in a hospital, hospice, or residential medical facility
- High intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death
- Terminal Illness

Exclusions

In addition to the below eligibility requirements, the following exclusions apply:

- Non-medically necessary surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may then qualify as a catastrophic illness or injury.
- Most leave associated with pregnancy is not covered by Catastrophic Leave. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.



Immediate Family Member

Within this section on Catastrophic Leave Donation, "Immediate Family member" includes 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 stepchild or foster child). A "son" or "daughter" is also a child eighteen (18) years of age or older 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.

Contributions

It is the policy of the County to permit employees to contribute a portion of their accrued leave to another employee when such employee is on **approved** FMLA leave without pay or leave of absence without pay due to a verifiable illness or injury (personal or family leave). No employee shall directly or indirectly intimidate, threaten, or coerce (or attempt to do so) any other employee for the purpose of interfering with an employee's ability to donate, receive, or use annual or sick leave, including Catastrophic Leave.

Who Can Apply

This policy and the procedures detailed herein apply to any classified full-time or part-time employee who works twenty (20) hours or more per week (.50 FTE or greater) and who has completed one year of continuous employment with Sandoval County.

Eligibility

To be eligible to receive catastrophic leave an employee must meet all of the following:

- The incapacitation or inability to work must be the result of the employee's own or immediate family member's illness or injury, which is estimated to last more than two weeks, and which meets the eligibility as defined in the FMLA.
- The employee must have exhausted all available paid leave balances, including but not limited to sick leave, annual leave, compensatory time, administrative leave days, and personal holiday, and therefore, be facing financial hardship due to an inability to work.
- The employee must be on approved FMLA leave without pay or leave of absence without pay. If the employee has not exhausted his or her FMLA leave entitlement, donated leave shall be counted as FMLA leave.



- The employee must not have received discipline for attendance issues or leave abuse violations of the Personnel Rules & Regulations, Attendance Policy, Department Standard Operating Procedures, or any relevant department policy within one year of submitting a request for Catastrophic Leave.
- The employee must not be receiving disability benefits or Workers' Compensation.

Terms

A maximum of six (6) months' worth of catastrophic leave shall be available for an individual based upon the twelve (12) month period immediately preceding the commencement of this leave (the individual shall not have been the recipient of catastrophic/donated leave within the preceding twelve months). Leave may not be awarded retroactively.

Once donated leave is transferred, the hours shall be used as a supplement to the recipient's own accrual, however, the recipient shall not accrue any annual leave, sick leave, or personal day while on catastrophic leave.

While on Catastrophic Leave, the recipient shall not receive holiday pay.

All donated hours must be used on a continuous and uninterrupted basis, except in special circumstances with approval from the County Manager, and shall be paid at the normal rate of pay and work schedule of the recipient until the earliest of the following events occurs:

- All donated leave is exhausted
- The employee returns to work at his or her normal work schedule or modified work schedule
- The six (6) months of catastrophic leave (leave of absence) is exhausted
- The employee separates from employment with the County

Used donated leave time shall be subject to the recipient's normal payroll deductions including insurance premiums and Section 125 contributions.

At no time may a recipient's salary exceed one hundred percent (100%) of base pay.

The granting of Catastrophic Leave does not create any expectations or promise of continued employment.

Denial of a request for Catastrophic Leave is not subject to grievance.



Transfer of Donated Leave

Hours of catastrophic leave transferred shall be calculated by multiplying the number of hours donated by the donor's hourly salary and dividing that total by the recipient's hourly salary. For example: An employee whose hourly salary is \$24.00 donates ten (10) hours of leave to an employee whose hourly salary is \$12.00. To calculate the leave transferred multiply \$24.00 / hour x 10 hours donated = \$240.00 divided by \$12.00 (recipient's hourly salary) = twenty (20) hours of catastrophic leave for the recipient.

The donor employee must have an annual leave balance of at least forty (40) hours remaining after the donation of annual leave. The donor employee may not donate more than one-half of his or her accrued sick leave and must maintain a balance of at least one- hundred sixty (160) hours of accrued sick leave after the donation. Employees may donate the personal holiday.

All transfers of donated hours shall occur in installments that coincide with payroll dates. Hours shall not be deducted from the donor's accrual banks until they are needed.

An employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists, except as approved by the County Manager or designee.

No employee may directly solicit, influence, or coerce another employee into donating leave. All solicitations of donated leave shall be issued by the Human Resources Department in the approved format.

The Human Resources Director shall make a recommendation to the County Manager for approval or disapproval of a catastrophic leave request.

Procedures

To request benefits, an employee or an individual authorized to act in the interest of the employee must complete the application for Catastrophic Leave and Health Care Provider Statement. Should the employee's need for leave exceed the amount initially requested, the employee must apply for Continuation of Catastrophic Leave and Health Care Provider Recertification Statement for recertification to the Human Resources Department. The total amount of Catastrophic Leave granted shall not exceed six (6) months. The County reserves the right to request periodic updates, second opinions, and other medical information as needed. The application shall include a release from the employee, which allows the Human Resources Department to speak with the physician if it is determined that an updated, second opinion, or additional information is needed.



The Elected Official, Department Director, or the employee (or the employees' representative) must first contact the Human Resources Department to ensure that the catastrophic leave requirements have been met and the employee is eligible for the leave. Following approval by the County Manager, the Human Resources Department shall prepare a generalized statement of the employee's need for leave that shall be distributed to County employees. The statement shall not disclose any information regarding the employee's medical condition. Donated hours shall first be taken from the employee's home department.

Donations must be submitted by the donor employee on a County provided donation form and forwarded to the Human Resources Department. The recipient shall acknowledge acceptance of the provisions of this policy by completing the Recipient Acknowledgement Form. Distribution and collection of donation forms must be done in a way to ensure confidentiality for both the recipient and the donors.

The Human Resources Department shall do the following:

- Verify that the employee is eligible for catastrophic leave per this policy.
- Verify that donors have appropriately completed and signed the Catastrophic Leave Policy Donation Form.
- Verify that the recipient has completed and signed the Catastrophic Leave Policy Recipient Acknowledgement Form.
- Forward leave donation forms to Payroll.
- Maintain catastrophic leave documents in a confidential file separate from the employee's personnel file.
- Notify the recipient of the termination of catastrophic leave.

Payroll shall do the following:

- Verify that each donor has enough time to cover the donation as of a designated pay period.
- Determine the number of hours that shall be credited to the recipient's leave account.
- Deduct donated leave hours from the donor's designated leave accrual bank when needed for each pay period. Add the appropriate number of hours to the recipient's catastrophic leave. In no event shall the donor have hours deducted before they are required by the recipient, and in no event shall the recipient have a surplus in his or her leave bank.



- Notify the Human Resources Department at least one pay period before the exhaustion of donated leave to provide time to notify the recipient.

Confidentiality

Human Resources shall maintain all documents and information relating to requests for catastrophic leave in a confidential file separate from the personnel file. This information shall be disclosed to those who need to know and shall be used only to make decisions regarding the provisions of this policy.

Fraudulent Use

The County reserves the right to obtain information that may lead to the discovery of an employee's fraudulent use of catastrophic leave. Any employee who fraudulently obtains catastrophic leave shall be required to reimburse any donated leave utilized and shall be subject to disciplinary action up to and including termination.



Family and Medical Leave Act

Policy

Employees may have a right to unpaid leave under the federal Family and Medical Leave Act (FMLA). Under the FMLA, covered employers must provide eligible employees with specific notices pertaining to FMLA rights and responsibilities and designate leave as FMLA when appropriate.



Bereavement Leave

Policy	The County grants an employee time off from work in the event of a death in the immediate family.
Waiting Period	There is no waiting period following an employee's hire date to receive bereavement leave.
Immediate Family	For purposes of the Bereavement policy, the following relatives are considered immediate family: • Parents, Mother-in-Law, Father-in-Law • Spouse • A pre-acknowledged Domestic Partner • Son or Daughter, Step Children • Son-in-Law, Daughter-in-Law • Siblings, Sibling to spouse • Grandparents, Grandparent-In-Law • Grandchildren
Scheduling	An employee must make his or her supervisor aware of the situation immediately.
Proof of Death and Relationship	When returning to work, an employee should be prepared to present proof of death and relationship to be paid for bereavement.
Number of Days	The employee shall be entitled to bereavement leave with pay: • A maximum of three (3) bereavement leave days are allowed for in-state familial deaths and services • A maximum of five (5) bereavement leave days are allowed for out-of-state familial deaths and services
Additional Time Needed	Employees who need additional time off shall be granted this time with the supervisor's approval. Additional time off is charged against accrued annual leave or leave without pay if the employee has an insufficient amount of leave to cover the absence.



Annual Leave

Employees who are on paid annual leave at the time of the event are granted the appropriate paid bereavement leave time (3 or 5 days) if verifiable documentation is provided.



Military Leave

Policy	The County is committed to protecting the job rights of employees on military leave. Following federal and state law, it is the County's policy that no employee or prospective employee shall be subjected to any form of discrimination on the basis of that person's membership in, or obligation to perform service for any of the Uniformed Services of the United States.
Notice	Military leave must be requested as soon as possible once the employee receives notice. The employee shall provide a copy of the orders once received from his or her command.
Pay	Paid military leave is granted for authorized Reserve or National Guard activities for a maximum of two hundred forty hours (240) during a one-year period, or as required by state or federal law. Employees voluntarily or involuntarily serving on active duty for more than two hundred forty (240) hours shall be able to utilize annual leave; however, an employee shall not be required to exhaust annual leave, compensatory time, PTO, or personal leave before being placed on leave without pay status.
Annual and Sick Leave	Employees on military leave without pay do not accrue annual and sick leave.



Jury Duty

Policy	The County recognizes that employees have a responsibility to participate in the jury duty process. Paid time off for jury duty is granted to an employee who has been notified to serve. Pay for jury duty shall only be for those days that the employee is scheduled for work. Any jury duty pay received shall be remitted to the county.
Eligibility	Regular employees are eligible for paid time off for jury duty.
Waiting Period	There is no waiting period following an employee's hire date to be eligible for paid time off for jury duty.
Return to Work	If excused by the court during a working day, the employee shall return to duty if at least four (4) hours of County duty can be served in that work day. If at least four (4) hours of County duty can be served in that work day and the employee does not return to work, the balance of the day shall be charged to annual leave or leave without pay.
Vacation and Leave of Absence	If jury duty service occurs during an employee's approved leave of absence, the employee is not eligible for jury duty pay. Employees who have paid vacation scheduled that coincides with jury duty are granted jury duty pay if verifiable documentation is provided.



Time Off to Vote

Policy	The County encourages its employees to participate in the political process by voting in federal, state, and local elections.
Pay	Up to two (2) hours of paid leave for voting is allowed except for employees whose work day begins two (2) hours or more before the opening of the polls or ends three (3) hours or more before the closing of the polls.



Court Appearance Time

Policy

The County shall pay for court appearance time when an employee is required by County duties or subpoenaed to appear before a court, County hearing officer, public body, or County Commission to testify regarding County matters or as approved by the County Manager or designee.



Lactation / Breastfeeding

Policy	The County shall provide reasonable break times as needed for any employee who is breastfeeding her child after the birth of her child. When notified of the need, the County shall designate a clean and private room in the facility of the employee requesting space for this purpose.
Employee Responsibility	Any breast milk stored in a County refrigerator must be labeled with the name of the employee and the date of expressing the milk. Employees storing milk in a County refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, or tampering.
Pay	Any time in addition to established employee breaks shall be unpaid. No overtime shall be granted while a nursing mother is using a breast pump.



Emergency Closings

Policy	The County shall be required to close the work facility or stop operations in the event of emergency conditions such as severe weather, fire, flood, earthquake, or computer or network system failures. Determination of emergency conditions shall be made by the County Manager or designee. Because emergency circumstances may be localized, the Elected Official or Department Director may request the County Manager to declare an emergency for a specific location.
Employee Responsibility	In the event the work facility closes or operations stop, employees must maintain contact with the supervisor or the designated individual as instructed to obtain updates about resuming work. Essential employees shall check with their direct supervisor regarding the work schedule during an emergency closure.
Pay	When the work facility closes or operations stop due to a declared emergency, this time off from scheduled work is paid. Hours paid according to this provision shall not be counted as hours worked for the computation of overtime.
Annual or Sick Leave	Any annual or sick leave time that had previously been approved before the announced closing shall be considered as leave time.



Separation from County Employment

Accounting

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

Reimbursement for Missing or Damaged County Property

The Elected Official or Department Director shall process all separating employees by completing an Employee Clearance Form. If any money is due to the County resulting from missing or damaged County property, the Human Resources Director shall obtain from the Elected Official or Department Director the signed Equipment/Property Issue Form with the replacement cost of that property. The County reserves the right to take legal action to recover County property. The County Manager shall determine the appropriate action to collect the amount that is owed to the County if any.

Time in Service Computation / Break In Service

Computation of time-in-service for leave accrual and other purposes, except PERA, shall be made based on each employee's date of hire into a classified position, less any leave without pay or other break in service.

A former classified employee who applies for rehire within 60 days of resignation and is rehired within ninety (90) days of separation is eligible for the following:

1. Credited with the break-in-service time at the date of rehire, except for PERA retirement time,
2. Shall not serve a probationary period,
3. Any accrued sick leave balance at the time of resignation shall be reinstated when re-employed,
4. Shall be credited prior County employment time for annual leave accrual calculation, however, leave accrual rates shall not be adjusted retroactively.

