

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

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

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

**Section 1. Title and Purpose**

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

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

**Section 2 Use of pronouns**

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

**Section 3. Prohibited Acts**

1. It is unlawful for any person to authorize, approve or consent to a strike by one or more employees of the County. It is unlawful for any employee of the County to strike. For the purposes of this Ordinance strike means the willful failure to report for work, the willful absence from his position, the failure to fully,

38 faithfully and properly perform the duties of employment, work stoppage, work  
39 slowdown, or any action which is intended to or does disrupt the effective and  
40 orderly operation and function of County government for the purposes of bringing  
41 about change in the terms and conditions of employment.

42  
43 2. Notwithstanding other provisions of law, any County employee who  
44 violates the provisions of this Section of the Ordinance or any subsection of this  
45 Section shall thereby abandon and terminate his appointment or employment and  
46 shall no longer hold such position or be entitled to any of the rights or benefits of  
47 such position. Such termination of employment or appointment shall be immediate  
48 and compulsory.

49  
50 3. If, subsequent to such violation, any person shall be appointed or  
51 reappointed or employed or reemployed as a County employee within a one year  
52 period of the violation his compensation shall in no event exceed that received by  
53 him immediately prior to the violation; and he shall not receive any increase in  
54 salary and/or benefits until the expiration of a one-year period from the  
55 appointment, reappointment, employment or reemployment.

#### 56 57 **Section 4. Employment Relations**

58  
59 The employment relations policy of the County is as follows:

60  
61 1. All employment decisions made by the County government shall be  
62 based on merit and fitness.

63  
64 2. Just and equitable incentives and conditions of employment shall be  
65 established to promote efficiency and economy in the operations of County  
66 government.

67  
68 3. Positions having similar duties and responsibilities shall be classified  
69 and compensated on a uniform basis.

70  
71 4. Employees shall not be discriminated against because of race, sex,  
72 age, color, national origin, religion, handicap, disability or medical condition,  
73 veteran status, or any other unlawful criterion except where a bona fide  
74 occupational qualification applies.



5. To assure fair and objective treatment of all job applicants and employees and to ensure that employees are protected against coercion for partisan or political reasons.

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

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

#### **Section 5. Violation of this Ordinance**

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

#### **Section 6. Classified and Unclassified Positions**

##### **Covered employees:**

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

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

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

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

114 3. Unclassified service is comprised of the following:  
115

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

119  
120 (b) The Undersheriff and the Sheriff's personal secretary.

121  
122 (c) The County Manager, Assistant County Manager.

123  
124 (d) The County Attorney and/or contract attorney(s).

125  
126 (e) Part-time, casual/PRN, contract, temporary, probationary, term  
127 and emergency hire employees.

128  
129 4. Unclassified employees are not subject to the merit provisions of this  
130 Ordinance, are terminable at-will, and cannot grieve layoffs, dismissals or other  
131 disciplinary actions through the grievance procedures contained in this Ordinance.  
132 Unclassified employees, except casuals, temporary, terms, and emergency hires,  
133 are entitled to all other rights and benefits contained in this Ordinance.

134  
135 5. The appointees of the County Assessor, County Clerk, County Sheriff  
136 and County Treasurer shall not be hired, transferred or otherwise placed into the  
137 classified service by or on behalf of the elected official for which such appointee  
138 has served, provided, however; all such appointees shall be eligible to obtain a  
139 classified position in another department if such selection is in accordance with the  
140 merit selection process of this Ordinance.

141  
142 6. All individuals regularly employed in the County service on the  
143 effective date of this Ordinance shall retain their classified status until they resign,  
144 voluntarily accept an unclassified position, or until terminated, dismissed or laid-  
145 off in accordance with the procedures established in this Ordinance and the Rules  
146 and Regulations adopted pursuant to this Ordinance. All appointments to classified  
147 service on and after the effective date of this Ordinance shall be made in  
148 accordance with the merit and qualification provision contained in the County's  
149 Ordinance and its Rules and Regulations.



152 **Section 7. Administration**

153  
154 The County Manager shall hire and supervise a Human Resources Director  
155 who shall administer the Ordinance's merit and employment relations system, the  
156 adopted rules and regulations and other applicable policies.

157  
158 The County Manager and Human Resources Director shall, subject to  
159 existing law:

160  
161 1. Submit to the Board of County Commissioners for action such  
162 amendments, new or revised employment relations rules and regulations, policies,  
163 compensation plans and/or other applicable regulations as are deemed necessary.

164  
165 2. Administer and maintain the merit system, employment records and  
166 policies established under this Ordinance and under its authority.

167  
168 3. Develop, maintain and apply procedures for employee recruitment,  
169 promotion and training; employee evaluation and corrective action plans,  
170 discipline of employees for just cause and related aspects of personnel  
171 management for all County employees, subject to the provisions of State and  
172 Federal laws, County ordinances, including the employment rules and regulations  
173 adopted or amended pursuant to this Ordinance and all applicable policies adopted  
174 or amended by the Board of County Commissioners.

175  
176 4. Issue administrative instructions and/or interpretive memoranda to  
177 provide guidance in furtherance of this Ordinance and division or departmental  
178 policies and/or standard operating procedures or other employment relations rules  
179 or regulations governing the County, after approval by the Board of County  
180 Commissioners.

181  
182 5. Establish a system of ratings to evaluate the work performance of  
183 each employee.

184  
185 6. Take actions, as may be necessary, to carry out the mission of County  
186 government in emergencies.

187  
188 7. Manage and exercise judgment on all matters not specifically  
189 prohibited by this Ordinance or by a collective bargaining agreement in effect  
190 between the County and an employee organization.

192 **Section 8. Selection for Employment, Retention and Compensation**

193  
194 1. All classified employees shall be hired in accordance with the  
195 employment regulations governing the eligibility and selection of employees based  
196 on qualifications and merit.

197  
198 2. Applicants selected for screening and eligibility for employment must  
199 be able to satisfactorily perform all assigned duties and responsibilities associated  
200 with their positions and must continue to perform satisfactorily to maintain  
201 continued employment with the County.

202  
203 3. There shall be a pay plan consisting of a base salary schedule  
204 approved by the Board of County Commissioners and the assignment of each class  
205 to its appropriate place in such schedule.

206  
207 4. The pay plan, as approved by the Board of County Commissioners,  
208 shall be administered by the County Manager.

209  
210 **Section 9. Personnel Records**

211  
212 The Human Resources Division shall maintain the official personnel file,  
213 including medical records for each County employee. The personnel file is the sole  
214 property of the County.

215  
216 1. The Director shall maintain a record of each employee's employment  
217 history in accordance with operational necessity and applicable State and Federal  
218 law requirements. Employees shall have access to their own file. No material  
219 shall be placed in an employee's file without providing him with a copy.

220  
221 2. All employee information deemed confidential shall be accessible  
222 only to the employee, supervisors in the employee's direct chain of command, the  
223 Human Resources Director, a hiring appointing official in the event the employee  
224 seeks another County position, the County Attorney or designee, any person or  
225 entity authorized in writing by the employee, and pursuant to any court order,  
226 judicial or administrative subpoena, NMSA 1978, §14-3-16 as amended.

227  
228 3. In no case will any medical or other treatment records be available to  
229 anyone other than the Director or her designee according to NMSA 1978, §14-3-1,  
230 et seq.



232 4. Only the County Manager or designee may authorize the permanent  
233 removal of material from an employee's file.

234  
235 **Section 10. Collective Bargaining Agreements**

236  
237 The provisions of this Ordinance do not apply to employees included in a  
238 collective bargaining agreement but can cover matters not covered by a collective  
239 bargaining agreement, if explicitly stated in the collective bargaining agreement.

240  
241 **Section 11. Rules and Regulations and Supplemental Policies and Procedures**

242  
243 1. The rules and regulations included in Ordinance No. 02-17-88-I and all  
244 amendments thereto are hereby repealed and rescinded. The rules and regulations  
245 adopted under the authority of this Ordinance are established as policy of the  
246 Board of County Commissioners to implement its provisions.

247  
248 2. The supplemental employment relations policies and procedures adopted  
249 by the Board of County Commissioners including the Vehicle Use and Fleet  
250 Maintenance Policy, Safety Manual, Computer Acceptable Use Policy, Sheriff's  
251 Office Standard Operating Procedures, Sheriff's Office Rules of Conduct, and  
252 Detention Center Standard Operating Policy and Procedures are hereby declared to  
253 carry the full force and effect of this Ordinance and all employees subject to the  
254 provisions of those policies and procedures are required to adhere to their  
255 requirements. In the event that any provision of any such policy or procedure or  
256 subsequently adopted supplemental policies and/or procedures is determined by a  
257 competent authority to be contrary to or at variance with the provisions of this  
258 Ordinance, the provisions of the Ordinance shall govern and the affected policy or  
259 procedure shall be interpreted as if the provisions were not contained therein and  
260 shall be revised or deleted by amendment to said policy or procedure by formal  
261 Board action.

262  
263 **Section 12. Hearing Officer**

264  
265 1. The final administrative arbiter of suspensions, demotions and  
266 dismissals shall be a Hearing Officer.

267  
268 2. An employee seeking a hearing before the Hearing Officer must  
269 follow the grievance procedures set forth herein.

271 3. The Hearing Officer shall have the power to direct the County  
272 Manager to require the presence of County employees at any hearing for the  
273 purpose of testifying.  
274

275 4. The Hearing Officer shall not have the authority to amend, modify or  
276 arbitrate away any of the provisions of this Ordinance, the Rules and Regulations  
277 or policies or procedures adopted pursuant to Ordinance No. 08-12-18-11A. The  
278 Hearing Officer shall confine himself to the precise issues submitted.  
279

280 5. The County shall maintain a list of at least five (5) hearing officers  
281 who have at least three (3) years experience in the area of employment law or  
282 human resources management, experience in conducting administrative hearings  
283 and the ability to render and write unbiased and impartial decisions.  
284

285 6. The Hearing Officer's fees and expenses for a hearing shall be paid:  
286

287 (a) Equally by the County and employee if the employee's  
288 suspension, demotion or dismissal is modified by the Hearing Officer.  
289

290 (b) By the County if the Hearing Officer finds in favor of the  
291 employee.  
292

293 (c) By the employee if the Hearing Officer finds in favor of the  
294 County.  
295

296 7. The Hearing Officer's decision is appealable to district court pursuant  
297 to the provisions of the Uniform Arbitration Act, NMSA 1978, §44-7A-20, et seq.  
298

### 299 **Section 13. County Property**

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301 An employee shall not misuse County property, records or other material in  
302 his care, control or custody, nor shall any County property, record or other material  
303 be removed from the County's premises without written authorization by the  
304 County Manager, Elected Official or designee. No employee shall use County  
305 property, record or equipment for personal gain or share information related to  
306 County business with any individual and/or organization outside where there is a  
307 conflict of interest.  
308  
309

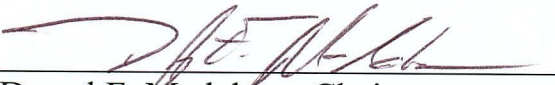


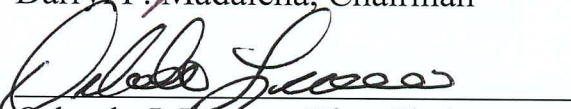
**Section 14. Effective Date**

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

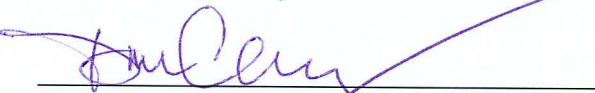
**Approved, adopted and enacted this 17<sup>th</sup> date of November, 2011.**

**SANDOVAL COUNTY BOARD  
OF COUNTY COMMISSIONERS**

  
Darryl F. Madalena, Chairman

  
Orlando J. Lucero, Vice Chairman

  
Don E. Leonard, Commissioner

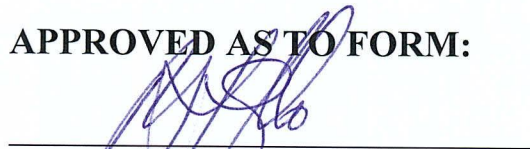
  
Don G. Chapman, Commissioner

  
Glenn Walters, Commissioner

**ATTEST:**

  
Sally Padilla, County Clerk

**APPROVED AS TO FORM:**

  
Patrick Trujillo, County Attorney