

Torrance County
Personnel Ordinance
2019

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SECTION 1. GENERAL PROVISIONS

1.1 Purpose

The purpose of this personnel policy manual is to establish consistent, basic policies and practices concerning relations between Torrance County and its employees. This personnel policy manual further establishes the formal grievance procedure available to regular employees to hear grievances with respect to demotions, dismissals and suspensions. The provisions of this personnel policy governing merit and the grievance of disciplinary actions do not apply to employees appointed by elected officials who serve at the discretion of the elected official.

1.2 Scope

Definite rules and regulations cannot be readily formulated for every possible problem and situation. This ordinance serves as a general basis and guide for the proper, efficient, and effective administration of personnel matters of the employees of Torrance County. The Personnel Rules contained herein replace and supersede all previously issued Personnel Rules and Regulations applicable to employees of Torrance County.

1.3 Employee Knowledge and Information of Policy

County Manager or designee shall provide a copy of this policy to present employees and to all new employees with instructions to read and know of all provisions of these rules. Employees shall sign for the copy upon receipt.

1.4 Equal Employment Opportunity Policy

Individuals will not be discriminated against on the basis of race, age, religion, sexual orientation, color, national origin, ancestry, gender, gender identity, physical or mental disability or medical condition, or any other legally protected status, in consideration for employment, duration of employment, compensation, terms, conditions, or privileges of employment by Torrance County.

1.5 Americans with Disabilities Act Compliance

Torrance County has committed itself to comply with the Americans with Disabilities Act which protects qualified individuals with disabilities from discrimination in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment.

1.6 Administration by County Manager

The County Manager is delegated the authority to administer the personnel system and the terms of this personnel policy manual and its amendments, and all future approved personnel policies and operating procedures. The County Manager is further authorized to promulgate administrative rules for the purposes of implementing any or all of the provisions of this ordinance.

1.7 Official Personnel File

Documents including but not limited to records, certifications, employment applications, evaluations, and disciplinary actions are maintained by the Human Resources Director in the County Manager's Office.

1.8 Pronouns

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

SECTION 2. DEFINITIONS

2.1 Administrative Leave with Pay

Leave with pay granted at the department head's discretion for good cause with the County Manager's approval.

2.2 Anniversary Date

Twelve (12) months, or any multiple of 12 months, from an employee's date of hire or appointment to a specific position.

2.3 Annual Leave

Leave with pay granted to a regular or qualified appointed employee at a rate as defined in Section 11.4.

2.4 Appeal

Written request that a decision pertaining to a formal grievance be reconsidered at a further stage in the grievance procedure.

2.5 Applicant

A person who has made formal application on an official county personnel application form for a position in the county service.

2.6 Appointed Employee

Appointed employees are appointed by and serve at the pleasure of their respective elected official(s), and include but are not limited to: the Chief Deputy appointed by the County Assessor, Clerk, and Treasurer; the Undersheriff and the Executive Secretary appointed by the Sheriff; the County Manager, Fire Chief, and the County Attorney appointed by the County Commission; the Deputy County Manager appointed by the County Manager with Commission concurrence. All appointed employees shall work a minimum of forty (40) hours per week and shall submit bi-weekly timesheets.

2.7 Classified Employees

All employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act. Classified employees are eligible to receive overtime pay and/or compensatory time off and are eligible for the County's grievance procedure.

2.8 Compensatory Time

Time off granted to employees covered by the Fair Labor Standards Act (FLSA), in lieu of overtime pay on the basis of one and one-half (1 1/2) hours compensatory time for each hour of overtime physically worked in excess of forty (40) hours in one work week. The work period and number of hours to be worked prior to qualifying for overtime/compensatory time by employees covered by the Fair Labor Standards Act 207(k) exemption shall be determined based on the guidelines of that exemption.

2.9 County Business

The performance of duties of a county position at an employee's normal workstation or at a location authorized by the county.

2.10 Demotion

A personnel action that reduces the employee's responsibilities and rate of pay. Demotions may be voluntary or involuntary, and may be the result of disciplinary actions.

2.11 Department Head

The elected official or appointee of the County Commission who has responsibility for supervising and administering a department of county government as determined and designated by the voters of Torrance County and/or the County Commission. County Commissioners are not considered Department Heads.

2.12 Developmental Plan

A performance plan developed as a result of an unsatisfactory employee evaluation that specifies areas of improvement that must be met in order to obtain a satisfactory job performance evaluation.

2.13 Dismissal

An action that terminates an individual's employment with the county.

2.14 Due Process

The right granted to a full-time classified employee who has completed the probationary period to the grievance process for actions of suspension, demotion, or dismissal.

2.15 Duties of Department Heads

All department heads and elected officials shall adhere to the provisions of this Personnel

Policy.

2.16 Elected Official

An individual elected by popular vote or appointed to fill a vacancy in elective office (i.e., County Commissioner, County Clerk, County Treasurer, County Sheriff, County Assessor, and Probate Judge.)

2.17 Exempt Employee

An employee occupying a position determined to have met the exemption requirements as defined in Department of Labor regulations relating to the Fair Labor Standards Act, and whose compensation is based on a fixed annual salary. Exempt employees are not entitled to overtime pay or compensatory time off, nor are they entitled to the County's grievance procedures.

2.18 Family Member

Relation by blood or marriage within the third degree includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

2.19 Full-Time Employee

All County employees who are scheduled to work forty (40) hours per week, and all other employees including Dispatch who are scheduled to work thirty-six (36) hours per week are considered full-time employees.

2.20 Grant Funded Employee

A full or part-time employee hired to fill a position, which exists only upon receipt of grant funds. This position is terminable-at-will and is not otherwise entitled to grievance as set forth in this ordinance.

2.21 Grievance

A complaint of an employee concerning actions taken by that employee's superior which results in loss of pay to the employee or other adverse employment action. There are two types of grievances: formal and informal. Each type will be subject to its own resolution procedures.

2.22 Hiring Board

A three to five person board created to conduct interviews of applicants for a specific job opening. This board consists of the County Manager or designee, Human Resource Director, the appropriate Department Head and any other applicable personnel.

2.23 Holiday Pay

Pay received on designated County holidays. Holiday pay is paid at the same rate as the employee's regular pay and shall not exceed the number of regularly scheduled hours.

2.24 Insubordination

The conduct of an employee constituting defiance, disobedience, dissension, rebelliousness, or resistance to supervision. Acts of insubordination may result in disciplinary action up to and including dismissal.

2.25 Layoff or Reduction in Force

The involuntary separation of an employee from the county service, without fault on the part of the employee, due to abolishment of position, reorganization, lack of work, lack of funds, or any other reason determined by the County Commission and/or County Manager to be in the best interest of the County.

2.26 Medical Disability Termination

The termination of an employee from county employment when the employee is unable to perform the essential functions of the position due to a physical or mental condition notwithstanding any reasonable accommodation.

2.27 Overtime

Any hours by a regular full-time employee in excess of forty (40) hours every week. Employees shall receive overtime only for hours actually worked. Holiday, annual, sick and other leave hours shall not be considered actual work hours.

2.28 Part-Time Employee

An employee paid by the hour that may be called on short notice or an occasional basis. A part-time employee generally works less than nineteen (19) hours per week and are terminable-at-will.

2.29 Performance Review

The written objective review made by the employee's supervisor of an employee's performance relating to the employee's assigned duties.

2.30 Probationary Employee

A full-time employee hired to fill a classified or qualified appointed regular position who has not yet completed the six (6) month period of employment during which time the employee is terminable-at-will; with the exception of law enforcement and dispatch, whose probationary period is twelve (12) months.

2.31 Promotion

Transfer to a position requiring greater responsibilities and compensated at a higher rate of

pay.

2.32 Regular Employee

A full-time employee who has completed the probationary period, who shall be disciplined only for cause, and who is entitled to all the rights and benefits of the Torrance County Personnel Policy Manual. A regular employee must be specifically designated as such on a payroll change form that will be made part of the employee's official personnel file.

2.33 Sick Leave

Leave with pay granted to a regular or qualified appointed employee, after accrual at a specific rate, when personal illness or quarantine keeps the employee from performing the duties of the position or when a family member as defined in Section 2.18 is ill.

2.34 Suspension

An enforced leave of absence without pay, for disciplinary reasons, or pending determination of the grievance procedure.

2.35 Transfer

The assignment of an employee from one position to another, from one work site to another, from one department to another, or from one operational assignment to another having more or less level of responsibility and rate of pay. Transfers may be voluntary or involuntary.

2.36 Terminable-At-Will

A terminable-at-will employee is one who fills an appointed, grant funded, temporary, or part-time position, or is one who has not completed his probationary period. A terminable-at-will employee serves at the discretion of the county, and his employment can be terminated without cause. A terminable-at-will employee cannot grieve suspension, demotion, dismissal, or other disciplinary actions.

2.37 Volunteer Emergency Responder

A volunteer emergency responder is a member in good standing of a volunteer fire department, an emergency-medical service, a search-and-rescue team, or a law enforcement agency who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster.

SECTION 3. EMPLOYMENT STATUS

3.1 Full-Time Regular Employee

A full-time regular employee is one who has completed the probationary period and who normally is scheduled to work the number of hours set forth in Section 2.19. A full-time regular employee is eligible for all rights and benefits provided by the County. A full-time

regular employee cannot change to part-time status without the approval of the County Manager.

3.2 Part-Time Employee

A part-time employee is paid by the hour. A part-time employee generally is scheduled to work less than nineteen (19) hours per week. A part-time employee does not accrue annual or sick leave and is not eligible for any other type of leave provided by the County.

3.3 Appointed Employee

The appointees of elected officials include but are not limited to: the County Manager, Deputy County Manager, County Attorney, Fire Chief, Undersheriff, Executive Secretary to the Sheriff, and the Chief Deputies to the County Assessor, Clerk, and Treasurer. Appointees of Elected Officials shall receive a salary set by the County Commission. Appointed employees are considered exempt employees as defined by the Fair Labor Standards Act (FLSA). 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.

3.4 Exempt Employee

Exempt employees shall receive a fixed annual salary set by the Department Head, the County Manager, and/or the County Commission. Exempt employees are not entitled to overtime pay or compensatory time off nor the grievance process.

3.5 Probationary Employee

The purpose of the probationary period is to evaluate the employee's ability, potential, and performance. A full-time probationary employee is one who is hired to fill a regular or qualified appointed position who has not yet completed their probationary period of employment. A probationary employee shall accrue annual and sick leave at the same rate as a regular full-time employee, but may not use any of the accrued annual leave during the first six (6) months of employment. (See section 3.5.G.)

- A. To determine whether an employee has satisfactorily completed the probationary period, the employee's department head shall review the employee's performance and the employee's ability to work with the public, peers, supervisors, and management. A probationary employee shall be reviewed at the end of the probationary period, and may be evaluated at any other time during the probationary period.
- B. An employee hired to fill a law enforcement or dispatch position shall serve a twelve (12) month probationary period and shall obtain the statutorily required certification for the position. Failure to obtain such certification within the probationary period shall result in the employee's dismissal.

- C. If an employee does not satisfactorily complete the probationary period, the employee will be dismissed. Proposed dismissal of a probationary employee must be discussed with the Human Resource Director and approved by the County Manager.
- D. An employee who fills a temporary position and is subsequently hired to fill a regular position shall serve the required probationary period. The beginning date of the probationary period is the date the employee changes from temporary or part-time to probationary status.
- E. A former Torrance County employee rehired more than six (6) months after termination, shall serve the required probationary period.
- F. A part-time employee hired to fill a full-time position shall be subject to a six (6) month probationary period.
- G. Accrued annual leave may not be used by an employee during the first six months of employment. The County Manager may grant the use of any accrued annual leave on an emergency basis with appropriate documentation.
- H. Probationary employees who have exhausted their accrued sick leave and require additional leave for medical reasons, shall apply for FMLA leave. If the employee is deemed ineligible for FMLA, the County Manager may grant the use of accrued annual leave and/or leave without pay on an emergency basis with appropriate documentation.
- I. The probationary period may be extended at the discretion of the County Manager in cases where further evaluation is needed. Department Directors shall create an employee developmental plan.

3.6 Temporary Employee

A temporary employee is hired on either a full-time or part-time basis to a seasonal position or to a position established for a period of no more than six (6) months. A temporary employee is terminable-at-will, is not entitled to grieve personnel actions, does not receive county benefits, and does not accrue leave.

3.7 Term Status Employee

An employee whose position is funded by non-recurring or short-term funding who has completed the six-month probationary period. Term Status Employees shall have all of the rights and privileges of career status employees except Term Status Employees may be relieved of his duties because of reduction or loss of funding for the special project, state or federally funded program for which he was employed, or when the special project or program ends. Term Status Employees may fill full or part-time positions within the

County provided such positions exist and said employee meets the qualifications of said position(s).

SECTION 4. MANAGEMENT AND APPOINTED POSITIONS

4.1 County Manager

Believing it to be in the best interest of the county to obtain a professional manager to provide for continuity and efficiency in the administration of county affairs, the board of county commissioners hereby establishes the position of County Manager pursuant to NMSA(1978) § 4-38-19. The County Manager shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to and vested in the county manager and hired by the Board of County Commissioners. The County Manager shall be a Fair Labor Standards Act (FLSA) exempt employee who serves at the pleasure of the Board of County Commissioners and cannot avail themselves of the grievance process. The County Manager shall be a salaried, contract position entitled to all of the benefits of a Full-Time Regular Employee but shall not be entitled to overtime or compensatory time.

4.2 County Manager Powers, Duties, and Responsibilities

The County Manager shall be responsible to the Board of County Commissioners for the efficient administration of all of the affairs of the county. They shall be responsible for proper management of fiscal and budgetary matters, real property and facilities, roads, streets and county operations which are assigned to the County Commissioners by the State Constitution, state statutes and county ordinances. They shall have the power and it shall be their duty to:

- A.** Carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances and regulations of the board and exercise all executive authority.
- B.** Select, appoint, direct the work of, discipline or remove, the Deputy County Manager, department directors, and all subordinate employees of the county, subject to the terms of the Torrance County Personnel Ordinance and Torrance 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/or department directors. Unless authorized by another section of this Code, neither the Board of County Commissioners nor any of its members shall dictate, either directly or indirectly, the appointment of any person by the County Manager nor prevent them from exercising their own judgment in the appointment of the Deputy County Manager, department directors, the public information officer, or the executive assistant to the County Manager.

- C. To 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.
- D. Report annually to the Board of County Commissioners and to the citizens of the County of Torrance, the work of the previous year, recommendations for action or programs for improvement of the county, and the welfare of the residents.
- E. Prepare and submit the annual budget and capital programs to the Board of County Commissioners and executes the budget and capital programs in accordance with the appropriations and ordinances enacted by the Commission.
- F. Ensure that all ordinances, resolutions and orders of the Board of County Commissioners and all the laws of the state which are subject to enforcement by the County Manager, or by staff who are delegated authority by the County Manager, are faithfully executed.
- G. Execute such other powers or duties as required by the Board of County Commissioners, this Code, and NMSA 1978 § 4-38-19.

4.3 Deputy County Manager

The position of Deputy County Manager is hereby created. The Deputy County Manager shall be a salaried, Fair Labor Standards Act (FLSA) exempt employee hired by the County Manager with the concurrence of the Board of County Commissioners who serves at the pleasure of the County Manager. Deputy County Managers shall not be entitled to overtime pay, compensatory time, or to the grievance process, but shall receive all other benefits provided to Full-Time Regular Employees.

4.4 Fire Chief

The position of Torrance County Fire Chief shall be a Fair Labor Standards Act (FLSA) exempt position. The Fire Chief shall not be entitled to overtime pay, compensatory time, or to the grievance process, but shall receive all other benefits provided to Full-Time Regular Employees. The Fire Chief will be hired through the Recruitment and Hiring process defined in Section 4 except the Hiring Committee shall provide the top five (5) applicants in ranked order to the County Commission. The Commission shall meet in closed session pursuant to NMSA (1978) § 10-15-1 (H)(2), to review the applicants and choose their preferred applicant. The Commission may request additional interviews at their discretion. The Fire Chief shall report to the County Manager for all purposes including discipline. The Fire Chief serves at the pleasure of the County Commission.

4.5 Other Exempt Positions

In addition to the aforementioned exempt positions, the Deputy Clerk, Deputy Assessor, Undersheriff, Sheriff's Administrator, County Attorney and Department Directors are deemed to be exempt, terminable-at-will positions.

4.6 Transition

Any position created or defined in this section as an exempt status position that is deemed to be a classified status position prior to the enactment of this ordinance, shall retain its status as a classified position until a vacancy occurs, at which time the position will become an exempt status position.

SECTION 5. RECRUITMENT AND SELECTION

5.1 Recruitment Posting Procedure

Whenever filling a vacant position, the Department Head must submit a "Request to Hire" form to the Human Resource Director. Within two (2) business days of receipt of the request, the Human Resource Director shall seek approval of the County Manager and post the opening within County offices. At the same time that the position is posted within the County, the position shall be posted on the County's public website and shall also be advertised at least once in the local newspaper.

5.2 Permission for Transfer

No county employee or department head can deny another county employee who is not the subject of a disciplinary action, permission to apply for a job vacancy in any other county office or department for which the employee is qualified. Probationary employees are not eligible for transfer.

5.3 Applicant Responsibility

A. Submission of Applications

Applications for employment shall be accepted in the County Manager's Office during normal business hours. Applicants shall be considered for positions for which they have applied and are qualified. Applications must be submitted on the employment application form provided by the county with any other applicable documents attached.

B. Proof of Qualification

The applicant is responsible for furnishing proof of qualifications or possession of any license, certification, or degree when these requirements are necessary and set forth in the job description.

C. Immigration Act Compliance

The applicant is responsible for furnishing proof of identification and right to work in accordance with the Immigration Reform and Control Act of 1986. If the applicant cannot furnish the required documentation, then the applicant is ineligible for work.

D. Certification

The applicant is responsible for signing the employment application and certifying as to the truth of all statements made in the application.

E. Referral to Department Head

The Human Resource Director will deliver applications to the department heads when the required advertising time has expired.

F. Testing

The County may require an applicant to submit to testing for certain bona fide occupational qualifications.

G. Reasonable Accommodations for Disabilities

Applicants under consideration for employment shall disclose any reasonable accommodations required to enable them to perform the duties of the job for which they are applying.

5.4 Selection

Selection shall be made by a hiring board and will be based on the following: skills, educational background, experience, personal interview, references, and results of pre-employment examinations.

A. Employment Reference Checks

References provided by the applicant shall be checked by the Human Resource Director prior to hiring. Applicants will be asked to sign a written authorization on the employment application for the county to check references. Only those applicants who sign this written authorization will be considered for the position for which they have applied.

B. Driver's License Checks

All applicants are subject to a motor vehicle check to verify that they have a valid New Mexico driver's license. If the applicant has an out of state driver's license, they must obtain a New Mexico driver's license within ninety (90) days of employment with the County. If an applicant's driver's license is suspended, revoked or not valid for any reason, they shall not be considered for County employment.

C. Criminal History Check

All applicants selected for interview will be asked to sign a written authorization for the County to conduct a criminal history check. Any applicant who refuses to sign the written authorization shall not be considered for employment with the County. If the criminal history check reveals a felony or misdemeanor conviction as described in NMSA 1978, 28-2-1 or 10-1-3, et seq., the applicant is ineligible for hire with the County.

D. Physical Examinations and Drug Testing

Applicants to whom positions have been offered shall be required to undergo medical examinations, which may include urinalysis, blood testing, and radiographic examination. Drug testing will be done for all new hires. Employment medical examinations must be completed and reviewed before the employee can report to work. Offers of employment are contingent upon the physician's statement that the individual can perform the assigned duties and tasks of that position and is drug free. The Human Resource Director will arrange all physical and drug testing appointments. Employment medical examinations will be paid for by the County. The County Manager may approve a conditional hire of an applicant pending the results of the physical and drug test in exceptional circumstances.

E. Law Enforcement Entrance Exam

All applicants for a law enforcement position must successfully complete the law enforcement entrance exam to be considered for employment with the County. The law enforcement entrance exam consists of a physical agility test, written exam, and interviews by the hiring board.

5.5 Ineligibility for Hire or Rehire

An applicant shall be considered ineligible for hire or rehire by Torrance County if the applicant:

- A. Made any false statement or omission on the employment application.
- B. Unable to furnish proof of identification and right to work as defined by section 5.3(C).
- C. Refused to sign authorization for reference checks.
- D. Not met the requirements of the position.
- E. Failed to complete pre-employment examinations or other requirements as directed by the county.
- F. Not met the criteria for insurance or bonding as required by County or State law.
- G. Been dismissed from County service as a result of a disciplinary measure.
- H. Not been certified by a physician that the applicant can perform the physical requirements of the position.
- I. Does not have a valid New Mexico driver's license as described in section 5.4(B)

- J. Failed to provide a written two week notice of resignation from a previous County position or did not otherwise leave previous County employment in good standing. The County Manager may waive the two (2) week notice requirement.
- K. Been convicted of a felony as described in NMSA 1978, 28-2-1, et seq. (1987 Repl. Pamp.) or convicted of a felony or infamous crime as defined in NMSA 1978, 10-1-3.
- L. The above list is not necessarily exclusive, and may not include all of the reasons that would make an applicant ineligible for hire or rehire.

5.6 Ineligibility of Applicants for Dispatch or Sheriff's Department

No person under indictment, convicted of a felony or involved in a drug, alcohol or domestic violence related incident, shall be eligible for employment in a dispatch or law enforcement position.

5.7 After Employee Selection

A. Notification of Hire

The Department Head is responsible for notifying the Human Resource Director as soon as an applicant has been selected for employment by submitting a payroll change notice to the Human Resource Director. At this time, the Human Resource Director will schedule the employee for a physical examination and drug testing as defined by section 5.4 (D)

B. Employee Orientation

All new hires are required to have an employee orientation with the Human Resource Director. The employee orientation is necessary to complete the proper employment paperwork and to inform the employee of their rights as defined by this Personnel Policy Manual. The Human Resource Director will schedule all employee orientations and is responsible for notifying the employee of the date and time of the orientation.

C. Approval By The County Manager

The Human Resource Director is responsible for notifying the County Manager of all new hires. After the employee has successfully completed their physical examination, drug test, and employee orientation, the Human Resource Director will submit the payroll change notice to the County Manager for signature. The Human Resource Director will notify the Department Head as to when the employee can begin work.

SECTION 6. CHANGES IN EMPLOYMENT STATUS

6.1 Promotion

County employees are encouraged to take advantage of promotional opportunities and apply for higher paying positions for which they qualify. Probationary employees are not eligible for promotions until they have successfully completed their probation period.

6.2 Demotion

An employee may be demoted to a vacant position for which the employee is qualified when the employee would otherwise be terminated because the employee's position is being abolished due to the lack of funds or lack of work and there are no appropriate vacancies at the same level; when the employee does not possess the necessary ability to render satisfactory performances in the position presently held; or when the employee voluntarily requests such a demotion. Demoted employees will receive a reduction in pay. Only a regular employee demoted due to an inability to render satisfactory performance in the position presently held is entitled to grievance proceedings. See Section 8.2.

6.3 Transfer

Employees may be moved from one position to another at the same rate of pay either voluntarily or involuntarily. An employee may be transferred if it is in the best interest of the county.

6.4 Resignation

An employee voluntarily resigning shall submit, in writing, a two-week notice of resignation. Failure to provide written two-week notice of resignation may be grounds for refusal of future employment with the County. Unauthorized absence from work for a period of three (3) consecutive, regularly scheduled working days may be considered a voluntary resignation.

6.5 Reduction-In-Force

If it is necessary for the county to reduce the number of county employees because of lack of funds or lack of work, the department head shall make the determination of the necessity for layoffs. The reduction will occur in the following manner:

A. Part-Time

Part-time, temporary, term and probationary employees will be laid off before regular full-time employees unless they are filling positions that require specific skills and knowledge.

B. Regular Full-Time

Lay off of regular employees shall be determined by the department head, based on the employees' suitability for the jobs remaining, ability to perform available

work, past job performance, and length of service with the County.

C. Notification

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.

D. Accrued Annual Leave

Accrued annual leave shall be paid no later than the fifth (5th) day after the employee's final day of employment.

E. Permanent Layoff

An employee on permanent layoff must reapply to be considered for future employment.

F. Layoff Return to Work

A laid-off employee returning to County employment within six months of lay off will not serve a probationary period (unless the employee did not previously complete his probationary period while previously employed by the county) or undergo a medical examination and drug testing if hired to the same position.

6.6 Dismissal

The Department Heads shall have the authority to recommend the dismissal of regular employees for cause, which shall include, but not be limited to, unsatisfactory performance, illegal activity, unacceptable conduct or insubordination on the job. Qualified Appointed Employees serve at the discretion of the Elected Official under whom they are employed and may be dismissed with or without cause. *All dismissals must be discussed with the County Manager and the Human Resource Director before any action is taken. See Section 7.2.*

SECTION 7. CONDITIONS OF EMPLOYMENT

7.1 Performance Review

A. Probationary

The Department Head shall discuss and document performance with the employee during the probationary period. The employee must receive a performance review of satisfactory or better at the end of the probationary period before the employee can become a regular employee entitled to all of the rights and benefits of that status. See also paragraph 3.5. *Status change from a probationary employee to a regular employee shall be noted on a payroll*

change notice.

B. Periodic / Other

All County employees shall have a performance review on an annual basis, but any employee may be reviewed at any time for the following conditions:

1. A change of job description (increases or decreases of current responsibilities).
2. Recommendations of any type of salary increase or decrease.
3. Demotion or suspension.
4. Insubordination or unsatisfactory work performance.

All performance reviews shall be documented and placed in the employee's official personnel file. Performance reviews must be signed by the employee and the Department Head.

C. Employee Rebuttal

The employee may submit in writing a rebuttal statement to the performance review, which will become a part of the performance review. The rebuttal shall be submitted within 10 days of the review.

D. Unsatisfactory Review

In the event an employee receives a performance review that is unsatisfactory, the employee shall be provided with written information that specifies the areas of deficient performance and steps for improvement. The employee shall be warned that failure to meet reasonable performance standards of the position within a set time period, which is not to exceed ninety (90) days, may result in disciplinary action or dismissal. An employee who receives an unsatisfactory review shall be re-evaluated within ninety (90) days, and, if performance remains unsatisfactory, the necessary actions will be taken. (Refer to Section 8.1. Basis for Employee Discipline).

7.2 Code of Conduct

County employees shall endeavor to conduct themselves in a professional manner when dealing with the public and other employees. The Human Resources Director shall provide each employee with a copy of the County's Code of Conduct, violation of which shall result in disciplinary action and possible termination.

7.3 Outside Employment

Full-time county employees are discouraged from holding outside employment in addition to their full-time county position. County Employees shall avoid conflicts of interest when

working for outside employers. Employees shall not be employed by any organization that does business with the county where the county employee holds a position of authority or decision making with regard to the business relationship between the outside organization and Torrance County. County employees shall obtain written approval from their Department Head and the County Manager or County Commission prior to accepting a position with an outside employer. Department Heads shall not approve outside employment where a conflict of interest exists between the County and the outside employer. No employee shall continue in outside employment if such employment has a negative impact on the employee's job performance, creates the appearance of impropriety, or creates a liability exposure to the county.

7.4 Discrimination and Harassment Including Sexual Harassment

Torrance County strictly prohibits any form of unlawful discrimination based on race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, political affiliation or lack thereof, or any other status. Improper interference with the ability of the County's employees to perform their expected job duties will not be tolerated. The County endeavors to maintain an environment that is free from all forms of discrimination, including harassment.

A. Discriminatory practices include but are not limited to:

1. Discrimination on the basis of race, religion, gender, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, and/or disability. Harassment is a form of discrimination.
2. Sexual harassment includes, but is not limited to: requests for sexual favors, unwelcome sexual advances and other non-verbal, verbal or physical conduct of a sexual nature that creates a hostile environment for persons of either gender, sex-oriented verbal kidding, teasing, jokes, comments, display of sexually suggestive objects or pictures, physical contact such as hugging, patting, or brushing up against another's body.
3. A hostile environment is a result of severe or pervasive harassment that substantially interferes with an individual's work performance. The harassment must have been unwelcome and offensive to the victim and of a nature that would be offensive to the reasonable person.
4. The hostile-environment standard applies to harassment on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability.
5. Examples of harassing conduct include, but are not limited to:
 - a. Sexual harassment: Gender-based jokes or comments.

- b. Race or national-origin harassment: Epithets, slurs, or negative stereotypical comments, jokes or cartoons,
- c. Age harassment: Remarks or jokes relating to a person's age.
- d. Disability harassment: Disparaging remarks, slurs or jokes relating to a person's physical or mental disability.
- e. Religious harassment: Coercion of employee participation in religious activities, verbal attacks or religious slurs.
- f. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, religion, sexual orientation or ethnic group, or individuals with disabilities.
- g. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, sexual orientation, national origin, or an individual with a disability.
- h. Retaliation against an employee who takes one of the following actions: filing a complaint of discrimination, participating in a discrimination investigation, opposing discriminatory practices or exercising any other right under federal or state anti-discrimination laws. The County will not tolerate employment-based retaliation and any violation should be reported immediately.

- B. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during County business trips, business meetings, and business-related social events.

7.5 Discrimination and Harassment Procedures

The Human Resources Department shall be responsible for formally notifying all employees, Department Heads, Elected Officials and volunteers, of the discrimination and harassment policy. The Human Resources Department shall ensure that training on discrimination is periodically conducted, and that all employees and volunteers receive this training. Such training shall be offered to both elected and appointed officials.

- A. The County Manager, the Deputy County Manager, the Human Resources Director, Department Heads, managers and supervisors are responsible for creating a productive work environment in which discrimination, offensive conduct and harassment are not tolerated. They are responsible for taking immediate and appropriate corrective action in response to any confirmed violation of this policy and for assuring that no reprisals are taken against those who complain or participate in an investigation or oppose discriminatory conduct.
- B. An employee or volunteer who feels they have been subjected to any harassment or believes that they have been treated in an unlawful, discriminatory manner

should report the incident promptly to the supervisor, Department Head, the Human Resources Department, the County Attorney, the County Manager, or the Deputy County Manager. Every effort shall be made to resolve the complaint at the lowest level practicable. The complaint will be kept confidential to the extent possible given the circumstances and parameters of investigation permitted by law.

- C. All employees, including supervisors, managers or directors, who become aware of possible discrimination of any employee, either as a result of having received a complaint directly from the employee or from personal observations, shall promptly report the situation to a Department Head, the Human Resources Director, the County Attorney, the Deputy County Manager or County Manager within two (2) business days.
- D. The individual who receives a complaint of discrimination shall request that the employee complete the County's Internal EEO Complaint Form or shall document the complaint if the employee refuses or is unable to complete the form. A copy of the completed Internal EEO Complaint Form shall be provided to the complaining employee and to the Human Resources Department within two (2) business days of the employee's complaint.
- E. The County is committed to investigate each complaint and to take immediate corrective action. The County Manager is responsible for the enforcement of these policies. The Human Resources Department shall provide guidance and assistance during the investigative process.
- F. At no time shall the alleged offender assist in conducting the investigation.
- G. The County Manager shall be responsible for appointing appropriate individuals to thoroughly investigate, document and recommend appropriate corrective action. The County Manager shall assure that all complaints are resolved promptly and effectively.
- H. The investigation shall begin as soon as possible, preferably within five (5) business days of the investigator's receipt of any discrimination complaint and shall be completed as promptly as possible given the scope and complexity of the particular complaint.
- I. The investigator shall consider whether it is appropriate to recommend that the alleged offender be placed on administrative leave pending the outcome of the investigation.

- J. The complainant and witnesses shall be reminded of the County's prohibition against retaliation.
- K. The investigator shall ask the complainant and witnesses not only about the alleged discrimination but also about any efforts by the interviewee to complain about the alleged discrimination and the responses, if any, of those who received such complaint(s). If it is determined that any person with authority to receive such complain(ts) failed to ensure that such complaint(s) were documented and forwarded to the Human Resources Department, that individual shall be subject to appropriate disciplinary action.
- L. The results of all investigations of discrimination shall be forwarded to and reviewed by the County Attorney and Human Resources Department within ten (10) business days of the conclusion of the investigation. The County Attorney and Human Resources Department shall report the results of its review and any recommendation to the County Manager.
- M. If the County Manager determines that an employee has discriminated against or harassed another individual, prompt, appropriate disciplinary action will be taken, up to and including termination of employment.
- N. A closure interview shall be conducted with the complainant within ten (10) business days of the issuance of the investigative report informing the complainant of the results of the investigation and, where appropriate, that action will be or has been taken. The department head(s) of the complainant and alleged offender will be informed of the results of the investigation.
- O. No retaliation of any kind shall be taken against an employee who has asserted a complaint or who has reported or assisted in the investigation of a complaint of discrimination or harassment. If retaliation takes place this violation will lead to disciplinary action up to and including termination.
- P. If after the investigation of any complaint, if it is determined that the complaint is not verifiable and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the complainant or any employee who gave false information, up to and including termination.
- Q. Nothing in this policy precludes an employee from making a report to the State of New Mexico Department of Human Rights or the Federal Equal Employment Opportunity Commission at any time.

U.S. Equal Employment Opportunity
Commission
505 Marquette Ave., NW
Albuquerque, NM 87102
(800) 669-6820

New Mexico Human Rights
Commission
1596 Pacheco Street, Suite 103
Santa Fe, NM 87505
(505) 827-6838

7.6 Workplace Violence

Torrance County provides a safe work place for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. All employees, including managers and supervisors, are responsible for using safe work practices, for following all directive, policies and procedures, and for assisting in maintaining a safe and secure work environment.

A. Prohibited conduct.

Torrance County does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from the following behaviors including but not limited to: Making threats or engaging in violent activities, causing physical injury to another person, making threatening remarks, aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress, intentionally damaging County property or property of another employee, committing acts motivated by, or related to, sexual harassment, harassment or domestic violence.

7.7 Drug and Alcohol Abuse and Testing Policy

Torrance County is committed to a goal of a drug and alcohol free work place in compliance with the Drug-Free Work Place Act of 1988. The County's drug and alcohol abuse and testing policy shall be governed by Resolution.

SECTION 8. EMPLOYEE DISCIPLINE

8.1 Basis for Employee Discipline

A. Discipline for Cause

Disciplinary actions for regular employees are based on just cause in order to promote the efficiency of the services rendered by the County and the operation of its respective departments and offices. Disciplinary actions will be consistent with governing laws and regulations and will be taken without regard to race, age, religion, color, national origin, ancestry, gender, gender identity, physical or mental handicap or medical condition or any other protected status. No

employee will be disciplined for refusing to perform an unlawful act.

B. Definition of Cause

Cause is defined as any conduct, action or inaction arising from, or directly connected with, the employee's work that is inconsistent with the employee's obligation to the County and reflects the employee's disregard of the County's interest. Cause includes, but is not limited to, inefficiency, incompetence, misconduct, negligence, insubordination, performance that continues to be inadequate after reasonable efforts have been made to correct the performance problems, or conviction of a felony or misdemeanor as described in NMSA 1978, 28-2-1 et seq.

C. Disciplinary Action

Any department head may take disciplinary action against an employee under the department head's authority consistent with this personnel ordinance. All disciplinary actions must be furnished in writing to the Human Resources Director for placement in the employee's file with signature of the recipient employee acknowledging receipt of the action.

D. Grounds for Disciplinary Action

The following includes those actions that may be a basis for disciplinary action. This list is not intended to be all-inclusive, but is illustrative of the types of actions that may lead to disciplinary action.

1. The employee's performance does not meet expectations.
2. The employee has been abusive in their language or actions, or has threatened or caused physical harm to others.
3. The employee has violated a written policy or order, or has failed to obey any lawful, reasonable directions given by his/her supervisor or other responsible County official.
4. The employee has been found under the influence of alcohol or drugs while on duty and/or in County facilities or has otherwise violated the Drug and Alcohol Abuse and Testing Policy.
5. The employee has been convicted of a felony or has engaged in any activity that violates State or Federal criminal statutes.
6. The employee has provided false or misleading information in any document, report, or statement related to their employment with the County. This includes but is not limited to the employment application and

related materials, as well as complaints and grievances.

7. The employee has caused damage to County property or waste of County assets, through negligence, misconduct, intentional abuse, or destruction of county property.
8. The employee is unsafe to himself, to other employees or to the public in the performance of their duties and responsibilities.
9. The employee has been inexcusably absent, has failed to receive prior approval for any absence, or has abandoned their position.
10. The employee has taken any action that discriminates on the basis of race, color, sexual orientation, gender, gender identity, religion, national origin, age, disability, or any other legally protected status.
11. The employee has engaged in prohibited political activities.
12. The employee has engaged in conduct - either during or outside of regular work hours - that brings discredit upon the County.
13. Theft of county property or unapproved use of county property for personal reasons.
14. Failure to meet standards of substance abuse rehabilitation programs.
15. The employee has violated the County's Code of Conduct or the State of New Mexico Governmental Conduct Act NMSA (1978) § 10-16-1 through 10-16-18.

E. Consultation with County Manager and Human Resources Director
Dismissal, demotion, and suspension require consultation with the County Manager, the Human Resources Director, and the employee's Department Head before implementation. Whenever such consultation is not practical because of urgent circumstances, necessary action may be taken and the situations reviewed with the County Manager and Human Resource Officer as soon as practical.

8.2 Progressive Discipline

An employee shall be progressively disciplined if appropriate. Each case of inadequate performance or act of misconduct shall be judged individually. The step of corrective action used depends on the severity of the infraction and the employee's previous work record. Because of the serious nature of some infractions, the first disciplinary action may be suspension or dismissal.

All actions involving substandard work performance, leading up to and including dismissal, require progressive warnings.

A. Verbal Reprimand

A verbal reprimand is used for minor infractions such as informing the employee that his actions, behavior or conduct needs to change. A verbal reprimand is not grievable. A verbal reprimand must be documented with a copy provided to the employee. Record of a verbal reprimand remains in the department of origin unless or until it becomes part of a more serious disciplinary action.

B. Written Reprimand

1. An employee shall receive a written reprimand because the deficiency or infraction is of a greater degree than that for which a verbal reprimand may be used or if a verbal reprimand was not effective
2. A copy of a written reprimand shall be placed in the employee's personnel file by the Human Resource Director after the Department Head has provided the employee with the original statement. The employee will be asked to acknowledge having read the comments by signing the statement. If the employee refuses to sign, a witness will attest in writing that the statement was presented to the employee for signature. The witness' signature indicates that the employee received the statement, but does not necessarily indicate concurrence with its content. The employee may respond with a written rebuttal, which shall be placed in the employee's personnel file. The placement of a written reprimand in an employee's personnel file is not grievable.

C. Suspension With Pay

An employee may be suspended with pay for a single serious offense or incident where in the opinion of the County Manager, it is in the County's best interests to remove the employee from the work environment.

D. Suspension Without Pay

An employee may be suspended without pay for a single serious offense or for continued inadequate job performance or misconduct after previous attempt(s) to correct the conduct have failed. Such suspension will not exceed ten (10) working days. Suspension of a regular employee is subject to Torrance County grievance procedures.

E. Demotion

An employee may be demoted for continued inadequate job performance after

previous attempt(s) to correct the conduct have failed, provided that there exists a lower position in the County and the employee is meets the qualifications of the job. Demotion is not an appropriate disciplinary action for an employee who has a record of excessive absences or tardiness. Demotion of a regular employee is subject to Torrance County grievance procedures.

F. Dismissal

Dismissal is the final consequence when progressive discipline has failed to change unacceptable behavior or performance. Dismissal is also appropriate when the employee has engaged in behavior that is of a serious nature, which is unacceptable for County employees, even though the employee has not been previously disciplined. The dismissal of an employee shall be subject to Torrance County grievance procedures unless the employee's position is an at-will, exempt, appointed, or unclassified position.

SECTION 9. GRIEVANCE PROCEEDURES

9.1 Conditions or Actions Not Grievable

The following are not grievable:

- A. Disputes as to whether or not an established County practice or policy is good.
- B. Matters where a method of review is mandated by law.
- C. Matters where the County is without authority to act or does not have the ability to provide a remedy.
- D. Release of temporary employees prior to or at the end of their anticipated employment period.
- E. The dismissal of probationary employees prior to the expiration of their probationary period.
- F. The dismissal of part-time or appointed employees at any point during their employment with the County.
- G. The dismissal of terminable at-will employees at any point during their employment with the County.

H. The layoff of an employee due to reorganization, lack of work, or lack of funds.

9.2 Informal Grievance Procedure

The purpose of the informal grievance procedure is to provide employees with a fair and equitable process for resolving complaints or problems with general working conditions. Most grievances should be resolved at the lowest possible level and as informally as possible. The following procedures should be the last resort in addressing problems in the work place.

Step I. The affected employee shall discuss the problem with the first line supervisor and attempt to work out a solution. No written documentation is required and it is anticipated that most problems will be resolved at this level.

Step II. If the problem is not resolved by the supervisor, the employee may file a written complaint with the Department Head, Human Resources Director, or County Manager who shall intervene in an attempt to resolve the problem. The member of management who received the complaint shall meet with the affected employee and shall issue a written finding, which shall serve as the final decision.

9.3 Pre-Determination Hearings

An employee notified of possible suspension, demotion or dismissal or loss of pay shall be entitled to a Pre-Determination hearing before the appropriate department head or County Manager.

A. Notice

An employee shall be notified in writing at least 48 hours prior to date and time of determination hearing. The notice shall disclose the reasons for the proposed disciplinary action and all evidence supporting the reasons, and shall state the time, place, and date of the hearing.

B. Immediate Administrative Leave

An employee may be placed on administrative leave with pay pending the outcome of the pre-determination hearing.

C. Hearing Procedure

The hearing shall be informal and shall be conducted by the employee's department head or County Manager. The purpose of the hearing is to provide the employee with a reasonable opportunity to address or refute the reasons for the proposed disciplinary action. Employees may respond to the notice of disciplinary action in writing in lieu of appearing at the hearing.

D. Waiver

The Hearing may be waived by the employee in which case the disciplinary action is effective immediately if a written response in lieu of the hearing, as described above, accompanies the waiver.

E. Decision

The department head or County Manager shall render a final decision in writing within three (3) business days of the hearing or receipt of the written response to the disciplinary hearing.

F. Appeal

An employee dissatisfied with the decision may file an appeal through the formal grievance process.

9.4 Formal Grievance Procedure

If an employee is not satisfied with the decision from the pre-determination hearing, they may file a written request for a formal grievance hearing. The formal grievance procedure applies only to those employees appealing suspension without pay, demotion, or dismissal.

A. The final arbiter of suspensions without pay, demotions, and dismissals shall be a Hearing Officer. The Hearing Officer has the authority to set hearings for appeals of suspension without pay, demotion, or dismissal, determine issues of grievability on such appeals, and to render decisions.

B. An employee may file a written request for a formal grievance hearing. If an employee chooses to file a written request for a formal grievance hearing, they shall do so within three (3) working days after receipt of a pre-determination hearing final decision.

C. The Hearing Officer shall have the power to direct the County Manager to require the presence of county employees at any hearing conducted by the Hearing Officer for the purpose of testifying.

D. The Hearing Officer shall not have the authority to amend, modify or arbitrate away any of the provisions of this ordinance or the rules and regulations for employment relations. The Hearing Officer shall confine themselves to the precise issues submitted.

E. The Hearing Officer shall be selected as follows:

1. The county shall be responsible for issuing a request for proposals (RFP) for hearing officer services. In order to be eligible to serve as a hearing officer, the respondents must have at least three (3) years experience in the area of employment law or human resource management, experience in

conducting administrative hearings, and the ability to render and write unbiased and impartial decisions.

2. The county shall be responsible for maintaining a list of at least five (5) hearing officers.
3. Within ten (10) calendar days of receipt of a timely appeal from an employee or the employee's representative, the employee or employee's representative shall contact the Human Resources Director or designee to select a hearing officer. A hearing officer shall be selected by the parties alternately striking the names off the list of hearing officers until only one name remains. The employee shall exercise the first strike.

F. The Hearing Officer Shall:

1. Prepare a written decision upholding, reversing or modifying the disciplinary action within thirty (30) calendar days of the conclusion of the hearing. The decision shall contain findings of fact and conclusions of law. The decision shall be served on the parties by certified mail, return receipt requested.
2. Have the authority to only award back wages and county contributed benefits to the employee, if applicable. If the hearing officer awards back wages, the employee shall provide the county with a sworn statement of gross earnings and unemployment compensation since the effective date of the disciplinary action. The county shall be able to offset earnings and unemployment compensation received during the period against the back wages awarded. After a 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.

G. Each party shall bear its own costs. The hearing officer's fees and expenses for a hearing shall be paid:

1. Equally by the county and employee if the employee's suspension, demotion or dismissal is modified, but not reversed, by the Hearing Officer;
2. By the employee if the Hearing Officer finds in favor of the county; or
3. By the County if the hearing officer finds in favor of the employee.

- H. The Hearing Officer's decision is appealable to District Court pursuant to the provisions of the Uniform Arbitration Act, NMSA 1978 § 44-7A-1 et seq.

9.5 Complaints Regarding Discrimination

Complaints regarding discrimination based on race, color, religion, gender, gender identity, age, national origin, physical or mental disability, or any other protected status should be referred to the County Manager for prompt investigation and resolution.

SECTION 10. COMPENSATION AND BENEFIT PROGRAM

10.1 Hours of Work

- A. The basic work week for employees begins at 12 a.m. Saturday and ends at 11:59 p.m. on Friday.
- B. Employees will work their scheduled hours pursuant to work schedules established by their department heads. Actual work periods may fluctuate at the discretion of the department heads, subject to any federal or state statutory limitations relating to hours of work. Part-time employees are scheduled to work pursuant to scheduling set forth by their department heads and shall not exceed nineteen (19) hours per week.
- C. Department Heads may adjust work schedules within any given workweek to avoid overtime, by allowing time off on one day of the workweek to compensate for extra hours worked on another day. The schedule must be flexed within the same workweek, not in another workweek even if it is in the same pay period.
- D. Department heads who wish to set up schedules alternative to normal County business hours must submit them to the Human Resources Department and, in turn, to the County Manager for approval.
- E. Except as otherwise provided, employees will not be paid for travel time from home to the site of their work within Torrance County or from the work site to their home.
- F. Non-exempt Road Department employees who are assigned to work more than thirty (30) miles from their place of permanent residence shall be allowed a maximum of 1/2 hour per day of paid travel time. Under no circumstances shall an employee be entitled to claim reimbursement for the cost of travel to and from work without specific advance supervisor approval. The allowed travel time shall not be permitted to increase the total time worked per week so as to qualify for overtime pay. Eligible employees shall be at their job sites at the scheduled

starting time, and leave may be granted for up to 1/2 hour at the end of the day, in compensation for allowable travel time. Actual travel time in excess of 1/2 hour a day shall not be allowed for compensation as leave time or wages, whether or not the employee is traveling in a County vehicle.

- G. All employees electing to receive the use of a County vehicle for purposes of traveling to and from their home and work shall agree to the following: The value of the use of the County vehicle shall be treated as taxable income in accordance with the Internal Revenue Code.

10.2 Breaks

Full-time employees are allowed a one-half (1/2) hour unpaid lunch break. Full-time employees are entitled to two (2) fifteen minute breaks per day; employees working four (4) hours or less per day are entitled to one (1) fifteen minute break per day. Fifteen minute breaks are not to be added to the beginning or end of your lunch break. Employees are expected to return and be ready for work on time from all breaks taken. Only supervisors may determine that breaks should be limited, delayed, or extended because of an emergency or unusual conditions.

10.3 Pay Periods and Timekeeping

The County shall have a two (2)-week pay period, beginning at 12 a.m. on alternate Saturdays and ending at 11:59 p.m. on the following second Friday. Employees shall be paid Bi-weekly, every other Thursday.

A. Employee's Responsibilities

All employees are responsible for the following:

1. To accurately record all work time using the appropriate time system.
2. Timely requesting leave through the designated time system.
3. To document overtime/compensatory time authorized by their respective supervisor in the timekeeping system.
4. To approve all hours worked and leave taken by noon the following Monday. Any failure to approve hours worked, may result in delay of an employee's paycheck.
5. Each employee is responsible for their own recordkeeping unless the employee is absent from work.

B. Department Head Responsibilities

1. To verify their employees' time worked.
2. To approve supervised employee's time worked in the timekeeping system.
3. Timely approve or deny all employee leave requests.
4. To have all time approved for the pay period by the following Monday at noon.

C. Failure to Comply

If an employee or Department Head fails to meet their responsibilities as stated above, their pay check will be held until the issue is resolved.

D. Distribution of Pay Checks

Direct Deposit is the preferred method of pay check delivery. If a paper pay check is provided to the employee, they will be distributed as determined by the County Manager.

E. Time Rounding

All times will be rounded to the beginning of the employee's scheduled shift.

10.4 Overtime Pay

Overtime pay shall be paid to non-exempt employees only when overtime work is authorized by the department head. Employees working overtime without proper authorization may be subject to disciplinary action. The rate shall be one and one-half (1 ½) times regular pay for each hour of overtime and such payment shall be made only in cases when a non-exempt employee works over forty (40) "actual work hours" in a normal work week. **Holiday, vacation, sick and other leave hours will not be considered "actual work hours"**. Overtime hours worked will be recorded for each non-exempt employee and submitted to the Payroll Officer for each pay period on the designated forms.

A. Exception to Forty (40) "Actual Work Hours" Rule

All non-exempt full-time Sheriff's Deputies will receive overtime pay for special projects or emergency situations authorized by the Sheriff's Department even if the deputy has not "actually worked" forty (40) hours in that work week. Special projects will include D.U.I. checkpoints, radar surveys, traffic safety education training classes, bicycle rodeos, seat belt enforcement, or any other programs that will be reimbursed by a grant or other available resources.

10.5 Shift Differential

Shift differential pay will be given only for the number of "actual work hours" per shift. All deputies and dispatchers who work on the swing or graveyard shift will receive shift differential. The shift differential rates are as follows:

- A. Swing shift (4:01 p.m. to 12:00 a.m.) - thirty-five cents (.35) per hour
- B. Graveyard shift (12:01 a.m. to 8:00 a.m.) - forty-five cents (.45) per hour

10.6 Compensatory Time

Compensatory time is time off for hours worked beyond forty (40) hours. A FLSA classified employee may, at the discretion of the department head, accrue compensatory time in lieu of overtime payment at the rate of one and one half (1 ½) hours of time for each hour worked in excess of forty (40) "actual work hours". Compensatory time hours accrued and taken off shall be recorded for each non-exempt employee and submitted in the timekeeping system. Compensatory time shall be accrued only above thirty (30) minutes.

A. Compensatory Time Capped

Compensatory time shall be capped at 160 hours. Once an employee reaches 160 hours of compensatory time accrued, they shall be paid overtime. Employees who have accrued over 160 hours of compensatory time prior to the enactment of this ordinance shall be prohibited from accruing additional compensatory time and shall utilize the accrued compensatory time no later than five (5) years from the date of enactment of this ordinance.

B. Compensatory Time Not Available Under Forty Hours

Compensatory Time is only available for hours actually worked above forty (40) hours. Any hours worked in excess of the employee's regular hours, but less than forty (40) hours, shall not be considered compensatory time.

10.7 Final Pay Check

An employee who resigns shall receive a final paycheck on the first regularly scheduled payday following the employee's effective date of resignation. Any employee who is dismissed shall receive a final paycheck by 5:00 P.M. on the fifth (5) day following dismissal, and verification that all County items have been returned. Day one begins the day of dismissal and includes Saturday and Sunday. 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.

10.8 Personal Safety Equipment

An employee in a designated job with the County may be required to wear special equipment or clothing to perform the job function. An employee who requires special equipment or clothing shall be provided the special clothing or protective equipment or

an allowance by the County. Any employee who does not wear their special equipment or clothing when required shall be subject to disciplinary action and indemnification of the county for any and all liability, loss, claims, damages, attorneys fees or expenses incurred by the employee as a result of the employee's failure in that respect.

10.9 Gratuities

All employees are prohibited from accepting gifts or other considerations from vendors or other individuals or entities given with the intent of modifying the employee's performance of duties or encouraging the employees to make purchases from the vendor involved. Employees will maintain the highest moral standards and any attempt to influence an employee's performance by a vendor or other person will be reported to the department head.

10.10 Per Diem and Mileage

All payments of per diem and mileage allowance to County employees will be made pursuant to policies established by the State of New Mexico. In no event shall any per diem allowances be made for travel by a County employee in connection with the employee's regular job duties within the boundaries of Torrance County without the express advance approval of the department head.

10.11 PERA Benefits

All County employees, except temporary employees, are required to join the Public Employees Retirement Association of New Mexico (PERA). Copies of the latest PERA rules and provisions may be obtained in the office of the Human Resource Director.

10.12 Insurance Benefits

The County offers an extensive benefit plan to all full-time, appointed, exempt employees, and elected officials. Benefits are also available to part-time employees who work 20 or more hours per week and who are scheduled to be employed longer than six months. The County pays a portion of the premium for such benefits. Insurance plans may be changed at the discretion of the County Commission. Specific benefits of the current policy may be obtained from the Human Resources Director.

SECTION 11. LEAVE AND HOLIDAYS

11.1 Authorized Leave

Leave is any authorized absence, with or without pay, during regularly scheduled work hours, which is approved by the department head. The department head is responsible for the maintenance and transmittal of leave records to the Payroll Officer.

11.2 Unauthorized Leave

Absence without approved leave is subject to disciplinary action and loss of pay.

11.3 Holidays

Legal Holidays, including the date the holiday will be observed, will be designated by the Board of County Commissioners in January of each year. The following condition will apply with respect to holidays and holiday pay:

- A. Regular full-time employees are entitled to holiday pay. Part-time, temporary appointed and exempt employees are not entitled to holiday pay. Holiday pay shall be one additional hour of pay for every hour "actually" worked on the holiday during the regularly scheduled shift, if the employee's shift begins on the holiday.
- B. If a holiday falls on an employee's day off, the employee shall be granted an additional day off which shall be scheduled with the employee's supervisor within thirty (30) days of the holiday.
- C. When a holiday falls during an employee's vacation, the day shall be counted as a holiday, and not a vacation day.
- D. In order to receive pay for a designated legal holiday, an employee must be at work or on paid leave status on their scheduled workday immediately preceding and following the holiday. An employee absent without leave on their scheduled work day before or after a holiday will not receive pay for that holiday.
- E. When a holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday.

11.4 Annual Leave With Pay

Full-time county employees accrue annual leave according to the following schedule:
(Note Section 3.5G)

<u>Hours Per Pay Period</u>	<u>Accrual Rate Per Pay Period</u>	<u>Years of Service</u>
72	3.23	Less than 3 years of service
72	3.78	3 or more but less than 7
72	4.61	7 or more but less than 11
72	5.45	11 or more but less than 15
72	6.00	15 or more years of service
80	3.47	Less than 3 years of service
80	4.08	3 or more but less than 7
80	5.00	7 or more but less than 11

80	5.93	11 or more but less than 15
80	6.54	15 or more years of service

Annual leave must be taken within the calendar year, with the following exception: Employees are allowed to carryover one hundred-sixty (160) hours of annual leave to the next calendar year.

- A. An employee does not accrue annual leave for overtime or for annual leave during periods of leave without pay.
- B. Annual leave will not be granted in advance of accrual.
- C. Upon termination from County employment, an employee shall be paid for the employee's unused accrued annual leave, unless that employee is still in the probationary period.
- D. An employee may take annual leave just prior to the employee's separation from county employment.
- E. Annual leave should be requested and approved in advance. A reasonable effort shall be made to accommodate the employee's request, though approval shall be subject to advance notification and the needs of the department. If vacation time is requested by one or more employees at the same time, leave shall be granted in order of seniority.
- F. Annual leave requests for more than 2 consecutive weeks, shall require the County Managers approval.
- G. Part-time and temporary employees do not accrue annual leave.
- H. A full-time regular employee may donate their annual or compensatory time to another full-time regular employee only with the following provisions:
 1. The employee donating the time has enough time accrued.
 2. The employee donating time shall retain 80 hours or more annual leave after leave is donated.
 3. Hours donated shall be converted to a dollar amount.
 4. The employee receiving the time shall have exhausted all of their time.
 5. The employee receiving the time is required to be on leave because of a serious health condition (either personal or immediate family), family emergency, or any

other valid reason approved by the department head.

6. Any donated time at the end of the medical emergency or when no longer needed shall revert to the donating employees on a prorated basis.

I. The minimum eligibility qualifications for receiving leave donations are:

1. Full-time employees who have completed their probationary periods.
2. A probationary employee may receive up to a maximum of eighty (80) hours of donated leave, with approval from the County Manager.
3. Part time and temporary employees are not eligible to donate or receive leave.
4. Employees wishing to receive medical or family emergency leave donations or for other valid reasons shall complete and submit a request form to the Human Resources Department. Employees are not permitted to directly solicit leave donations from other employees, either for themselves or for another employees.
5. Leave donations, whether annual or compensatory leave, will go into a donation pool which is converted to dollar amount for each employee receiving donated time.

J. Appointed employees shall accrue annual leave at a rate of five (5) hours per pay period.

11.5 Sick Leave with Pay

Leave with pay is granted to a regular, exempt or qualified appointed employee when a medical reason, such as described in 11.6 below, keeps the employee from performing the duties of the position.

- A.** All full-time employees shall accrue 3.69 hours per pay period of sick leave.
- B.** Accrued sick leave is capped at 480 hours. At no time will any employee be allowed to have more than 480 hours of sick leave.
- C.** There shall be no sick leave paid upon termination.
- D.** Part-time and temporary employees do not accrue sick leave.
- E.** Abuse of sick leave is subject to disciplinary action.
- F.** An employee cannot take sick leave just before the employee's separation from county employment without a medical provider's certificate or receipt of

provider visit.

- G. Appointed employees accrue sick leave at a rate of 4.61 hours per pay period.

11.6 Sick Leave Authorization

Sick leave may 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, prearranged medical or dental examination, quarantine, therapy, counseling, and treatment, or when family member requires the personal attention of the employee. Authorization is subject to the approval of the department head. An employee may be terminated for abusing sick leave.

11.7 Medical Certification

A. Medical Provider's Certificate

A medical provider's certificate or receipt of provider visit is required when the employee is absent from work for more than three (3) consecutive days, or when sick leave of more than three (3) consecutive days is used due to the serious illness of a family member.

B. Physical Examination

The County may request that an employee have a medical examination when it appears to the department head that they cannot perform the essential functions of their position, when a pattern of sick leave develops, or when an employee advises the department head that he cannot perform his job for medical reasons.

11.8 Reporting Sick Leave

Sick leave shall be reported to the employee's supervisor by the employee or an immediate family member on a daily basis and as soon as possible but no longer than thirty (30) minutes after the beginning of the employee's work shift unless the nature of the illness requires extended leave certified by the employee's medical provider and of which the employee's supervisor is notified.

11.9 Use of Sick Leave during Probation Period

Probationary employees accrue sick leave in the manner set forth in 11.5 above. Use of sick leave shall be approved by the employee's supervisor on a day by day basis during the probationary period.

11.10 Bereavement Leave

In the event of the death of an employee's family member, the employee shall be entitled to bereavement leave with pay not to exceed three (3) days, upon approval of the department head. Employee shall provide documentation to determine eligibility.

11.11 Administrative Leave with Pay

Leave with pay may be authorized by the County Manager due to special or unforeseen circumstances where the Manager deems the absence is in the best interests of the County and/or the public.

11.12 Occupational Injury Time/Worker's Compensation

A. Worker's Compensation

Employees injured on the job or suffering from occupational diseases, as defined in the New Mexico Worker's Compensation Statute, shall receive Worker's Compensation benefits as prescribed by law. An employee may elect to continue group health coverage, with the employee and the employer paying their respective share of the premium, during an unpaid leave of absence for which worker's compensation is being paid for up to a period of four months, provided however, all other eligibility requirements must continue to be met for the period of continuation of coverage.

B. Pre-existing Injury

Newly hired employees shall be required to complete a certificate of pre-existing condition form. Pre-existing conditions shall be certified by a medical provider where the condition may affect their ability to perform the requirements of the position for which they are hired.

C. Americans with Disabilities Act

Torrance County Complies with the Americans with Disabilities Act. The County shall make reasonable accommodations to allow employees to perform the requirements of their jobs.

D. Injury Leave Pay

An employee injured on the job may use accrued annual or sick leave for each regularly scheduled work day after the injury occurs for all such days not paid by worker's compensation. If the employee is on worker's compensation time for more than four weeks and is entitled to compensation for the first seven days and has used accrued annual or sick leave for the first seven days of injury, the worker's compensation payments received for all such days shall be paid directly to the County by the worker's compensation carrier. In that event, annual or sick leave used by the employee upon the County's receipt of the reimbursement by workers compensation shall be reinstated after the expiration of the statutory waiting period.

E. Medical Procedure

An employee who incurs a job related injury/illness, must go to the County designated medical provider, who will treat the employee or will refer the

employee to another medical provider, depending on the nature of the problem. In circumstances of medical emergency, the employee should go to the nearest medical facility. Treatment subsequent to the emergency treatment will be coordinated by the County Manager or designee.

F. Return to Work

An employee shall return to his former position or be reassigned to a comparable position if the employee's medical provider certifies that the employee can return to work within six (6) months. If an employee is unable to perform his assigned duties with reasonable accommodations the employee shall be medically terminated or reassigned within the County to a position for which they are qualified. If said position does not exist within the County the employee shall be terminated.

G. Modified Work Schedule

1. An employee returning from Worker's Compensation disability may return to light duty if an appropriate position is available and the employee's medical provider certifies that the employee can return to a modified work schedule.
2. Light duty is defined either as performing the same job as the employee held before the injury, or as performing the duties of another position for which the employee is qualified, for fewer than eight (8) hours each day or having reduced physical requirements for the full day or less than the full day.
3. The times and conditions of light duty will be determined by the employee's department head in conjunction with the County Manager.

H. Re-employment of County Employees Injured on the Job

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

11.13 Civic Duty Leave

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

A. Jury Duty

Pay for jury duty shall be authorized only for those days that the employee is scheduled to work. If excused by the court during a work day, the employee shall return to duty if at least four (4) hours of County duty can be served in that work day. If the employee does not return to work, the balance of the day will be charged to annual leave or leave without pay.

B. Court Appearance Time

When required by County duties or subpoenaed to appear before a court, Torrance County Grievance Board, public body or County Commission for the purpose of testifying in regard to County matters.

C. Voting

For purposes of a national, state, or local election, an employee who is registered to vote will be granted up to two (2) hours paid leave for voting, between the time of opening and the time of closing of polls on election day. The employee's supervisor may specify the hours for the leave. This leave will not be granted to any employee whose work day begins more than two (2) hours subsequent to the time of the opening of the polls, or ends more than three (3) hours before the closing of the polls.

D. Emergency Volunteer Service Leave

1. A volunteer emergency responder, while acting in said capacity, may be absent from work for a period of ten (10) work days per calendar year in order to respond to emergencies or disasters.
2. The employee shall make reasonable efforts to notify their supervisor of the service and make reasonable notification efforts over the course of the absence.
3. The County may request an employee to provide a written verification from the Office of Emergency Management or a state or local official managing an emergency or disaster of the dates and time the employee served as a volunteer emergency responder to an emergency or disaster.
4. The County will charge against an employee's regular time any time the employee is absent from employment while serving as a volunteer emergency responder.

5. No employee shall be terminated, demoted or in any other manner discriminated against in the terms and conditions of employment because the employee, when serving as a volunteer emergency responder, is absent from work in order to respond to an emergency or disaster.

11.14 Administrative Leave Due to Inclement Weather and Hazardous Conditions

- A. County offices will be open for business except in cases of extreme conditions that may affect the ability of the County and its employees to safely conduct business. Generally, all employees are expected to report to work unless major thoroughfares have been closed due to extreme weather or hazardous conditions.
- B. Because of the key role County Government plays in any weather emergency, natural disaster, or other national or local emergency, it is expected that all employees who aid in the delivery of emergency services will report to work as scheduled, as long as they do not expose themselves to undue personal danger in doing so. Employees who report for work to provide emergency services will be paid at their normal rate of pay, and will be eligible for overtime under the standard guidelines.
- C. All office closures will be determined by County management, and will be broadcast on local television. If extreme weather conditions exist prior to the beginning of County work hours, employees should check local television for instructions. In the event of an announced closure or delayed opening of County offices by Management, employees will receive administrative leave for the hours of closure/delay. The County Manager shall develop a closure/delay policy for the implementation of this section.
- D. During those occasions when extreme weather conditions develop during County business hours, employees may be directed by a member of County Management to a place of safety within the building, or may be told to leave the premises. Under these circumstances, except as otherwise directed, employees should follow the same procedures as if they are leaving for the day, such as exiting out of software programs, turning off computers and peripheral devices, and securing County offices.

11.15 Military Leave for Reserve or National Guard Duties

- A. **Paid Military Leave for Reserve or National Guard Activities**
Paid military leave is granted for authorized reserve or National Guard activities for a maximum of fifteen (15) working days during a one-year period. Military leave must be requested twenty (20) days in advance. The employee must furnish proof of duty orders or other documentation prior to leave being granted

unless the leave is for emergency purposes.

B. Unpaid Military Leave

Employees voluntarily or involuntarily serving in active duty for more than fifteen (15) working days shall be placed on leave without pay. The employee taking military leave will not first be required to exhaust annual and sick leave.

C. Employees Returning from Unpaid Military Leave

Any employee who leaves a position they have held with the County, other than a temporary position, to enter the armed forces of the United States, national guard or organized reserve, and who serves on active duty and is honorably discharged or released from active duty to complete their remaining service in a reserve component, and who is still qualified to perform the duties of the County position previously held, shall be re-employed in such position or in a position of like seniority, status, and pay. To be re-employed in such position, the employee must make application for re-employment within ninety (90) days after they are relieved from training or duty, or from hospitalization continuing after discharge for a period of not more than one (1) year.

1. The returning employee will be deemed to have accrued seniority and length of service rights as though their employment with the County had been continuous since the date of initial employment.
2. The returning employee shall retain all unused annual and sick leave accrued at the time of their departure for military service.

11.16 Lack of Work and Inclement Weather

The County may at its discretion, send an employee home when there is no work available as determined by the department head, and may close offices and send employees home due to inclement weather declared by the County Manager. Employees who are sent home by the County due to inclement weather, or other circumstances not covered in this policy manual, shall not be charged with leave for all normal work hours missed. Hours paid pursuant to this provision shall not be counted as hours worked for the computation of overtime.

11.17 Family Medical Leave Act

Torrance County is subject to and complies with the provisions of the Family Medical leave act of 1993 as enacted and amended. Torrance County implements the provisions of the Family Medical Leave Act (FMLA) based on a rolling twelve (12) month period. If an employee has exhausted their available sick leave, they shall be required to apply for FMLA after four (4) days of consecutive absences. If an employee is out on sick leave for two (2) consecutive weeks, the employee shall be required to apply for FMLA regardless

of available leave.

11.18 Leave Without Pay

The County Manager may grant regular employees leave without pay (LWOP) for up to three (3) days in any rolling six (6) month period. Employees shall be required to provide the County Manager with a medical certificate.

11.19 Leave of Absence

The County Manager may grant a Leave of Absence of up to six (6) months, when in their opinion said absence is in the best interests of the County. A Leave of Absence is unpaid leave and is subject to the following:

A. Employee's Position Not Guaranteed

The employee's position is not guaranteed upon return. The County shall attempt to return the employee to the same or similar position for which the employee is qualified but is not required to do so.

B. Benefits at Employee's Expense

An employee on a Leave of Absence does not accrue leave, nor does the employee receive County benefits. An employee wishing to continue receiving insurance benefits may do so at the employee's expense by submitting the employee's and the County's share of the premium to the Payroll Officer on the regular pay day. Employees may use Annual Leave if available, during a Leave of Absence.

C. Family Medical Leave Act

Leave of Absence shall not be used for purposes covered by the Family Medical Leave Act (FMLA).

11.20 Reporting Leave

Employees are responsible for knowing how much leave they have and requesting leave through the County's timekeeping system.

SECTION 12. SAFETY

12.1 Torrance County Safety Policies and Procedures

County employees are expected to perform their duties in a safe and responsible manner. Specific policies and procedures regarding safety shall be governed by resolution.

SECTION 13. MISCELLANEOUS

13.1 Designated Work Areas

Employees are to be at their designated work areas on time and ready to work. They shall work until the scheduled quitting time, unless permission of the supervisor has been obtained for different work hours. Employees shall not litter work areas and will keep them neat and clean.

13.2 Personal Business

Personal business shall not be conducted during work hours with the exception of breaks and lunches. County employees should not conduct personal business within view or hearing of the public.

13.3 County Materials

Employees shall not misuse County property, records, or other material in their care, control or custody. County property, records, or other material shall not be removed from the premises of the County offices unless permission has been given by the department head. Employees shall not use County property, records or equipment for personal use.

13.4 County Property

The County Manager or designee shall track all property and equipment issued to County employees and/or elected officials for the performance of their job and/or elected duties. County employees and/or elected officials shall not receive county property at their personal residence or personal place of business. Storage of county property by county employees or elected officials shall only occur with the permission of the County Manager or designee and shall be documented with appropriate justification and location of said property. At the time that an employee is voluntarily or involuntarily terminated or an elected official's term in office shall end, the employee / elected official shall return all County property to the County Manager or designee who shall certify the proper return of said property.

13.5 County Vehicles

County vehicles shall only be used only for County business and commuting to and from work, if required for a work-related purpose. County vehicles shall not be used for personal business, except where incidental to commuting as determined by the employee's department head.

13.6 Dress and Appearance

Dress, grooming and personal-cleanliness standards contribute to the morale of all employees and affect the image the County presents to the general public. Employees are constantly in the public eye. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions.

- A. Department heads are responsible for determining and enforcing the dress standards for their respective areas of responsibility.
- B. The County reserves the right to advise any employee at any time that his/her grooming, attire or appearance is unacceptable.
- C. After having been so advised, the employee will be expected to comply with the suggested change. Failure to do so will result in discipline. Repeated lack of compliance may result in further disciplinary action, up to and including termination of employment.
- D. Employees who are required to wear uniforms of any type in the performance of their duties will be provided such uniforms by the County. Uniforms that are provided by the County become the property of the employee during the employment service to the County. Laundering, cleaning and general upkeep of uniforms is the responsibility of each employee. Uniforms which do not qualify for exemption from taxation, will be appropriately taxed by the Finance Department.
- E. Uniforms provided by the County shall be worn only while performing official County duties and, except in the performance of official duties, shall in no event be worn in bars, liquor establishments or places of public entertainment.

13.7 Employee Payroll and Personnel Files

Subsequent to hiring, a separate file shall be prepared and maintained for each employee. These records shall be kept in the Human Resource Director's office. It is the responsibility of each department head to insure that the records of the employees are completed and up-to-date.

13.8 Maintenance of Personnel Files

Such records shall be considered confidential and not available for public inspection. Physical access to an employee's records shall be in the control of the Human Resources Director. An employee's records may be reviewed by the employee, the employee's department head, and the department head of the department to which an employee may be transferred, the County Manager, the County Commission, the County Attorney, and Grievance Hearing Officers. If an employee wishes someone other than those authorized to have access to the employee's file, he must request so in writing.

13.9 Media Relations

Statements to the public on behalf of the County are to be made only by the County Manager or Deputy County Manager. Elected Officials may make statements on behalf of their individual departments. County employees contacted by the media shall direct inquiries to the County Manager, Deputy County Manager or Public Information Officer.

No County employee shall make a public statement on any matter involving litigation or personnel matters without express authorization from the County Manager.

13.10 Social Media

Torrance County respects the desire of employees to participate in social media during their personal time. The use of social media is strictly prohibited during work hours unless they are authorized by the County Manager to do so. Social media, for purposes of this policy include blogs, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner. In general, employees who participate in social media are free to publish their own personal information without restrictions by Torrance County. Employees must avoid, however, posting information that could place the County at a competitive disadvantage or cause financial damage or liability to Torrance County. If an employee chooses to identify himself or herself as an employee of Torrance County on a personal website or blog, he or she must adhere to the following guidelines.

- A. Employees must make it clear to the readers that the views expressed are the employees alone and they do not necessarily reflect the views of Torrance County. Employees are prohibited from acting as a spokesperson for Torrance County or posting comments as a representative of the County. If employees choose to publish content after-hours that involves their work or subjects regarding Torrance County, a disclaimer should be used, such as "The postings on this site are my own and do not represent Torrance County's positions, strategies or opinions."
- B. Employees may not use the County's logo on any personal social media network without permission from the County Manager in writing.
- C. Employees may not disclose any information that is confidential or proprietary to Torrance County or to any third party that has disclosed information to the County. Consult with the County Manager for guidance to what constitutes as confidential information.
- D. Employees are responsible for maintaining the county's positive reputation and presenting the County in a manner that safeguards the positive reputation of themselves, as well as, the county's employees, managers, etc.
- E. If social media activity is compromising, defaming, releases confidential information, or libelous, Torrance County may request a cessation of such commentary and the employee may be subject to disciplinary action up to and including termination.

- F. Employees need to know and adhere to Torrance County's or their department's Code of Conduct, The Torrance County Employee Handbook, Standard Operating Procedures and/or other Torrance County Policies when using social media regarding Torrance County.
- G. Employees should be aware of the impact their actions may have on their images, as well as Torrance County's image. The information that employees post or publish may be public information for a long time.
- H. Employees should be aware that Torrance County may observe content and information made available by employees through social media. Employees should use their best judgment when posting or sharing material. Employees should avoid posting material that is either inappropriate or harmful to Torrance County or its employees.
- I. Although not an exhaustive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- J. Social media networks, blogs, and other types of online content sometime generate press and media attention or legal questions. Employees should refer these inquiries to the County Manager.
- K. Employees should get permission from the County Manager before referring to or posting images of current or former employees. Additionally, employees should get appropriate permission to use a third party's pictures, copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- L. Social media use should not interfere with employee's responsibilities for Torrance County. Torrance County's computer system and cell phones are to be used for business purposes only. Department Heads and the County Manager shall determine if an employee is authorized to access social media. Authorization shall only be granted for County business/official purposes. Accessing social media for non-work-related activities is prohibited during work hours.
- M. Subject to applicable law, after-hours online activity that violates Torrance County's Code of Conduct, departmental Codes of Conduct, Standard Operating Procedures, or any other Torrance County policy may subject an employee to disciplinary action up to and including termination.

13.11 Technology and Equipment Usage

Usage of County Technology and Equipment is governed by the Torrance County Information Technology Policy. Violation of any of the provisions contained therein may be cause for disciplinary action up to and including termination.

13.12 U.S. Mail, Telephone and Cell Phone Usage

- A. The U.S. mail delivery systems are resources available for use within the course and scope of employment and should not be used for personal reasons. Employees' use of these systems has the effect of granting permission to Management to access, read and print any messages created or received using the systems.
- B. On those occasions an employee needs to receive or make a personal telephone call or email, the calls/transmissions should be brief and infrequent. Long-distance personal calls resulting in charges to the County are discouraged and must be reimbursed to the County within thirty (30) calendar days. Upon termination of employment, any outstanding charges will be billed to the employee.
- C. County records involving telephone and the U.S. mail are subject to access by management and potentially to public disclosure. Therefore, employees should assure that the information contained therein is accurate, appropriate and lawful.
- D. County mail systems shall not be used to create or send any offensive or inappropriate message. Among those which are considered offensive or inappropriate are any messages which contain sexually suggestive statements or implications; racial, gender or religious slurs or proselytizing; or those containing vulgar or profane language.
- E. County mail systems shall not be used to solicit for outside business ventures, personal parties, charities or membership in any political, social and/or religious organizations.
- F. Employees shall keep personal phone calls to a minimum while on-duty, whether they are using the County landline or cell-phone services, or the employees' personal cell-phones.
- G. Employees shall abide by acceptable business etiquette for cell-phone use by placing phones on vibrate during meetings.
- H. County cell phones and pagers are to be used primarily for County business. Employees' airtime must remain within the parameters of their assigned calling

Plan as established by Management. Employees may not use county cell phones or pagers to conduct personal business for others or themselves. Employees may never use County phones or pagers to call 900 numbers. Additional charges or overages charged to the County as a result of misuse will be submitted to the employee for reimbursement to the County.

- I. Cell phone bills are reviewed to determine if there has been any abuse of the system. Such abuse includes excessive personal calls or making inappropriate or harassing calls. Violations of the County phone policy may lead to disciplinary action up to and including termination of employment.
- J. County issued electronic devices are County property and are to be turned in upon separation from County employment.
- K. State statute prohibits the use of cellular phone(s) while driving unless a hands-free device is used. Departments should strongly discourage cellular phone/PDA use while driving, even if the employee is using a hands-free device. Employees are also prohibited from using a cellular phone/PDA for any other purpose such as text messaging, e-mail, running applications, etc. while operating a County vehicle or their own vehicle on County business. Employees are required to stop their vehicle prior to using a cellular phone/PDA if they do not have a hand-free device or to use any other functionality of a cellular phone/PDA. The County will not reimburse employees receiving a citation and paying a fine for violating the referenced statute.

13.13 Exit Interview

The County Manager or their designee shall issue a Separation Notice to the terminating employee. The Separation Notice indicates all equipment and/or county property has been turned in, the reason for termination, evaluates the employee's performance and if rehire action is recommended.

In addition, the employee will return all County property including, but not limited to: any keys, ID cards, vehicles, supplies, electronic equipment, telephones, company manuals, policy books, uniforms, tools, or any other equipment that may be in the employee/elected official's possession. The employee/elected official's final paycheck shall be withheld until all County property is returned.

The employee will contact Human Resources to schedule an exit interview on his/her last day of employment. An exit interview with Human Resources will not be conducted UNTIL the separation notice has been received by Human Resources. This interview will consist of the following:

A. Public Employees Retirement Association

All employees will complete a PERA Termination Notice based on their current PERA affiliation to include designating one of the disbursement options (if applicable).

B. Insurance Benefits

Medical, dental, vision, and life insurance will normally end on the last day of the month in which the employee's last day of employment occurs. Employees have the right/option to convert to individual insurance benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations. Human Resources will notify the organizations administrating compliance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations, who in turn contact the employee.

C. Additional Items

The employee may fill out a questionnaire concerning employment with Torrance County in order to disclose any issues they would like to share prior to termination.

13.14 Additional Rules

Employees shall obey all additional rules, directives and requests stated verbally or in writing by their supervisors. Employees are generally required to follow all standards, rules, procedures and policies that are similar or normally expected in the work place.

TORRANCE COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. 2019-04



TORRANCE COUNTY CODE OF CONDUCT

WHEREAS, it is the desire of the Torrance County Commission to earn and maintain the trust of the public they serve; and,

WHEREAS, an effective and ethical government is critical to the securing public trust; and,

WHEREAS, the public expects and deserves to be treated with respect and the conduct of County employees should represent the highest of ethical standards and fair dealing when accomplishing their daily tasks; and,

WHEREAS, the Commission has the responsibility to clearly define for County employees their expectations for ethical conduct.

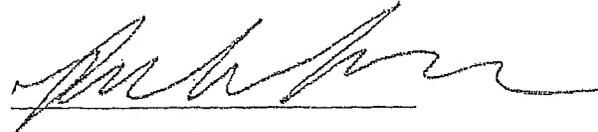
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO that the attached document entitled the Torrance County Code of Conduct is hereby adopted.

DONE THIS 11th DAY OF SEPTEMBER, 2019.

APPROVED AS TO FORM ONLY:

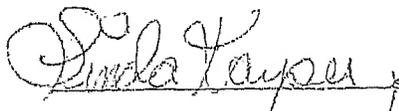
BOARD OF COUNTY COMMISSIONERS


County Attorney Date


Ryan Schwebach, Chair

ATTEST:


Javier Sanchez, Vice Chair


Linda Jaramillo, County Clerk


Kevin McCall, Member Date:

Date: 9-11-19



FEMA Course

As an employee of Torrance County, you are required to complete your FEMA Online Training within 90 days of hire. Don't worry, take it step by step. My best advice is to get it done sooner rather than later so you aren't feeling rushed at the end.

If you have never taken classes, your first step is to register and get a SID number so that as you complete each course you can download the certificates and send them to Julie Gravel-Pickering at jgravel-pickering@tcnm.us. Go to the following link: (<https://cdp.dhs.gov/femasid/register>) and register. Write down your SID number and password.

Go to the Emergency Management home page at [Torrance County, New Mexico - Emergency Mgmt. \(torrancecountynm.org\)](https://www.torrancecountynm.org/departments/emergency-mgmt) ([https://www.torrancecountynm.org/departments/emergency-mgmt.](https://www.torrancecountynm.org/departments/emergency-mgmt)) Under Trainings there are links to each of the four (4) courses you must take.

While you are there you can register for CodeRed, it is a community alert system. If you want to get texts when we close due to bad weather, send Samantha O'Dell sodell@tcnm.us an email and let her know to add you to the list. This is a REALLY good idea, just staying informed.

New Hire Team via TEAMS

When you get your email address, you will be added to the New Hire Team via TEAMS. The information that is covered in this notebook, is also available there, just in case. For most, the TEAMS app will come up automatically on your system. You can also log into it online at <https://www.microsoft.com/en-us/microsoft-teams/log-in> with the same user ID and password that you log onto your Torrance County email or computer.

DUO Login Verification System

When you get your email username and password, you will be able to login to your computer, email, or remote in from your Torrance County laptop if one has been assigned to you. However, you will also need to set up DUO, the login verification system on your County issued cell. I will reach out to you to schedule a time that you will meet with Ambitions to set up the App on your phone and show you how it works.

Dispatch is on a different network system so will not use the DUO system.

QUESTIONS?

In addition to your supervisor and co-workers, know that the Human Resources Office is here for you. Tuesday and Thursday afternoons, I will usually have open office hours, but if it is important, don't wait. Call or send an email and we'll set up a time to talk.

Chellie Wallace, Director

505-544-4706 Office – 505-475-8217 County Cell – rwallace@tcnm.us Email

Deborah Romero, Administrative Assistant

505-510-9736 Office – 505-967-2124 County Cell – deborahr@tcnm.us Email

