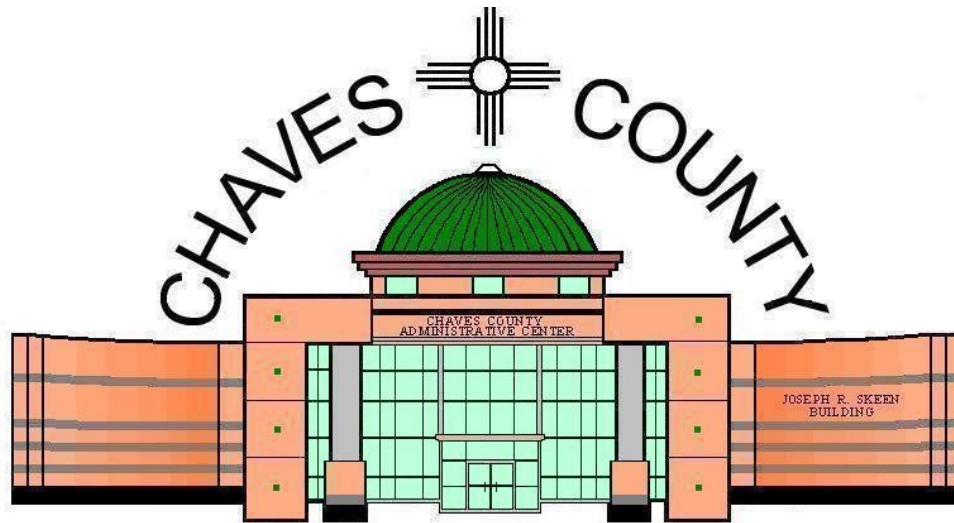


PERSONNEL POLICY

Original Passage: April 1, 1982



REVISION #~~22~~#23

Adopted October 18, 2018

Effective October 18, 2018

PREFACE

The Chaves County Personnel Policy was first adopted by Ordinance #8, with an effective date of April 1, 1982.

The Chaves County Personnel Policy is a policy of the elected governing body of Chaves County. Anyone may propose amendments to this Ordinance. They may do so through the Chaves County Manager at PO Box 1817, Roswell, NM 88202-1817. Changes to this Ordinance must follow the procedures outlined in the policy.

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**SECTION I
GENERAL PROVISIONS**

- 1.1 **PURPOSE.** The purpose of this Personnel Policy is to establish consistent basic policies and practices concerning relations between Chaves County and its employees. Provisions of the Personnel Policy shall apply to all County employees except as provided herein. Definite rules and regulations cannot be readily formulated for every possible problem and situation. This Policy serves as a general basis and a guide for the proper, efficient, and effective administration of personnel matters of the employees of Chaves County.
- 1.2 **AMENDMENT OF POLICY.** There shall be no action of the Board of County Commissioners or other County officials which is inconsistent with this Personnel Policy. The Board of County Commissioners reserves the right to amend this Personnel Policy at its discretion.
- 1.3 **POLICY DISTRIBUTION.** Employees shall receive a copy of this Personnel Policy. The employee may choose to receive a copy of the Personnel Policy electronically, ~~on disk~~ or paper. Employees must read and be familiar with all provisions of this Policy.
- 1.4 **EQUAL EMPLOYMENT OPPORTUNITY POLICY.** Individuals will not be discriminated against on the grounds of race, age, religion, color, national origin, ancestry, sex, marital status, physical or mental disability, medical condition, sexual orientation or gender identity, in consideration for employment, promotions, transfers, duration of employment, compensation, terms, conditions, or privileges of employment by Chaves County. In addition, Chaves County complies with Section 2 of HUD regulations.
- 1.5 **SOCIAL SECURITY NUMBER PRIVACY.** An employee's social security number is confidential and will not be released to anyone outside the County, except as required by law. Employees' Social Security numbers will be available internally on a "need to know" basis only.
- 1.6 **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA).** Chaves County shall abide by all HIPAA Regulations. The Human Resources Director shall serve as the HIPAA Compliance Officer. The County shall maintain privacy and security of Protected Health Information (PHI). The County shall consider any breach in the privacy and confidentiality of PHI to be a serious violation of this Policy and shall result in disciplinary action, up to and including termination.
- 1.7 **AMERICANS WITH DISABILITIES ACT (ADA).** Chaves County shall provide reasonable accommodations to employees who meet the disability qualifications as defined in Title I of the ADA. The Human Resources Director shall serve as Chaves County's ADA Coordinator in matters of reasonable accommodation.

- 1.8 RETALIATION. Chaves County prohibits any form of retaliation against an employee who submits a bona-fide complaint or assists in a complaint investigation.
- 1.9 ADMINISTRATION BY COUNTY MANAGER. The County Manager, or designee, shall administer and interpret the personnel system and the terms of this Personnel Policy and its amendments, and all future approved operating procedures. The County Manager shall recommend to the Board of Chaves County Commissioners any necessary amendments or revisions to the Personnel Policy.
- 1.10 DUTIES OF ELECTED OFFICIALS AND DEPARTMENT HEADS. All Elected Officials and Department Heads shall adhere to the provisions of this Personnel Policy.
- 1.11 CHAIN OF COMMAND. In order to maintain open communication between Chaves County and its employees and to ensure that employees' concerns are addressed quickly and efficiently, the County will utilize the chain of command concept. It is required that an employee discuss his concerns first with his immediate supervisor. If the concern cannot be resolved at this level, the employee may request a meeting with the next level supervisor, up the chain. If it becomes necessary to pursue the issue beyond the Department Head or supervisory level, the next appropriate step will be a meeting with the County Manager or Elected Official.
- 1.12 SEVERANCE CLAUSE. It is the intent of the governing body that the sections, paragraphs, sentences, clauses and phrases of the Personnel Policy are severable, and if any phrase, clause, sentence, paragraph or section of the Personnel Policy shall be determined to be invalid for any reason, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Personnel Policy.
- 1.13 DISCLAIMER. No phrase, clause, sentence, paragraph or section of this Personnel Policy shall be construed to create a contractual right between Chaves County and an employee. Further, this policy shall not be construed to create any duty or obligation on the part of the County to take any actions beyond those required of an employer by existing law.

SECTION II EMPLOYMENT STATUS

- 2.1 **POSITION SPECIFICATIONS.** The County shall establish a set of position specifications for all positions. Position specifications shall include title, duties, responsibilities and minimum qualifications. They will also specify knowledge, skills, education, and abilities required of applicants. The Human Resources Director is responsible for working with Department Heads and Elected Officials to ensure that Position Specifications accurately and completely describe the essential functions of each position.
- 2.2 **PROBATIONARY EMPLOYEE.** The purpose of the probationary period is to evaluate the employee's ability, potential and performance. This includes an evaluation of the employee's performance and the employee's ability to work with the public, peers, supervisors, and management. A probationary employee is terminable-at-will. The probationary period is twelve months.
- 2.3 **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, or during the term of a particular project. A temporary employee is terminable-at-will and shall not receive any County benefits and does not accrue leave.
- 2.4 **REGULAR EMPLOYEE.** A part-time or full-time employee hired as a regular employee for County service, who has successfully completed probation.
- 2.5 **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 if funding is not received.

SECTION III RECRUITMENT AND SELECTION.

- 3.1 PURPOSE. It is the policy of Chaves County to select and recruit the best suited persons for all full-time regular positions in an open and competitive manner, to ~~insure~~ ensure no discrimination, and to ~~insure~~ ensure equal employment opportunity for all applicants and employees. This section applies only to regular employees, except as specifically stated for temporary employees.
- 3.2 RECRUITMENT OF APPLICANTS. The Elected Official, ~~or~~ Department Head, or designated representative shall submit a request to Human Resources to issue job announcements through such media deemed appropriate to ~~insure~~ ensure open and competitive recruitment of individuals outside of County service, with sufficient time to ~~insure~~ ensure reasonable opportunity for persons to apply. All publications for job announcements shall include reference to Chaves County as an Equal Opportunity Employer, such as EOE. Applications will only be filed for the specific position during the open application period. Unsolicited applications and resumes will not be accepted.
- 3.3 PUBLIC JOB ANNOUNCEMENTS EXCEPTION. Vacant positions may be filled by regular or probationary County employees by use of an in-house job announcement provided the employee is qualified for the position. Vacant positions may be filled without public announcement by temporary employees on a temporary basis for a period not to exceed six (6) months. Additionally, public advertisement for positions of the same title is required only one time during each six-month period. Should the same position become available within six months from the beginning of the open application period, qualified applicants from the previous recruitment may be considered.
- 3.4 BEST SUITED APPLICANT DETERMINATION. The best suited applicant is determined by the Elected Official or Department Head based on minimum qualifications of education, experience, abilities, skills and past work experience as specified in written position specifications for each position. Personal interviews shall be conducted with at least three (3) qualified applicants or if less than three applications are received, all applicants shall be interviewed. Interview panels shall have a minimum of three (3) individuals. All members shall hold a supervisory role, be in a Human Resources position, or have relevant experience in the position being interviewed. Interview panelists shall disclose and be removed from the interview panel if there is a personal, familial or romantic relationship with any applicant.
- 3.5 SELECTION. The Elected Official, Department Head or designated representative shall review all applications for positions in their departments. Final selection shall be made by the Elected Official, Department Head or the County Manager based on the best suited applicant for the position. A request for hire packet shall be submitted to Human Resources. The request for hire packet shall include a memo indicating the recommended hire, a memo/list including the name and date each applicant was interviewed for the position as well as applicants that did not show for their interview, and interview questions completed by each interview panelist for all applicants. All background checks shall be

reviewed by the Human Resources Director or their designee.

3.6 PRE-SELECTION PROHIBITED. Publicly posted and advertised positions shall not be promised to a person prior to recruitment and selection.

3.7 INELIGIBILITY FOR HIRE AND REHIRE. To facilitate a safe and secure service and employment environment in which employees may be effective and successful in their work experiences at Chaves County and to ensure adequate protection of the public and public trust, applicants shall be considered ineligible for hire or rehire by Chaves County if the applicant has:

- a. knowingly made any false statement or omission on the employment application;
- b. not met the requirements of the position;
- c. been dismissed from County service as a disciplinary measure;
- d. been convicted of driving while under the influence of alcohol or drugs in the three years prior to the date of the application, if a valid New Mexico driver's license is required for the position;
- e. failed background check;
- f. engaged in violence in the workplace;
- g. later discovery of misconduct which would have resulted in dismissal from employment;
- h. resigned or retired in lieu of termination;
- i. resigned or retired during the course of an investigation for alleged misconduct of the above, which if substantiated would constitute cause for termination;
- j. resigned or retired during development or pendency of administrative proceeding seeking termination of employment, based on substantiated misconduct;

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

3.8 TESTING. The County may require an applicant to submit to testing for certain bona fide occupational qualifications to determine employment eligibility.

SECTION IV CHANGES IN EMPLOYMENT STATUS

- 4.1 PROMOTION. Chaves County encourages the professional growth of its employees and rewards the initiative, creativity, effort and commitment of its employees through the promotion process. County employees are encouraged to take advantage of promotion opportunities and apply for higher paying positions for which they qualify.
- a. In-House Advertisements. Positions will be advertised in-house at the discretion of the Department Head or Elected Official. **The request shall be submitted to Human Resources.** When a position within Chaves County becomes available, the following steps will be taken to ensure that current employees are considered for the vacant position:
1. An announcement describing the position and noting the grade level will be posted in each Department or Office. In most cases, an announcement will be posted for a minimum of ~~five~~ **seven (7) work-calendar** days.
 2. Any employee possessing the minimum stated qualifications may apply for the position **by submitting their letter of interest to Human Resources.**
- 4.2 TRIAL PERIOD. All employees that are promoted will be required to complete a ninety-day trial period. This ninety-day trial period shall serve as probation for the new position. During this trial period, the Elected Official or Department Head shall evaluate the employee's performance. If the employee's performance is deemed unsatisfactory, the employee may be placed in a vacant position, or terminated.
- 4.3 DEMOTION. An employee may be demoted to a vacant position for which the employee is qualified when the employee does not demonstrate the necessary ability to render satisfactory performance in the position presently held. An employee may voluntarily request such a demotion.
- 4.4 TRANSFERS. Employees may be moved from one position to another of the same grade and pay range either voluntarily or involuntarily. An employee may be transferred if it is in the best interest of the County. Transfers are not grievable. Shifting department or office needs may require that an employee be temporarily or permanently transferred from one location to another within a department or office. An employee may be transferred from one position to another position at the same salary range within a department or office. If such a transfer involves a probationary employee, time served in the former position shall be credited toward achievement of regular full-time status and salary increases, and accumulated annual and sick leave shall be retained.
- 4.5 RESIGNATION. An employee voluntarily resigning shall submit, in writing, a two-week notice of resignation **to their Department Head or Elected Official and Human Resources.** Unauthorized absence from work for a period of three (3) consecutive regularly scheduled

working days shall be considered a voluntary resignation.

- 4.6 LAYOFF PROCEDURE. The Elected Official or County Manager shall make the determination for layoffs. When layoffs of more than one employee are required, layoffs shall be determined using the following criteria:
- a. Temporary or part-time employees;
 - b. Performance of the employee compared to other employees being laid off in the same or similar positions;
 - c. Value of the employee to the critical operation of the County or department;
 - d. Length of service with the County.
- 4.7 AMERICANS WITH DISABILITIES ACT PROCEDURES.
- a. If an employee believes an accommodation(s) is necessary in order to perform their essential job functions or to enjoy equal benefits and privileges of employment, it is the employee's responsibility to submit a written request to Human Resources indicating the employee's condition and how the employee believes it affects their ability to perform their job duties. The request should state the accommodation(s) the employee is requesting and any alternatives. The employee must also submit medical documentation to support the request for an accommodation.
 - b. Human Resources will forward the written request to the County Manager or Elected Official along with an opinion of the reasonableness and availability of the requested accommodation(s). The County Manager or Elected Official will make the final determination as to whether or not the accommodation and/or any alternative accommodation will be granted.
- 4.8 MEDICAL DISABILITY TERMINATION. Employees may be involuntarily terminated upon completion of the twelve (12) week family/medical leave if the employee is physically unable to perform the essential duties of the employee's position, either with or without an accommodation, as certified by a qualified, licensed physician. The provisions of this paragraph are subject to the provisions regarding Workers' Compensation found in Section 9.13 of this policy.

**SECTION V
CONDITIONS OF EMPLOYMENT**

5.1 **PROBATIONARY PERIOD FOR NEW HIRES.** ~~An employee hired to fill a position~~ **All new employees hired into regular positions, except Deputy Sheriff positions, (see section 5.2), shall serve a probationary period of twelve (12) months, beginning on the first day of work, during which time the employee is terminable-at-will. The probationary period is an integral part of the evaluation process and is utilized for observing the employee's performance and obtaining the most effective adjustment of a new employee to the position. The employee must achieve a satisfactory performance or better by the end of the twelve (12) month probationary period before the employee can become a regular employee entitled to all of the rights and benefits of that status. If an employee terminates employment with Chaves County and is re-hired at a later date, they must start a new probationary period.**

A probationary employee:

- a. can be terminated, without cause, at any point during the probationary period;
- b. is not eligible for a personal holiday for the first six (6) months;
- c. will accrue vacation, but will not be allowed to take vacation for the first six (6) months;
- d. is allowed to use sick leave upon accrual;
- e. cannot grieve disciplinary actions.

5.2 **PROBATIONARY PERIOD FOR DEPUTY SHERIFF.** **All new employees hired into a Deputy Sheriff position, including recruits and certified State of New Mexico law enforcement officers, shall serve a probationary period of twenty-four (24) months, beginning on the first day of work, during which time the employee is terminable at-will. All other benefits and rights listed above in section 5.1 shall apply.**

5.3 **PERMITTED POLITICAL ACTIVITIES.** The County encourages employees to vote and participate in the political process on their own time away from work.

5.4 PROHIBITED POLITICAL ACTIVITIES. All employees, Department Heads and Elected Officials are prohibited from:

- a. Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office, or for any other political purpose.
- b. Directly or indirectly coercing, attempting to coerce or command an employee to pay, lend, or contribute anything of value to a party, committee or organization, agency, or person for a political purpose.
- c. Threatening to deny promotions to any employee who does not vote for certain candidates, requiring employees to contribute part of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raisers and similar events, advising employees to take part in political activity and matters of a similar nature.
- d. Using any County owned equipment, supplies, vehicles, space or property for political purposes.

- 5.5 PUBLIC OFFICE. Employees may not hold partisan elected office during employment with the County.
- 5.6 NEPOTISM. In order to avoid the practice or appearance of nepotism in employment:
- a. Members of an employee's immediate family will be considered for employment on the basis of his/her qualifications only. For the purpose of this policy, immediate family includes: spouses, children, parents, siblings, grandparents, grandchildren, in-laws, step-relationships and members of a household or domestic partners. No employee shall be supervised by a near relative. No employee shall be supervised by a near relative.
 - b.
 - c. When there is a change in assignment or relationships among County employees which leads to the supervision of or by other near-relatives, the employee must inform the Elected Official or Department Head in writing within five (5) working days. The Elected Official, Department Head, or County Manager will decide on a course of action and advise the affected employees within five (5) working days.
 - d. Any problem arising from such a situation should be referred to the County Manager.
- 5.7 CONFLICT BAN. No employee shall engage in any business or transaction which is incompatible with the proper discharge of the employee's responsibilities, or which gives the appearance of impropriety.
- 5.8 OUTSIDE EMPLOYMENT. Prior to accepting outside employment, an employee shall request in writing, permission to engage in outside employment. Such employment shall not conflict or interfere with the performance of the employee's duties, required overtime, on-call status, or give rise to an appearance of impropriety. The Elected Official or Department Head shall approve or deny the request in writing.
- 5.9 HARASSMENT/BULLYING. The County will not tolerate verbal or physical conduct by any employee which harasses, disrupts or interferes with another employee's work performance or which creates an intimidating, offensive or hostile environment.

Any such behavior shall be reported immediately to an affected employee's immediate supervisor, following the department's chain of command, for guidance and a prompt, confidential investigation. If the problem continues, the employee may contact the County Manager or Human Resources their designee. Employees may be assured that appropriate corrective measures will be taken and that there will be no retaliation for having filed a complaint of harassment. The employee making the report shall be informed of the findings and conclusions of such investigations.

Anyone violating this policy will be subject to disciplinary action up to, and including termination.

5.10 **SEXUAL HARASSMENT.** Sexual harassment by a supervisor, co-worker, volunteer, contractor or client is unlawful discrimination under State and Federal law. Chaves County is committed to providing a work environment that is free from sexual harassment. In keeping with this commitment, Chaves County strictly prohibits any form of sexual harassment whether intentional or not.

The victim does not have to be of the opposite sex. The harasser can be the victim's supervisor, an agent of the County, a supervisor in another area, a co-worker or a non-employee. The victim does not have to be the person harassed but may include someone affected by the offensive conduct.

Examples of the types of conduct prohibited by the County's policy include, but are not limited to:

Unwanted touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body. Sexually suggestive touching. Grabbing, groping, kissing, fondling. Lewd, off-color, sexually oriented comments or jokes. Foul or obscene language. Leering, staring, stalking. Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons. Unwanted or offensive letters or poems. Gesturing sexually. Offensive email, text or voice-mail messages. Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies or prowess. Questions about one's sex life or experiences. Repeated requests for dates. Any other conduct or behavior deemed inappropriate by Chaves County.

Federal Law does not prohibit simple teasing, offhand comments or isolated incidents that are not extremely serious. The conduct must be sufficiently frequent or severe to create a hostile work environment or result in a tangible adverse employment action, such as demotion or firing.

- a. **COMPLAINT PROCESS.** If an employee experiences any job-related harassment based on sex, race, religion, national origin, age, sexual orientation, gender identity or disability, or believes they have been treated in an unlawful manner, report the conduct to Human Resources as soon as possible. It is important that employees timely report any incident so that Chaves County can investigate the situation as quickly as possible. If Human Resources is not available, the conduct should be reported to the County Manager or their designee.

Should the harassment occur at a time other than normal business hours, the complaint should be submitted as early as practicable on the first business day following the alleged incident.

Once a complaint is received, Chaves County shall seek to provide a prompt, thorough, and impartial investigation into the complaint. Following the

investigation, the County will take immediate and appropriate corrective action if necessary, up to and including terminating the employment of the individual or individuals who engaged in prohibited conduct.

- b. **CONFIDENTIALITY.** Chaves County will attempt to keep all complaints of harassment confidential. Chaves County cannot guarantee complete confidentiality, since it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. Records relating to harassment complaints will be kept confidential on the same basis.
- c. **RETALIATION.** Chaves County prohibits any form of retaliation against any employee for submitting a bona fide complaint in good faith under this policy or for assisting in a complaint investigation. If an employee believes they have been retaliated against for such reasons, they should follow the complaint process set forth above.

5.11 **DRUG TESTING.** Chaves County does not tolerate the use of illegal drugs or the abuse of prescription drugs or alcohol. The County has a general drug and alcohol abuse policy which requires all employees to be tested as follows:

- a. Pre-employment
- b. Post-accident
- c. Reasonable suspicion

All safety-sensitive employees are subject to random drug/alcohol testing. Further, Chaves County has established a Department of Transportation Drug Testing policy in which those employees who are required to have a Commercial Driver's License (CDL) shall be tested randomly for both drugs and alcohol. These policies are part of this personnel policy. All drug testing is coordinated through the Human Resources Department.

SECTION VI BASIS FOR EMPLOYEE DISCIPLINE

- 6.1 **DISCIPLINE.** Disciplinary actions for employees are based on 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, sex, physical or mental handicap or medical condition. No employee will be disciplined for refusing to perform an unlawful act.
- 6.2 **CAUSE.** Any conduct, action or inaction arising from or directly connected with the employee's work which 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, incompetency, misconduct, negligence, insubordination, performance which continues to be inadequate after reasonable efforts have been made to correct the performance problems, or conviction of a felony or misdemeanor.
- 6.3 **DISCIPLINARY ACTION.** The County Manager, Elected Officials, Department Heads and supervisors have the authority to discipline an employee under their supervision. However, only the County Manager, Elected Official or their designee have the final authority to demote, suspend for more than three (3) days or terminate an employee for disciplinary reasons. Copies of any documented disciplinary action must be furnished to the Human Resources Department for placement in the employee's file with the signature of the employee acknowledging receipt of the action. If the employee refuses to sign the disciplinary action the supervisor will so note on the disciplinary action form and file it in the employee's file.
- 6.4 **CONSULTATION WITH COUNTY ATTORNEY.** Termination, demotion, and suspension require consultation with the County Attorney before taking disciplinary action. Whenever such consultation is not practical because of urgency, necessary action may be taken and the situations/circumstances reviewed with the County Attorney as soon as practical.
- 6.5 **PROGRESSIVE DISCIPLINE.** An employee shall be progressively disciplined whenever possible. All actions involving substandard work performance, leading up to and including dismissal, require progressive warnings. 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 termination.

6.6 ~~VERBAL REPRIMAND~~-**VERBAL WARNING**. A verbal reprimand is **Verbal Warnings** are used for minor infractions to inform the employee that their actions, behavior, or conduct needs to change. **The supervisor will discuss with the employee the nature of the problem or the violation of Chaves County policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve their performance or resolve the problem.** A verbal reprimand warning is the first step in progressive discipline. **Within five business days of the infraction, the supervisor will prepare written documentation of the verbal warning. The employee will be asked to sign this document to demonstrate their understanding of the issues and the corrective action.** Supervisors will keep written notations of verbal ~~warnings reprimands~~ **warnings reprimands in their department file**, and these will not be placed in the employee's personnel file. Causes for verbal ~~reprimands~~-**warnings** include, but are not limited to:

- a. substandard or unsatisfactory work performance
- b. repeated absence or tardiness;
- c. misconduct on the job;
- d. failure to meet and/or maintain job requirements as set forth in the position specification;
- e. violation of any personnel policy rules and regulations or departmental standard operating procedures;
- f. violation of an employee's professional code of ethics accepted by those in the same profession as an employee;
- g. non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of their or another employee's work;
- h. failure to adhere to an established work schedule;
- i. gossiping about employees or their families.

6.7 **WRITTEN WARNING**. A written warning is the second step in progressive discipline for causes listed in section 6.6. **Within five business days of the infraction, the supervisor will prepare written documentation of the written warning. The employee will be asked to acknowledge having read the warning by signing the statement. If the employee refuses to sign, a witness will attest in writing that the warning was presented to the employee for signature. The written warning will be placed in the employee's personnel file.**

6.8 WRITTEN REPRIMAND. An employee shall receive a written reprimand when the deficiency or infraction is of a greater degree than that for which a verbal ~~reprimand~~ **warning** may be used, or if a ~~verbal reprimand~~ **verbal warning** was not effective. Causes for written reprimands include, but are not limited to:

- a. the causes listed for verbal ~~warnings~~ **reprimands**;
- b. excessive absence or tardiness;
- c. negligence in the performance of duty;
- d. failure to adhere to established safety rules or regulations;
- e. insubordination;
- f. unauthorized absence from work;
- g. harassment;
- h. failure to report duty injuries, accidents, **County equipment damage**, or vehicle collisions;
- i. failure to follow the chain of command within a department;
- j. unauthorized use of County property;
- k. **engaging in prohibited political activities;**
- l. **prohibited use of the e-mail system, internet, County issued cell phone, County issued computer/laptop/tablet;**
- m. **smoking in County vehicle;**
- n. **failure to obtain authorization for overtime;**
- o. **working at home without prior permission.**

Written reprimands for an employee's work performance or conduct shall be placed in the employee's personnel file after providing the employee with a copy of the 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. In addition, the letter of reprimand may be read to the employee by the Elected Official or Department Head. The employee may respond with a written rebuttal which shall be placed in the employee's personnel file. After three (3) years, an employee may request that the letter of reprimand be removed from their personnel file. At that time, the County Manager or Elected Official can decide whether to remove the letter of reprimand.

- 6.9 **SUSPENSION.** 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 two hundred forty (240) hours. Suspension of an employee is subject to the formal grievance procedures. Causes for suspension include but are not limited to:
- a. the causes listed for verbal and written reprimands;
 - b. continuous instances of poor performance;
 - c. negligent damage to property and/or person(s);
 - d. physical or mental unfitness for duty due to being under the influence of alcohol or controlled substance including illegal drugs as well as abuse of prescription drugs;
 - e. consumption or possession of alcohol or controlled substances on-duty or on County property;
 - f. fighting while on-duty or on County property;
 - g. harassment;
 - h. sexual harassment;
 - i. failure to report loss of driver's license when required as condition of employment;
 - j. operation of a County vehicle or a private vehicle while on County business without a valid driver's license;
 - k. sleeping on the job;
 - l. violation of County weapons policy.
- 6.10 **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 job position in the County and the employee is capable of performing such a job. The employee's actions may be severe enough to warrant demotion without following progressive discipline. The demotion of an employee is subject to the formal grievance procedures
- 6.11 **TERMINATION.** Termination is the final consequence when progressive discipline has failed to change unacceptable behavior or performance, or when the employee has engaged in other behavior that is of a serious nature which is unacceptable for County employees. The termination of an employee is subject to the formal grievance procedure. Causes for termination include, but are not limited to:
- a. all causes listed for the previous disciplinary actions, if such causes continue;
 - b. acceptance of a bribe or kick back;
 - c. use of official position or authority for personal profit or advantage;
 - d. theft of County property;
 - e. embezzlement of County funds;
 - f. misuse of County property;
 - g. unauthorized disclosure of confidential information from County records or documents as set forth by applicable state law; falsification, destruction or

- h. unauthorized use of County records, reports or other County data;
 - i. being convicted of a felony or misdemeanor;
 - j. falsification of County employment application, health history forms or any other document used in the employment process;
 - k. serious acts of negligence causing damage to County property;
 - l. conduct unbecoming an employee of Chaves County;
 - m. unlawful manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on the job; or reporting to work under the influence of an unlawful controlled substance, alcohol, or impaired by prescription medication;
 - n. intentional abuse or destruction of County equipment;
 - o. failure to meet standards of substance abuse rehabilitation programs;
 - o. falsification of official documents.
- 6.12 **EXAMPLES NOT INCLUSIVE.** The above examples are typical of the types of infractions sometimes encountered but are not inclusive of all situations which may arise. The County reserves the right to exercise judgment and render disciplinary action or termination as deemed appropriate, based on the circumstances of each case.
- 6.13 **PRE-DISCIPLINARY HEARING.** Regular employees shall receive a pre-disciplinary hearing prior to disciplinary action for cause which may result in suspension without pay, demotion, loss of pay or involuntary termination. The County Attorney shall review the cause for such disciplinary action in all cases prior to the pre-disciplinary hearing. The hearing shall be held by the Elected Official, Department Head, or their designee, for employees of their respective departments.
- 6.14 **WRITTEN NOTICE.** The employee's supervisor, Department Head or Elected Official shall present the employee with written notification of their intent to conduct a pre-disciplinary hearing at least ~~three (3)~~ **two (2)** calendar days in advance of the hearing date. The written notification shall explain the reasons for the hearing, the employee's right to invoke the Chaves County grievance procedures and the time and date of the pre-disciplinary hearing. The time, place and date of the pre-disciplinary hearing can be revised upon the written agreement of the parties.
- 6.15 **IMMEDIATE SUSPENSION WITH PAY.** In cases where County property, other employees or citizens are at risk because of the employee's actions, the Elected Official or County Manager or their designee shall put the employee on administrative leave with pay until the pre-disciplinary hearing is held and a decision is rendered.
- 6.16 **PRE-DISCIPLINARY HEARING PROCEDURE.** The County Manager or Elected Official or their designee shall meet with the employee at the appointed time. At this hearing the employee will have an opportunity to respond to the reasons for the disciplinary action. Witnesses are permitted as determined relevant to the case by the County Manager or Elected Official.

- 6.17 PRE-DISCIPLINARY HEARING DECISION. The County Manager, Elected Official or Department Head will issue a hearing decision in writing within seven (7) calendar days of the hearing. The decision will include the time, date and location of the meeting, persons present, and the determination. The written decision shall be either delivered to the employee (obtaining employee's signature of receipt of the decision) or be sent to the employee by certified mail, return receipt requested.
- 6.18 NOTICE OF GRIEVANCE. Within five (5) calendar days of receipt of the written decision, the employee must notify the County Manager or Elected Official or their designee in writing of their intent to pursue a grievance hearing before a Personnel Appeals Hearing Officer.

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SECTION VII

GRIEVANCE PROCEDURES - The formal grievance procedure is applicable for all regular employees who wish to contest their suspension, demotion or termination. Prior to requesting a grievance hearing, the grievant must appeal a grievable disciplinary action by a Department Head to the County Manager.

7.1 **ACTIONS NOT GRIEVABLE.** The following matters are not grievable:

- a. written or verbal reprimands;
- b. termination, suspension or demotion of a temporary, probationary, or at-will employee;
- c. work assignments or transfers;
- d. denial of outside employment.

7.2 **GRIEVANCE PROCEDURE.** A regular employee may request, in writing, a hearing before a Personnel Hearing Officer within five (5) calendar days of the event which gave rise to the grievance. The request should state with specificity the reason for the grievance and the remedy requested.

7.3 **APPOINTMENT OF PERSONNEL HEARING OFFICER.** Upon notification of receipt of a request for a grievance hearing, Human Resources will submit a list of names of at least two (2) qualified hearing officers to the grievant. The grievant shall then select a hearing officer and notify the County Manager of their choice. If the grievant fails to select a hearing officer within ten (10) calendar days, the County Manager shall appoint the hearing officer and set the date for the hearing. The County Manager shall schedule and notify the grievant in writing of the date and time of the hearing. Requests for continuances shall be submitted to the County Manager.

7.4 **HEARING OFFICER QUALIFICATIONS.** Hearing Officers shall be personnel professionals, be familiar with public or private personnel systems, or have pertinent experience in the fields of management, education or law. The County Manager shall verify the qualifications of the hearing officer. The hearing officer is not required to reside in Chaves County.

7.5 **HEARING OFFICER DUTIES.** The hearing officer shall:

- a. rule on procedural and substantial issues;
- b. determine the admissibility of evidence and testimony;
- c. issue a written ruling, including findings of fact and conclusions of law.

7.6 **PRE-HEARING PROCEDURES.** At least five (5) calendar days prior to the hearing, all parties must submit to the hearing officer a confidential statement identifying the issues to be heard, a witness list, and a complete list of exhibits to be admitted as evidence. Witness lists and exhibits shall be exchanged between the parties at least five (5) calendar days prior to the hearing.

- a. Each party will be responsible for ~~insuring~~ **ensuring** that their witnesses are present for the hearing.
- b. The hearing will be recorded.
- c. The grievant and the County's designated representatives are required to be present at the hearing unless otherwise excused by the hearing officer. If the grievant fails to appear at their hearing, their hearing opportunity will be forfeited.

7.7 HEARING PROCEDURES. The County bears the burden of proof by preponderance of the evidence. As such, the County will present its case first.

- a. Both parties will be allowed ten (10) minutes to make an opening statement.
- b. Both parties will be allowed to present witnesses and evidence on their behalf. Each party will be allowed to cross examine the other parties witness and present rebuttal testimony and evidence.
- c. The hearing officer will have the opportunity to question any witness for clarification.
- d. The grievant is allowed to testify if they so choose.
- e. Both parties will be allowed ten (10) minutes to make a closing statement.
- f. The grievant and the County may be represented by legal counsel.
- g. Witnesses are not permitted in the hearing room until called to testify.

7.8 COMMUNICATION OF HEARING OFFICER'S DECISION. The hearing officer's decision will be issued in writing within seven (7) calendar days of the hearing. The hearing officer will forward the decision to the grievant and the County Manager or Elected Official. The hearing officer may uphold, modify or reverse the decision of the County Manager or Elected Official, and may reinstate the employee and award back pay and benefits. The record of the proceedings will be retained by the County Manager's office for a period of not less than five (5) years from the hearing date along with all of the physical evidence admitted by the hearing officer. The record shall be transcribed only in the case of appeal to the District Court. The party requesting the transcription shall pay for all costs associated with the transcription.

7.9 APPEAL OF HEARING OFFICER'S DECISION. Either party may appeal the hearing officer's decision to the District Court within thirty (30) days of the Hearing Officer's decision.

SECTION VIII COMPENSATION AND BENEFIT PROGRAM

- 8.1 **PURPOSE.** The purpose of the compensation plan is to establish equitable compensation for all positions in the County. Such a plan shall establish a salary schedule containing a minimum and maximum wage or salary for each position. Pay ranges are intended to furnish administrative flexibility. However, all wages and salaries are approved by the County Commission. Wage and salary increases or decreases, when authorized, shall be dependent upon the financial conditions of the County. The County Commission shall consider all requests and set the pay schedule and policy regarding any raises and promotion increases for the entire fiscal year for all County employees.
- 8.2 **HOURS OF WORK.** Employees will work their scheduled hours pursuant to work schedules established by their Department Head or Elected Official. Full-time employees will work a minimum of forty (40) hours per week or a minimum of eighty (80) hours per pay period for commissioned law enforcement personnel and detention officers. Actual work hours may fluctuate at the discretion of the Department Head or Elected Official. Due to fiscal economic emergencies, the County Commission reserves the right to modify the minimum hours of work. Part-time employees are scheduled to work pursuant to scheduling set forth by their supervisors, the Department Head or Elected Official.
- 8.3 **OVERTIME PAY.** Overtime pay shall be paid only when overtime work is authorized by the Department Head or Elected Official and only to nonexempt employees. Failure to obtain authorization for overtime shall result in disciplinary action, up to and including termination. The rate shall be one and one-half (1 1/2) times regular pay for each hour of overtime and such payment shall be made only in cases when a nonexempt employee works over forty (40) "actual hours" in a normal work week. A nonexempt sheriff's deputy or detention officer shall be paid overtime according to FLSA regulations. Holiday, vacation, sick and other leave hours shall not be considered actual working hours. Nonexempt employees authorized and required to work on a scheduled holiday shall receive their holiday pay plus their regular hourly rate of pay for actual hours worked on the holiday.
- 8.4 **CONSISTENCY WITH FAIR LABOR STANDARDS ACT.** The provisions of Section 8.3 are subject to change or revision by the Fair Labor Standards Act and any federal regulation or revision thereof. All County employees shall be given a copy of such revisions and notified that they are, in effect, Personnel Policy Supplements.
- 8.5 **PERA BENEFITS.** All County employees with the exception of those employees who are subject to exclusion under PERA rules, are required to join the Public Employees Retirement Association of New Mexico (PERA).

- 8.6 INSURANCE BENEFITS. The County offers medical, dental and life insurance benefits to all employees except temporary employees. Part time employees must work at least two thirds (27 hours) of the regular 40 hour work week, on average, to be entitled to the County's share of group medical or dental benefits. Insurance plans may be changed or eliminated at the discretion of the County Commission.
- 8.7 FRINGE BENEFITS. The County will follow the Internal Revenue Service's rules with regard to Fringe Benefits. Taxable fringe benefits will be included on the employee's W-2 form. (Examples of fringe benefits are: uniforms, uniform allowances, cell phone usage, vehicle usage, etc.).
- 8.8 WORKING FROM HOME. Employees are only permitted to work from home with prior permission from their Department Head or Elected Official. Before granting permission for work at home arrangements, supervisors must be aware of the specific work to be performed and the projected amount of time expended. The work at home arrangements should be outlined in writing by the Elected Official or Department Head and signed by both parties.

Under no circumstances are employees permitted to work at home without prior permission. Any attempt to do so, with or without reporting such time, will result in disciplinary action in accordance with the County's discipline policy.

- 8.9 EDUCATION ASSISTANCE. The County Commission or County Manager may, at its discretion, approve paying for part or all tuition, fees, books and other educational related expenses to assist any County employee in attaining education or certification that is determined to be in the best interest of the County. The employee must show how the course or certificate will assist them in their job. The County may require the employee to sign an agreement whereby the employee would agree to continue to work for the County after they complete the course or obtain the certificate.
- a. The County will pay expenses incurred in obtaining specialized certification required for the employee's position the first time an employee applies for such testing. Expenses include registration, lodging, travel and testing on County time. Additional attempts at testing may be approved for payment at the discretion of the Elected Official or County Manager.
 - b. The County will pay only for expenses incurred relative to the first examination. If the employee fails the tests on his/her first attempt, all expenses related to subsequent testing to receive the certification will be the sole responsibility of the employee.

SECTION IX LEAVE & HOLIDAYS

- 9.1 HOLIDAYS. The County Commission shall approve holidays at their discretion during December of each year, for the next calendar year. All employees except temporary employees are eligible for holiday pay.

- a. Nonexempt employees authorized and required to work on a scheduled holiday shall receive their holiday pay plus their regular hourly rate of pay for actual hours worked on the holiday. Appointed employees, chief deputies, exempt employees and temporary employees are not eligible for holiday overtime pay.
- b. Employees taking authorized leave with pay during a holiday shall not be charged for leave time during that holiday. Employees scheduled to work on a holiday who call in sick will not be paid holiday pay and the time will be charged against their sick leave accrual. An employee who is on leave without pay or absent without leave **for a total of 80 hours during a pay period**, shall not be paid for the holiday.
- c. All employees who have completed six (6) months of employment will have one (1) day personal holiday each calendar year in addition to the regular holiday schedule. The personal holiday may be taken **once the accrual shows in the employee's leave balance**, at any time, upon approval by the employee's supervisor. Personal holiday time may not be taken in hourly increments. Personal holiday will not be paid upon separation of employment.

9.2 VACATION LEAVE WITH PAY. Vacation leave must be approved by the employee's supervisor prior to being taken. **Employee and Supervisor must verify available leave hours before approving the leave request to ensure sufficient hours are available.** Employees accrue vacation leave with pay in accordance with the following years of service:

Full Years of Service	Hours Accrued/ Pay Period	Hours Accrued/Year
0-2	3.08	80
3-5	3.69	96
6-10	4.62	120
11-15	5.54	144
16-20	6.46	168
21-23	7.69	200
24 or more	9.23	240

- 9.3 ACCRUAL LIMITATION. Total number of accrued vacation leave hours shall not exceed 280 hours.
- 9.4 TERMINATION PAY. Employees shall be paid for all accrued vacation upon termination **at their regular hourly rate.**
- 9.5 LEAVE CONVERSION.
- a. Employees taking a minimum of forty (40) consecutive hours of vacation leave (not to include any holidays) are entitled to convert eight (8) hours of sick leave to vacation leave per year. Vacation leave conversions are processed at the end of the fiscal year.
 - b. Employees may convert a maximum of twenty four (24) hours accrued vacation leave for cash payment no later than the last full pay period prior to June 30th. Payment will be made on the basis of seventy-five cents (\$.75) for each one dollar's (\$1.00) value of leave for the employee.
- 9.6 DONATING VACATION. Any employee **eligible for vacation leave**, who has exhausted all of their sick leave and vacation may request donated time for their recovery from illness or injury, ~~or~~ to provide care for an immediate family member's recovery due to illness or injury, **or due to personal hardship resulting from the death of an immediate family member, (spouses, children, parents, siblings, grandparents, grandchildren, like in-laws, and like step-relationships are immediate family), a declared disaster, such as fire, flood, tornado, or other unforeseeable event which directly effects the employee.** Requests for donated time must be submitted to the Human Resources Department. A certificate of illness or injury will be required from a physician in order to qualify to use donated time. **An official declaration of a disaster from a governmental entity, insurance company, or other relevant organization must be submitted to the Human Resources Department in order to qualify to use donated time for a personal hardship.** An employee requesting donated time ~~must be on unpaid leave for at least forty (40) hours~~ **have exhausted all leave hours** prior to receiving donated time. Any employee may donate their accrued vacation hours. Under no circumstance, including termination, can these donated hours be converted into cash.
- 9.1 SICK LEAVE. Employees shall accrue a maximum of eighty (80) hours of sick leave with pay annually. Sick leave shall be authorized by the employee's supervisor. Sick leave is available when an employee is unable to perform normal job duties due to illness, injury, medical or dental examinations, counseling, and other medical treatments, or when a member of the employee's immediate family requires medical assistance from the employee. There is no accrual limitation and there shall be no pay compensation for sick leave upon termination, except as otherwise provided by this policy. **To ensure a safe and healthy work environment and to protect employees and the public, a supervisor may direct an employee to use sick leave or other accrued leave when an employee is exhibiting visible signs of illness. Signs of illness can include but are not limited to, fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills, fatigue and sometimes vomiting and**

diarrhea.

9.2 CERTIFICATION OF ILLNESS FOR SICK LEAVE. A physician's written certification ~~may~~ shall be required to be provided to the Human Resources Department, prior to receipt of sick leave pay at the discretion of the Elected Official or Department Head when an employee is absent for three (3) or more days to verify illness; or when there are excessive absences, a trend or other evidence which appears to indicate that the employee is not ill. Abuse of sick leave may result in a supervisor, Department Head, or Elected Official, withholding approval for leave, and is cause for disciplinary action up to and including termination of employment. Abuse of sick leave may include but is not limited to the following:

- a. An employee who continually exhausts his/her accrued sick leave balance without a certification under the FMLA;
- b. An employee who develops a pattern of being absent from work without pre- approved sick leave for days immediately before or after scheduled days off, immediately after a County approved holiday or on the same day of the work week;
- c. An employee who is absent from work and fails to notify his/her supervisor of an illness or injury that prevents him/her from being at work;
- d. Any leave without a supervisor's authorization.

9.3 FAMILY/MEDICAL LEAVE.

- a. Chaves County provides family/medical leaves of absence to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to the birth or adoption of a child or the illness of a child, spouse, parent or the employee themselves. Any regular full-time or part-time employee who has been employed by the County for a period of at least twelve (12) consecutive months is eligible to request family medical leave.
- b. Eligible employees are allowed family/medical leave according to provisions of the Family Medical Leave Act. As soon as an eligible employee becomes aware of the need for a family/medical leave of absence, they shall request leave from their supervisor. Employees requesting family/medical leave related to the illness of a child, spouse, parent or the employee themselves shall be required to provide a physician's statement verifying the need for leave. Eligible employees who do not request family medical leave in advance of a qualifying event will automatically be placed on family medical leave as soon as it is determined by Human Resources that their leave qualifies for protections under the Act.

- c. Eligible employees are allowed up to twelve (12) weeks of family/medical leave. Eligibility for leave will be determined on a 12-month rolling back calendar. The employee will be required to take any available vacation or sick leave as part of the approved period of leave. If the family/medical leave is unpaid, the employee is subject to all rules pertaining to leave without pay (Section 9.15).
- d. Subject to the terms, conditions and limitations of the applicable plans, Chaves County will continue to provide health insurance benefits for the full period of the approved family/medical leave. The employee must continue to pay their portion of any premiums due.
- e. When family/medical leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee qualifies. Chaves County guarantees reinstatement to all eligible employees who are not key employees. If the employee fails to return to work or contact their supervisor on or before their expected date of return, Chaves County will assume that the employee has abandoned their job. Slightly different rules under FMLA apply for positions designated as key employees, those who are salaried and among the highest ten percent (10%) of Chaves County's workforce. Key employees are entitled to FMLA, however; key employees are not guaranteed reinstatement.

9.4 SICK LEAVE CONVERSION.

- a. Accrued sick leave greater than 240 hours may be converted to personal vacation leave at a rate of one (1) hour of vacation for each two (2) hours of sick leave. A maximum of forty-eight (48) hours of sick leave may be converted each fiscal year to a maximum of twenty-four (24) hours of vacation leave.
- b. When an employee voluntarily leaves, retires or dies while employed by the County, a percentage of their accrued sick leave may be converted into cash. All accrued sick leave hours above two-hundred and forty (240) hours will be subject to conversion into cash at a percentage based upon the numbers of years the employee has worked for the County. For example, an employee who has worked for the County for sixteen (16) years will be allowed to convert 16% of all accrued sick leave hours above two hundred and forty (240) into cash.

- 9.5 SICK LEAVE INCENTIVE. A Chaves County employee who uses twenty (20) hours or less of sick leave per fiscal year will be able to convert eight (8) hours of sick leave to vacation leave. Exempt employees are not entitled to participate in this sick leave incentive.
- 9.6 ADMINISTRATIVE LEAVE. An employee may be placed on Administrative Leave with or without pay at the discretion of the Elected Official or County Manager for disciplinary or investigative action.
- 9.7 WORKER'S COMPENSATION.
- a. Chaves County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers' Compensation insurance provides benefits after a short waiting period, or if the employee is hospitalized, immediately.
 - b. Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Failure to report an injury in a timely manner, may be cause for denial of the claim.
 - c. Neither Chaves County nor the insurance carrier will be liable for the payment of worker's compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Chaves County.
 - d. Subject to the terms, conditions and limitations of the applicable plans, Chaves County will continue to provide health insurance benefits while the employee is receiving worker's compensation benefits. Eligible employees will automatically be placed on family medical leave as soon as it is determined by Human Resources that their leave qualifies for protections under the Act.
 - e. An employee injured while at work may use accrued sick leave or vacation leave for each day off work prior to receiving Worker's Compensation benefits. Once

Worker's Compensation benefits begin, an employee will be prohibited from using any accrued leave.

- 9.8 COURT SERVICE LEAVE WITH PAY. 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 working day, the employee shall return to work. If the employee does not return to work, the balance of the day will be charged to leave or leave without pay. Employees serving as jurors shall file for jury pay, if available, and turn in any pay received to the County. Any jury duty worked beyond their regular work hours shall be refunded back to the employee. **Payment of regular wages shall not be authorized when an employee serves on civic duty while on unpaid leave status.**
- 9.9 LEAVE WITHOUT PAY. Except as otherwise specified in this policy, leave without pay is a benefit which may be approved for employees that require additional leave of absence. If an employee is on leave without pay for more than fourteen (14) consecutive calendar days, their leave accruals will cease. Employees on leave without pay **for a full 80-hour pay period** shall not receive holiday pay. During the leave without pay status, the County will make no contributions to PERA. An employee will not be required to use accrued vacation leave, or Personal Holiday before requesting leave without pay.
- 9.10 INCLEMENT WEATHER. The County Manager may close offices and/or send employees home due to inclement weather, and all employees will be compensated for normal work hours.
- 9.11 LEAVE FOR UNFORSEEN CIRCUMSTANCES. The County Manager, after consulting with Elected Officials, may send employees home from work, with pay, due to unforeseen conditions beyond the County's control that prevent the employees from performing their duties.
- 9.12 FUNERAL LEAVE. Up to three (3) days of sick leave may be granted to an employee to attend the funeral of a member of their immediate family. An additional two (2) days may be authorized by the Elected Official or Department Head for extenuating circumstances.
- 9.13 MILITARY LEAVE.
- 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 eighty (80) hours during a one (1) year period based on the Federal Government's fiscal year from October 1 to September 30. Military leave must be requested twenty (20) working 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 on active duty for more than eighty (80) hours, may use accrued vacation leave. If vacation

leave is exhausted or the employee chooses not to use vacation leave, the employee shall be placed on leave without pay. The employee taking unpaid military leave will not first be required to exhaust accrued vacation leave.

- c. Employees Returning from Unpaid Military Leave - Any regular employee who is called to active duty with the National Guard or Reserve and who is discharged or released from an active duty status and who is still qualified to perform the duties of the County position previously held, shall be re-employed in the same position previously held, or to a position of like seniority, status, and pay. To be re-employed in the same position, the employee must make application for re-employment within ninety (90) calendar days after they are relieved from training or duty or from hospitalization of a service-related injury continuing after discharge for a period of not more than one (1) year.

The returning employee shall have all unused vacation leave and sick leave accrued at the time of their departure for military service restored.

9.14 RETURN-TO-WORK (Light Duty). Covers employees who are on leave due to an injury or illness. Chaves County will attempt to help employees return to work as soon as possible after their physician certifies their fitness to do so.

- a. Coordination. An employee on leave due to an injury or illness can only return to work when Chaves County receives a written medical release from the employee's attending physician. Prior to reporting to duty, the employee must provide the Human Resources Department with the medical release. The Human Resources Department will coordinate with the physician if clarification is needed.
- b. Return-to-Work Options. Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals. The following options will be explored:
 - (1) **Return to prior position**. An employee is offered the opportunity to return to their prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations.
 - (2) **Restricted duty**. Any employee who is not yet able to return to their former duties is offered a temporary restricted duty assignment that has been approved by the employee's attending physician. The assignment can consist of the employee's regular job, with reduced working hours or reduced activities, or an alternative restricted duty position.
- c. Limitations on Restricted-Duty Assignments. The following limitations apply to restricted duty assignments:

(1) **No guarantee of work.** Chaves County will endeavor to return employees to gainful employment as soon as possible by exploring possible restricted duty assignments. However, Chaves County does not guarantee the availability of restricted duty work.

(2) **Workers' Compensation Benefits.** Employees on workers compensation who return to work before they have reached maximum medical improvement (MMI) may be eligible for temporary partial disability benefits under New Mexico Workers' Compensation law. Employees in restricted duty positions are not permitted to supplement their workers compensation benefits by using their accrued vacation, personal, or medical/sick leave.

(3) **8-Week limit.** Restricted duty assignments are temporary arrangements intended to complement and facilitate the healing process. Restricted-duty assignments cannot exceed eight (8) weeks without approval from the Chaves County Manager or Elected Official.

- d. Coordination With FMLA. Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act or any other federal or state law.

SECTION X MISCELLANEOUS

- 10.1 DESIGNATED WORK AREAS. All 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.
- 10.2 PERSONAL BUSINESS. Personal business shall not be conducted during work hours.
- 10.3 SAFETY. The County is committed to having all work conducted in a safe manner. All safety precautions shall be followed in accordance with the Chaves County Risk Control Program.
- 10.4 COUNTY PROPERTY. Employees shall not misuse County property, records, or other material in their care, control, or custody; nor shall any County property, records, or other material be removed from the premises of the County offices unless written permission by the Department Head or Elected Official has been given.
- 10.5 COUNTY VEHICLES. No County vehicle will be taken out of Chaves County without permission of the Elected Official or Department Head. County vehicles shall be used for County business only. County vehicles may not be taken home with the exception of law enforcement personnel and those employees designated by the Elected Official or County Manager as being subject to call out after hours. County vehicles shall not be used for personal business, except as is incidental in commuting. All employees who drive County vehicles are required to take a defensive driving course. **Elected Officials/Department Heads are required to report to Human Resources and Payroll the use of take-home County vehicles for compliance with the Internal Revenue Service Regulations.**

Passengers in a County vehicle who are not employees of the County or covered under another governmental entity must execute a waiver of liability prior to riding in the vehicle. Waivers of liability may be obtained through the County Manager's office.

- 10.6 PERSONAL APPEARANCE. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Chaves County presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

- 10.7 WEAPONS IN THE WORK PLACE. All County employees, with the exception of Deputy Sheriffs, Animal Control Officers and those employees who possess a New Mexico Concealed Carry Permit, are prohibited from carrying a handgun, firearm, or prohibited weapon into a County building.

- a. COUNTY PROPERTY. This policy covers all County owned or leased buildings and vehicles.
- b. PROHIBITED WEAPONS. Prohibited weapons include any form of weapon or explosive device restricted under State or Federal regulations (chemical dispensing devices, such as pepper sprays that are sold commercially for personal protection are exempt from this policy).
- c. SEARCHES. The County reserves the right to conduct searches of any County vehicle or employee subject to this Section of the Policy.
- d. VIOLATIONS. Any employee who violates this weapons policy shall be subject to disciplinary action, up to and including termination.

If any employee becomes aware of anyone violating this policy, they should report it to the Department Head or Elected Official immediately.

10.8 CONCEALED CARRY PERMITS. County employees who possess a New Mexico Concealed Carry Permit are allowed to carry a concealed weapon on County property as long as they do not violate the conditions of the permit, and they notify the County Manager and their Department Head or Elected Official in writing. The County reserves the right to refuse or disallow an employee with a permit from carrying a concealed weapon in a County building.

10.9 WORKPLACE VIOLENCE. Chaves County strives to provide a safe work place for all employees.

All employees, including managers and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

- a. PROHIBITED CONDUCT. Chaves County does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.
 - 1. Causing physical injury to another person;
 - 2. Making threatening remarks;
 - 3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
 - 4. Intentionally damaging County property or property of another employee;
 - 5. Violations of Weapons Policy (Refer to Section 10.7);
- b. REPORTING PROCEDURES. Any potentially dangerous situation must be reported immediately to a Department Head, Elected Official, or the Human

Resources Office. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need- to-know basis.

- c. **RISK REDUCTION MEASURES.** *Hiring:* The County takes reasonable measures to conduct background investigations to review candidate's backgrounds and reduce the risk of hiring individuals with a history of violent behavior. *Individual Situations:* While Chaves County does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their Department Head, Elected Official or the Human Resources Office if any individual or member of the public exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes, but is not limited to:
 - 1. Discussing weapons in a threatening manner related to the workplace, or bringing them to the workplace;
 - 2. Displaying overt signs of extreme stress, resentment, hostility, or anger;
 - 3. Making threatening remarks;
 - 4. Sudden or significant deterioration of performance;
 - 5. Displaying irrational or inappropriate behavior.
- d. **DANGEROUS/EMERGENCY SITUATIONS.** Employees who are confronted by or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. The Human Resources Office maintains and distributes to all employees detailed guidelines and procedures for handling workplace violence and threats.
- e. **ENFORCEMENT.** Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the County's premises will be reported to the proper authorities.

10.10 **E-MAIL AND INTERNET USE.** The e-mail system and internet access are provided by the County to assist in the conduct of County business. This includes any hardware and/or software and all information created, sent, received or otherwise accessed through the e-mail system as well as through the internet. The use of the e-mail system and the internet is intended for County business and is not to be used for personal business.

The County, at any time, reserves and intends to exercise the right to review, audit, intercept, access and disclose any and all information created, sent, received or otherwise accessed through the e-mail system or through the internet. This includes information that has been deleted from an employee's computer as such information may be stored on the computer's backup system.

The electronic mail system hardware is County property. Additionally, all messages composed, sent, or received on e-mail are and remain the property of the County. They are not the private property of any employee and the employee shall have no expectation of privacy with regard to e-mails and internet use.

- a. PASSWORDS. The use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the County.

The use of passwords does not imply that the e-mail system or the use of the internet is for personal confidential communication nor that the use of the e-mail system or the internet are the property right of an employee.

- b. PROHIBITED USES. The e-mail system and the use of the internet are not to be used to create, send, receive or otherwise access any offensive or disruptive information. This includes information which contains sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. In addition, the solicitation of funds, any illegal or unethical activity or any activity that can reasonably be construed to be detrimental to the interests of the County are specifically prohibited.

Notwithstanding the County's right to retrieve and read any e-mail messages, employees may not intentionally intercept, eavesdrop, record, read, alter, or receive another person's e-mail messages without authorization of the County Manager.

- c. RETENTION OF INFORMATION. E-mail messages and information accessed through the internet may be subject to the provision of the Public Records Act of the State of New Mexico.
- d. APPLICABILITY. The e-mail system and access to the internet shall be used only by County employees unless otherwise authorized by the County Manager or Elected Official.
- e. ENFORCEMENT. Elected Officials and Department Heads are responsible for the implementation of, and adherence to, this policy within their offices/departments. Employees and other authorized users who violate this policy or use the e-mail system or the internet for improper purposes shall be subject to disciplinary action, up to and including termination.

10.11 SOCIAL MEDIA POLICY.

- a. Chaves County respects the desire of employees to participate in social media during their personal time and not during work hours. In general, employees who

participate in social media are free to publish their own personal information without restriction by Chaves County. Employees must avoid, however, posting information that could place the County at a competitive disadvantage or legal compliance risk. If an employee chooses to identify himself or herself as an employee of Chaves County on a personal web site or blog, he or she must adhere to the following guidelines:

- b. Employee must make it clear to the readers that the views expressed are the employee's alone and that they do not necessarily reflect the views of Chaves County. Employees are prohibited from acting as a spokesperson for Chaves County or posting comments as a representative of the County.
- c. Employees may not use the County's logo on any personal social media network without permission from the County Manager or his designee.
- d. Employee may not disclose any information that is confidential or proprietary to Chaves County or to any third party that has disclosed information to the County. Consult with the County Manager for guidance about what constitutes confidential information.
- e. 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. Accessing social media for non-work-related activities is prohibited during working hours.
- f. If social media activity is seen as compromising, Chaves County may request a cessation of such commentary and the employee may be subject to disciplinary action, up to and including termination.

**SECTION XI
ORGANIZATION, MANPOWER, PAY AND POSITION CLASSIFICATION SYSTEM**

11.1 PURPOSE. This Section outlines the provisions for organization, manpower and the County's system of comparing and classifying positions according to their relative equivalence for the purpose of establishing fair and equitable promotion and pay compensation for employees. However, all wages and salaries are approved by the County Commission. Wage and salary increases, when authorized, shall be dependent upon the financial condition of the County.

11.2 APPLICABILITY. The provisions of this section shall apply to all employees except for the following: Elected Officials, Chief Deputies, and Appointed Employees.

11.3 PAY COMPENSATION SYSTEM OVERVIEW.

A. The pay compensation system includes provisions for:

- a. entry level wages;
- b. transfers;
- c. demotions;
- d. cost of living wage increases;
- e. promotion wage increases;
- f. step increases;
- g. performance awards.

B. The pay system includes the following charts:

- a. Organizational Structure and Manpower Allocation (Chart A)
- b. Position Classifications (Charts B)
- c. Wage Schedules

11.4 ORGANIZATION, MANPOWER AND PAY SYSTEM CHARTS:

- a. Organizational Structure and Manpower Allocation Chart. This chart is the organizational structure of positions within the County and includes all regular positions. This chart also outlines the allocated number of authorized positions to be filled each fiscal year.
- b. Position Classification Charts. These charts classify each County position within specific wage levels based on the overall qualifications of the position. Each level on these charts include only the positions which are established as having relatively equivalent overall qualifications as defined in the position specifications for each position.

- c. Wage Schedules. The Wage Schedules outline the regular wages for each level of positions on the Position Classification Charts.
- d. The County Commission may, at its discretion, amend any of the Personnel Charts and Position Specifications by resolution.

11.5 ENTRY LEVEL WAGES. All new employees are normally hired at the Entry level position, Step 1 of the Wage Schedule for the level of position which has been vacated or otherwise approved for hire by the County Commission.

At the discretion of the County Manager or Elected Official, a vacant position may be filled as follows:

- a. General Wage Schedule: Chart C

LEVELS A-H (may not offer wage greater than Step 7)

Step 1 - Entry

Step 2 - one to two years' experience

Step 3 - Up to three years' experience

Step 4 - Up to four years' experience

Steps 5 through 7 – Five or more years' experience

LEVELS I-~~L~~N

May offer wage at any step on the level, subject to verification of comparable market comparisons, years of experience and approval by the County Manager or Elected Official.

- b. Wage Schedules: Charts D, E and G

May not offer wage greater than Step 7.

Step 1 - Entry

Step 2 - One to two years' experience

Step 3 - Up to three years' experience

Step 4 - Up to four years' experience

Steps 5 through 7 – Five or more years' experience

- c. Wage Schedules: Charts ~~F~~ and ~~H~~

May offer wage at any step on the level, subject to verification of comparable market comparisons, years of experience and approval by the County Manager or Elected Official.

- 11.6 UNDER CLASSIFICATION. The County Manager or Elected Officials, may, at their discretion, place an employee one level below the authorized level for that position for review and evaluation purposes not to exceed one (1) year prior to promoting an employee permanently to the authorized position.
- 11.7 EQUIVALENCE. Specifications for positions within each specific level of the Position Classification Charts must have similar duties, responsibilities and qualifications.
- 11.8 GRANDFATHER CLAUSE. Any employee whose position specification is revised will not be subject to the experience, education, or certification requirements of the new position specification.
- 11.9 ACCESS TO PERSONNEL FILES. Personnel files are the property of Chaves County and access to the information they contain is restricted. Generally, only supervisors and management personnel of Chaves County who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources Office. Employees may review their own personnel files in the Human Resources Office.

- 11.10 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 normally expected in the work place.

DEFINITIONS

ADMINISTRATIVE LEAVE WITH PAY. Leave with pay granted at the County Manager or Elected Official's discretion.

ADMINISTRATIVE LEAVE WITHOUT PAY. Leave without pay granted at the County Manager or Elected Official's discretion.

ANNIVERSARY DATE. A day twelve (12) months from an employee's date of hire.

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

APPLICANT. A person who has made formal application for a position with the County.

APPOINTED EMPLOYEE. Appointed employees are exempt employees and serve at the will and pleasure of the County Manager or Elected Official. Appointed employees are not entitled to grievance procedures or holiday overtime pay.

CAUSE. Any conduct, action or inaction arising from or directly connected with the employee's work which 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, incompetency, misconduct, negligence, insubordination, performance which continues to be inadequate after reasonable efforts have been made to correct the performance problems, or conviction of a felony or misdemeanor.

CHIEF DEPUTY. Chief Deputies are exempt employees and serve at the will and pleasure of the Elected Official. Chief Deputies are not entitled to grievance procedures or holiday overtime pay. Chief Deputies shall receive ninety five percent (95%) of the Elected Official's salary.

COUNTY BUSINESS. The performance of duties of a County employee at an employee's normal work station or at a location authorized by the County.

DEMOTION. A demotion is any downward movement on the Position Classification Charts whether voluntary or involuntary. Employees who are demoted shall maintain the same step for pay purposes.

DEPARTMENT HEAD. An appointed employee who has the responsibility of supervising and administrating a department of County government as determined and designated by the County Manager.

DUE PROCESS. The right granted to a regular employee to pre and post disciplinary hearings for actions of suspension, demotion or termination.

ELECTED OFFICIAL. An individual elected or appointed to fill vacancies in elective office, e.g., County Commissioner, County Clerk, County Treasurer, County Sheriff, County Assessor, and Probate Judge.

EXEMPT EMPLOYEES. All executive, administrative and professional employees as those terms are defined in the Department of Labor regulations relating to the Fair Labor Standards Act, and whose compensation is based on a fixed salary.

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 if funding is not received.

GRIEVANCE. A formal complaint by an employee concerning actions taken by management which result in loss of pay to the employee.

GRIEVANCE HEARING. A formal hearing conducted at the request of an employee who is grieving a termination, demotion or suspension, as set forth in this Personnel Policy.

HEARING OFFICER. The individual who is charged with the responsibility of hearing and deciding post-disciplinary action matters of demotion, suspension and termination.

IMMEDIATE FAMILY. Spouses, children, parents, siblings, grandparents, grandchildren, like-in-laws, and like step-relationships are immediate family.

LAYOFF. The involuntary separation of an employee from County service without fault on the part of the employee, due to the abolition of a position, reorganization, lack of work, or lack of funds.

NONEXEMPT EMPLOYEES. All employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act.

PARTISAN POLITICAL OFFICE. Any office for which any candidate is nominated or elected as representing a political party.

PRE-DISCIPLINARY HEARING. A hearing conducted by the Elected Official, County Manager or Department Head before the imposition of the disciplinary actions of suspension, demotion or termination.

PROBATIONARY EMPLOYEE. A full-time or part-time employee hired to fill a regular position who has not yet completed the twelve (12) month probationary period of employment during which time the employee is terminable-at-will.

PROBATIONARY PERIOD FOR DEPUTY SHERIFF. All new employees hired into a Deputy Sheriff position, including recruits and certified State of New Mexico law enforcement officers, shall serve a probationary period of twenty-four (24) months, beginning on the first day of work, during which time the employee is terminable-at-will.

PROMOTION. A promotion is any upward movement on the Position Classification Charts.

REGULAR EMPLOYEE. *Full-time.* An employee who has successfully completed probation with a work schedule of at least forty (40) hours per week. *Part-time.* An employee who has successfully completed probation, in which an employee works less than forty (40) hours per week. Part-time employees will receive benefits on a pro-rata basis.

RETIREMENT. The withdrawal of an employee from the County work force upon meeting the Public Employees' Retirement Association eligibility conditions for normal or disability retirement.

SAFETY SENSITIVE POSITION. Positions in which the employee is required to safely operate potentially dangerous equipment, or is required to maintain the safety and security of the County.

SICK LEAVE. Leave with pay granted to employees, after accrual at a specific rate when personal illness or quarantine keeps the employee from performing the duties of the position or when a member of the immediate family is ill.

SUSPENSION. A forced leave of absence, with or without pay, for disciplinary reasons, or pending investigation of allegations made against an employee, or for pending determination of the grievance procedure.

TEMPORARY EMPLOYEE. A full-time or part-time employee hired to fill a position that will not exceed a six (6) month period. All temporary employees are terminable-at-will, do not accrue leave, and do not receive employee benefits.

TERMINABLE-AT-WILL. Employees who can be terminated at any time without cause; e.g., probationary, temporary, contract, chief deputy and sheriff's administrator. Terminable-at-will employees are not entitled to the grievance proceedings.

TERMINATION. An action taken by the County Manager or Elected Official, which terminates an individual's employment with the County.

TRANSFER. The voluntary or involuntary movement of an employee, from one department or office to another department or office in the County service.

VACATION LEAVE. Leave with pay granted to an employee, after accrual at a specific rate, with approval of the employee's supervisor.

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