

**SAN JUAN COUNTY
ORDINANCE NO. 34**

AS AMENDED AND RESTATED

**AN ORDINANCE ADOPTING THE
SAN JUAN COUNTY EMPLOYEE HANDBOOK**

**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF
SAN JUAN COUNTY, NEW MEXICO:**

SECTION 1. SHORT TITLE. – This Ordinance may be cited as the “San Juan County Employee Ordinance.”

SECTION 2. PURPOSE. – The purpose of the San Juan County Employee Ordinance and the San Juan County Employee Handbook are to establish a system of uniform and appropriate employee policies and procedures.

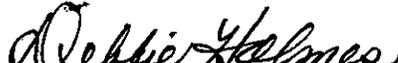
SECTION 3. SCOPE. – This Ordinance governs employee administration for all County departments and Elected Officials’ offices.

SECTION 4. SAN JUAN COUNTY EMPLOYEE HANDBOOK ADOPTED.

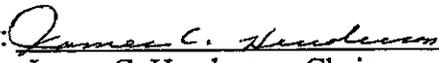
The San Juan County Employee Handbook, copy attached hereto and as amended from time to time by Resolution of the Board of County Commissioners, shall henceforth govern the terms and conditions of employment with San Juan County.

PASSED, APPROVED, AND ADOPTED THIS 5TH DAY OF MAY, 2009.




Debbie Holmes, County Clerk

SAN JUAN COUNTY BOARD
OF COUNTY COMMISSIONERS

By: 
James C. Henderson, Chairman



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San Juan County, NM DEBBIE HOLMES



SAN JUAN COUNTY EMPLOYEE HANDBOOK

"Building a Stronger Community"

**SAN JUAN COUNTY, NEW MEXICO
100 S. OLIVER DRIVE
AZTEC, NEW MEXICO 87410
(505) 334-9481**

EFFECTIVE JUNE 5, 2009

ORDINANCE NO. 34



**200906447 05/06/2009 03:59 PM
2 of 62 B1493 P92 R \$0.00
San Juan County, NM DEBBIE HOLMES**

TABLE OF CONTENTS

TABLE OF CONTENTS	i
SHORT TITLE	1
APPLICABILITY	1
EMPLOYMENT CLASSIFICATIONS.....	1
PRE-EMPLOYMENT REQUIREMENTS	3
MEDICAL EXAMINATION	3
PRE-EMPLOYMENT DRUG TESTING	3
PRE-EMPLOYMENT BACKGROUND CHECK.....	3
IMMIGRATION LAW COMPLIANCE.....	3
PRIVACY OF SOCIAL SECURITY NUMBERS	3
NEW EMPLOYEE ORIENTATION	4
TRIAL PERIOD	4
CONDITIONS OF EMPLOYMENT	4
HOURS OF WORK/BREAKS	4
USE OF BREAST PUMP	5
ATTENDANCE AND ABSENTEEISM	5
DRESS AND PERSONAL APPEARANCE.....	6
POLITICAL PARTICIPATION	6
GRATUITIES	6
SOLICITATION.....	6
OUTSIDE EMPLOYMENT	7
RESPONSIBILITY FOR COUNTY PROPERTY	7
CARE AND USE OF COUNTY EQUIPMENT AND VEHICLE.....	7
MAINTENANCE OF MINIMUM QUALIFICATIONS.....	7
REIMBURSEMENT OF TRAINING OVER \$2000	8
NEPOTISM	8
IMPROPER FRATERNIZATION OR DATING.....	8
PERSONAL USE OF COUNTY PROPERTY	9
CONFLICTS OF INTEREST.....	9
CRIMINAL ACTIVITY.....	10

June 5, 2009

i



200906447 05/06/2009 03:59 PM
3 of 62 B1493 P92 R \$0.00
San Juan County, NM DEBBIE HOLMES

EMPLOYMENT RECORDS.....	10
PERSONNEL FILE	10
INSPECTION OF PERSONNEL FILE	10
ACCESS TO PERSONNEL FILES	10
INQUIRIES CONCERNING PRESENT & FORMER COUNTY EMPLOYEES ...	10
MEDICAL FILES	10
EMPLOYEE DATA CHANGES	11
NOTE ON EMPLOYMENT APPLICATIONS	11
VACATION	11
ELIGIBILITY.....	11
ACCRUAL — Hourly Employees	11
ACCRUAL — Salaried Employees	12
REQUESTING VACATION.....	12
VACATION COMPENSATION	12
COMBINING A VACATION WITH A HOLIDAY	12
SICK LEAVE.....	12
ELIGIBILITY.....	12
ACCRUAL.....	13
REQUESTING SICK LEAVE	13
PHYSICIAN'S STATEMENT.....	13
COMPENSATION WHILE ON SICK LEAVE.....	13
DONATION OF VACATION LEAVE OR COMPENSATORY TIME.....	13
ABUSE OF SICK LEAVE.....	15
HOLIDAYS	15
ELIGIBILITY.....	15
COMPENSATION DURING A HOLIDAY.....	15
WORKING DURING A HOLIDAY	15
OTHER LEAVE	16
PERSONAL LEAVE.....	16
BEREAVEMENT LEAVE	16
MILITARY LEAVE.....	16
COURT DUTY	17
BOARD OR COMMISSION LEAVE.....	17
ADMINISTRATIVE LEAVE	17
LEAVE WITHOUT PAY	17
FAMILY AND MEDICAL LEAVE.....	17



MEDICAL CARE.....	18
SAN JUAN COUNTY MEDICAL PLAN.....	18
VISION PLAN.....	19
PRESCRIPTION PLAN.....	19
EMPLOYEE ASSISTANCE PROGRAM.....	19
MISCELLANEOUS BENEFITS.....	19
DENTAL INSURANCE.....	19
WORKERS' COMPENSATION PROGRAM.....	20
LIFE INSURANCE.....	20
SHORT-TERM DISABILITY PLAN.....	20
SHORT-TERM DISABILITY PLAN - HIGH RISK EMPLOYEES.....	21
RETIREMENT BENEFITS.....	21
EDUCATIONAL ASSISTANCE.....	21
UNIFORM POLICY.....	23
FITNESS ACTIVITIES.....	26
PERFORMANCE EVALUATION.....	26
INTRODUCTION.....	26
EVALUATION PROCEDURE.....	26
OBJECTING TO A PERFORMANCE EVALUATION.....	27
EFFECT OF FAILURE TO EVALUATE.....	27
COMPENSATION.....	27
COMPENSATION SYSTEM.....	27
COMPENSATION FOR PERFORMANCE OF ADDITIONAL DUTIES.....	28
WAGE AND SALARY REVIEW.....	28
OVERTIME.....	29
COMPENSATORY TIME.....	29
PAY PERIODS, PAYCHECKS AND TIMEKEEPING.....	30
SAFETY AND ACCIDENT PREVENTION.....	31
SAFETY PROCEDURES.....	31
WORKING SAFELY.....	31
DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS.....	31
SUPERVISION.....	31
SAFETY TRAINING.....	32
INJURIES ON THE JOB.....	32
MOTOR VEHICLE ACCIDENTS.....	32
ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT.....	32



SMOKING.....	33
SMOKING POLICY.....	33
SMOKING PROHIBITED.....	33
APPLICATION.....	33
COMPLAINTS.....	33
VIOLATIONS.....	33
NON-DISCRIMINATION.....	33
SMOKING CESSATION PROGRAMS.....	33
DRUG AND ALCOHOL USE.....	33
DRUG- AND ALCOHOL-FREE WORKPLACE.....	33
PRESCRIPTION MEDICATION.....	34
DRUG AND ALCOHOL TESTING.....	34
DRUG AND ALCOHOL RELATED CONVICTIONS.....	37
DRUG OR ALCOHOL DEPENDENCY.....	37
MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S.....	37
HARASSMENT AND DISCRIMINATION.....	38
FREEDOM FROM DISCRIMINATION AND HARASSMENT.....	38
EMPLOYEES ENGAGING IN DISCRIMINATION OR HARASSMENT TO BE DISCIPLINED.....	39
MAKING A FORMAL CHARGE.....	39
EQUAL EMPLOYMENT OPPORTUNITY.....	39
EQUAL EMPLOYMENT OPPORTUNITY POLICY.....	39
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.....	39
VIOLATIONS.....	40
EQUAL EMPLOYMENT OPPORTUNITY OFFICER.....	40
COMPUTER USE POLICY.....	41
CELLULAR PHONE USE.....	41
DISCIPLINE AND DISCIPLINARY TERMINATION.....	41
EMPLOYEE CONDUCT.....	41
AUTHORITY TO TAKE DISCIPLINARY ACTION.....	42
FORMS OF DISCIPLINARY ACTION.....	42
GROUNDS FOR DISCIPLINARY ACTION.....	44
PROCEDURES FOR DISCIPLINARY TERMINATION.....	45



GRIEVANCES	46
DEFINITION: "GRIEVANCE."	46
GRIEVANCE ELIGIBILITY.....	46
GRIEVANCE PROCESS	46
VOLUNTARY TERMINATION	48
RESIGNATION	48
RETIREMENT	48
RETIREMENT AS A RESULT OF DISABILITY	48
TRANSFER	48
PROMOTION.....	48
INVOLUNTARY TERMINATION WITHOUT CAUSE	48
LAYOFF	48
ABOLISHMENT OF POSITION.....	49
POST-EMPLOYMENT MATTERS	49
EXIT INTERVIEW.....	49
CONTINUANCE OF MEDICAL COVERAGE (COBRA)	49
COMPENSATION: ACCRUED VACATION & SICK LEAVE UPON TERMINATION	49
INDEX.....	50



SAN JUAN COUNTY EMPLOYEE HANDBOOK

- 1 **SHORT TITLE** This document may be cited as the "Employee Handbook."
- 2 **APPLICABILITY** This Employee Handbook contains the terms of the employment relationship between San Juan County, New Mexico and those employees classified as full-time, regular employees. Certain portions of this Employee Handbook apply to other employment classifications, but only as specifically set forth herein. Where a given policy or section is silent as to its application to a particular employment classification, it applies only to a full-time, non-trial-period, regular employee.
- 3 **EMPLOYMENT CLASSIFICATIONS**
 - 3.1 **CLASSIFIED EMPLOYEE.** A classified employee is an employee who has been hired through the normal personnel selection process.
 - 3.2 **ELECTED OFFICIAL.** An Elected Official is a County Commissioner, the County Sheriff, the County Clerk, the County Treasurer, the County Assessor and the County Probate Judge. Elected Officials are not classified employees or regular employees and their employment with the County is generally not governed by this Employee Handbook. Elected Officials are eligible to receive certain benefits from the County, but only as specifically set forth herein. If a given policy is silent as to its application to Elected Officials, it does not apply.
 - 3.3 **FULL-TIME EMPLOYEE.** A full-time employee is one who is scheduled to work 40 hours or more each week.
 - 3.4 **HOURLY EMPLOYEE.** An hourly employee is one whose compensation is based on the actual number of hours worked.
 - 3.5 **PART-TIME EMPLOYEE.** A part-time employee is one who is scheduled to work fewer than 40 hours each week.
 - 3.6 **REGULAR EMPLOYEE.** A regular employee is an employee who has successfully completed his or her trial period and who is also a classified employee. Regular employees are entitled to all the benefits of County employment as set out herein.



- 3.7 **PART-TIME REGULAR EMPLOYEE.** A part-time regular employee is one who is scheduled to work fewer than 40 hours each week and is entitled to all County benefits, though sick leave, vacation, holiday, and personal days will accrue based upon hours worked. Premiums for insurance benefits will be the same as for full-time regular employees.
- 3.8 **SALARIED EMPLOYEE.** A salaried employee is an employee whose compensation is not based on the actual number of hours worked but is based on the type of work the employee performs. The County expects salaried employees to work an average of 40 hours per week.
- 3.9 **TRIAL PERIOD EMPLOYEE.** An employee is classified as a "trial period" employee until successful completion of one year of service in the position for which he or she was hired. An employee serving a trial period is an at-will employee whose employment may be terminated without cause or advance notice.
- 3.10 **UNCLASSIFIED EMPLOYEE.** An unclassified employee is an employee who is not hired through the normal personnel selection procedures, such as an employee of an Elected Official who fills a statutory position such as Deputy Clerk, Deputy Treasurer, Deputy Assessor or Undersheriff, or a contract employee such as County Executive Officer and/or Deputy County Executive Officer. An unclassified employee is not a classified employee or a regular employee and an unclassified employee's employment with the County is generally not governed by this Employee Handbook. If a given policy is silent as to its application to unclassified employees, it does not apply. An unclassified employee is an at-will employee and an unclassified employee's employment may be terminated at the will of the Elected Official with or without cause and advance notice. Therefore, unclassified employees are not protected by the termination or grievance procedures set out herein at Sections 22 and 23. Unclassified employees are eligible to receive certain benefits from the County, but only as specifically set forth herein.
- 3.11 **TEMPORARY EMPLOYEE.** A temporary employee is an employee who is hired for a specific seasonal position or special project. A temporary position is created to last no more than nine consecutive months and temporary employees are not entitled to County benefits.
- 3.12 **CONTRACT EMPLOYEE.** Contract employees are not hired through the normal hiring procedures but at the discretion of the Board of County Commissioners and/or the County Executive Officer. Unless otherwise specified in the contract or this Employee Handbook, this Handbook applies to contract employees.



- 3.13 **VOLUNTEER.** A volunteer provides services for no compensation or nominal compensation. A volunteer shall not be considered an employee of the County and shall not be entitled to County benefits or to act for the County.

4 PRE-EMPLOYMENT REQUIREMENTS

- 4.1 **MEDICAL EXAMINATION.** Each person who is offered employment must successfully undergo a pre-employment medical examination as a condition precedent to actually obtaining employment. The medical examination shall be performed by a health professional of the County's choice, at the County's expense. If the medical examination shows the employee is not in fact qualified for the position sought, the offer of employment will be withdrawn.
- 4.2 **PRE-EMPLOYMENT DRUG TESTING.** Each person who is offered employment must successfully undergo pre-employment drug testing as a condition precedent to obtaining employment. The drug testing shall be performed by a health professional of the County's choice, at the County's expense. Applicants who receive a positive test will be denied employment and shall not be considered for employment for another County position for twelve months. An applicant receiving a positive test may be given the opportunity to demonstrate a positive test was indicative of legal use of a drug. For purposes of this section, the word "drug" refers to substances whose use is illegal under the laws of the State of New Mexico, or whose use is legal, but which is misused or used illegally.
- 4.3 **PRE-EMPLOYMENT BACKGROUND CHECK.** Each person who is offered employment may be required to successfully undergo pre-employment background investigation as a condition precedent to actually obtaining employment. The pre-employment background check may be obtained before an offer of employment is extended.
- 4.4 **IMMIGRATION LAW COMPLIANCE.** Each person offered employment shall complete an Employment Eligibility Verification Form I-9 and present appropriate documentation establishing identity and employment eligibility as a condition precedent to actually obtaining employment. Former County employees shall not be required to re-establish eligibility if they have completed a Form I-9 and established identity and eligibility within the past three (3) years.
- 4.5 **PRIVACY OF SOCIAL SECURITY NUMBERS.** San Juan County has the right to use the whole Social Security Number for background checks and security clearances. Access will be limited to a need-to-know basis. However, the entire social security number may not be made available to the general public.



4.6 **NEW EMPLOYEE ORIENTATION.** Each new employee is required to attend an orientation class at the Human Resources Department on the first day of work or as soon as scheduling allows. The Human Resources Department will explain County benefits, the employment relationship, and distribute benefit enrollment forms. The employee will receive a copy of the Employee Handbook and will be instructed to review it. Next, the employee shall receive orientation at the hiring department. A representative of the hiring department shall explain the employee's duties, the department's work standards, the department's internal policies, the hours of work, lunch and break schedule, when and whom to report absence from work, methods of recording time worked, and the department's safety rules and procedures. The hiring department shall also provide a tour of the department, show the employee where the safety or protective equipment is located, and introduce the employee to co-workers.

4.7 **TRIAL PERIOD.** Each person offered employment begins employment as an at-will employee, and the employment relationship may therefore be terminated without cause or advance notice at any time. In order to become a regular employee, a new employee must successfully complete a one-year trial period. The trial period is used to evaluate the new employee's capabilities, work habits, and overall performance. The trial period shall commence when the employee begins County employment. The trial period for a deputy sheriff employed by the Sheriff's Department who has not previously completed basic law enforcement training shall begin upon employment and shall continue for one year following completion of basic law enforcement training. Any significant absence during the trial period shall automatically extend the trial period by the length of the absence. If the trial period does not allow sufficient time to thoroughly evaluate the employee's performance, the trial period may be extended for up to an additional ninety (90) days. To prevent excessive turnover, the County Executive Officer may designate a position as one in which an employee selected for the position shall not be eligible to compete for another position within the County during the employee's trial period.

5 CONDITIONS OF EMPLOYMENT

5.1 HOURS OF WORK/BREAKS.

5.1.1 **HOURS OF WORK.** Full-time employees are expected to work forty (40) hours per week. Each hourly employee must report to work *no earlier* than ten (10) minutes prior to the beginning of the shift, and shall remain at work no later than ten (10) minutes after the conclusion of the shift, unless otherwise authorized by the supervisor. Overtime must be authorized prior to working.



5.1.2 **BREAKS.** Lunch breaks are without pay (with the exception of the Sheriff's and Detention Departments) and are normally one (1) hour, except for departments with established thirty (30) minute lunch breaks. In addition, each employee may be granted two (2) breaks per day, one in the morning and one in the afternoon, each for a period of fifteen (15) minutes. Supervisors may limit or delay breaks if, in their opinion, continuous work is required, and the entire break or remainder of a break will be taken at a later time the same day as determined by the supervisor. Breaks will not be accumulated.

5.1.3 **USE OF BREAST PUMP.** Any employee who is also a nursing mother shall be allowed flexible break times in order to allow the use of a breast pump. The County shall provide appropriate clean and private space (not a bathroom) near the employee's workplace but shall not be responsible for storage of the breast milk or for additional compensation beyond established breaktime.

5.2 **ATTENDANCE AND ABSENTEEISM.** Employees are expected to report for work promptly. Employees will be paid for time actually worked, unless absences fall under leave provisions. If an employee expects to be absent from work for any reason, the employee shall report that fact and the reason for the proposed absence to the employee's immediate supervisor prior to the time the employee is to report to work. In cases of increased absenteeism, the employee may be required to submit to a medical examination. Unauthorized absences (those not approved by the immediate supervisor) will be grounds for disciplinary action.

5.2.1 **TARDINESS.** Tardiness (i.e., late arrival, early departure or other shift interruption) is considered an occurrence of unsatisfactory performance/behavior for documentation under the County's **Progressive Discipline Policy**. On occasion, and with prior approval by the supervisor, an employee who is tardy may adjust that day's schedule to work an equivalent amount of time at the end of the shift.

5.2.2 **PROCEDURES.** To the extent it is practical to do so, written disciplinary actions should be taken only with the direct involvement of the Human Resources Department. All warnings will be delivered by the direct supervisor, Department Head, or Human Resources Department as circumstances require. The County Executive Officer may modify this policy as deemed appropriate under the circumstances.



- 5.3 **DRESS AND PERSONAL APPEARANCE.** Employees should present the best possible image to the public and should always be as clean and neatly dressed as the work assignment allows. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty. Failure to wear designated uniforms while on duty will be considered insubordination. Employees who report for work inappropriately dressed will be sent home and directed to return to work in proper attire, and the time away from work to change attire will not be compensated.
- 5.4 **POLITICAL PARTICIPATION.**
- 5.4.1 **CAMPAIGNING.** San Juan County employees shall be prohibited from campaigning for political office during regular working hours (from 8:00 a.m. to 5:00 p.m.), or during normally scheduled working hours. In addition, material and literature regarding candidates shall not be dispensed on County premises or out of County vehicles. Employees working in offices administered by an Elected Official shall not be coerced into campaigning for the Elected Official to ensure continued employment with the County.
- 5.4.2 **ELECTED OFFICE.** Employees may not hold an elected political office with County Government during employment by the County. Being a member of a local school board or an elected board member of any post-secondary educational institution shall not be construed as holding a political office for purposes of this Section.
- 5.4.3 **VOTING RIGHTS.** San Juan County encourages employees to vote. Employees are encouraged to take advantage of early voting opportunities and will be allowed time away from their duties to do so. On election day, an employee whose workday begins less than two hours after the polls are opened and ends less than three hours before the polls are closed may be absent from work during the time the polls are opened for up to two hours, without penalty, for the purpose of voting. Prior arrangements must be made with the supervisor who may specify the hours in which the voter may be absent.
- 5.5 **GRATUITIES.** Employees are prohibited from accepting gifts and/or other considerations given with the intent of modifying the employee's performance of duties or encouraging the employee to make purchases of goods, material or services.
- 5.6 **SOLICITATION.** Solicitors shall not be allowed to consult with employees during work hours other than through prescribed purchasing procedures.



- 5.7 **OUTSIDE EMPLOYMENT.** Employees may obtain part-time outside employment if there is no conflict in working hours, the employee's efficiency is not reduced, and outside employment does not cause a conflict of interest. If an employee's outside work interferes with the performance of his or her position with the County, the employee will be required to terminate the outside employment immediately. Outside employment that constitutes a conflict of interest is prohibited.
- 5.8 **RESPONSIBILITY FOR COUNTY PROPERTY.** Each employee is responsible for County equipment or property which he or she uses and must abide by County policies for use of any County equipment or property, including vehicles, tools, computers, cell phones or other property or equipment made available by the County for the employee's use. The employee assumes the sole and complete responsibility for the condition and use of equipment or property entrusted to the employee. The cost of repairing or replacing property or equipment damaged by negligent acts of the employee may be deducted from the employee's net pay provided the employee has been notified of such deduction and has signed a written authorization for the deduction.
- 5.9 **CARE AND USE OF COUNTY EQUIPMENT AND VEHICLES.** Each employee who is entrusted with the use of County equipment or motor vehicles is expected to exercise reasonable care in their use, perform regular maintenance, and follow all operating instructions, safety standards, and guidelines. Any improper, careless, negligent, destructive, or unsafe use or operation of equipment or a vehicle may be considered to be unsatisfactory performance of duties and result in disciplinary action. Each employee must notify the supervisor if any equipment, machine, tool, or vehicle appears to be damaged, defective, or in need of repair. This is essential to prevent the deterioration of equipment and possible injury to the employee or others. The supervisor can answer any questions about an employee's responsibilities with respect to a particular piece of equipment.
- 5.10 **MAINTENANCE OF MINIMUM QUALIFICATIONS.** All employees in positions that require certification, license, continuing education units (CEU's), etc., are required to maintain such certification, license, CEU's, etc., as a condition of employment. Failure to maintain the required minimum qualification may result in termination of employment.

- 5.10.1 **DRIVER'S LICENSES.** Any employee whose duties require that the employee drive a motor vehicle on County business must possess a valid New Mexico State Driver's License of the appropriate classification. If an employee's driving privileges are suspended or revoked, the employee must immediately notify his or her supervisor and immediately discontinue driving any motor vehicle on County business. Any employee who fails to report a suspension or revocation may subject that employee to disciplinary action, up to and including termination.
- 5.10.2 **CDL LICENSES.** Any employee whose duties require him or her to hold a Commercial Drivers' License (CDL) is responsible for maintenance of that license. In addition, holders of CDL licenses and operators of commercial motor vehicles are subject to special rules detailed in Resolution No. 95-96-51. Each person holding a CDL license should consult that Resolution for further information.
- 5.11 **REIMBURSEMENT FOR TRAINING OVER \$2000.** Any employee approved to attend a training class or program having a cost to the County of more than \$2000, including lodging, meals, transportation, and tuition may be required by the Department Head to sign an agreement requiring the reimbursement of all costs associated with the training if the employee voluntarily leaves employment within one year of the completion of the training.
- 5.12 **NEPOTISM.** The employment of immediate relatives in the same department or office is strongly discouraged and strictly monitored, so as to avoid interpersonal conflicts and favoritism. No person shall be employed who is to supervise or be supervised by a person related by blood or marriage unless first approved by the Board of County Commissioners. In cases where a conflict or potential conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. For purposes of this policy, a "person related" is a spouse, mother or father, son or daughter, sister or brother, co-habitant and immediate step-family members, and shall include the spouse of any of those identified.
- 5.13 **IMPROPER FRATERNIZATION OR DATING.** San Juan County does not encourage dating or improper fraternization among employees within the same department. It is against County policy to date employees directly supervising, or directly supervised by the other party to the dating relationship. It is inappropriate for a supervisor to engage in a romantic or sexual relationship with an employee under his or her direct supervision.



5.14 PERSONAL USE OF COUNTY PROPERTY. An employee shall not use County property for personal use, for profit, or as part of secondary employment. Use of County property in violation of this policy may result in termination. Some limited personal use of County property is permitted. Examples of authorized personal use include use of an assigned County vehicle to drive to lunch, the use of a County copy machine at cost, diverting from an assigned task to run a personal errand when it can be done on the way to or from the assigned destination, and other nominal personal uses as permitted by the County Executive Officer on a case-by-case basis. County telephones may be used for personal business on a limited basis. An employee may receive personal telephone calls at work, but the calls must be brief, of a limited number, and must not interfere with the employee's work. No personal toll calls are allowed. Use of County computers and internet service is also permitted on a limited basis. See the Computer Use Policy.

5.15 CONFLICTS OF INTEREST.

5.15.1 PRIVATE GAIN MAY RESULT IN TERMINATION. Termination may result from a conflict of interest that results in private gain to the employee or detriment to the County. Therefore, each employee must perform his or her assigned tasks without actual, potential or apparent conflicts of interest, particularly with vendors of the County.

5.15.2 EXAMPLES OF CONFLICTS OF INTEREST. Examples of potential conflicts of interest include, but are not limited to, the following: (1) a direct or indirect financial interest in any sale or lease to the County of goods or services; (2) acceptance of a gift, gratuity, or favor from a vendor; (3) a close, personal friendship with a vendor which influences a transaction; (4) outside employment with a vendor; (5) influencing a decision of the County for personal gain of the employee or any family member; and/or (6) disclosure of confidential information to a private interest.

5.15.3 EMPLOYEES PARTICIPATING IN PROCUREMENT. Employees should exercise extreme care when involved in procurement to avoid any prohibited conflict of interest. Violations of the Procurement Code carry criminal penalties. See NMSA 1978, Section 13-1-199 (1984). Any employee involved in procurement is under a continuing obligation to disclose any actual, potential or apparent conflicts of interest so that safeguards can be established to protect the County. See NMSA 1978, Section 13-1-190 (1989). Employees with questions should consult the Chief Human Resources Officer and review the Procurement Code, NMSA 1978, Sections 13-1-190, 13-1-193, 13-1-194 and 13-1-199.



5.16 **CRIMINAL ACTIVITY.** All complaints or allegations of criminal conduct on the part of any employee will be referred to the Sheriff's Department or other appropriate outside agency for investigation. Any employee who engages in criminal activity may be subject to termination.

6 EMPLOYMENT RECORDS

6.1 **PERSONNEL FILE.** A personnel file will be maintained on each employee. The personnel file shall be maintained by the Human Resources Department in a secure location. The personnel file shall include the employee's job application, resume, test results, training records, performance appraisals, disciplinary records, employment agreements and a copy of each Personnel Action Form issued to the employee.

6.2 **INSPECTION OF PERSONNEL FILE.** Each employee shall be permitted to review his or her personnel file. The Human Resources Department may establish reasonable rules to govern when, and in what manner, such a review may be accomplished. The employee shall not be permitted to remove anything from the personnel file, but may add a separate supplemental statement to rebut negative statements found therein, or make photocopies.

6.3 **ACCESS TO PERSONNEL FILES.** Personnel files are the property of San Juan County, and access to the information they contain is strictly restricted by law. Accordingly, access to an employee's personnel file will be limited to persons with a legal right to examine the file. A supervisor shall be permitted to examine the personnel file of an employee under his or her direct supervision, but only if there is a legitimate business reason to do so.

6.4 **INQUIRIES CONCERNING PRESENT AND FORMER COUNTY EMPLOYEES.** Only the Human Resources Department is authorized to respond to inquiries regarding present and former County employees. Responses to such inquiries will confirm dates of employment, wage rates, and position(s) held *only*. No further information will be released without a written authorization and notarized release signed by the individual who is the subject of the inquiry.

6.5 **MEDICAL FILES.** Medical information on each employee and his or her dependents which is obtained by the County will be maintained in a separate medical file. The medical file is a confidential file and may be inspected only by those with a legal right to do so. Any employee who is permitted to inspect such a file has a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately inspecting a medical file, or disclosing its contents, is subject to disciplinary action, up to and including termination of employment.



- 6.6 **EMPLOYEE DATA CHANGES.** Each employee must promptly notify the Human Resources Department of any changes in the employee's mailing address, telephone number, number and names of dependents, individual(s) to be contacted in the event of an emergency, educational accomplishments, and other relevant information.
- 6.7 **NOTE ON EMPLOYMENT APPLICATIONS.** San Juan County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in San Juan County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

7 VACATION

- 7.1 **ELIGIBILITY.** Each full-time and part-time regular employee, each full-time and part-time trial-period employee and each unclassified employee is eligible to earn and accrue vacation time from the date the employee becomes an employee of the County. Each trial-period employee is eligible to use accrued vacation time beginning 180 days after beginning employment.
- 7.2 **ACCRUAL --- Hourly Employees.** An hourly employee accrues vacation time for each hour actually worked, excluding overtime, and for each hour spent on vacation or sick leave, according to the schedule below. If an employee works a full 40 hours per week, the employee will accrue 2 weeks of vacation each year of the employee's first four years of employment, 3 weeks during years 5 through 9, and 4 weeks beyond 10 years.

Vacation Earning Schedule
Hourly Employees

YEARS OF ELIGIBLE SERVICE	VACATION HOURS ACCRUED PER HOUR OF WORK	MAXIMUM ANNUAL ACCRUAL
0 thru 4 years inclusive	.0385	80 hours
5 thru 9 years inclusive	.0577	120 hours
10 years or more	.07687	160 hours



- 7.3 **ACCRUAL --- Salaried Employees.** Each salaried employee earns and accrues vacation time for each day actually worked or spent on vacation or sick leave, according to the following schedule:

Vacation Earning Schedule
Salaried Employees

YEARS OF ELIGIBLE SERVICE	VACATION HOURS ACCRUED PER DAY OF WORK	MAXIMUM PAY PERIOD ACCRUAL	MAXIMUM ANNUAL ACCRUAL
0 thru 4 years inclusive	0.308 per day	3.08 hours	80 hours
5 thru 9 years inclusive	0.462 per day	4.62 hours	120 hours
10 years or more	0.615 per day	6.15 hours	160 hours

- 7.4 **REQUESTING VACATION.** An employee must make a written request to take a vacation to his or her supervisor at least five (5) working days prior to the proposed vacation. The supervisor shall grant any reasonable request, but shall also consider the department's workload, present staffing levels and other job-related factors when deciding whether to grant the request. The department shall retain the approved written request.

- 7.5 **VACATION COMPENSATION.** Hourly employees will receive the employee's hourly base rate of pay at the time of the vacation, multiplied by the number of regular hours the employee would have worked during the vacation. Salaried employees shall receive their salary during the vacation. An employee on vacation will not be compensated for overtime which might have been worked had the employee not taken vacation, nor shall the employee receive any shift differential pay while on vacation.

- 7.6 **COMBINING A VACATION WITH A HOLIDAY.** An employee may combine accumulated vacation time with a holiday to extend a vacation or reduce the number of accrued vacation hours expended during a vacation.

8 SICK LEAVE

- 8.1 **ELIGIBILITY.** Each full-time and part-time regular employee, each full-time and part-time trial period employee, and each unclassified employee, is entitled to take sick leave with pay for illness or injury or to care for an ill or injured immediate family member. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law.



- 8.2 **ACCRUAL.** Sick leave benefits accrue from the date of hire. Each hourly employee accrues sick leave at the rate of 0.0461 hours of sick leave for each hour actually worked up to forty (40) hours per week (sick leave does not accrue during overtime work), and at the same rate for each hour spent on vacation or sick leave; provided, however, accrual of sick leave for hourly employees is limited to 1.844 hours each week, notwithstanding the number of hours actually worked. Each salaried employee accrues sick leave at the rate of 1.844 hours for each week worked, and at the same rate for each week spent on vacation or sick leave.
- 8.3 **REQUESTING SICK LEAVE.** Employees who are unable to report to work due to illness or injury are required to notify their supervisor before the scheduled start of the workday.
- 8.4 **PHYSICIAN'S STATEMENT.** If an employee is absent from work for three or more consecutive days due to illness or injury, a physician's statement may be required to verify the illness or injury, estimate its duration and/or certify that the employee may safely return to work.
- 8.5 **COMPENSATION WHILE ON SICK LEAVE.** While on sick leave, each hourly employee shall receive the employee's hourly base pay rate at the time of the illness or injury multiplied by the number of regular hours the employee would have worked had the employee not been sick. Each salaried employee shall receive the employee's regular salary during sick leave. An employee on sick leave will not be compensated for overtime which might have been worked nor shall the employee receive any shift differential pay while on sick leave.
- 8.6 **DONATION OF VACATION LEAVE OR COMPENSATORY TIME.** Sick leave is not transferable; however, vacation leave or compensatory time may be donated to another employee as follows:
- 8.6.1 **PURPOSE OF DONATION OF VACATION LEAVE OR COMPENSATORY TIME.** The purpose of this policy and procedure is to assist an employee who has utilized all of his or her own sick, vacation, and personal leave, and needs additional leave from work for recuperation from a non-work related injury or illness. Leave from work may also be for the care of an immediate family member as defined in section 8.1. The employee can request a donation of vacation leave or compensatory time from the employees of San Juan County. Donated leave cannot run longer than FMLA leave. Once FMLA leave is exhausted, donated leave will also cease. If an individual qualifies for Short Term Disability benefits, that benefit will run concurrently with the donated leave.

8.6.2 PROCEDURE FOR REQUESTING DONATION OF VACATION LEAVE OR COMPENSATORY TIME.

- 8.6.2.1 **STEP 1.** An employee may notify his or her supervisor that he or she is in need of additional leave and would like to request donation of vacation leave or compensatory time from employees within their own department. If the employee requesting the leave does not receive enough leave to cover the time requested, a memo may be sent out to the rest of the County's employees asking for donations of vacation leave or compensatory time. The Human Resources Department shall track the leave being donated.
- 8.6.2.2 **STEP 2.** The supervisor shall notify the Human Resources Department of the request. At that time, a formal request form must be filled out and submitted to the Human Resources Department.
- 8.6.2.3 **STEP 3.** Medical certification of the illness or injury must accompany the request. The Human Resources Department shall review the request and doctor's statement to verify that the request meets the requirements.
- 8.6.2.4 **STEP 4.** The Human Resources Department will send out the request for the donation of vacation leave or compensatory time. Donation of vacation leave or compensatory time shall be on a dollar-for-dollar basis. The Human Resources Department shall track the donation of vacation leave or compensatory time and notify payroll of changes and transfer of leave. Donation of time shall be in four-hour increments. Donated compensatory time must be available based on payroll records.
- 8.6.2.5 **STEP 5.** If more leave is donated than is requested, the donated leave will be returned on a last-in-first-returned basis. The Human Resources Department will track the donated leave by either receiving the request via email or by written donation via inter-office mail. If the request is received via email, an automatic date/leave stamp is provided. If the request is received via inter-office mail, a date/time stamp shall be manually written on the request form.
- 8.6.2.6 **ELIGIBILITY FOR DONATED LEAVE.** An employee must be employed by the County for at least six months in order to request the donated leave. Work-related injuries or illnesses shall not be considered since they are covered by worker's compensation. While an employee is off work on donated leave, neither sick nor vacation time shall accrue. Deductions for taxes, insurance premiums, and PERA shall continue.



8.6.2.7 **ANTI-COERCION.** While responding to a request for donated leave, no Department Head, Elected Official, manager, or supervisor shall coerce an employee to either donate or not donate leave. An anti-coercion clause will be included on the request form.

8.7 **ABUSE OF SICK LEAVE.** Employees may use sick leave only for legitimate illness or injury. Use of sick leave for other reasons is not permitted. In the event the County has reason to believe that an employee is using sick leave for other reasons, the employee may be required to provide a statement from a physician for each day sick leave is claimed. Abuse of sick leave may be grounds for disciplinary action, up to and including termination.

9 **HOLIDAYS**

9.1 **ELIGIBILITY.** Each regular full-time, regular part-time, full-time trial period employee, part-time trial period and unclassified employee is entitled to time off from work with pay during holidays. Holidays are recognized annually by the Board of County Commissioners.

9.2 **COMPENSATION DURING A HOLIDAY.** During a holiday, each full-time hourly employee shall receive the employee's base rate of pay at the time of the holiday multiplied by eight hours. If the employee would have worked more than eight hours had the holiday not occurred, the employee shall be permitted to use vacation time to make up the difference in net pay which would otherwise result; this includes trial status employees. Each regular part-time employee shall receive prorated holiday compensation based on the average number of hours worked in a forty-hour week. An hourly employee on holiday will not be compensated for overtime which might have been earned had the employee worked, nor shall the employee receive any shift differential pay. Each salaried employee shall receive his or her regular salary during the holiday.

9.3 **WORKING DURING A HOLIDAY.** If an eligible employee works during a holiday, the employee shall be compensated for the time worked during the holiday (including overtime, if applicable; see section 14.3 herein), and shall be entitled to take a holiday on some other day during the same pay period designated by the supervisor. If the holiday cannot be taken within the same pay period, the employee shall be compensated for the missed holiday.



10 OTHER LEAVE

- 10.1 **PERSONAL LEAVE.** Each regular full-time, regular part-time, and each unclassified employee shall receive one personal leave day with pay each calendar year. Each trial period employee shall accrue one personal leave day at the completion of 180 days of employment, but shall accrue only one personal leave day per calendar year. A personal leave day must be scheduled in the same manner as a vacation. Personal leave must be taken by December 31 of the year of accrual and may not be carried over into the following calendar year.
- 10.1.1 A personal leave day is defined as an eight-hour day for full-time employees. For regular part-time employees, the day shall be prorated, based on the average number of hours worked in a forty-hour week.
- 10.2 **BEREAVEMENT LEAVE.** Each full-time, part-time, unclassified and trial period employee shall be eligible to receive bereavement leave with pay in the event of the death of an immediate family member. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law, and brother-in-law and sister-in-law". Bereavement leave, to be used at the time of immediate family member's death, shall not exceed forty (40) hours for full-time hourly employees or five (5) working days for salaried employees. Bereavement leave available to part-time employees shall be prorated, based on the average number of hours worked in a forty-hour week. An employee may be permitted to extend his or her bereavement leave using accrued vacation time and/or the employee's personal leave day. An employee shall obtain approval for bereavement leave from his or her supervisor prior to taking bereavement leave.
- 10.3 **MILITARY LEAVE.** Each regular full-time, trial period employee, regular part-time, trial period part-time, and unclassified employee who is a member of an organized United States military reserve unit or the National Guard may be granted military leave with pay and benefits for up to fifteen workdays (120 hours) per federal fiscal year when serving with the United States armed forces pursuant to an order for active duty or training. If the period of duty exceeds fifteen days, the employee may use accrued vacation leave, the employee's personal leave day and/or leave without pay for the duration of the employee's duty period.



- 10.4 **COURT DUTY.** Each full-time regular, part-time regular, unclassified and trial period employee may take Court leave with pay when required to serve as a juror or as a witness in any state or federal court at a time when the employee would normally be working, except in a matter unrelated to the performance of the employee's duties in which the employee is a litigant. An employee may not take Court leave to litigate against the County. If excused from duty by the Court when four (4) or more work hours remain in the employee's work day, the employee shall return to work. If an employee elects to take Court leave with pay, any fee paid to the employee as a juror or witness must be paid to the County.
- 10.5 **BOARD OR COMMISSION LEAVE.** An employee who has been appointed to serve on a State, County, City or non-profit entity's Board or Commission shall be entitled to leave with pay to attend meetings or transact business, so long as the appointment has been approved by the Board of County Commissioners and/or the County Executive Officer.
- 10.6 **ADMINISTRATIVE LEAVE.** An employee may be placed on administrative leave with pay when it is in the best interests of the County to do so. However, administrative leave with pay may be authorized only by the supervising Department Head, or Elected Official, after conferring with the Chief Human Resources Officer (or designee) and the County Executive Officer.
- 10.7 **LEAVE WITHOUT PAY.** An employee may be placed on leave without pay when the circumstances and best interest of the County dictate that unpaid leave is appropriate. However, leave without pay may be authorized only by the supervising Department Head, or Elected Official, after conferring with the Chief Human Resources Officer (or designee) and the County Executive Officer. Unpaid leave shall not exceed sixty (60) days in duration. During unpaid leave, an employee shall not accrue any of the benefits described in the Employee Handbook. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, insurance or benefit program during unpaid leave.
- 10.8 **FAMILY AND MEDICAL LEAVE.** The federal Family Medical Leave Act (FMLA) provides for a leave of absence for a serious health condition, to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child, or to care for a child, spouse, or parent with a serious health condition. An employee must request family and medical leave on a form provided by the Human Resources Department. Each employee is entitled to take up to twelve (12) weeks of family and medical leave each calendar year. The twelve (12) weeks of leave is cumulative of other leave the employee may have accrued, such as sick leave or vacation. Eligibility is determined by reference to federal



law and regulations and is assessed on a case-by-case basis. If an employee has questions concerning eligibility, he or she should consult the Human Resources Department. Employees requesting family leave are required to provide a statement from a health care provider concerning the need for such leave. Family and medical leave is unpaid leave. During the unpaid leave, the County will provide major medical benefits, if that coverage has been elected by the employee. The employee will be required to pay to the County the portion of the premium the employee would have had to pay had he or she still been working. Leave benefits, such as vacation, sick leave, or holiday pay, do not accrue during family and medical leave.

Family medical leave of up to twenty-six (26) weeks of unpaid leave shall be available to a full-time regular employee for the care of a qualifying family member who is injured while in active military service. Employees who may be eligible for this leave should contact the Human Resources Department as soon as possible to determine eligibility.

Full-time regular employees with a deployed family member may be eligible for up to twelve (12) weeks of unpaid FMLA leave in the event of a qualifying exigency such as short-term deployments, military events and related activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as agreed between employer and employee. Employees should contact the Human Resources Department upon receipt of a deployment order.

11 MEDICAL CARE

- 11.1 SAN JUAN COUNTY MEDICAL PLAN.** Each full-time regular and full-time trial period employee, part-time regular and part-time trial period employee, and unclassified employee, Elected Official, and their eligible dependents may obtain group medical care through the County's self-insured medical plan. Regular part-time employees may enroll in the medical plan on a pro rata basis depending on the number of hours the employee works. A part-time employee's contribution is computed on a pro-rata basis depending on the number of hours worked. The employee's contribution shall be made by payroll deduction. The specific details of the plan are set out in a Plan Document available from the Human Resources Department. Coverage, if elected, will become effective on the first day of the sixth full pay period following the date the employee begins work for the County and will continue in effect until the day the employee leaves County employment, or until the plan is discontinued by the County, or as otherwise provided in this Employee Handbook or Plan Document.



- 11.2 **VISION PLAN.** Each full-time or part-time regular employee, full-time trial period and unclassified employee, Elected Official, and eligible dependents and spouse, may participate in the vision plan provided by the County. Coverage becomes effective on the first day of the sixth full pay period following the date the employee begins work for the County and remains effective until the day the employee leaves County employment. The plan requires no contribution by the employee, and pays a specified sum for eye examinations, single lenses, bi-focal lenses, tri-focal lenses, lenticular lenses, contact lenses, and frames. Details concerning the plan are available through the Human Resources Department.
- 11.3 **PRESCRIPTION PLAN.** Any employee and dependent who participates in the County's medical insurance program may also participate in the County's prescription card program. Under this program, prescription drugs may be purchased at participating pharmacies and will require an appropriate co-payment. The amount of the co-payment changes from time to time and each employee should consult the Human Resources Department for up-to-date information and claim forms.
- 11.4 **EMPLOYEE ASSISTANCE PROGRAM.** Any employee of San Juan County may contact the Employee Assistance provider currently under contract with the County to receive matrimonial counseling, psychological counseling and/or drug and alcohol counseling. The service is provided free of charge up to six (6) sessions. The service is confidential, unless the employee is referred by a supervisor or the Chief Human Resources Officer, in which case the Chief Human Resources Officer will be informed only whether or not the employee has participated in and satisfactorily completed the counseling. It is the employee's responsibility to seek assistance from the Employee Assistance Program prior to reaching a point where his or her judgment, performance, or behavior has led to disciplinary action. Any referral by the EAP to an outside treatment facility may be covered under the major medical plan (if elected), under the provisions of that plan.

12 MISCELLANEOUS BENEFITS

- 12.1 **DENTAL INSURANCE.** Each full-time regular and full-time trial period employee, part-time regular and part-time trial period employee, and unclassified employee, each Elected Official, and their dependents, may receive dental insurance coverage through the County's group dental insurance plan. The plan requires payment of a premium by the employee, which will be met through payroll deduction. The County does not contribute to the plan.

- 12.2 WORKERS' COMPENSATION PROGRAM.** Each employee is covered by San Juan County's workers' compensation program pursuant to the New Mexico Workers' Compensation Act. The workers' compensation program provides benefits to an eligible employee who suffers a job-related injury. Any employee placed on workers' compensation as a result of a work-related injury shall receive his or her regular pay or salary during the first full week of disability. Compensation for work-related injuries beyond the first week of disability is strictly limited by the Workers' Compensation Act, and nothing herein shall be construed as extending benefits under the County program not explicitly required by the Act. Any employee placed on workers' compensation who cannot return to work within six months of the date of the accident or injury which results in the disability shall be terminated, but shall be eligible to re-apply for a position with the County pursuant to the terms of the Workers' Compensation Act. Questions concerning workers' compensation should be directed to the County Risk Manager.
- 12.3 LIFE INSURANCE.** Each full-time regular, full-time trial period, part-time regular, and unclassified employee, each Elected Official, and his or her dependents, may have the option of obtaining group term life insurance. If the employee participates in the County's group medical plan, the insurance is provided without charge in the amount of \$10,000 coverage for the employee and \$2000 coverage for the spouse. If the employee does not participate in the County's group medical plan, the employee may purchase the \$10,000 coverage through payroll deduction but spouse coverage is not available. Additional coverage is available for an additional premium. Each employee should consult the policy for specific details concerning the coverage, conditions and exclusions applicable to the policy.
- 12.4 SHORT-TERM DISABILITY PLAN.** Each regular full-time employee and full-time trial period employee has the option of becoming covered by the County's short-term disability plan. The short-term disability plan provides a \$100/week benefit for employees who are disabled as a result of a non-job related illness or injury and who are unable as a result of the illness or injury to fulfill their duties. An employee may receive benefits beginning the third full week of the illness or injury, and may continue to receive benefits for a maximum of 26 weeks. The benefits provided by this plan are cumulative of any other benefits the employee may be entitled to receive, except benefits arising from workers' compensation. The short-term disability plan is provided without charge if the employee participates in the County's group medical plan. Otherwise, a premium will be assessed. Premiums, where applicable, will be made by payroll deduction.

- 12.5 **SHORT-TERM DISABILITY PLAN - HIGH RISK EMPLOYEES.** Each high risk employee who is injured while engaged in high risk work for the County is eligible to receive the difference between his or her workers' compensation benefits and his or her "regular net pay" as a short-term disability benefit. For purposes of this section, the phrase "high risk employee" is defined as a sheriff's deputy, corrections officer, the Fire Operations staff and the Emergency Manager. For purposes of this section, the phrase "regular net pay" shall mean, for salaried workers, the workers' weekly salary, and for hourly workers, the workers' hourly wage multiplied by 40 hours. The benefit shall be for a period of six (6) months. An additional six months of benefits may be obtained if approved by the High Risk Disability Board. The High Risk Disability Board is composed of one member appointed by the County Sheriff, one member appointed by the Corrections Administrator, one representative of the Human Resources Department, and one representative of the County Attorney's Office. A medical doctor may be appointed to the High Risk Disability Board by the County Executive Officer. The high risk employee must demonstrate to the Board that he or she cannot return to his or her previous position as a result of the injury in order to be eligible for an additional six months of benefits.
- 12.6 **RETIREMENT BENEFITS.** Each eligible employee participates in the County's mandatory retirement program, administered by the Public Employees Retirement Association ("P.E.R.A."). Mandatory employee contributions to the plan are made by payroll deduction and forwarded to P.E.R.A. Details concerning eligibility and other details of the retirement program are set forth in the New Mexico Statutes Annotated and the publications of P.E.R.A., which are provided to the employee directly by P.E.R.A.
- 12.7 **EDUCATIONAL ASSISTANCE.** Educational assistance is the payment of tuition, registration fees, and laboratory fees for eligible employees of County government to attend "for credit" courses up to a Master's degree from a regionally accredited institution of higher learning.
- 12.7.1 **ELIGIBILITY.** To be eligible for Educational Assistance, an employee must be a classified employee or unclassified employee and must have completed his or her initial trial period.
- 12.7.2 **FUNDING.** Educational Assistance will be determined by the availability of funds and limited to a maximum of \$1,500.00 per employee during each fiscal year. All tuition reimbursement consideration shall be based upon the end of course date. In the event a summer course is taken and ends prior to the new fiscal year, the reimbursable allowance is charged for the current fiscal year. However, a summer course ending after July 1 will result in the reimbursement being charged against the new fiscal year.



Funding will be made for job- or career-related courses, and for courses required for upward mobility within the County. It is the applicant's responsibility to submit to the Human Resources Department documentation, including receipt of course payment, which substantiates the criteria under which funding will be made. At least one of the following criteria must be met:

- a. Job or career related: studies that are directly related to work performed by the employee.
- b. Required for upward mobility: studies that enhance employee eligibility for promotion.

Only tuition charges, registration fees, and laboratory fees will be paid unless the course is required by the department. If the applicant is directed to attend class, the County will pay for all associated costs, including texts which will become the property of the County. If an employee registers late, the employee will be responsible for any additional costs beyond the regular registration fee. All tuition charges will be paid directly to the academic institution by the employee. At no time shall a County purchasing card be used toward the payment of tuition. San Juan County will reimburse the employee upon successful completion of the course and submittal of course grade of an "A," "B," or "C." In the event that a course is offered only on a PASS/FAIL basis, a grade of PASS will be acceptable.

Depending on the availability of funds, educational assistance may be denied, or partial assistance may be considered, to allow for more employee participation.

12.7.3 EDUCATIONAL LEAVE. With the approval of the Department Head and the County Executive Officer, a full time employee may be allowed to attend a class during normal work hours. Arrangements must be made to make up the time missed or be deducted from the time card for an hourly employee. An employee may use vacation or compensatory time if time missed cannot be made up. Part-time employees will not be granted educational leave. A supervisor may choose to deny educational leave when the workload is anticipated to be particularly high. If educational leave is denied by the immediate supervisor, the employee shall have the right to appeal through the chain of command, up to the Chief Human Resources Officer. When educational leave is denied, written documentation detailing the reasons for denial will be provided to the employee and a copy will be forwarded to the Human Resources Department. Educational leave is to be used for actual class attendance and for travel time to and from the institution. It will not be used to provide the participant with study time or to make up missed lunches. Educational leave on any given day may be disapproved because of an emergency or unusual work condition.



- 12.7.4 **EMPLOYEE RESPONSIBILITIES.** Documentation of course completion must be furnished to the Human Resources Department within one week of receipt of the grade. Upon receipt, it will be processed for reimbursement, if applicable, and filed in the employee's personnel file. Acceptable documentation is a copy of the official grade report or an official transcript, which includes the course(s) for which educational assistance was granted. An employee who changes his or her course status, or withdraws from the institution, must inform the Human Resources Department within one week of the action. Completion of class assignments or homework will not be permitted during working hours.
- 12.7.5 **APPLICATION PROCESS.** Applications for educational assistance may be obtained from the Human Resources Department. The employee will complete the application form and obtain the supervisor's approval prior to the class start and the time educational leave is to be granted. The employee will submit the completed application, including receipt, to the Human Resources Department for review, approval and encumbrance of funds.
- 12.7.6 **PAYMENT.** Upon successful completion of the course(s), the Human Resources Department will process payment paperwork and the employee will be reimbursed for tuition expenses by check through the County's Finance Department. Reimbursable cost will be limited to \$1,500.00 per fiscal year. Employees receiving reimbursement from any outside sources, such as the Department of Veterans Affairs, Pell grants, or scholarships, etc. will be eligible for reimbursement, subject to the fiscal year cap. Employees will not be reimbursed for course charges or fees associated with the course if they voluntarily leave the County or are terminated for reasons other than reduction in force or job elimination. An employee seeking reimbursement for educational assistance must agree in writing to repay the County in full if he or she leaves the County voluntarily or is terminated within one year from the date of reimbursement.
- 12.8 **UNIFORM POLICY.** The image that San Juan County employees wish to project to the general public is the major consideration in adopting a Uniform Policy. This is not a dress code policy, but a uniform policy where common sense and good judgment concerning on-the-job appearance will generally meet acceptable standards.

The County, as employer, retains the right to mandate the use of uniforms. Uniforms, distinctive clothing to be worn while on duty, will be provided by San Juan County to designated employees, as per departmental policy, following approval of the County Executive Officer.



Mandating uniforms within a given department will be based upon the following criteria:

- Need for identification by the general public for safety officials (i.e. Sheriff's Office, Adult Detention Center, Juvenile Services, Alternative Sentencing and Fire Prevention Bureau)
- Need for identification by the general public for employees who frequently interact with the public
- Nature of the employee's work which leads to exposure to harsh environmental conditions (i.e. coveralls and steel-toed boots)

Uniforms shall be worn at all times required by departmental policy. If an employee reports for duty out of uniform, appropriate disciplinary action may be taken. Uniforms shall not be worn when not required for duty.

12.8.1 TYPES OF UNIFORMS. The types of uniforms to be provided to designated employees of San Juan County include:

12.8.1.1 Uniform clothing (shirts, pants, footwear, etc.) shall apply to designated employees as defined below. Uniform clothing or a uniform allowance will be provided to designated employees, as defined in this Uniform Policy, for the purpose of providing a uniform.

Uniform clothing shall be provided only to designated employees of the following departments:

- Sheriff's Office
- Adult Detention Center
- Fire Department
- Juvenile Services
- Alternative Sentencing
- Parks and Facilities
- Central Purchasing
- Public Works

Uniform clothing will be a certain style and color, as per departmental policy. It is the responsibility of the employee to clean and maintain uniform clothing.

Uniform clothing will display the appropriate identification (badges, patches, lapel pins, etc.). Uniform identification will be issued by the department. The employee is responsible for the security of all uniform identification. All uniform identification will be returned to the County upon termination of employment.



12.8.1.2 **Coveralls** will be provided for all designated shop personnel, as per departmental policy. Designated employees shall be issued one pair of coveralls for each day in a normal work week. Coveralls shall be reissued annually or semiannually, as per departmental policy. Coveralls will be dark blue in color, and will be available through the Central Purchasing Department.

Coveralls shall be provided only to designated employees of the following departments:

- Public Works
- Fire Department
- Sheriff's Office

Employees are responsible for any damage to coveralls due to neglect. The County will provide the rental clothing and cleaning for all shop personnel. No other cleaning service shall be provided unless otherwise approved by the County Executive Office.

12.8.1.3 **Footwear Allowances** shall be provided to employees of San Juan County whose duties require the use of special footwear. Employees shall consult their department for details on footwear allowances. Footwear allowances shall be provided only to designated employees of the following departments:

- Public Works
- Fire Department
- Parks and Facilities
- Adult Detention
- Juvenile Services
- Alternative Sentencing
- Central Purchasing

Employees are responsible for any damage done to footwear due to neglect.

12.8.1.4 **Identification** shall be provided to employees of San Juan County whose duties require interaction with the general public, as required by departmental policy.

All designated employees shall sign a contract upon employment, in which the employee agrees to return to the County any issued uniform, or reimburse the County for any uniform, if terminated (voluntarily or involuntarily) before a 90-day probationary period. Reimbursement will be paid upon the following scale:

<u>Period of Employment</u> <u>(from date of hire)</u>	<u>Percent of Cost</u> <u>To be Reimbursed</u>
0-30 days	100%
31-60 days	80%
61-90 days	60%



This Uniform Policy shall in no way limit the use of personal protective clothing by employees of San Juan County. Personal protective clothing shall be available to employees of San Juan County as needed for safe performance of duties, as per departmental policy.

- 12.9 **FITNESS ACTIVITIES.** Prior to July 1 of each year, the County Executive Officer shall establish such reimbursement program as is appropriate for the next twelve (12) months. The County Executive Officer shall determine what type of wellness activities will be approved for reimbursement, the participation requirements for reimbursement, and the maximum reimbursement available to each employee or employee's family. This reimbursement policy may vary from year to year based on the number of employees participating and the availability of funds to support such program. Reimbursements shall be made no more frequently than quarterly. Reimbursements may be reported to the Internal Revenue Service and may be subject to both federal and state income tax.

13 PERFORMANCE EVALUATION

- 13.1 **INTRODUCTION.** A formal performance evaluation of each employee may be conducted to provide the supervisor and the employee an opportunity to discuss job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.
- 13.2 **EVALUATION PROCEDURE.**
- 13.2.1 **DATE OF EVALUATION.** When a performance review is initiated, it will occur on or about the employee's anniversary date. Each employee on trial status may receive a performance evaluation after six (6) months and after eleven (11) months of employment. Employees who are on trial status following a promotion or transfer may receive a performance evaluation after six (6) months on an as-needed basis and after eleven (11) months of employment in the new position. An additional performance evaluation may be scheduled as necessary.
- 13.2.2 **EVALUATION FORM.** When a performance review is initiated, the supervisor shall complete the form provided by the Human Resources Department for that purpose (and any specialized evaluation form used by the department).
- 13.2.3 **CONDUCT OF EVALUATION.** The performance evaluation shall be conducted in person by the employee's immediate supervisor, at which time the completed evaluation form shall be presented to the employee. Before becoming effective, the performance evaluation shall be reviewed and, if appropriate, approved by the Department Head/Elected Official.



13.2.4 **OBJECTING TO A PERFORMANCE EVALUATION.** If an employee wishes to rebut a performance evaluation, the employee must complete a rebuttal statement in the space provided on the performance evaluation form or prepare a separate statement. An employee aggrieved by a performance evaluation may request review of the performance evaluation by the Department Head/Elected Official and/or further review by the Chief Human Resources Officer. Neither the Department Head/Elected Official nor the Chief Human Resources Officer is obligated to take any action when asked to undertake such a review.

13.3 **EFFECT OF FAILURE TO EVALUATE.** In the event that a performance evaluation is not completed within thirty (30) days of the employee's anniversary date, it will be presumed that the employee's performance and conduct are satisfactory. The Human Resources Department will generate a Personnel Action Form with a step increase, if applicable.

14 COMPENSATION

14.1 **COMPENSATION SYSTEM.** San Juan County utilizes a "step" compensation system. Under this system, a salary range is adopted for each position. The range establishes a minimum and maximum amount of compensation for each position, and establishes graduated salary steps in between. Funding for step increases must be authorized by the Board of County Commissioners.

14.1.1 **ASSIGNMENT TO A STEP.** Each new employee and each employee who has transferred to a new position will be assigned upon hiring to a rate of pay within the range established for that position. If the new employee does not meet the minimum qualifications upon hiring, the employee shall be assigned to a salary range below that established as the minimum for the position until necessary qualifications are attained. When an employee is granted a raise, the employee may be assigned to the next step within the range, or to a larger discretionary merit increase, depending on the level of his or her work performance, if such policy is implemented.

14.1.2 **COMPENSATION DURING THE TRIAL PERIOD.** During the employee's trial period, the employee may be paid up to 5% less than the wage rate assigned upon hiring or transfer while the employee acquires the necessary experience to perform the job. The duration of lesser compensation will normally be limited to the duration of the trial period, after which the employee will be paid the wage rate assigned to the first step of the position for which the employee was hired or transferred. An employee shall not be eligible for a step increase during his or her trial period.



- 14.1.3 **COST-OF-LIVING ADJUSTMENT.** Salary ranges may be periodically adjusted to account for changes in the cost of living. Such adjustments will be made by the Board of County Commissioners, normally during the annual budget process. Cost-of-living adjustments, by their nature, are across-the-board modifications to the salary ranges of all positions.
- 14.1.4 **APPLICATION OF THE COMPENSATION SYSTEM TO STEPPED-OUT EMPLOYEES:** Each employee whose rate of pay equals or exceeds the maximum permissible under the step compensation schedule shall be ineligible for further step increases, but shall be eligible for cost-of-living increases as approved from time to time by the Board of County Commissioners.
- 14.1.5 **COMPENSATION FOR PERFORMANCE OF ADDITIONAL DUTIES.** Occasionally, an employee will be asked to temporarily assume duties of a higher paid job classification. In such cases, the employee's compensation may be temporarily adjusted to reflect the added responsibility. In order to qualify for a salary adjustment, the employee must assume the full range of responsibilities of the higher classification for 40 consecutive hours or more. After the 40th hour worked, the employee's compensation may be increased to the starting salary of the higher classification or five percent (5%) above the employee's present salary, whichever is greater. The adjustment will not be retroactive. When the temporary assignment is completed, the employee's salary will be readjusted to its previous level.
- 14.1.6 **MAINTENANCE OF THE COMPENSATION SYSTEM.** The Benefits and Compensation Manager shall be responsible for the continuous maintenance and administration of the Compensation System. To accomplish this, the Benefits and Compensation Manager, working with the Chief Human Resources Officer, will analyze rates of pay in comparable labor markets, collect information on the prevailing cost of living, analyze the County's budget, and make periodic recommendations to the County Executive Officer.
- 14.2 **WAGE AND SALARY REVIEW.** A review of each employee's wage or salary shall be conducted annually on or about the employee's anniversary date in conjunction with the employee's performance evaluation. A wage or salary increase may be granted if documented by a positive job-related performance appraisal and with the concurrence of the Department Head/Elected Official. If an employee obtains a wage or salary increase, the employee may be moved to the next step, or the employee may receive a higher discretionary merit increase. The increase in wage or salary shall be effective as of the employee's anniversary date. Wage or salary increases of less than a full step are permitted



where an employee has received a substantial increase within the last six months or where an extended learning period is required. All wage or salary reviews shall be documented and submitted to the Human Resources Department for processing.

14.3 **OVERTIME.** Hourly employees may occasionally be required to work in excess of 40 hours per week. Work in excess of 40 hours per week is paid at a rate of one and one-half times the employee's regular hourly rate. This rate is applied to the actual hours worked in excess of 40 hours per week. To the extent possible, overtime will be offered to employees desiring additional work. Unless it is not practical to do so, all overtime work must be approved before it is performed.

14.3.1 **OVERTIME - HOURLY EMPLOYEES OF THE DEPARTMENT OF PARKS AND FACILITIES - SPECIAL EVENTS AT MCGEE PARK.** Hourly employees of the Department of Parks and Facilities shall be compensated for overtime hours worked during special events at McGee Park in a different manner than set forth in Section 14.3, herein. Each hourly employee of the Department of Parks and Facilities who works a special event at McGee Park during a County-observed holiday or on the weekend immediately preceding or following a County-observed holiday (e.g., a holiday which occurs on a Monday or a Friday) shall be paid, in addition to the employee's regular holiday pay, the rate of one and one-half times their regular hourly rate for each hour actually worked on the holiday. The County Executive Officer may designate, as a special event, preparation for such events should employees be required to work on a holiday.

14.3.2 **OVERTIME - HOURLY EMPLOYEES - ELECTIONS.** Hourly employees of the County Clerk's Office and other affected County departments shall be compensated for hours worked in support of an election in a different manner than set forth in Section 14.3, herein. Each hourly employee who works in support of an election during a work week in which a County-observed holiday occurs shall be paid at a rate of one and one-half times their regular hourly rate for each hour actually worked which normally would have been paid at an overtime rate but for the fact that no hours were actually worked during the holiday.

14.4 **COMPENSATORY TIME.** Compensatory time is time worked by an hourly employee in excess of 40 hours per week for which the employee elects to receive time off from work in lieu of overtime pay. For most employees, compensatory time is compensated at the rate of one and one-half hours of time off from work for each hour actually worked in excess of 40 hours per week. Compensation for employees engaged in law enforcement occupations may



differ, according to guidelines set forth by the federal Fair Labor Standards Act. An employee must elect to accrue compensatory time in lieu of paid overtime before performing the overtime work. Compensatory time off may be accrued, but only to a maximum of 80 hours. If an employee works overtime in excess of 80 hours, the employee will be paid overtime for any overtime work, regardless of any election to the contrary. Earned compensatory time must be reported on the time sheet for the pay period in which it was accrued. Should a non-exempt hourly employee be reclassified to an exempt position or be transferred or promoted to an exempt position, accrued compensatory time shall be converted to vacation time. Part-time temporary employees are ineligible for compensatory time. Questions concerning compensatory time should be directed to the Human Resources Department.

14.5 PAY PERIODS, PAYCHECKS AND TIMEKEEPING.

14.5.1 **PAY PERIOD.** A "pay period" is a two-week period beginning Sunday at 12:01 a.m. and ending Saturday at midnight. This method of payment results in twenty-six (26) pay periods per year.

14.5.2 **PAYCHECKS.** Paychecks will be issued every other Thursday at a time and place determined by the Department Head/Elected Official. If a holiday falls on Thursday, checks will be issued on Wednesday. Paychecks may be issued early, but only in cases of emergency, only after approval of the County Executive Officer, and only for hours actually worked. Paychecks may be released to a designee of the employee upon presentation of written authorization.

14.5.3 **TIME SHEETS.** Time sheets are furnished to each employee at the beginning of each new pay period. Time sheets shall be completed and signed by the employee and the employee's immediate supervisor. At the completion of each pay period, after approval of the supervisor and the Department Head/Elected Official, or their designee, the time sheets will be forwarded to the Finance Department. If a time sheet lacks a required signature when submitted to the Finance Department, the Department Head/Elected Official, or their designee, shall be responsible to initiate action to obtain the missing signature(s). In voluntary termination situations, the employee may be paid on the next regularly scheduled pay date. In involuntary termination situations, the employee must be paid within five (5) days of separation from employment.



- 14.5.4 **ACCURACY OF TIME SHEETS.** It is the responsibility of each employee to accurately record the daily time spent on the job performing assigned duties. Each employee must sign the time sheet, in blue or black ink, and must thereby certify the accuracy of all time recorded. If the employee makes any corrections or modifications to the time sheet, the employee must initial the change and the supervisor must verify the accuracy of the changes by signing the timecard. "Whiteout" and/or white correction tape are not acceptable methods of correction to errors made on a timesheet. A new timesheet should be utilized in such circumstances.

15 SAFETY AND ACCIDENT PREVENTION

- 15.1 **SAFETY PROCEDURES.** Certain procedures are required to maintain safe and healthy working conditions for San Juan County employees and members of the public. The Employee Development and Safety Manager shall implement and enforce safety procedures in accordance with federal, state, and local laws and regulations.
- 15.2 **WORKING SAFELY.** Each employee must be informed of and observe established safety practices. Each employee is to take all possible precautions to avoid exposure to injury or illness to themselves or others. Each employee must utilize appropriate personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats. No employee is permitted to remove guards or other protective devices from machinery and equipment. Employees shall refrain from operating, modifying, adjusting or using equipment in an unauthorized manner and from working alone. Employees are prohibited from engaging in "horseplay."
- 15.3 **DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS.** Each employee has the duty to report to his or her immediate supervisor, Department Head/Elected Official, or Human Resources Department, in written form, each unsafe working practice or hazardous condition which he or she observes so that the problem can be immediately corrected.
- 15.4 **SUPERVISION.** Each supervisor has the duty to ensure that each employee is acquainted with proper safety practices and applicable safety rules, that safe practices and safety rules are uniformly followed, and that employees are properly outfitted with the proper safety equipment. In the event an accident occurs, the supervisor is required to report the incident, no later than the end of the same business day, complete the *Supervisor's First Report of Accident*, and forward the completed form to the Risk Manager.



- 15.5 **SAFETY TRAINING.** Each employee is required to attend job-related safety training as determined necessary by the Employee Development and Safety Manager and the employee's supervisor. Any person having supervisory duties shall also obtain proper safety training for the jobs that they supervise, as well as a valid first aid/CPR certification. An employee may be required to obtain additional safety training provided by the County as directed by the Employee Development and Safety Manager. Individual departments within the County may provide additional specific safety training beyond that which is offered by the County. In accordance with OSHA standards, a safety trainer within the department must be competent and qualified to conduct the training. A record of each employee's safety training will be maintained in the Employee Development and Safety Manager's office.
- 15.6 **INJURIES ON THE JOB.** Each employee is required to report all job-related injuries or illnesses to his or her supervisor immediately, and assist in any resulting investigation.
- 15.7 **MOTOR VEHICLE ACCIDENTS.** If a County employee is involved in a motor vehicle accident while performing his or her official duties, the employee must assist persons at the scene and request that a law enforcement officer be called. The employee should also request that the parties and properties involved remain at the scene of the accident, if possible, until a law enforcement officer has released them. The Employee Development and Safety Manager or Risk Manager must be notified of the accident as soon as possible. Any motor vehicle accident resulting in injury or in property damage exceeding \$1000 shall result in drug and alcohol testing. If neither the Risk Manager nor the Employee Development and Safety Manager are immediately available to transport the employee for testing, the immediate on-scene supervisor shall immediately transport the employee for testing. The employee shall refrain from making statements regarding the accident with anyone other than the investigating officer(s), County Attorneys, County Risk Manager, or representative of his or her own insurance company, if the employee's privately owned vehicle is involved.
- 15.8 **ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT.** When an accident occurs that raises the possibility of defective equipment, the employee should immediately attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the Employee Development and Safety Manager and Risk Manager.



16 SMOKING

- 16.1 **SMOKING POLICY.** It is the policy of San Juan County to comply with all federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well being of its employees. The County recognizes that smoking, including smokeless tobacco, in the workplace can adversely affect employees.
- 16.2 **SMOKING PROHIBITED.** Smoking is prohibited in all County buildings and County vehicles.
- 16.3 **APPLICATION.** The smoking policy applies to employees during working hours.
- 16.4 **COMPLAINTS.** Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the supervisor.
- 16.5 **VIOLATIONS.** Employees who violate the policy will be subject to disciplinary action.
- 16.6 **NON-DISCRIMINATION.** The County does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the usage occurs during nonworking time and off County premises.
- 16.7 **SMOKING CESSATION PROGRAMS.** Employees may contact the Human Resources Department for information regarding the availability of smoking cessation programs.

17 DRUG AND ALCOHOL USE

- 17.1 **DRUG- AND ALCOHOL-FREE WORKPLACE.** San Juan County is a drug-and alcohol-free workplace. Accordingly, no employee may use, possess, distribute, sell, or be under the influence of alcohol or drugs while on the job. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.



17.2 PRESCRIPTION MEDICATION. The use of prescription medication is permitted on the job so long as such use does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner. It is the employee's responsibility to report to his or her supervisor the use of prescription medication that may impair job performance. If the employee cannot perform his or her duties while taking a prescription medication, the employee may be required to perform other duties or take sick leave until the course of treatment is concluded. A statement from the employee's physician concerning the prescription may be required.

17.3 DRUG AND ALCOHOL TESTING.

17.3.1 RANDOM TESTING. Each holder of a Commercial Drivers' License (CDL) and each employee in a safety- or security-related position is subject to random drug and alcohol testing. A safety or security related position is one in which an employee operates equipment that is potentially dangerous to other employees or citizens of the County, one in which an employee has access to or dispenses drugs, one in which an employee has access to or carries a firearm, or one in which an employee operates or maintains heavy equipment or coordinates, relays, or controls radio communication for law enforcement personnel. Random drug testing of holders of operators of commercial motor vehicles and/or holders of the CDL license are also governed by Resolution No. 95-96-51.

17.3.2 TESTING BASED ON REASONABLE SUSPICION. If there is reasonable suspicion to believe that an employee may be impaired by drugs or alcohol on the job, or if the employee is found with drugs and/or alcohol in the workplace, immediate drug and/or alcohol testing may be ordered. Reasonable suspicion exists when one's experience and training tends to indicate that a given person is under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to, odor of alcoholic beverage on the breath, slurred or incoherent speech, staggering walk, loss of physical coordination, bloodshot eyes, inability to successfully complete a field sobriety test, erratic behavior, unexplained or uncharacteristic irritability, excessive tardiness, poor work performance, and excessive unexplained absences from work.



17.3.3 PROCEDURE FOR TESTING BASED ON REASONABLE SUSPICION.

- 17.3.3.1 STEP 1.** In the event any County employee has reasonable suspicion to believe an employee may be impaired by drugs and/or alcohol while on the job, the employee's supervisor must be notified. The supervisor shall notify the Risk Manager and/or the Chief Human Resources Officer. The supervisor, Risk Manager, and/or the Chief Human Resources Officer shall then together directly observe the employee's behavior and document any irregularities. If a test is ordered, each observer must document the specific indicators observed, within forty-eight (48) hours.
- 17.3.3.2 STEP 2.** If reasonable suspicion exists, the employee shall be asked to execute a written consent for immediate alcohol and/or drug testing. Failure to consent to testing may be grounds for termination if the employee is a regular employee or, if the employee is a trial status employee, immediate termination.
- 17.3.3.3 STEP 3.** If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breathalyzer, blood and/or urine testing. The employee shall be transported by the Risk Manager, the Employee Development and Safety Manager, or the Chief Human Resources Officer to the testing location. As a last resort, the immediate on-scene supervisor shall transport the employee for testing. Analysis of any samples collected will be performed by a laboratory selected by the County.
- 17.3.3.4 STEP 4.** Following completion of testing, the employee will be placed on administrative leave with pay until the test results are available. The County shall transport the employee home.
- 17.3.3.5 STEP 5.** If the testing discloses that the employee was not impaired by alcohol or drugs at the time of the test, the employee shall return to work. If the testing discloses that the employee was not impaired at the time of the test but does disclose trace amounts of alcohol or drugs, the employee shall be asked to return to work unless the presence of these substances is in violation of an agreed-upon treatment and/or return to work agreement. If the test discloses that the employee was impaired by alcohol or drugs at the time of the test, the employee may be placed on unpaid leave until a decision on continued employment is made by the appropriate County administrator.



17.3.4 CONSEQUENCES OF A POSITIVE TEST.

17.3.4.1 **POSSIBLE TERMINATION.** If the results of a drug or alcohol test indicate that the employee was impaired while at work, the employee may be subject to termination.

17.3.4.2 **PARTICIPATION IN A TREATMENT PROGRAM.** An employee who is not terminated after a positive test result may be required to participate in an alcohol or drug treatment program through the Employee Assistance Program or other program as a condition of continued employment. Any employee who participates in such a program as a condition of continued employment shall be entitled to be paid their regular hourly wage or salary when completing the screening and assessment phase of the program. The employee shall be placed on unpaid leave for the rehabilitation or treatment portion of the program. However, an employee may be permitted to use accrued sick leave, comp time or vacation in lieu of unpaid leave during rehabilitation or treatment. Upon successful completion of an agreed-upon treatment program, the employee shall be permitted to return to his or her position.

17.3.4.3 **LOSS OF DRIVING PRIVILEGES.** If the results of a drug or alcohol test indicate that the employee was impaired while at work, the employee shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business), for a period of three (3) years, subject only to the exception below.

17.3.4.4 **RESTORATION OF DRIVING PRIVILEGES.** An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of a positive test if the employee:

1. Has not been convicted of any traffic violation since the date of the positive test;
2. Has a valid driver's license;
3. Has performed satisfactorily in his or her position;
4. Has completed a drug use assessment by an agency of the County's choice;
5. Has followed each recommendation made as a result of the drug use assessment; and
6. Otherwise satisfies the County of the employee's sobriety and responsibility.

The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable unless otherwise grievable under some other provision of this Employee Handbook.



- 17.3.4.5 **TAKE-HOME VEHICLES.** In no event shall a County employee who has had a positive drug or alcohol test be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of the positive test.
- 17.3.4.6 **FOLLOW-UP TESTING.** If an employee has had a positive drug test and has not been terminated, the employee will be subject to random testing for a subsequent period of two (2) years from the date of the positive test. Such testing will be at the employee's expense.
- 17.3.4.7 **REGION II UNET TESTING.** Each Deputy Sheriff's Officer assigned to the Region II Narcotics Enforcement Task Force shall be required to undergo drug testing before and after being assigned to that duty, as well as be subject to random testing according to the terms of the UNET drug testing policy during the period of the assignment.
- 17.4 **DRUG AND ALCOHOL RELATED CONVICTIONS.** Any employee who is convicted of a drug or alcohol related criminal offense may be terminated. Employees convicted of illegal distribution or sale of drugs will be immediately terminated. If not terminated, the employee may be required to undergo periodic random testing, may be required to complete a course of treatment, or may be required to complete a program through the Employee Assistance Program. Any employee who is convicted of an alcohol-related driving offense shall notify his or her supervisor of the conviction within five (5) days of the date of conviction. Failure to report such convictions may be grounds for discipline, up to and including termination.
- 17.5 **DRUG OR ALCOHOL DEPENDENCY.** Any employee who suffers from drug or alcohol dependency should immediately seek the assistance of the Employee Assistance Program or the appropriate resources within the community. The employee may also wish to discuss the matter in confidence with his or her supervisor or the Chief Human Resources Officer. Each employee who suffers from drug or alcohol dependency is urged to seek help before being the subject of disciplinary action.
- 17.6 **MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S.**
- 17.6.1 **PERSONS CONVICTED OF DUI MAY NOT DRIVE.** It is the policy of San Juan County that any employee who is convicted of driving under the influence of an intoxicant such as alcohol or drugs shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business), for a period of three (3) years, subject only to the exception below. (San Juan County Resolution No. 95-96-18)



- 17.6.2 **RESTORATION OF DRIVING PRIVILEGES.** An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of conviction if the employee: (1) has not been convicted of any traffic violation since the date of conviction; (2) has a valid driver's license; (3) has performed satisfactorily in his or her position; (4) has completed an alcohol use assessment by an agency of the County's choice; (5) has followed each recommendation made as a result of the alcohol use assessment; and (6) otherwise satisfies the County of the employee's sobriety and responsibility. The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable unless otherwise grievable. (San Juan County Resolution No. 95-96-18)
- 17.6.3 **TAKE-HOME VEHICLES.** In no event shall a County employee who has been convicted of driving under the influence of alcohol or drugs be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of conviction. (San Juan County Resolution No. 95-96-18)
- 17.6.4 **DEFINITION.** For purposes of this policy, the word "conviction" includes pleas of guilty and no-contest. (San Juan County Resolution No. 95-96-18)

18 HARASSMENT AND DISCRIMINATION

- 18.1 **FREEDOM FROM DISCRIMINATION AND HARASSMENT.** All employees should be able to enjoy a work environment free of unlawful discrimination and harassment. Harassment includes verbal remarks or the display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, religious groups, or to persons of a particular age, color, ancestry, national origin, sexual orientation or gender identity, or those having a mental or physical handicap, and degrading verbal remarks directed at or made in the presence of members of any of those groups. Harassment also refers to behavior or conduct which impairs morale or interferes with the work effectiveness of employees. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other offensive verbal or physical conduct that is sexual in nature. This includes jokes of a sexual nature, display of photos or pin-ups of nude or scantily-clad individuals or comments about a person's appearance or dress.



- 18.2 **EMPLOYEES ENGAGING IN DISCRIMINATION OR HARASSMENT TO BE DISCIPLINED.** Any discrimination or harassment of any employee by any other employee will not be permitted, regardless of the working relationship between the participants. Any employee found to have engaged in any type of harassment shall be subject to disciplinary action, up to and including termination. Department Heads, managers or supervisory personnel shall immediately halt any harassment which they observe or become aware of, by disciplinary action if necessary. In addition, each Department Head, manager, or supervisor is required to report any incident of harassment or discrimination to the Chief Human Resources Officer.
- 18.3 **MAKING A FORMAL CHARGE.** Any employee who believes he or she has been subjected to discrimination or harassment by an employee of San Juan County may file a formal charge of harassment with the Chief Human Resources Officer. The employee will be asked at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed shall be immediately investigated by the Chief Human Resources Officer, who shall prepare a report setting forth the facts of the incident and a recommendation for action. The report and recommendation for action shall be transmitted to the County Executive Officer, who may instruct that the recommended action or other appropriate steps be taken. San Juan County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

19 EQUAL EMPLOYMENT OPPORTUNITY

- 19.1 **EQUAL EMPLOYMENT OPPORTUNITY POLICY.** It is the policy of San Juan County to ensure equal employment opportunity to all persons regardless of their race, religion, color, creed, national origin, age, sex, marital status, sexual orientation, gender identity, or medical disability (unless such disability effectively prevents the performance of essential job functions required by the position). In addition, the County endeavors to comply with state and federal statutes, rules, and regulations pertaining to equal opportunity. Through the procurement process, the County also endeavors to encourage those who do business with the County to practice Equal Employment Opportunity as well.
- 19.2 **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.** In order to implement its policy of equal employment opportunity, the County maintains an Equal Employment Opportunity Program, which consists of the following elements.

- 19.2.1 **PERIODIC REVIEW.** The County periodically reviews each position within the County to ensure that the stated qualifications, salary, fringe benefits, training and educational opportunities are relevant to the tasks performed. The County examines internal policies and procedures to identify barriers to equal employment opportunity.
- 19.2.2 **TRAINING.** The County also requires that staff and management be provided with training, information and guidance so that equal employment opportunity is assured.
- 19.2.3 **JOB SATISFACTION/FAIR TREATMENT.** The County actively encourages each employee to increase his or her skills and job potential through training and educational opportunities. The County periodically offers guidance and counseling in developing programs tailored to individual aptitudes and desires. The County works to create and maintain a pool of qualified applicants for positions with frequent turnover to encourage diversity and ensure equal employment opportunity in hiring.
- 19.2.4 **NON-DISCRIMINATORY APPLICATION OF POLICIES.** The County works to ensure that each promotion, transfer, demotion, layoff and termination of employment is administered in a fair and non-discriminatory basis.
- 19.2.5 **COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.** The County complies with applicable laws and regulations relating to equal employment opportunity. In addition, the County carries out its reporting functions required by state and federal laws and furnishes information as required to meet its commitments under Executive Order No. 11246, as amended. The County cooperates in special compliance reviews or in investigations as requested, carries out minority reporting functions as required by state or federal laws, furnishes such information as is required, and maintains an affirmative action file detailing its efforts, with dates, to meet its commitments under Executive Order No. 11246, as amended.
- 19.3 **VIOLATIONS.** Any and all violations of the Equal Employment Opportunity Program must be immediately brought to the attention of the Chief Human Resources Officer.
- 19.4 **EQUAL EMPLOYMENT OPPORTUNITY OFFICER.** Unless otherwise directed by the County Executive Officer, the Chief Human Resources Officer shall serve as the County's Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer shall be charged with the responsibility of administering and enforcing the County's Equal Employment Opportunity Program. The Equal



Employment Opportunity Officer shall advise and assist staff and management personnel in guaranteeing equal employment opportunity. The Equal Employment Opportunity Officer shall also provide orientation for each new employee which emphasizes the manner in which the County assures equal employment opportunity. The Equal Employment Opportunity Officer shall recommend changes in the Equal Employment Opportunity Program and County policies to the County Executive Officer, as appropriate. The Equal Employment Opportunity Officer shall coordinate the County's response to special compliance reviews or investigations.

20 COMPUTER USE POLICY

As part of San Juan County's commitment to the utilization of new technologies, many of our employees have been granted connectivity to the Internet and to email, as well as to the County's computer network as applicable. In order to ensure compliance with copyright laws, to eliminate abuse of resources, and to protect the County from being victimized by the threat of viruses or hacking, it is necessary to institute a policy for computer use. Each employee provided access to a County computer shall comply with all County policies regarding the use of computers. A copy of the Computer Use Policy shall be provided to each employee.

21 CELLULAR PHONE USE

Employees who have been provided with a cell phone by San Juan County shall comply with all County policies regarding the use of cell phones, copies of which are available from the County Executive Office.

22 DISCIPLINE AND DISCIPLINARY TERMINATION

22.1 EMPLOYEE CONDUCT. It is the policy of San Juan County to maintain a work environment which is safe for all employees, and to operate in accordance with all laws and regulations. The County expects each person to act in a mature and responsible manner at all times. To reduce confusion, employees who violate the County's Grounds for Disciplinary Action (Section 22.4 as set forth in this Handbook) or any County policy are subject to disciplinary action up to, and including, termination.

To ensure orderly operations, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the County.



The County retains the sole right and discretion to evaluate what employee conduct is disruptive. Any violation of this section, other sections of the Employee Handbook, or other behavior, which the County determines to be unacceptable, may result in disciplinary action against the employee.

Employees are expected, as part of their job requirements, to perform duties assigned according to the instructions of their supervisors. Failure to do so may result in disciplinary action up to, and including, immediate termination. The County has the right to determine what discipline is appropriate, depending on the seriousness of the misconduct.

22.2 AUTHORITY TO TAKE DISCIPLINARY ACTION. Supervisory and managerial personnel, working with the Chief Human Resources Officer, have the responsibility and obligation to take disciplinary action(s) as deemed necessary, within a reasonable period of time after the need for action becomes apparent in the best interests of the County.

22.3 FORMS OF DISCIPLINARY ACTION. The County's supervisors are encouraged to follow a process of progressive discipline. For discipline to be progressive, each related event or incident must trigger a response that is more severe. Each "step" in the process more strongly encourages the employee to modify his or her behavior.

The County has four types of disciplinary action available when employees fail to meet expected levels of performance or when their conduct is unsatisfactory. The County has the right to determine what discipline is appropriate; depending upon the seriousness of the misconduct, there may be no standard series of disciplinary steps the County must follow.

22.3.1 CORRECTIVE COUNSELING. The purpose of employee counseling is to provide a means to assist employees in changing their performance, attendance or behavior. This requires that the employees have adequate information about their current performance, attendance, or behavior to make it clear to the employee what he or she was doing wrong and what is required in order to meet the County's expectations.

22.3.2 VERBAL WARNING. A verbal warning is generally used for minor offenses or to correct minor faults in an employee's performance. A verbal warning shall be documented. Examples, dates and times of the employee's problem(s) should be available for reference. The employee should be advised during the verbal warning that any further problem may result in additional disciplinary action up to and including termination.



22.3.3 FIRST WRITTEN WARNING. A written warning may be issued for an offense of a more serious nature which requires more formal action than a verbal warning. The supervisor and the employee should meet privately and the employee should be given and allowed time to review a formal written warning. Regardless of whether the employee agrees with the contents of the warning, the employee should sign the form indicating the problem has been discussed with them. If the employee refuses to sign the written warning, another supervisor or manager should be called as a witness to observe that the employee has been presented with the warning and refused to sign it, and the witness should sign the warning indicating the employee has refused to sign it. The written warning may include a statement that if the problem is not corrected, further disciplinary action, up to and including termination of employment, may occur. Employees shall have five (5) working days to respond in writing to a written warning. The written warning and the employee's response shall become a part of the employee's personnel file.

22.3.4 SECOND (FINAL) WRITTEN WARNING. The same process applies as in 22.3.3; in addition, the employee should be advised that if immediate and sustained improvement is not made evident by the employee, termination of employment may be the next/final step.

22.3.5 SUSPENSION/TIME OFF. A suspension may be ordered for an offense of a more serious nature or for repeat of a minor offense. An hourly employee may be suspended without pay for a period not to exceed ten (10) working days. During a suspension, an employee will not be paid or accrue benefits. Each suspension shall be recorded and filed in the employee's personnel file. Exempt employees may be suspended for one full day or more for violations of written policies applicable to all employees, such as policies regarding sexual harassment or workplace violence.

In any case where suspension is considered, the supervisor should contact the Chief Human Resources Officer, or designee, before suspension is enacted. Failure to do so may not affect the suspension but could subject the supervisor to discipline.

In the event an employee is charged with a felony and is not incarcerated, the employee shall be placed on leave with pay, pending preliminary hearing. If the Magistrate makes a determination of probable cause on any charge, or if the employee waives preliminary hearing, the employee may, at the discretion of the County Executive Officer, be placed on leave without pay until the case is resolved.



22.3.5.1 DURATION OF SUSPENSION. The duration of the suspension depends on the conduct which led to the suspension. A suspension for up to two working days may be imposed where an employee commits a minor offense for which the employee has previously received an oral or written warning, or where the employee commits a more serious error or mistake which alone merits a suspension. A suspension of up to five (5) working days may be imposed where the employee commits an infraction of a more serious nature for which termination is not justified, or for committing multiple violations of minor infractions for which previous discipline has been imposed. A suspension of up to ten (10) working days may be imposed when an employee commits an act or acts which alone justify termination, but for which exist mitigating factors or circumstances. Notwithstanding the foregoing, the duration of any suspension shall be discretionary on the part of the supervisor, and shall be commensurate with the severity of the error, mistake, or conduct.

22.3.6 DEMOTION. An employee may be demoted for an offense of a more serious nature, for repeat of a minor offense, or for unsatisfactory performance/behavior in his or her current position which he or she is either unable or unwilling to correct. The employee may be demoted to a lesser position for which the employee is otherwise qualified. When demoted, the employee will receive compensation commensurate with the new position.

22.3.7 DISMISSAL FOR CAUSE. An employee may be terminated for cause for violation of this Employee Handbook, Ordinance, County policies, or for any other inappropriate behavior.

22.4 GROUNDS FOR DISCIPLINARY ACTION. Listed below are some, but not all, of the activities which are considered grounds for the severest of disciplinary actions. Grounds for disciplinary action include, without limitation, but by way of illustration, the following:

1. Continued unsatisfactory performance of duties.
2. Personal conduct which substantially interferes with the performance of duties.
3. Conflict of interest which results in private gain to the employee or detriment to the County.
4. Insubordination.
5. Falsifying official documents or records.
6. Threatening or harassing an employee or Elected Official.
7. Theft or vandalism of County property.
8. Unauthorized use or possession of County property.
9. Continued violation of safety practices.
10. Use of, or being under the influence of, a controlled substance, or intoxicant, while on duty.



11. Operation of a County vehicle or equipment while under the influence of a controlled substance or intoxicant.
12. Operating a County vehicle or equipment in a reckless or intentionally tortious manner.
13. Accepting a bribe or consideration given with the intent to influence the performance of duty.
14. Bribery or coercion of, or attempting to bribe or coerce, an employee or Elected Official.
15. Influencing, or attempting to influence, a Hearing Officer, other than through established grievance procedures.
16. Conviction of a misdemeanor or felony involving moral turpitude so long as the criminal conviction directly relates to the particular employment, trade, business, or profession; conviction of a felony or misdemeanor involving moral turpitude where the criminal conviction does not directly relate to the particular employment, trade, business or profession, if the County determines after investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust.
17. Job Abandonment – Unauthorized absence from work for two consecutive work shifts will be considered abandonment of the job.
18. Failure to comply with Computer Use Policy.

22.5 PROCEDURES FOR DISCIPLINARY TERMINATION. Before terminating the employment of an employee, the supervisor should review the personnel file and all relevant documents with the Human Resources Department in order to determine if the termination is appropriate.

22.5.1 NOTIFICATION OF PROPOSED TERMINATION. The supervisor shall notify the employee in writing that he or she is to be terminated through a *Notice of Proposed Termination*. The *Notice of Proposed Termination* shall set out the reason(s) for the proposed termination, and shall give the date, time, and place of the pre-termination hearing, if applicable. The *Notice of Proposed Termination* shall be delivered to the employee within a reasonable time prior to the date set for the hearing.

22.5.2 PRETERMINATION HEARING.

22.5.2.1 ELIGIBILITY. A pre-termination hearing shall be held for any full-time, regular non-trial, or part-time, regular non-trial period employee considered for termination of employment. Termination in this context is defined as dismissal from employment with San Juan County through reduction-in-force, reorganization, medical reasons, or dismissal for cause.

- 22.5.2.2 **CONDUCT OF THE HEARING.** At the pre-termination hearing, the employee shall be notified of the reason(s) for the proposed termination as set out in the *Notice of Proposed Termination*, and the employee shall be given an opportunity to respond thereto. The hearing shall be informal and shall be recorded by the use of electronic recorder or a certified reporter. A copy of the proceedings shall be made available to the employee upon request; provided, if the record is by electronic recorder the cost shall be borne by the County, and if by certified reporter, the transcription costs shall be paid by the party requesting the transcription.
- 22.5.3 **FINAL DECISION ON TERMINATION.** The final decision on termination following the pre-termination hearing shall be made in writing and delivered to the employee.
- 22.5.4 **RIGHT TO GRIEVANCE PROCEDURES.** A terminated full-time or part-time non-trial employee shall have the right to the grievance procedures established by this Ordinance; provided, however, that the actions of the Board of County Commissioners in authorizing a reduction in force or a reorganization, if done in an open meeting held in accordance with the New Mexico Open Meetings Act, are not grievable.

23 GRIEVANCES

- 23.1 **DEFINITION: "GRIEVANCE."** A grievance is a complaint by an employee concerning alleged deprivation of a presently-existing property right, including: (1) the employee's working conditions; (2) alleged discrimination against the employee; (3) disciplinary action taken against the employee.
- 23.2 **GRIEVANCE ELIGIBILITY.** -- Only regular, non-trial employees are eligible to file a grievance. Employees who are subject to grievance procedures contained in a collective bargaining agreement may not file grievances pursuant to this Employee Handbook.
- 23.3 **GRIEVANCE PROCESS.** -- The following steps comprise the normal grievance process. The employee's supervisor or Department Head/Elected Official may waive steps, as appropriate.
- (1) **STEP 1. Informal Discussion.** -- Within five (5) working days of any action complained of, the employee must attempt to resolve the complaint through informal discussion with the employee's immediate supervisor.



(2) **STEP 2. Written Grievance.** --

(a) **Written Grievance Required.** -- If the matter cannot be resolved informally in Step 1, the employee shall submit a written grievance to the Department Head/Elected Official. If a Department Head/Elected Official is also the employee's immediate supervisor with whom the Step 1 grievance had previously been addressed, the employee shall present the written grievance to that person.

(b) **Time to File Written Grievance.** -- A written grievance must be submitted within five (5) working days of the Step 1 discussion.

(c) **Content of Written Grievance.** -- Written grievances will be submitted on the established San Juan County "*Report of Grievance*" form. This form will contain a short and concise statement of the action complained of, brief additional facts as appropriate, the relief requested, and the date when the Step 1 discussion occurred. "*Report of Grievance*" forms are available in each County department/office, and are also available from the Human Resources Department

(d) **Response to the Written Grievance.** -- The Department Head/Elected Official shall promptly respond in writing to the written grievance, but in any event, within ten (10) working days of the receipt of the written grievance.

(e) **Finality.** -- Unless the employee's grievance concerns the employee's suspension, demotion or termination, the grievance process concludes with Step 2.

(3) **STEP 3. Hearing.** -- If the grievance concerns the employee's suspension, demotion or termination, a hearing on the grievance will be conducted unless waived by the employee.

(a) **Scheduling the Hearing.** -- The Chief Human Resources Officer shall forward a copy of the employee's grievance, the Department Head/Elected Official's response, and the request for a hearing to the Employee Relations Officer, who shall schedule a hearing before an independent Hearing Officer.

(b) **Hearing Procedure.** -- All hearings shall be conducted in accordance with the *County Administrative Procedures for Grievance Hearings*.



24 VOLUNTARY TERMINATION

- 24.1 **RESIGNATION.** An employee may resign from the County by submitting a written letter of resignation to his or her immediate supervisor at least five (5) working days prior to the effective date of resignation. The letter of resignation should include the reason for leaving as well as the proposed effective date.
- 24.2 **RETIREMENT.** An employee may retire from County employment through the County's retirement program so long as the employee meets the requirements of the Public Employees Retirement Association. An employee desiring to retire should contact the Human Resources Department and give his or her supervisor as much notice as possible.
- 24.3 **RETIREMENT AS A RESULT OF DISABILITY.** An employee may resign from County employment in the event an injury or illness renders the employee medically incapable of performing his or her duties. If qualified, the employee may be entitled to claim disability benefits through the Public Employee's Retirement Association and/or the County's medical benefit package. Any employee who feels he or she must resign as a result of a disability should contact his or her supervisor and/or the Chief Human Resources Officer for additional information.
- 24.4 **TRANSFER.** Any classified employee is eligible to compete for regular, full-time positions within the County.
- 24.5 **PROMOTION.** A regular full-time employee or regular part-time employee who receives a promotion shall be considered a trial period employee. In the event the employee is unsuccessful in the new position, that employee may apply for any currently open position, subject to the normal hiring procedure.

25 INVOLUNTARY TERMINATION WITHOUT CAUSE

- 25.1 **LAYOFF.** A layoff, or reduction in force, is an involuntary termination of an employee or employees as a result of a shortage of work or shortage of funds. A layoff may be ordered only by the Board of County Commissioners. If a layoff is necessary, employees shall be laid off in reverse order by seniority within the department. If a position is available for which work and funds are available, an employee may accept a demotion or transfer to avoid a layoff, but only if the employee is otherwise qualified for the new position and a position exists. If a position is later reestablished, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment.



25.2 **ABOLISHMENT OF POSITION.** The County Executive Officer or Elected Official may abolish a position which is no longer needed within the County work force. A position may be abolished only with the approval of the Board of County Commissioners. If a position is available for which work and funds are available, an employee may accept a demotion or transfer to avoid a layoff, but only if the employee is otherwise qualified for the new position and a position exists. If a position is reestablished, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment.

26 POST-EMPLOYMENT MATTERS

26.1 **EXIT INTERVIEW.** When an employee leaves County employment, the employee will be scheduled for an exit interview prior to the last day of work. The exit interview will be arranged by the Human Resources Department. At the exit interview, the employee may comment on his or her employment and may voice suggestions, complaints, and criticisms. The employee will have an opportunity to discuss benefits and benefit conversion privileges. The employee will be asked to return all County property in his or her possession.

26.2 **CONTINUANCE OF MEDICAL COVERAGE (COBRA).** Under the federal Consolidated Budget Reconciliation Act (COBRA), eligible employees and/or dependents may elect to continue employee and/or dependent medical insurance coverage subject to the conditions and limitations set forth in that Act. Consult the Human Resources Department for details on eligibility and benefits.

26.3 **COMPENSATION FOR ACCRUED VACATION AND SICK LEAVE UPON TERMINATION.** Upon death, retirement, or termination of employment, each full-time regular, part-time regular, trial period, and unclassified employee will be compensated for accrued vacation time, accrued sick leave time, and accrued compensatory time earned through the last day of work, subject to the limitations on the amount of compensation set forth below.

26.3.1 **AMOUNT OF COMPENSATION - ACCRUED SICK LEAVE.** Upon death, retirement, or termination of employment, each full-time regular, part-time regular, trial period and unclassified employee shall be compensated for accrued sick leave earned through the last day of work. Compensation for accrued sick leave upon termination shall be computed by dividing the accrued hours by three and then multiplying the accrued sick leave hours that result by the employee's base rate of pay at the time of termination. For hourly employees, the base rate of pay is the employee's hourly rate at the time of termination. For salaried employees, the base rate of pay is computed by dividing the employee's annual salary at the time of termination by 2080. The amount of sick leave which may be reimbursed upon termination shall not exceed 347 hours.



INDEX

Abolishment of Position	49
Absenteeism.....	5
Accidents	
Involving defective equipment	32
Involving injury.....	32
Involving motor vehicles	32
Additional Duties.....	28
Administrative Leave	17
Applicability.....	1
Assignment to a Step	27
Attendance	5
Background Checks	3
Bereavement Leave	16
Board or Commission Leave	17
Breaks	5
Breast pump, Use of.....	5
Cellular Phone Use.....	41
Classified Employee	1
Commercial Drivers License.....	8
Compensation	27
Compensatory time	29
Cost-of-living adjustment.....	28
During holiday.....	15
During the trial period	27
For additional duties	28
Maintenance of the system	28
Overtime	29
Overtime - Elections	29
Overtime - Special events at McGee Park	29
Stepped-out employees	28
Compensatory time	29
Accrual of	29
Compensation for.....	29
Election of.....	29
Fair Labor Standards Act	30
Consolidated Budget Reconciliation Act (COBRA).....	49
Computer Use	41
Conditions of Employment.....	4
Conflict of interest.....	9, 44
Examples of.....	9
Procurement.....	9
Termination for	10



Contract Employee	3
Cost-of-Living Adjustment	28
County Assessor	1
County Clerk	1, 29
County Commissioner	1
County Probate Judge	1
County Property	7
Care and Use of	7
Personal Use	9
Telephones	9
County Sheriff	1
County Treasurer	1
Court Duty	17
Criminal conduct	10
Dating	8
Demotion	44
Dental Insurance	19
Disciplinary Action	41
Employee Conduct	41
Authority to take	42
Forms of	42
Grounds for	40
Discrimination	38
Discipline for engaging in	39
Making a formal charge of	39
Donation of Vacation Leave or Compensatory Time	13
Dress	6
Drivers Licenses	8
Drivers Licenses	
Commercial Drivers License (CDL)	8
Driving under the influence	37
of drugs	37
Operation of County Vehicles	37
Restoration of Driving Privileges	38
Drug and Alcohol-related Convictions	37
Drug or alcohol dependency	37
Drug Testing	34
Driving Privileges	36
Positive Test - Consequences	36
Pre-employment	3
Procedure	35
Random testing	34
Testing on reasonable suspicion	34



Drugs and Alcohol	33
Prescription medications	34
Treatment.....	36
Educational Assistance	21
Elected Official	1
Employee Assistance Program	19, 33
Employee Conduct	41
Employee Orientation	4
Employment Classifications.....	1
Employment Eligibility Verification Form I-9	3
Equal employment opportunity	39
Equal Employment Opportunity Officer	40
Equal Employment Opportunity Policy	39
Violations of.....	40
Equal Employment Opportunity Program	39
Compliance with laws and regulations	40
Diversity	39
Non-discrimination in policies	40
Periodic review of.....	40
Training	40
Violations thereof.....	40
Exit interview	49
Fair Labor Standards Act.....	30
Family and Medical Leave	
Eligibility.....	17
Statement of health care provider	18
Unpaid leave	17
Fitness Activities.....	26
Fraternization.....	8
Full-Time Employee.....	1
Gratuities	6
Grievance	46
Eligibility.....	46
Process	46
Harassment.....	38
Defined.....	38
Discipline for engaging in	39
Making a formal charge of.....	39
Hazardous or unsafe conditions	31
Holidays.....	15
Compensation	15
Eligibility.....	15
Working during a holiday.....	15



Hourly Employee	1
Hours of Work	4
Inquiries about employees.....	10
Internet Use	41
Layoff.....	48
Leave Without Pay	17
Life Insurance	20
Maintenance of the Compensation System.....	28
Medical Care	18
Major Medical Plan.....	18
Prescription Plan	19
Vision Plan	19
Medical Examination	3
Medical Files.....	10
Confidential	10
Military Leave	16
Nepotism	8
Verbal Warning.....	42
Other Leave.....	16
Outside employment.....	7
Overtime	29
Approval Required.....	29
Compensation	27
Compensation during elections	29
Special events at McGee Park	29
Part-time Employee	1
Part-time Regular Employee	2
Pay Period	30
Paychecks	30
Performance evaluation.....	26
Conduct of.....	26
Date of.....	26
Effect of Failure to Evaluate	27
Procedure.....	26
Rebuttal of.....	27
Review.....	26
Salary review	28
Personal Appearance	6
Personal Leave.....	16
Personnel Action Form	10
Personnel files.....	10
Access to.....	10
Review of.....	10



Political Participation	6
Campaigning	6
Elected political office	6
Voting Rights	6
Pre-employment background check	3
Promotion	48
Regular Employee	1
Reimbursement for Training Over \$2000	8
Resignation.....	48
Retirement.....	21, 48
Contributions	21
Disability Retirement.....	48
Eligibility.....	21
Public Employees Retirement Association	21
Safety	31
Defective equipment.....	32
Duty of supervisors.....	31
Hazardous conditions	31
Injuries.....	32
Motor vehicle accidents	32
Training	32
Salaried Employee	1
Short Title	1
Short-term Disability	
High risk employee	21
In general	20
Sick Leave	12
Abuse of	15
Accrual	13
Compensation	13
Compensation for upon termination	49
Eligibility.....	12
Physician's Statement	13
Transferability, Donation of Vacation Leave.....	13
Smoking Policy	33
Solicitors	6
Step System	27
Stepped-out	
Stepped-out employees	28
Suspension.....	43
Duration of.....	43



Termination	45
Final decision	46
Notification.....	46
Pre-termination Hearing	45
Time Sheets	30
Accuracy.....	31
Correction or Modification.....	31
Timekeeping	30
Transfer	48
Trial period.....	4, 27
Trial Period Employee	2
Tuition Assistance	21
Unclassified Employee	2
UNET Testing	37
Uniforms	23
Vacation	11
Accrual	11
Combining with holiday.....	12
Compensation	12
Compensation for upon termination	49
Eligibility.....	11
Requesting	12
Vacation Earning Schedule	11, 12
Volunteer	2
Wage or Salary Review	28
Workers' Compensation	20
Written Warning	43



