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 9th DAY OF JUNE, 2020.

SAN JUAN COUNTY COUNTY CLERK STATE OF NEW MEXICO

SAN JUAN COUNTY BOARD
OF COUNTY COMMISSIONERS

By: _____
Jack L. Fortner, Chairman

ATTEST:

_____
Tanya Shelby, County Clerk

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San Juan County, NM TANYA SHELBY

SAN JUAN COUNTY COUNTY CLERK STATE OF NEW MEXICO

CM

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 JULY 1, 2020

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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 regularly 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 regularly 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. Salaried employees do not receive overtime. Salaried employees must be exempt under the Fair Labor Standards Act.

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 Manager. 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 24 and 25. 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 (9) consecutive months and temporary employees are not entitled to County benefits. A temporary employee may remain employed by the County after nine months either as a regular employee or a contract employee. If the Department Head or Elected Official does not take sufficient steps to convert a temporary employee to either regular or contract status prior to the end of the temporary period, the employee shall be terminated. Prior to the expiration of nine months, the County Manager may extend the period of temporary employment.

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 Manager. Unless otherwise specified in the contract or this Employee Handbook, this Handbook applies to contract employees.

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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 except within his or her designated area of service.

3.14 **VOLUNTEER FIREFIGHTER.** A volunteer firefighter performs services for a nominal fee and is not considered an employee of the County for purposes of health insurance, workers' compensation, or unemployment compensation. A volunteer firefighter may participate in the Public Employees Retirement Association (PERA) volunteer firefighter retirement program. As required by Internal Revenue Service regulations, federal, state, social security, and Medicare taxes shall be withheld from nominal fees.

3.15 **GRANT FUNDED EMPLOYEE.** A grant funded employee is an employee whose wages are paid by the County contingent upon receipt of a state or federal grant. In the event of the termination or reduction of the grant, the employee's position may be eliminated. The employee shall have no rights to grieve termination based upon grant reduction or grant termination. A grant funded employee shall be subject to this Employee Handbook in all other respects.

3.16 **INTERN.** An intern is a high school or college student employed by San Juan County enrolled full time with proof of enrollment. An intern receives no benefits.

4 PRE-EMPLOYMENT REQUIREMENTS

4.1 **MEDICAL EXAMINATION.** Each person who is offered employment may be required to 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. The examination shall be limited to those physical requirements set forth in the job description.

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 (12) 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 of the United States, or whose use is legal, but which is misused or used illegally.

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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. If a pre-employment background check is to be performed, it may be obtained before an offer of employment is extended. Pre-employment background checks shall comply with all state and federal laws. Juvenile Services employees may undergo post-employment background checks pursuant to Children, Youth & Families Department policy.

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 shall 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 Manager 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.

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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 seven (7) minutes prior to the beginning of the shift and shall remain at work no later than seven (7) minutes after the conclusion of the shift, unless otherwise authorized by the supervisor. When an employee has a need to miss part of a shift, he or she may make arrangements with the supervisor to make up the work time missed, provided it is done within the same workweek as the hours missed. Overtime must be authorized prior to working. With Commission approval, the Sheriff's Office and the Fire Department may adopt a schedule requiring work of over 80 hours per pay period without overtime, consistent with the Fair Labor Standards Act.

5.1.2 **FOUR-DAY WORKWEEK.** Certain County departments designated by Resolution of the Board of County Commissioners operate on a four-day workweek. The normal schedule is 7:00 a.m. to 5:30 p.m. Monday through Thursday with 30-minute lunch breaks.

In the event a holiday falls on a Friday or Saturday, employees required to work four ten-hour shifts, not including Friday, shall be entitled to an additional paid day off to be taken some time during the pay period in which the holiday occurs. This day must be approved and scheduled with the employee's supervisor. Any day not so taken shall be deemed forfeited.

Non-exempt employees shall be paid eight (8) hours for holiday pay. Any non-exempt employee who works a 10-hour shift may utilize compensatory time or vacation time to reach a 40-hour week. With the approval of the supervisor, the employee may also work an additional two hours during the week in which the holiday falls.

Pursuant to federal law, exempt employees must be paid for a full day for holiday pay based upon that employee's schedule. Employees working a four-day workweek shall be compensated for personal leave in the same manner as holidays.

5.1.3 **REMOTE WORK.** In special circumstances as determined by the County Manager, employees may be allowed to work remotely from another location. Remote work will be approved on a case-by-case basis with approval from the Department Head/Elected Official and County Manager. The Remote Work Policy and Procedure is attached as Appendix A.

5.1.4 **BREAKS.** Lunch breaks are without pay (with the exception of commissioned Sheriff's officers) and are normally thirty (30) minutes, except for departments with established one (1) hour lunch breaks. Any employee who does not receive a meal break shall be paid for that time. In addition, each employee may be granted two (2) breaks per day, each for a period of fifteen (15) minutes. Breaks are not required by law (See NMSA 1978, Section 50-4-30) and supervisors may limit or delay breaks if, in their opinion, continuous work is required. Breaks will not be accumulated.

5.1.5 **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 two fifteen-minute breaks. An Employee should coordinate break times with his or her supervisor.

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, or other person as designated, prior to the time the employee is to report to work.

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 **INCLEMENT WEATHER.** In the event that significant weather conditions exist and no Executive Office order for closure or delay has been given, employees must use their best judgment as to when and how to get safely to work. When an hourly employee misses work due to inclement weather, the employee must either: (1) make arrangements to make up the missed work time; or (2) use vacation or compensatory time for the work time missed. If an employee desires to make up the work time missed, he or she may do so but it must be done within the same workweek of the date of the inclement weather. If the time missed occurs on the last day of a workweek, then the employee must utilize vacation or compensatory time. Department Heads shall manage this process to ensure that

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there is a fair and clear understanding regarding the expectations to either take leave or make up lost time from work.

5.3 **CHILDCARE AND/OR THE PRESENCE OF CHILDREN OF COUNTY EMPLOYEES DURING WORK HOURS.**

5.3.1 **PURPOSE.** To establish and maintain policy regarding the presence of children of County employees and other family members on County property during working hours, and to delineate the County's expectation regarding this matter. To prevent the possibility of injury or harm to County employees' children, to lessen the exposure of liability to the County.

5.3.2 **SECTION.** The County does not and cannot provide day care services for its employees' children. This service is not available and is not a benefit to County employees. Children of County employees shall not accompany their parent(s) to work under any circumstances. If an employee cannot arrange for care of the child(ren), the employee must contact the Department Head or Elected Official and arrange for their absence from work. This section should not be construed as forbidding the occasional visit of family members or the children of County employees as long as the visit is not disruptive to the work environment and the child is not left in the care of the County employee while on duty. Any violation may result in disciplinary action up to and including termination.

5.4 **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. No employee shall wear beach-style flip flops while working.

5.4.1 **DEPARTMENTAL DRESS CODES.** Departments may establish dress codes to meet the specific needs of the department. Departmental dress codes are subject to approval by the County Manager. Departmental dress codes may address the applicability of 5.3.2 within the department.

5.4.2 **TATTOOS, PIERCINGS, AND BODY ART.** A Department Head or Elected Official may require that tattoos, piercings, and body art showing vulgar language or images, gang affiliation, or promoting illegal activity be covered or removed while on duty. If the employee disputes the decision of the Department Head or Elected Official, the employee may appeal a Department Head or Elected Official's decision to the County Manager or the Chief Human Resources Officer. Failure to abide by the decision of the County Manager or Chief Human Resources Officer may result in disciplinary action to include insubordination.

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Law enforcement and Detention departments may have more restrictive policies if constitutionally permissible.

5.4.3 **I.D. BADGES.** Employees shall wear an I.D. badge at all times except in the case of safety concerns or when other departmental identification is provided. Badges must be worn in a manner that may be seen. If lost, an employee may be charged for a replacement badge. An employee shall surrender his or her I.D. badge to a supervisor or the Human Resources Department upon suspension or termination.

5.5 POLITICAL PARTICIPATION

5.5.1 **CAMPAIGNING.** San Juan County employees shall be prohibited from campaigning for political office during regular working hours (from 7:00 a.m. to 5:30 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.

5.5.2 **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 or municipal government shall not be construed as holding a political office for purposes of this Section. A County employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants may be required to comply with the provisions of the federal Hatch Act (5 U.S.C. Section 7321-7328).

5.5.3 **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 open 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.

5.6 **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.

5.7 **SOLICITATION.** Solicitors shall not be allowed to consult with employees during work hours other than through prescribed purchasing procedures.

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5.8 **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. An employee must notify his or her supervisor in writing if outside employment is obtained.

5.9 **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. Each County department shall maintain a document detailing the County property assigned to each employee, including employee signatures, and updated to show any new or replacement equipment. Copies of these documents shall be forwarded to the Human Resources Department. 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 an hourly 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.

5.10 **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.

5.11 **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.

5.11.1 **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. An employee with a valid out-of-state Driver's License shall obtain a New Mexico State Driver's License

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within six (6) months of employment. The County Manager may waive this requirement with proof of out-of-state residency and a valid out-of-state Driver's License. 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 be subject to disciplinary action, up to and including termination. By accepting employment with San Juan County, employees consent to periodic driving record checks.

5.11.2 **CDL LICENSES AND ENDORSEMENTS.** Any employee whose duties require him or her to hold a Commercial Driver's License (CDL) and endorsements is responsible for maintenance of that license and endorsements. In addition, holders of CDL licenses and operators of commercial motor vehicles are subject to special rules detailed in the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, Appendix A. Each person holding a CDL license should consult that policy for further information.

5.12 **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.

5.13 **NEPOTISM.** The employment of immediate relatives in the same department or office is strongly discouraged and strictly monitored 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, an "immediate relative" is a spouse, child, parent, sibling, grandparent, grandchild, immediate step-family member, in-law, foster child or parent, co-habitant, and includes the spouse of any of those identified in this paragraph. Employees must notify the Human Resources Department of the employment of immediate relatives at the County at the time of hiring, or within thirty calendar days of becoming an immediate relative of another employee.

5.14 **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 prohibited for a supervisor to engage in a romantic or sexual relationship with an employee under his or her direct supervision. Employees must notify the Human Resources Department of the dating relationship at the time of hiring, or within thirty calendar days of entering into a dating relationship with another employee.

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5.15 **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, 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 Manager 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.

5.16 **CONFLICTS OF INTEREST**

5.16.1 **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.

5.16.2 **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.

5.16.3 **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 (2013). 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 (2009). Employees with questions should consult Central Purchasing and review the Procurement Code, NMSA 1978, Sections 13-1-190, 13-1-193, 13-1-194, and 13-1-199.

5.17 **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.

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5.18 **GOVERNMENTAL CONDUCT ACT.** All employees shall comply with the New Mexico Governmental Conduct Act. A copy of the Act is attached as Appendix B.

5.19 **OTHER POLICIES INCORPORATED BY REFERENCE.** The San Juan County Travel Policy, Vehicle Use Policy, and all other policies adopted by the Board of County Commissioners are incorporated into this Employee Handbook by reference, and are attached as appendices.

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 as well as other employment materials.

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 employees. Responses to such inquiries will confirm dates of employment 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

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its contents, is subject to disciplinary action, up to and including termination of employment.

6.6 **EMPLOYEE DATA CHANGES.** Each employee must promptly use the Employee Self Service portal to update changes in the employee's mailing address, telephone number, personal or County-issued e-mail address, number and names of dependents, individual(s) to be contacted in the event of an emergency, educational accomplishments, and other relevant information. This information may be subject to disclosure under the Inspection of Public Records Act. Upon separation, a personal e-mail address is required.

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.

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. Accrual begins at the next highest rate on the third pay period following the accrual start date (hire date). Employees must utilize the employee self-service portal to access accrual balances, pay stubs, and W-2's (if applicable).

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

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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	MAXIMUM PER PERIOD ACCRUAL	MAXIMUM ANNUAL ACCRUAL
0 thru 4 years inclusive	3.08 hours	80 hours
5 thru 9 years inclusive	4.62 hours	120 hours
10 years or more	6.15 hours	160 hours

Accrual begins at the next highest rate on the third pay period following the accrual start date (hire date). Employees must utilize the employee self-service portal to access accrual balances, pay stubs, and W-2's (if applicable).

7.4 **MAXIMUM ACCUMULATION ALLOWED.** An employee may accumulate no more than 320 hours. If accumulated vacation time exceeds 320 hours, the excess vacation time will be forfeited. Forfeiture shall occur as of the date of retirement, termination, or the end of the last pay period ending on or before June 30. Excess vacation time existing as of January 6, 2013 shall not be subject to forfeiture. Hours in excess of 320 which accrue before the start of the last pay period ending on or before June 30 of any year may be used and are subject to buy back but shall not be paid at termination. Vacation time subject to forfeiture shall be used first.

7.5 **REQUESTING VACATION, USE OF COMPENSATORY TIME, OR PERSONAL LEAVE.** Whenever possible, an employee shall make a request for time away from work through the electronic timekeeping system to his or her supervisor at least five (5) working days prior to the proposed vacation. A Department Head may waive the 5-day requirement at his or her discretion. 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.

7.6 **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. Salaried employees shall use vacation time in half-day increments as appropriate. A salaried employee who does not work at least half of his or her regularly assigned shift shall utilize a half-day of leave. A salaried

employee may flex hours worked over the hours of the same workweek as approved by his or her supervisor.

7.7 **COMBINING A VACATION WITH A HOLIDAY.** Subject to the approval of the supervisor, 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, compensatory time used, 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. Employees must utilize the employee self-service portal to access accrual balances, pay stubs, and W-2's (if applicable).

8.3 **REQUESTING SICK LEAVE.** Employees who are unable to report to work due to illness or injury are required to notify their supervisor or other designated individual 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. Salaried employees shall use sick leave in half-day increments as appropriate. A salaried employee who does not work at least half of his or her regularly assigned shift shall utilize a

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half-day of leave. A salaried employee may flex hours worked over the hours of the same workweek as approved by his or her supervisor.

8.6 **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.

8.7 **DONATION OF SICK LEAVE, VACATION LEAVE, OR COMPENSATORY TIME.** Sick leave, vacation leave, or compensatory time may be donated to another employee as follows:

8.7.1 **PURPOSE OF DONATION OF SICK LEAVE, VACATION LEAVE, OR COMPENSATORY TIME.** The purpose of this policy and procedure is to assist an employee who has used all or may use all of his or her own sick, vacation, and personal leave, and compensatory time, and needs additional leave from work for recuperation from a non-work related injury, illness, or pregnancy. 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 sick leave, 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.

8.7.2 **PROCEDURE FOR REQUESTING DONATION OF SICK LEAVE, VACATION LEAVE, OR COMPENSATORY TIME.**

8.7.2.1 **STEP 1.** An employee may notify his or her supervisor, or the Benefits Coordinator, that he or she is in need of additional leave, or may need additional leave, and would like to request donation of sick leave, 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 leave or compensatory time. The Human Resources Department shall track the leave or compensatory time being donated.

8.7.2.2 **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.

8.7.2.3 **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.

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Documentation supporting a request for donated leave shall be confidential and is not a public record for purposes of the New Mexico Inspection of Public Records Act.

8.7.2.4 **STEP 4.** The Human Resources Department will send out the request for the donation of sick leave, vacation leave, or compensatory time. Donation of leave or compensatory time shall be on a dollar-for-dollar basis. The Human Resources Department shall track the donation of 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, and a balance of at least 80 hours must be maintained by the donating employee after the donation.

8.7.2.5 **STEP 5.** If more leave is donated than is requested, the donated leave will be returned on a last-in-first-returned basis. Unused donated compensatory time will be returned up to the 80-hour limit. Any donated vacation leave not used by the requesting employee by May 1 will be returned and will be subject to the provisions of section 7.4 of this Employee Handbook regarding maximum accumulation and July 1 forfeiture. 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.

8.7.2.6 **ELIGIBILITY FOR DONATED LEAVE.** A full- or part-time regular employee must be employed by the County for at least 90 days in order to request donated leave. Work-related injuries or illnesses shall not be considered since they are covered by workers' compensation. While an employee is off work on donated leave, sick time, vacation time, and personal days shall not accrue. Deductions for taxes, insurance premiums, and PERA shall continue.

8.7.2.7 **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.

9 HOLIDAYS

9.1 **ELIGIBILITY.** Each regular full-time, regular part-time, full-time trial period, 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.

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9.2 **COMPENSATION DURING A HOLIDAY.** During a holiday, each full-time hourly employee, regardless of schedule, 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 or compensatory 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. 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. During a holiday week, compensatory time may only be earned for hours actually worked in excess of 40.

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 the first 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 1 of the year of accrual. Personal leave may not be carried over into the following calendar year but instead shall be forfeited if not used. No partial personal day is allowed.

10.1.1 **DEFINITION.** A personal leave day is defined as an eight-hour day for full-time employees or a four-hour day for part-time employees. A change in full- or part-time status in a calendar year does not add additional personal leave.

10.2 **BEREAVEMENT LEAVE.** Each full-time, part-time, unclassified, and trial period employee shall be eligible to receive bereavement leave with pay only 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, step-grandparent, foster child, father-in-law, mother-in-law, son- and daughter-in-law, and brother- and sister-in-law. Bereavement leave does not apply to the death of friends or colleagues. Bereavement leave, to be used at the time of an immediate family member's death, shall not exceed forty (40) hours for full-time hourly employees or five (5) working days for salaried employees. With supervisor's approval,

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bereavement leave need not be taken on consecutive days. 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, 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 (15) workdays (120 hours) per federal fiscal year (October 1 through September 30) 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. Employees utilizing military leave will not be responsible for the County's portion of the Medical Plan premium.

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 related 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 workday, 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 or elected to serve on a state, county, city, or non-profit entity's Board or Commission shall be entitled to forty (40) hours of leave with pay annually to attend meetings or transact business, so long as the appointment has been approved by the Board of County Commissioners and/or the County Manager. This may include service to the Association of Counties and relevant professional groups.

10.6 **ADMINISTRATIVE LEAVE WITH PAY.** 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 for a period longer than the remainder of the employee's shift 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 Manager or designee.

10.7 **ADMINISTRATIVE LEAVE WITHOUT PAY.** An employee may be placed on leave without pay when the circumstances and best interests 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

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the Chief Human Resources Officer (or designee) and the County Manager. Unless extended by the County Manager, 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. An employee on unpaid leave shall not receive holiday pay. 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. Donated leave shall not be available.

10.8 LEAVE WITHOUT PAY FOR PERSONAL REASONS

10.8.1 **EXTENDED UNPAID LEAVE.** San Juan County generally discourages the use of unpaid leave for personal reasons. However, the County recognizes that unforeseen circumstances may arise leaving an employee no choice but to request unpaid leave. These circumstances are usually limited to the employee suffering an event which does not qualify for family and medical leave only because the employee has not been employed by the County for at least one year. In any situation where an employee lacks sufficient paid leave to deal with that situation, the employee may request to utilize unpaid leave. To the extent practical, the unpaid leave should be requested in writing and in advance of the anticipated leave. If leave cannot be requested in advance, it should be requested as soon thereafter as is practical. Unless otherwise approved by the supervisor and the County Manager, such leave must be taken in three-day increments and no benefits shall accrue. The employee shall be responsible for payment of the employer portion of any health insurance. Donated leave shall not be available.

10.8.2. **SHORT-TERM UNPAID LEAVE.** An employee who has exhausted all leave and does not meet the requirements of extended unpaid leave shall only be allowed unpaid leave at the supervisor's discretion. If such short-term leave is approved, the employee shall be responsible for payment of the proportional share of the County's portion of any benefit. This share may be calculated on a daily or hourly basis, based upon the status of the employee. That share shall be deducted from the employee's next paycheck.

10.8.3 **EXCESSIVE SHORT-TERM UNPAID PERSONAL LEAVE.** Any employee utilizing short-term, unexcused, unpaid personal leave more than two (2) times (except unpaid military leave or workers' compensation) may be subject to discipline, up to and including termination.

10.9 **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

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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 and medical 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, personal days, or holiday pay, do not accrue during family and medical leave. An employee may choose to use unpaid FMLA leave concurrently with paid leave (sick leave, personal days, or vacation). If an employee chooses to run paid leave concurrently with unpaid leave, the employee will accrue benefits during the paid leave.

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Family and 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.

10.10 **DOMESTIC ABUSE LEAVE.** Each full-time regular, part-time regular, unclassified, and trial period employee may take domestic abuse leave for up to fourteen (14) days in any calendar year, for up to ten (10) hours in one day, to obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or district attorneys' victim advocates, or to attend court proceedings related to the domestic abuse of any employee or employee's family member.

An employee shall obtain approval for domestic abuse leave from his or her supervisor prior to taking the leave. When domestic abuse leave is taken in an emergency, the employee or employee's designee shall give notice within twenty-four (24) hours of commencing the domestic abuse leave. The employee's supervisor may require verification of the need for domestic abuse leave in the form of a police report, a copy of the order of protection or other court evidence, or the written statement of an attorney representing the employee in the matter. For domestic abuse leave, an employee may use accrued sick leave or other available

time off, compensatory time, or unpaid leave consistent with San Juan County policies. Confidentiality shall be maintained to the extent required by law.

10.11 **BENEFITS MANDATED BY LAW.** Employees shall receive any new emergency benefits mandated by federal or state law.

11 MEDICAL CARE

11.1 **SAN JUAN COUNTY MEDICAL PLAN.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, and unclassified employee, Elected Official, and their eligible dependents may obtain group medical care through the County's self-insured medical plan. Part-time regular employees may enroll in the medical plan on the same basis as full-time employees. 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. Premiums shall be withheld from the paycheck immediately prior to the effective date of coverage. Coverage ends at midnight on the last day of employment. The County will refund any unearned premium.

If an employee is on military leave as defined in section 10.3, the County shall pay only the employer's portion of the premium, and the employee shall pay the employee's portion of the premium.

11.2 **VISION PLAN.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, and unclassified employee, Elected Official, and their eligible dependents, may receive vision insurance coverage through the County's group vision 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.

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 for a limited number of

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sessions per event annually. The number of sessions per event is determined by the Board of County Commissioners based upon contract award or renewal. 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 Employee Assistance Program to an outside treatment facility may be covered under the major medical plan (if elected) under the provisions of that plan.

11.5 **HIPAA PRIVACY AND SECURITY RULES.** San Juan County complies with Privacy and Security Rules as outlined in the Health Insurance Portability and Accountability Act (HIPAA). The **HIPAA Privacy Rule** gives an individual rights over how his or her health information may be used or disclosed and protects the unauthorized disclosure of certain medical information known as protected health information (PHI). Private health information relates to the physical or mental health condition of an individual at any time, past, present, or future. The **HIPAA Security Rule** provides guidance on security technologies and methodologies that render protected health information (PHI) unusable, unreadable, or indecipherable to unauthorized individuals.

Supervisors and employees should not share medical information about another employee. If an employee has questions about HIPAA, he or she may contact San Juan County's HIPAA Privacy Officer or the Benefits and Compensation Manager who is located in the Human Resources Department. Or, an employee may reference the benefits website on the County intranet to read the Health Insurance Portability and Accountability Act Notice.

12 MISCELLANEOUS BENEFITS

12.1 **DENTAL INSURANCE.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, and unclassified employee, 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 **LIFE INSURANCE.** Each full-time regular, full-time trial period, part-time regular, and unclassified employee, Elected Official, and their 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 currently provided without charge in the amount of $25,000 coverage for the employee and $5,000 coverage for the spouse and each child. The Board of County Commissioners may increase or decrease the amount of insurance provided at its sole discretion. If the employee does not participate in the County's group medical plan, the employee may

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purchase the $25,000 coverage through payroll deduction, but spouse and children coverage are 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.

12.3 **WORKERS' COMPENSATION PROGRAM.** Each employee is covered by 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 work -related injury will not receive his or her regular pay or salary during the first full week of disability. An employee may utilize sick leave or vacation leave during this "waiting week" and will be required to contribute the regular Medical Plan premium through payroll deduction, but will not be responsible for the County's portion of the premium when sick leave or vacation is utilized during the waiting week. The injured worker shall be compensated weekly indemnity benefits at the rate of sixty-six and two-thirds of his/her pre-injury average weekly wage for the 'waiting week' period if the injured worker is unable to work for more than four (4) weeks from the date of disability. (52-1-40 NMSA 1978). The waiting week check will be issued following four (4) full weeks of disability. Any Sick Leave and/or Vacation time used for the waiting week will not be returned to the injured worker.

Compensation for work-related injuries 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 his/her pre-injury job, as outlined in the pre-injury job description, within six (6) consecutive 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.

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An employee receiving workers' compensation payments shall not receive holiday pay in addition to workers' compensation. Employees may utilize sick and vacation hours to make up the difference between actual pay and the workers' compensation benefit. An employee on workers' compensation is required to contact his or her supervisor to report any change in work status. Questions concerning workers' compensation should be directed to the County Risk Manager.

12.4 **SHORT-TERM DISABILITY PLAN.** Each full-time regular 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 currently provides a $200/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. The Board of County Commissioners may adjust the amount or term of the benefit from time to time. 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 **RETIREMENT BENEFITS.** Each eligible employee participates in the County's mandatory retirement program, administered by the Public Employees Retirement Association ("PERA"). Mandatory employee contributions to the plan are made by payroll deduction and forwarded to PERA. Details concerning eligibility and other details of the retirement program are set forth in the New Mexico Statutes Annotated and the publications of PERA, which are provided to the employee directly by PERA.

12.6 **EDUCATIONAL ASSISTANCE.** Educational assistance is the reimbursement 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.

12.6.1 **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.

12.6.2 **FUNDING.** Educational assistance will be determined by the availability of funds and limited to a maximum of $2,000.00 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:

- Job- or career-related: studies that are directly related to work performed by the employee.
- 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

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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 the 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.

12.6.3 **EDUCATIONAL LEAVE.** With the approval of the Department Head and the County Manager, 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 timecard 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.

12.6.4 **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.

12.6.5 **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.

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12.6.6 **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 not be eligible for reimbursement to the extent of such payment. 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 on a pro rata basis if he or she leaves the County voluntarily or is terminated within one year from the date of reimbursement.

12.7 **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.

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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 Manager.

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 Department).
- 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.

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

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

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

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

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

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.

12.7.1.3 **Coveralls** will be provided for all designated shop personnel, as per departmental policy. Designate employees shall be issued one pair of coveralls for each day in a normal workweek. 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

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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.

12.7.1.4 **Footwear Allowances** shall be provided to employees of San Juan County whose duties require the use of special footwear. A new employee will receive footwear on the first day of work, or as necessary to accommodate training schedules. After that, an annual footwear allowance will be paid in one payment on March 1 of each year. An employee must have received a footwear allowance prior to January 1 to be eligible. The County requires reimbursement of the footwear allowance by an employee who leaves employment sooner than 90 days. Reimbursement will be made as a deduction from final pay, first from compensation for accrued vacation and sick leave, and then from regular wages or salary. Footwear purchased must meet department requirements and standards. Failure to wear appropriate safety footwear may affect workers' compensation benefits in the event of an accident. Footwear allowances shall be provided only to designated employees of the following departments:

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

Sheriff's Office employees who receive a uniform allowance will receive their footwear allowance as part of their uniform process. Juvenile Services employees will no longer receive a footwear allowance. Employees are responsible for any damage done to footwear due to neglect.

The amount of the footwear allowance shall be established annually by the County Manager in consultation with Department Heads.

12.7.2 **RETURN OR REIMBURSEMENT OF UNIFORMS.** All designated employees shall sign a property checklist 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:

Period of Employment (from date of hire)	Percent of Cost To Be Reimbursed
0-30 days	100%
31-60 days	80%
61-90 days	60%

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12.7.3 **PERSONAL PROTECTIVE CLOTHING.** 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.

12.8 **FITNESS ACTIVITIES.** Prior to July 1 of each year, the County Manager shall establish such reimbursement program as is appropriate for the next twelve (12) months. The County Manager 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 completed by the employee's immediate supervisor and then reviewed and approved by the Department Head/Elected Official at the Department Head/Elected Official's discretion. The immediate supervisor will then present the performance evaluation to the employee.

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

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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 ON SUBORDINATE 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.

13.4 **EFFECT ON DEPARTMENT HEAD/ELECTED OFFICIAL OF FAILURE TO EVALUATE.** The Human Resources Department shall quarterly notify the County Manager of failure of Department Heads/Elected Officials to evaluate subordinates.

14 COMPENSATION

14.1 **COMPENSATION SYSTEM.** San Juan County utilizes a "step" and grade 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. Funding for increases must be authorized by the Board of County Commissioners.

14.1.1 **ASSIGNMENT TO PAY.** 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 grade or grades 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.

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14.1.3 **COST-OF-LIVING ADJUSTMENT.** Cost-of-living adjustments may be made by the Board of County Commissioners. Merit increases will take precedence over cost-of-living adjustments to avoid salary compaction.

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 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 **TEMPORARY 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 **STIPEND FOR PERFORMANCE OF ADDITIONAL DUTIES.** Employees may be paid an additional stipend for performance of duties beyond those normally associated with their position. The stipend must be approved by the County Manager and shall not be a part of the employee's base pay and is not subject to inclusion for overtime. The stipend will end when the employee stops performing additional duties. An employee holding a Construction Industries license who assigns that license to the County shall be entitled to additional pay. Merely suspending a Construction Industries license shall not entitle that employee to additional pay.

14.1.7 **ON-CALL AND STANDBY PAY.**

14.1.7.1. **POLICY**. Hourly/non-exempt employees who are required to be on-call or on standby outside regularly scheduled hours shall be compensated as provided by FLSA. Emergency response employees are not covered by this policy. No additional compensation shall be paid to salaried/exempt employees who are called back to work.

14.1.7.2. **DEFINITIONS.**

ON-CALL EMPLOYEE. An hourly/non-exempt employee who is required to be available to respond to calls and emergencies, but who, on his or her time off from work is free to use the time as he or she pleases, is considered an on-call employee. These employees are required to be response ready for

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calls for service. The employee will provide a means of communication by which the employee may be reached. Response time shall be determined by the department and approved by the County Manager. These employees are not entitled to additional wages or an overtime premium by virtue of being on call or waiting to be paged or called to work. When an on-call employee is called into service, that employee's time on the job shall be compensated as provided in FLSA. These employees will be compensated for a minimum of two hours of time for every call out, beginning from the time they leave their residences until their service is complete. An employee who is able to respond from home will be compensated in 15-minute increments. Time shall be compensated at one and one-half times (1 ½) for actual hours worked in excess of forty (40) hours for regular employees.

EMERGENCY/STANDBY EMPLOYEE. An individual required to standby his or her post ready for duty and whose time is controlled by the Supervisor is considered an employee on standby. An employee on standby is not able to use this time for the employee's own purposes and move about freely. Such periods of time are usually short periods and those occurrences are not predictable. This time is compensated one and one-half times (1 ½) for actual hours worked or required to standby in excess of forty (40) hours in a workweek for a regular employee.

14.1.8 **MAINTENANCE OF THE COMPENSATION SYSTEM.** The Human Resources Department shall be responsible for the continuous maintenance and administration of the Compensation System. The Chief Human Resources Officer will make periodic recommendations to the County Manager. All pay will be in compliance with State and federal compensation laws.

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 grade/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. Overtime shall not be paid for attendance at social events unless directed to attend by the Department Head with the concurrence of the County Manager. During a holiday week, compensatory time may only be earned for hours actually worked in excess of 40. With Commission approval, the Sheriff's Office and the Fire Department may adopt a schedule requiring work of over 80 hours per pay period without overtime, consistent with the Fair Labor Standards Act.

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 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 an event at McGee Park during a County-observed holiday or on the weekend closest to 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 or the weekend closest to the 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 workweek 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.

14.3.3 **OVERTIME – HOURLY EMPLOYEES – SHERIFF'S OFFICE.** Any Sheriff's Office employee whose regular work schedule requires the employee to take the day of a County-observed holiday off who works a designated special security event during the same holiday workweek shall be paid at a rate of one and one-half times the employee's 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 on the holiday itself. The hours described in this paragraph shall not be comped.

Example: A Sheriff's Office Civil Division deputy does not normally work on Labor Day (a County-observed holiday) but receives payment for a 40-hour workweek consisting of 32 hours of regular pay plus 8 hours of holiday pay. This year, however, the employee agrees to work four hours during that holiday workweek at a designated special security event. The employee will receive additional overtime pay for the four hours worked during the holiday week at a rate of one and one-half times the employee's regular hourly rate.

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Deputies whose regular work schedule requires them to work a full 40 hours during a holiday week are also paid at one and one-half times their regular hourly rate for any hours over their regular 40 hours, to include designated special security events.

This provision may not allow for overtime rate pay when an employee has utilized vacation time, compensatory time, or sick leave during the holiday workweek, to include supplementing the 8-hour holiday pay with 2 hours of vacation time or compensatory time to make a 10-hour day.

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. During a holiday week, compensatory time may only be earned for hours actually worked in excess of 40. 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, he or she shall be paid for accrued compensatory time at the rate of the previously held position at the time of reclassification. Part-time temporary employees are ineligible for compensatory time. Questions concerning compensatory time should be directed to the Human Resources Department.

14.5 **OVERTIME/COMPENSATORY TIME – SALARIED EMPLOYEES.** Salaried employees who work more than 40 hours per week shall not be entitled to overtime or compensatory time. However, with the approval of a supervisor and the County Manager, a salaried employee who works on a scheduled day off or who can demonstrate significant hours in excess of forty (40) hours per week may be granted Administrative Leave with Pay by the supervisor.

14.6 **PAY PERIODS, PAY, AND TIMEKEEPING**

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

14.6.2 **PAY.** All employees are required to receive pay electronically, either by direct deposit or pay card. Pay will be issued every other Thursday at a time and place determined by the Department Head/Elected Official. If a holiday falls on

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Thursday, pay will be issued on Wednesday. In the event of an error in the amount of payment, no correction will occur until the following pay period, if the error was caused by the employee. If the error was not caused by the employee, payment will be issued as soon as reasonably possible. Employee reimbursements will be paid via the next scheduled payroll payment date. Advances will be paid according to the current travel policy. Employees must utilize the employee self-service portal to access accrual balances, pay stubs, and W-2's (if applicable). Employees must notify the Human Resources Department or the Finance Department of any change in bank account information.

14.6.3. **TIME REPORTING.** Time reporting will be done electronically via timeclocks and/or desktop entry or approved mobile app. Hourly employees are expected to clock in/out daily to include any personal leave, including lunch.

14.6.4 **ACCURACY OF TIME REPORTING.** It is the responsibility of each employee to accurately record the daily time spent on the job performing assigned duties. Each employee and supervisor must certify the accuracy of all time recorded. If the employee makes any corrections or modifications to the time reporting, the employee and the supervisor must certify the accuracy of the changes. Modifications to time reporting may be made to one previous pay period only.

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 Safety and Compliance 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 the Safety & Compliance Manager, in written form, each unsafe working practice or hazardous condition which he or she observes so that the problem can be immediately corrected.

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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 Safety and Compliance 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 Safety and Compliance 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 Safety and Compliance 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 Safety and Compliance 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 shall result in drug and alcohol testing. If neither the Risk Manager nor the Safety and Compliance 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. In the event a County employee operating a County vehicle, or a County employee operating a personal vehicle while on County business, is involved in a motor vehicle crash and is cited as the responsible party for the crash, regardless of cost of property damage, that employee shall surrender to a post-accident drug/alcohol screening.

15.8 **ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT.** When an accident occurs that raises the possibility of defective equipment, the employee should immediately

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attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the Safety and Compliance 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 wellbeing 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, including electronic cigarettes.

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. Under federal law, the County cannot recognize medical marijuana use.

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

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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 Driver's 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 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 or operators of commercial motor vehicles and/or holders of the CDL license are also governed by the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, attached as Appendix B.

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. Holders of CDL licenses shall be tested pursuant to the procedures contained in the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles. Reasonable suspicion exists when one's experience and training indicate that a given person may be 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 **CONSEQUENCES OF REFUSING TO SUBMIT TO DRUG OR ALCOHOL TESTING.** Refusal by any employee to submit to drug or alcohol testing shall be grounds for termination.

17.3.4 **PROCEDURE FOR TESTING BASED ON REASONABLE SUSPICION FOR NON-CDL HOLDERS.**

Note: The following procedure shall be followed for Non-CDL holders. CDL Holders shall be tested as described in Appendix A, the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles.

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17.3.4.1 **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 or Safety and Compliance Manager shall then together directly observe the employee's behavior and document any irregularities. The County Manager may designate other positions to confirm the behavior, but these individuals must be trained in recognition. If a test is ordered, each observer must document the specific indicators observed, within twenty-four (24) hours.

17.3.4.2 **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.

17.3.4.3 **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 Safety and Compliance 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.

17.3.4.4 **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.

17.3.4.5 **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.

17.35 CONSEQUENCES OF A POSITIVE TEST

17.3.5.1 **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.

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17.3.5.2 **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, compensatory 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.

17.3.5.3 **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.

17.3.5.4 **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.

17.3.5.5 **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.

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17.3.5.6 **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.

17.3.5.7 **REGION II 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 Region II 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/DWI'S**

17.6.1 **PERSONS CONVICTED OF DUI/DWI 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 after the date of conviction, subject only to the exception below (San Juan County Resolution 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;

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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. (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 or driving privileges have been restored pursuant to Section 17.6.2 above. (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. 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 or display of photos or pin-ups of nude or scantily clad individuals.

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.

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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 Manager, 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.

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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 way.

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 Manager, 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 Manager, as appropriate. The Equal Employment Opportunity Officer shall coordinate the County's response to special compliance reviews or investigations.

20 COMPUTER, INTERNET, AND E-MAIL USE

The County's computer equipment, software, operating systems, storage media, network accounts, electronic mail, voice mail, and Internet browsing are business tools provided to assist employees in the performance of their jobs. The messages sent and received, and the data stored on these systems are County property. Consequently, employees should not expect privacy. All messages created, sent, or retrieved over e-mail or the Internet should be considered public information. The County reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

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20.1 **PROHIBITED ACTIVITIES.** The following activities are strictly prohibited while utilizing San Juan County-owned resources:

- Anything prohibited by law.
- Activities that would subject the County or the individual to criminal, civil, or administrative liability.
- Harassing, insulting, or attacking others (cyber-bullying). Harassment by e-mail and the Internet is just as illegal as other forms of harassment.
- Sending or displaying intimidating, hostile, offensive, or hate-related material (including racial or sexual comments or jokes).
- Using obscene language or intentionally accessing or possessing sexually explicit or pornographic material.
- Using the County's equipment or network for non-County related purposes such as personal, religious, or commercial ventures.
- Using County resources to provide unauthorized, non-work related services (i.e., research, map printing) to another individual or entity.
- Creating or forwarding chain letters.
- Using the network for non-County related bandwidth-intensive activities such as network games and the downloading or streaming of music or video files or serving as a host for such activities.
- Participating in forums, chat rooms, or exchanges except to conduct official San Juan County business, or to gain technical or analytical advice.
- Installing or distributing "pirated' or other software that is not appropriately licensed for use by San Juan County.
- Using County equipment or Internet service to download entertainment software, games, screen savers, coupon downloaders/sharing software, registry cleaners, system accelerator or optimizer software, or any internet toolbar that causes unnecessary bandwidth consumption.
- Downloading and installing anti-spyware or anti-virus software that is not supported by the IS Department.
- Sharing of any passwords or authorization codes.
- Using proxy accounts is prohibited and may result in discipline up to and including termination.

20.2 **AUTHORIZATION REQUIRED.** The following activities require authorization from the appropriate Elected Official, Department Head, County Executive Office, and/or the Information Systems Administrator:

- Sending an e-mail message to "All Users."
- Granting access of San Juan County computer resources to non-County personnel.
- Downloading or installing personal, properly licensed software requires authorization from both the Elected Official/Department Head and the Information Systems Administrator.

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20.3 **E-MAIL AND INTERNET USE.** As a general rule, it is expected that all employees will use common sense and sound judgment when utilizing the e-mail system and the Internet. Users should respect the rights and sensitivities of recipients and *potential* recipients or viewers and should ensure that all e-mail messages and Internet usage reflect the professional image that San Juan County wishes to portray. E-mail signature lines cannot be altered and must contain the disclosure that has been approved by the Legal Department. An individual employee's e-mail signature may not contain any type of slogan. Departmental mottos and logos are permitted.

San Juan County has software and systems in place to monitor e-mail and Internet usage. Users should be aware that e-mail messages and Internet usage cannot be considered private and will be monitored. Employees must be aware that all messages, whether sent, received, or stored, are subject to review by San Juan County as directed by the Chief Human Resources Officer and the County Manager. Such messages also may be subject to disclosure to outside third parties, including the court system, law enforcement agencies, and the public. Deleted messages can be retrieved. **Employees should not send any e-mail messages or visit Internet sites they would not want to have seen by persons other than the intended recipients and/or would want to remain private.**

20.4 **SOCIAL MEDIA.** It is prohibited to use social media to post or display comments about the County, coworkers, or supervisors that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's policies against discrimination, harassment, or hostility based on age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic or a violation of HIPAA to disclose confidential information

20.5 **MISCELLANEOUS.** For security purposes, employees should keep passwords confidential and log off or lock their workstation when it is left unattended. Due to the limited amount of storage space available, employees should maintain the size of their own e-mail accounts by deleting or archiving unnecessary messages and maintain the size of their "My Documents" folders by deleting unnecessary files.

The County permits limited personal use of equipment and resources by employees, provided such use does not include activities prohibited by any part of this policy, reduce the productivity of the employee or co-workers, or use an excessive amount of County resources.

Modification to any County computer device is strictly prohibited. Only USB devices that have been approved by the Information Systems Administrator shall be used with County equipment.
This Computer, Internet, and E-mail Use Policy is not intended to limit an employee's rights under any applicable federal, state, or local law, including those rights under the National Labor Relations Act, to engage in protected concerted

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activities with other employees to improve or discuss conditions of employment, such as wages, working conditions, or benefits.

21 CELLULAR PHONE USE

21.1 **NO EXPECTATION OF PRIVACY.** Employees who are issued a County cell phone or receive a reimbursement for use of their personal cell phone should not expect privacy with the phone. All content created, sent, or retrieved should be considered public information. The County reserves the right to access and monitor all messages and files on the phone as deemed necessary and appropriate. All communications, including text, images, and applications can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver.

21.2 **PERSONAL USE OF COUNTY-PROVIDED COMMUNICATION DEVICES.** Where job or business needs demand immediate access to an employee, a department may authorize issuance of a business cell phone, and/or two-way radio for work-related communications. Call summary reports (i.e. number of minutes used) are distributed to supervisors on a periodic basis and are to be reviewed for reasonableness. Employees shall reimburse the County for any overage charges related to personal calls. The call detail records generated from assigned cell phones are considered records of the County and may, on occasion, be subject to internal and outside audits by the County and/or official agencies and are subject to public inspection.

21.3 **RETURN OF COUNTY-PROVIDED COMMUNICATION DEVICES.** Employees in possession of County equipment (e.g. cellular phones, pagers, radios, etc.) are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, the employee will be required to return the equipment. Employees unable to present the equipment in good working condition will bear the cost of repair or replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss. Any outstanding debt may be deducted from the employee's final pay. Department Heads shall be responsible for maintaining an inventory of all cell phones or other devices issued and shall be responsible for obtaining the return.

21.4 **PERSONAL CELLULAR PHONES.** While at work, employees are expected to exercise discretion in using personal cell phones. Personal calls during the work hours, regardless of the phone used, can interfere with employee productivity, safety, and may be distracting to others. Employees are encouraged to make personal calls during breaks and lunch and to ensure that friends and family members are aware of the County's policy. The County will not be liable for the loss of personal cell phones brought into the workplace. Cell phones may not be

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used to harass, intimidate, or threaten any other person. Employees are prohibited from using their cell phones in any illegal or illicit manner.

21.5 **STATE AND LOCAL LAWS.** Employees shall comply with all state and local laws regarding cell phone usage.

22 ADA/ADAAA POLICY

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws which require that reasonable accommodations be provided for employees who have medical conditions that necessitate such accommodation to enable them to perform their essential job functions. Accommodations are individually developed on a case-by-case basis.

No employee is perceived or assumed to be in need of an accommodation. It is the responsibility of the employee who needs accommodation to notify the Human Resources Department of such need, fill out a Documentation of Disability form, and cooperate in exploring whether a reasonable accommodation is possible, and if so, what the accommodation will be. San Juan County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless: a) doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or b) the accommodation creates an undue hardship (significant difficulty or expense) to the County. Not all requested accommodations may be reasonable or even possible. The accommodation process may require the input of the employee's health care provider. Use of a service animal is considered an accommodation. In the event that a request for accommodation is denied, an appeal may be made to the County Manager within fifteen (15) days of the date of denial.

23 PETS AND SERVICE ANIMALS

San Juan County prohibits bringing a pet into County buildings and premises, with the exception of Americans with Disabilities Act (ADA) service animals, qualified assistance animals as defined in the New Mexico Assistance Animal Act, and pets at San Juan County parks during non-working hours. Employees requesting accommodation for a disability that includes a service animal must contact the Human Resources Department and complete a Documentation of Disability form. All service animals must be registered with the Department. The Department has a list of requirements of service animals and their owners.

Owners of disruptive and aggressive service animals may be asked to remove them from County facilities.

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24 DISCIPLINE AND DISCIPLINARY TERMINATION

24.1 **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 24.4 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.

24.2 **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.

24.3 **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.**

24.3.1 **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.

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24.3.2 **VERBAL WARNING.** A verbal warning is generally used for minor offenses or to correct minor faults in an employee's performance. The employee should be advised during the verbal warning that any further problem may result in additional disciplinary action up to and including termination.

24.3.3 **FIRST WRITTEN REPRIMAND.** 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, 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.

24.3.4 **SECOND WRITTEN REPRIMAND.** The same process applies as in 24.3.3; 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.

24.3.5 **PROCEDURES.** All written disciplinary action shall be taken only with the direct involvement of the Human Resources Department except to the extent that it is not practical to do so. All warnings will be delivered by the direct supervisor, Department Head, Deputy Department Head, or Human Resources Department as circumstances require. The County Manager may modify this policy as deemed appropriate under the circumstances.

24.3.6 **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.

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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 preliminary hearing is continued by the employee, the employee may be placed on unpaid leave or offered alternative assignment at the discretion of the County. Failure to accept alternative assignment shall result in being placed on unpaid leave. Leave without pay shall be governed by Section 10.7 of this Employment Handbook. 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 Manager, be placed on leave without pay until the case is resolved.

During unpaid leave, an employee shall not accrue any of the benefits described in this Employee Handbook, including any type of leave or holiday pay. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, health insurance, or benefit program during unpaid leave. Donated leave shall not be available.

24.3.6.1 **DURATION OF SUSPENSION.** The duration of the suspension depends on the conduct which led to the suspension. A suspension for up to two (2) 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.

24.3.7 **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.

24.3.8 **DISMISSAL OF TRIAL PERIOD EMPLOYEES.** A trial period employee may be dismissed without cause and shall not be entitled to utilize the disciplinary process. However, a trial period employee must be given the basis of the termination.

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24.3.9 **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.

24.4 **GROUNDS FOR DISCIPLINARY ACTION.** Listed below are some, but not all, of the activities which are considered grounds for the severest of disciplinary action. 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 employee so convicted has not been sufficiently rehabilitated to warrant the public trust.
17. Job abandonment—unauthorized absence from work for two (2) consecutive work shifts will be considered abandonment of the job.
18. Excessive unexcused absences.
19. Abandonment of post if in a safety-sensitive position.
20. Conduct or behavior which impairs morale or interferes with the work effectiveness of employees.
21. Knowingly providing false information to a supervisor in the course of an investigation.

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22. Failure to comply with the County's Vehicle Use Policy, Computer Use Policy, Purchasing Card Policy, Travel Policy, On-Call Policy or any other policy adopted by the Board of County Commissioners.
23. Disclosure of personal health information and/or personal protected information as prohibited in the County's HIPAA Privacy and Security Policies and Procedures.
24. Clocking in or out for another employee.
25. Conduct or behavior unbecoming a County employee.
26. Refusal to submit to drug or alcohol testing.
27. Failure to disclose family or dating relationship.

24.5 **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.

24.6 **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.

24.6.1 **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. An employee earning wages as of the receipt of the *Notice* shall be placed on Administrative Leave with Pay until the final decision is made. An employee already on Administrative Leave without Pay shall remain on Administrative Leave without Pay.

24.6.2 **PRE-TERMINATION HEARING**

24.6.2.1 **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.

24.6.2.2 **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

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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.

24.6.3 **FINAL DECISION ON TERMINATION.** The final decision on termination following the pre-termination hearing shall be made in writing and delivered to the employee.

24.6.4 **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.

25 GRIEVANCES

25.1 **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.

25.2 **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.

25.3 **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.

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(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. The response shall be mailed to the employee and copied to the Human Resources Department.

(e) **Request for Hearing.** If an employee desires a hearing be conducted, a written request must be submitted to the Human Resources Department within ten (10) working days of receipt of the response.

(f) **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 Legal Department 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.*

26 VOLUNTARY TERMINATION

26.1 **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.

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26.2 **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.

26.3 **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.

26.4 **RE-EMPLOYMENT.** In the event that an employee voluntarily leaves employment with the County and is re-employed within thirty (30) days, his or her previous years of service with the County shall be reinstated for accrual purposes.

26.5 **TRANSFER.** Any classified employee is eligible to compete for regular, full-time positions within the County.

26.6 **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.

27 INVOLUNTARY TERMINATION WITHOUT CAUSE

27.1 **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 after a plan is submitted to the County Manager and approved by the Board of County Commissioners.

27.2 **FURLOUGH.** A furlough is mandatory time off from work without pay for an employee or employees as a result of shortage of work or shortage of funds. A furlough may be ordered only by the Board of County Commissioners after a plan is submitted by the County Manager and approved by the Board of County Commissioners.

27.3 **ABOLISHMENT OF POSITION.** The County Manager 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

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position is reestablished, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment.

28 POST-EMPLOYMENT MATTERS

28.1 **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. A personal email address must be furnished by the employee, if not already provided. The employee will be asked to return all County property in his or her possession.

28.2 **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 the Act. Consult the Human Resources Department for details on eligibility and benefits.

28.3 **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.

28.3.1 **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 (3) 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 2,080. The total amount of sick leave which may be reimbursed upon termination shall not exceed 347 hours.

28.3.2 **AMOUNT OF COMPENSATION – ACCRUED VACATION.** Upon death, retirement, or termination of employment, each full-time regular, part-time regular, trial period, and unclassified employee shall be compensated for accrued vacation up to 320 hours through the last day of work or the start of the first pay period following July 1, whichever comes first. Vacation accruing prior to January 6, 2013 and the first 320 hours of accrued vacation hours shall be

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paid at the employee's base rate as outlined in Section 28.3.1. Any post January 6, 2013 vacation in excess of 320 hours shall be forfeited. Hours in excess of 320 which accrue before July 1 of any year may be used and are subject to buy back but shall not be paid at termination.

28.4 **FINAL PAY.** 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. Regular wages or salary will be issued on the Thursday that is the regularly scheduled pay date. Final pay, including any accrual balances, will be paid the next day. Any employee reimbursements due the County will be deducted from final payment (voluntary and involuntary) up to legal limits.

29 EFFECTIVE DATE

This San Juan County Employee Handbook shall be effective July 1, 2020.

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