

**SAN JUAN COUNTY, NEW MEXICO
NOTICE OF INTENT TO AMEND AND RESTATE
COUNTY ORDINANCE NO. 34
AND NOTICE OF PUBLIC HEARING**

Notice is hereby given of the title and of a general summary of the subject matter contained in an Ordinance proposed to be amended, restated, and approved by the Board of County Commissioners of San Juan County, New Mexico, on July 1, 2025, relating to the rights and responsibilities of employees of San Juan County, conditions of employment, transfer and layoff procedures, discipline and termination, and grievances. Complete copies of the proposed Ordinance are available for public inspection during normal and regular business hours at the San Juan County Legal Department, 100 S. Oliver Drive, Aztec, New Mexico. The proposed Ordinance may also be viewed on the County's website at www.sjcounty.net.

The title and a general summary of the proposed Ordinance are as follows:

**SAN JUAN COUNTY ORDINANCE NO. 34
SAN JUAN COUNTY EMPLOYEE HANDBOOK**

**AN ORDINANCE GOVERNING THE RIGHTS AND RESPONSIBILITIES OF
EMPLOYEES OF SAN JUAN COUNTY; PROVIDING FOR CONDITIONS OF
EMPLOYMENT WITH SAN JUAN COUNTY; PROVIDING FOR TRANSFER AND
LAYOFF PROCEDURES; PROVIDING PROCEDURES AND GROUNDS FOR
DISCIPLINE AND TERMINATION; PROVIDING FOR A PROCEDURE TO ADDRESS
EMPLOYEE GRIEVANCES.**

Notice is hereby given that a public hearing will be held at the hour of 4:00 p.m. on July 1, 2025, at the San Juan County Commission Chambers, County Administration Building, 100 S. Oliver Drive, Aztec, New Mexico, for the purpose of allowing comment either for or against the adoption of the above-described Ordinance.

**BOARD OF COUNTY COMMISSIONERS OF
SAN JUAN COUNTY, NEW MEXICO**

By: _____

Terri Fortner, Chair

ATTEST: _____

Alyssa Kuhn, County Clerk

**SAN JUAN COUNTY EMPLOYEE HANDBOOK
SUMMARY OF PROPOSED CHANGES
2025**

4.7 TRIAL PERIOD. “The trial period shall commence when the employee begins County employment, **or is promoted or transferred.**” “Any significant absence during the trial period shall automatically extend the trial period by the length of the absence **and a PIP will not be required in this instance.**”

5.9 RESPONSIBILITY FOR COUNTY PROPERTY. “The cost of **repairing—or** replacing property or equipment not returned **within four (4) days of the last day at the end** of employment or **the cost of repairing property or equipment** damaged by negligent or intentional acts of an hourly employee may be deducted from the employee’s net pay provided the employee has been notified of such deduction, has signed a written authorization for the deduction, and the deduction will not reduce the employee’s pay below minimum wage or overtime pay that is due. **Return of property or equipment after four (4) days of the end of employment will not cancel the deduction from processing nor will a refund be given to the employee.**”

5.14 IMPROPER FRATERNIZATION OR DATING. Added: “**Any sleeping quarters provided for employee use shall only be occupied at any time by the person(s) officially assigned to the specific bunk room or dormitory room. An employee who enters a bunk room or dormitory room for any reason that is not assigned at that time to that employee is subject to disciplinary action.**”

5.17 CRIMINAL ACTIVITY. “Employees have an affirmative duty to report to Human Resources any conviction of a **drug related offense that occurred in the workplace and any conviction of a** felony that is adjudicated after employment begins.”

8.7.2.6 ELIGIBILITY FOR DONATED LEAVE. “While an employee is off work on donated leave, sick time and vacation time **and—personal—days** shall not accrue. **Employee’s annual Personal Day will accrue at the beginning of the calendar year, but if the employee continues to be off work using donated leave, the accrued personal day will automatically be used on the employee’s behalf before any additional donated leave may be used.**”

10.1.1 DEFINITION OF PERSONAL LEAVE DAY. “A personal leave day is defined as an eight-hour day for full-time **hourly** employees, a four-hour day for part-time **hourly** employees, **and as defined in section 5.1.2 for exempt employees.**”

10.9 FAMILY AND MEDICAL LEAVE. “Employees requesting family and medical leave **may be are** required to **have a Certification of Healthcare Provider Form completed by their provide-a-statement-from-a** health care provider concerning the need for such 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. While on designated approved unpaid family and medical leave, the County will continue to pay the employer’s portion of previously elected benefits. The employee will be sent a letter requesting payment for the employee portion of previously elected benefits that would have been deducted from the employee’s pay had the employee been working. To maintain benefits, the employee must pay their portion of the premiums promptly. The employee may request to drop coverage through the life event process if they are unable to pay the regular premiums. If premiums lapse more than 30 days, coverage will be cancelled due to non-payment and the next opportunity to re-enroll will be during the next open enrollment period or another life event. Leave benefits, such as vacation, sick leave, or personal days, do not accrue during unpaid family and medical leave.”~~

12.1.2 WORKER’S COMPENSATION LEAVE. ~~“For any full pay period that an injured worker is on approved work comp leave the County will pay 100% of the employee’s group insurance contributions while the injured worker is on approved work comp leave.”~~

12.3.1 ELIGIBILITY FOR EDUCATIONAL ASSISTANCE. ~~“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, unless directed by Department Head or Elected Official to take the course. If directing an employee to take a course, the Department Head or Elected Official shall document such direction in a written memo to the Finance Department.”~~

12.4.1.4 FOOTWEAR ALLOWANCES. ~~“Footwear purchased must meet department requirements and standards and may include separate insole inserts so long as the total cost of the footwear and inserts does not exceed the total allowance amount.”~~

12.4.2 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 not returned within four (4) days of the last day of employment, if terminated (voluntarily or involuntarily) before a 90-day probationary period. Return of a uniform after four (4) days of the end of employment, will not cancel the deduction from processing nor will a refund be given to the employee.”~~

13.2.1 DATE OF EVALUATION. ~~“When a performance review is initiated, it will occur on or about the employee’s anniversary date which is one (1) year from date of hire, transfer, or promotion. Each employee on trial status, either as a new hire or following a transfer or promotion, will may receive a performance evaluation at or near the conclusion of the trial period and again at the conclusion of any extension of the trial period. Additionally, any trial period employee 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.”

14 COMPENSATION. (Due to the recent adoption of the new pay structure, significant changes were required to this section. The entire section has been reorganized and new items added while still keeping parts that are not inconsistent with the new structure. Below is the clean version of the newly proposed Section 14.1 through 14.3, no substantive changes were made to the remainder of section 14.)

14.1 COMPENSATION PHILOSOPHY AND SYSTEM. San Juan County recognizes the vital role its employees play in carrying out its stated mission to serve the community. The County’s compensation program is designed to attract and retain quality staff through competitive market-based salaries, recognize and reward individual employee performance and operate within the financial resources of the organization. The County applies principles of fairness and equity to all employees.

San Juan County utilizes a market-based compensation system. Under this system, a salary range is adopted for each position within the San Juan County structure. The range establishes a minimum, midpoint, and maximum for each position. The minimum represents the lowest rate to be paid for a position assigned to the grade range. The midpoint represents the external, market-value for the position. The maximum represents the highest rate to be paid for a position assigned to the grade. Funding for increases must be authorized by the Board of County Commissioners.

14.1.1 MAINTENANCE OF THE COMPENSATION SYSTEM. The Human Resources Department shall be responsible for the continuous maintenance and administration of the Compensation System. The Human Resources Department will periodically engage in salary structure assessments to ensure the midpoints continue to reflect competitive market-going rates. The salary structure may be adjusted at the discretion of the Board of County Commissioners as the result of a labor market study and/or a cost-of-living assessment. A single job may be reassigned to another grade when market aligns with a higher grade in the salary structure, as determined by the Human Resources Department. The Chief Human Resources Officer will recommend any structural changes to the County Manager. Funding for increases for new positions, reclassifications, or any other changes that impact the budget must be authorized by the Board of County Commissioners. All pay will be in compliance with State and federal compensation laws.

14.1.2 NEW HIRE SALARY PLACEMENT. The hiring Department Head or Elected Official will work with the Human Resources Department to determine starting salaries for new hires based on the salary range of the position’s assigned grade, available budget, the new hire’s job-related qualifications exceeding the minimum qualifications of the position, and equity between similarly qualified

employees performing comparable work. New hires will not be paid at a rate less than minimum or greater than maximum of the position's assigned salary range.

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. The County Salary Structure may be adjusted with the cost-of-living adjustments to ensure ongoing competitiveness in the labor market.

14.1.4 MERIT INCREASES. The County seeks to recognize individual employee performance through merit-based compensation increases. 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. Merit increases are dependent on available funds, designated and approved by the Board of County Commissioners. The increase in wage or salary shall be effective as of the employee's anniversary date. A lower salary increase may be permitted where an employee has not met performance expectations. All wage or salary reviews shall be documented and submitted to the Human Resources Department for processing. A merit increase should not result in pay greater than maximum of the position's assigned salary grade.

14.1.5 APPLICATION OF THE COMPENSATION SYSTEM TO EMPLOYEES AT OR ABOVE MAXIMUM. Each employee whose rate of pay equals or exceeds the maximum permissible within the assigned salary range 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.

14.2 JOB DESCRIPTIONS. Job descriptions serve to support effective recruitment, salary administration, employee development and performance management. Job descriptions guide supervisors in effectively communicating job requirements and expectations to employees. Employees are required to read, understand and uphold the requirements outlined in the job description for their assigned position. An employee may be called upon to perform additional duties and responsibilities as assigned not written in the job description. Job descriptions may be re-evaluated from time to time by Department Heads and Elected Officials in collaboration with the CHRO. If substantial changes occur within a job description, the position may be reviewed to ensure the job remains within the appropriate salary grade.

14.2.1 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.

- 14.2.2 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. 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.

14.3 TRANSFER, PROMOTION, AND RECLASSIFICATION

- 14.3.1 TRANSFER.** Any classified employee is eligible to compete for regular, full-time or part-time positions within the County. Upon submission of an application for a new position, a background investigation may be conducted. In the event an employee accepts a new position within the County, the employee shall begin a new trial period upon starting the new position.

- 14.3.2 PROMOTION.** San Juan County encourages growth and development as an important means of recognizing and retaining talented employees. A promotion consists of an increase in duties and an increase in pay for the employee. To be considered for promotion, an employee must meet the minimum qualification requirements of the new position and must demonstrate satisfactory performance in their current position. 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.

Upon promotion, the employee's salary will be evaluated based on the salary range assigned to the new position and the individual's job-related qualifications exceeding the minimum qualifications of the new position. Additionally, consideration should be given to equity between similarly qualified employees in the same title and to budgetary constraints. The new salary will be determined in collaboration between the supervisor and the Human Resources Department with final approval by the County Manager.

- 14.3.3 RECLASSIFICATION.** Reclassification of a position consists of a change in title and/or job description, but not both an increase in pay and increase in duties. A reclassification is done primarily for the County's benefit. If an employee's job is reclassified, the employee will not begin a new trial period. If pay is adjusted based

on a reclassification, equity between similarly qualified employees performing comparable work will be considered in determining the new rate of pay.

14.6.4 ACCURACY OF TIME REPORTING. Added: "FLSA shift employees assigned to the Fire and Rescue Department may be eligible for shift swaps and such time will be reported as determined by department policy."

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, manufacture, dispense, or be under the influence of alcohol or drugs while on the job. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences."

17.3.1 RANDOM TESTING. A safety-sensitive position is one in which performance by a person under the influence of drugs or alcohol would constitute an immediate or direct threat of injury or death to that person or another. ~~an employee operates equipment that is potentially dangerous to other employees or citizens of the County, or one in which an employee has access to or carries a firearm.~~ Non-CDL positions that are designated as safety sensitive by the County will be identified as such in the job description for those positions.

17.3.2 POST ACCIDENT TESTING. Added: "Any worker's compensation benefits resulting from an accident may be reduced if the employee's intoxication level contributed to the injury. Refusal to submit to testing or intentional delay of post-accident testing may result in a complete denial of worker's compensation benefits. Employees subject to post accident testing may request a second test of the original sample within twelve (12) months of the original test at the employee's expense."

26.5 TRANSFER.

26.6 PROMOTION.

26.7 RECLASSIFICATION.

These paragraphs have been moved to the Compensation section. See 14.3.