

SANTA FE COUNTY

Resolution No. 2000-110

1801779

Resolution No. 2000- 110

A resolution Adopting the Santa Fe County Human Resource Rules and Regulations, Replacing Resolution No. 1992-12

WHEREAS, Santa Fe County Ordinance #1991-16 establishes the authority of the Board of County Commissioners to adopt, by resolution, personnel rules, regulations, and/or a manual which defines the employment relationship between the County of Santa Fe and its employees, and

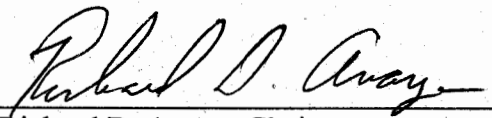
WHEREAS, by Santa Fe County Resolution 1992-12, the Board of County Commissioners adopted the Santa Fe County Personnel Rules and Regulations, effective February, 1992, and

WHEREAS, it is deemed necessary to repeal the 1992 Rules and Regulations and adopt a revised Human Resource Management Rules and Regulations in order to up-date the manual.


NOW THEREFORE, BE IT RESOLVED BY THE Santa Fe Board of County Commissioners that the revised Human Resource Management Rules and Regulations be adopted by the passing of this Resolution and implemented on September 9, 2000.

PASSED, APPROVED AND ADOPTED THIS 29th day of August, 2000.

BOARD OF COUNTY COMMISSIONERS

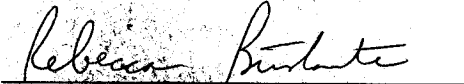

Richard D. Anaya, Chairman

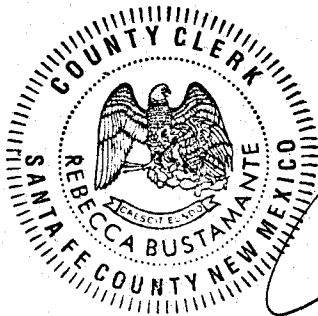
Approved as to Form:


Office of the County Attorney

1801780

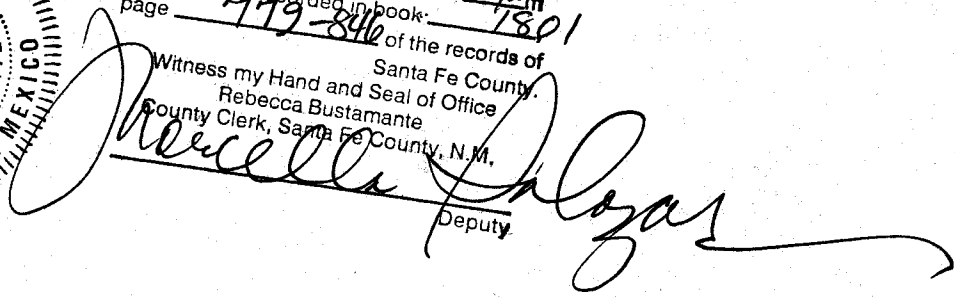
ATTEST:


Rebecca Bustamante, County Clerk



1127 922
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 30 day of Aug, A.D.
20 00, at 2:22 o'clock P.m.
and was duly recorded in book 7801
page 479-846 of the records of

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

SANTA FE COUNTY



1801781

HUMAN RESOURCE MANAGEMENT

Rules and Regulations

September 9, 2000

**Human Resources Office
102 Grant Avenue
Post Office Box 276
Santa Fe, New Mexico 87504**

TABLE OF CONTENTS

1801782

FOREWARD

RULE 1 GENERAL PROVISIONS/HUMAN RESOURCES

1.1	Statutory Authority	1
1.2	Purpose	1
1.3	Coverage	1
1.4	Equal Employment Opportunity Policy	1
1.5	Administration of Rules and Regulations	1
1.6	Duties of County Department Directors and Elected Officials	1
1.7	Chain of Command	2
1.8	Collective Bargaining Agreements	2
1.9	Employee Knowledge of Rules and Regulations	2
1.10	Human Resources	2
1.11	Contents of Human Resource File	2
1.12	Maintenance of Human Resource Files	3
1.13	Human Resource File Review	3

RULE 2 DEFINITIONS

2.1	Administrative Leave With Pay	4
2.2	Administrative Leave Without Pay	4
2.3	Anniversary Date	4
2.4	Annual Leave	4
2.5	Appeal	4
2.6	Applicant	4
2.7	Board	4
2.8	Bona Fide Occupational Qualification (BFOQ)	4
2.9	Break in Employment	4
2.10	Certified List of Eligibles	4
2.11	Classification Plan	4
2.12	Classification Reduction	4
2.13	Classified Employee	5
2.14	Classified Position	5
2.15	Compensatory Time	5
2.16	Contract Personnel	5
2.17	County	5
2.18	County Business	5
2.19	Demotion	5
2.20	Department Director	5
2.21	Director	5
2.22	Disciplinary Hearing	5
2.23	Dismissal	6
2.24	Due Process	6
2.25	Elected Official	6
2.26	Employee	6
2.27	Exempt Employees	6
2.28	Full-time Employee	6
2.29	Grievance	6
2.30	Hearing Officer	6
2.31	Immediate Family	6
2.32	Just Cause	6

1801783

2.33	Layoff	6
2.34	Medical Disability Termination	6
2.35	Nepotism	7
2.36	Nonexempt Employee	7
2.37	Part-time Employee	7
2.38	Performance Evaluation	7
2.39	Pre-Disciplinary Hearing	7
2.40	Premium Pay	7
2.41	Probationary Employee	7
2.42	Promotions	7
2.43	Retirement	7
2.44	Severance Pay	8
2.45	Sick Leave	8
2.46	Sick Leave Misuse	8
2.47	Suspension	8
2.48	Terminable-at-Will	8
2.49	Transfer	8
2.50	Unclassified Employee	8
2.51	Volunteer	8
2.52	Work Week	8

RULE 3 EMPLOYMENT STATUS

3.1	Unclassified Appointments (Appointed and Exempt) Employees	9
3.2	Classified Appointments/Probation	9
3.3	Term Appointments	10
3.4	Temporary Appointments	10

RULE 4 RECRUITMENT AND SELECTION

4.1	Purpose	11
4.2	Recruitment and Posting Procedure	11
4.3	Filing of Applications	11
4.4	Rejection of Applications	11
4.5	Selection	12
4.6	Employment Reference Checks	12
4.7	Physical Examinations and Drug Testing	12
4.8	Ineligibility for Hire and Rehire	13
4.9	Testing	13
4.10	Human Immunodeficiency Virus-related (AIDS) Test	13

RULE 5 CHANGES IN EMPLOYMENT STATUS

5.1	Eligibility for Promotion	14
5.2	Temporary Promotion	14
5.3	Classification Reduction	14
5.4	Transfer	14
5.5	Resignation	15
5.6	Furlough	15
5.7	Reduction in Force	15
5.8	Return from Reduction in Force	16
5.9	Re-employment	17
5.10	Medical Disability Termination	17

RULE 6	GENERAL WORKING CONDITIONS	
6.1	Immigration Act Compliance	18
6.2	PERA Benefits	18
6.3	Insurance Benefits	18
6.4	Political Activities	18
6.5	Nepotism	20
6.6	Conflicts	21
6.7	Confidential Information	21
RULE 7	EMPLOYEE DISCIPLINE	
7.1	Basis for Employee Discipline	22
7.2	Disciplinary Action	22
RULE 8	GRIEVANCE AND APPEAL PROCESS	
8.1	Formal Grievance Process	25
8.2	Pre-Disciplinary Grievance Hearing	25
8.3	Disciplinary Hearing/Appeals to the Hearing Officer	26
8.4	Initiation of Appeal	27
8.5	Consolidation and Joinder	27
8.6	Pre-Hearing Conference	27
8.7	Discovery	28
8.8	Motions	28
8.9	Subpoenas	28
8.10	Sanctions	28
8.11	Disciplinary Hearing Procedures	29
8.12	Procedures For Grieving Working Conditions/Work Related Problems	31
RULE 9	PAY PLAN/COMPENSATION	
9.1	Purpose	32
9.2	Pay System	32
9.3	Adoption	32
9.4	Assignment of Salary Ranges	32
9.5	Salary Range Changes	32
9.6	Salary Schedule	32
9.7	Administration of the Salary Schedule	33
9.8	Pay Differentials	34
9.9	Overtime Compensation	34
9.10	Call-Back Pay	35
9.11	On-Call Time	35
9.12	Holiday Pay	36
9.13	Pay Periods	36
9.14	Final Pay Check	36
9.15	Timesheets	36
9.16	Paycheck Authorization	37
9.17	Hours of Work	37
9.18	Per Diem and Mileage	37
9.19	Breaks	37

RULE 10	LEAVE	
10.1	Authorized Leave	38
10.2	Unauthorized Leave	38
10.3	Holidays	38
10.4	Personal Leave Day	38
10.5	Annual Leave	38
10.6	Donation of Annual Leave	40
10.7	Sick Leave	40
10.8	Sick Leave Authorization	41
10.9	Medical Certification/Physician's Certificate	41
10.10	Sick Leave Sell-Back	41
10.11	Bereavement Leave	41
10.12	Administrative Leave With Pay	41
10.13	Tuition Assistance	42
10.14	Occupational Injury Time/Workers Compensation	43
10.15	Civic Duty Leave	45
10.16	Military Leave for Reserve or National Guard Duties	45
10.17	Leave for Inclement Weather	46
10.18	Leave Without Pay	46
10.19	Family and Medical Leave	47
10.20	Mentorship/Volunteer Leave	47
RULE 11	PERFORMANCE EVALUATIONS	
11.1	Probationary Period for New Hire	49
11.2	Performance Evaluation	49
RULE 12	ALCOHOL AND DRUG TESTING	
12.1	Commitment	51
12.2	Illegal Use of Drugs or Alcohol	51
12.3	Refusal to Submit to Alcohol or Drug Testing	52
12.4	Positive Results of Alcohol and Drug Testing	52
12.5	Confidentiality	53
RULE 13	SEXUAL HARASSMENT/WORKPLACE VIOLENCE	
13.1	Prohibition of Sexual Harassment	54
13.2	Policy Regarding Sexual Harassment	54
13.3	Sexual Harassment Complaint Procedure	54
13.4	Prohibition of Violence in the Workplace	55
13.5	Policy Regarding Violence in the Workplace	55
13.6	Violence in the Workplace Procedures	55
RULE 14	MISCELLANEOUS	
14.1	Gratuities	56
14.2	Designated Work Areas	56
14.3	Personal Business	56
14.4	Safety	56
14.5	County Property	56
14.6	County Vehicles	56
14.7	Dress and Appearance	56
14.8	Solicitation	57
14.9	Internet, E-Mail and Phone Use	57
14.10	Department/Office Standard Operating Procedures	57

RULE 1: GENERAL PROVISIONS/HUMAN RESOURCES

1801786

1.1 Statutory Authority

Pursuant to NMSA 1978, Section 3-13-4, and Santa Fe County Ordinance 1991-16, the following Human Resource Rules and Regulations were adopted by the Board of County Commissioners by Resolution No. 2000- on August 29, 2000, with an effective date of September 9, 2000. The Human Resource Rules and Regulations in effect prior to September 9, 2000, and all amendments thereto are hereby superceded.

There shall be no resolution or action of the Board of County Commissioners or other County Officials, which is inconsistent with these Rules and Regulations, except by amendment of these Rules and Regulations as required by law. The Board of County Commissioners may revise these Rules and Regulations, as necessary.

These Rules and Regulations may be supplemented by interpretive memoranda and supervisory and/or employee training.

1.2 Purpose

The purpose of these Rules and Regulations is to establish consistent policies and procedures concerning employment relations between Santa Fe County and it's employees. The County subscribes to the merit system of human resource administration and will adhere to standard merit system standards and practices.

1.3 Coverage

The Santa Fe County Human Resource Rules and Regulations:

1. Cover all classified employees;
2. Cover unclassified employees with the exception of the provisions regarding merit and grievances of disciplinary actions;
3. Do not cover officials elected by popular vote or appointed to fill vacancies in elective offices;
4. Do not cover individuals who contract independently with the County, as they are not employees.

1.4 Equal Employment Opportunity Policy

Individuals will not be discriminated against on the basis of race, age, religion, sexual orientation, color, national origin, ancestry, gender, physical or mental disability, or medical condition in consideration for employment, promotions, transfers, duration of employment, compensation terms, conditions, or privileges of employment by Santa Fe County.

1.5 Administration of Rules and Regulations

The County Manager shall be responsible for administration of the human resource management system. The Director shall administer all Human Resource activities regarding the Rules and Regulations and it's amendments, and all future approved human resource policies and operating procedures. The Director shall recommend to the Board any necessary amendments or revisions to the Human Resource Rules and Regulations.

1.6 Duties of County Manager, Department Directors and Elected Officials

The County Manager, Department Directors and Elected Officials shall adhere to the provisions of the Human Resource Rules and Regulations.

1801787

1.7 Chain of Command

The County will utilize the chain of command concept.

- A. It is required that an employee address concerns first with their immediate supervisor.
- B. If the concern cannot be handled at this level, the employee may request a meeting with the next level supervisor up to the Department Director/Elected Official.
- C. If it becomes necessary to pursue the issue beyond the Department Director/Elected Official level, the next appropriate step will be a meeting with the Director.
- D. If the Director cannot resolve the issue, a meeting with the County Manager may be requested as the last step in the chain of command.

1.8 Collective Bargaining Agreements (CBA)

CBA's which contradict a rule in these Rules and Regulations shall supercede the rule.

1.9 Employee Knowledge of Rules and Regulations

The Human Resource office will provide a copy of the human resource rules & regulations to current employees and to all new employees with instructions to read and know all provisions of these rules and regulations.

1.10 Human Resources

- A. All human resource actions are contingent upon approval of the County Manager.
- B. All human resource actions affecting salaries or hourly rates of employees must have an effective date starting at the beginning of a payperiod.

1.11 Contents of Human Resource File

Subsequent to hiring, a separate human resource file shall be prepared and maintained in the Human Resource office for each employee. This shall be the official employee human resource file. It is the responsibility of each Department Director/Elected Official to complete and return official human resource documents as required. The file shall contain the following records;

- A. The original application form.
- B. The originating human resource action showing occupation, position classification, date of beginning employment and salary.
- C. Copies of human resource action forms.
- D. Copies of all performance evaluations.
- E. Copies of all favorable or unfavorable letters or memorandums, letters or certificates of appreciation or records of other outstanding achievements regardless of origination.
- F. Records or certificates of completion for educational training, seminars and condition of employment forms.

- G. Records of disciplinary actions such as; written reprimands, suspensions, demotions, or terminations.
- H. Public Employees Retirement Association (PERA) forms.
- I. Other related actions/forms concerning payroll deductions.

1.12 Maintenance of Human Resource Files

The above records shall be maintained by the Director, and shall be the sole property of the County. For the purpose of inspection of public records, the following material shall be regarded as confidential: records and documentation pertaining to physical or mental examinations and medical treatment of persons, including those confined to any institution; records and documentation maintained for purposes of the Americans with Disabilities Act, letters of reference concerning employment, licensing, or permits; records and documentation containing matters of opinion; documents concerning infractions and disciplinary actions; performance appraisals; opinions as to whether a person should be re-employed; college transcripts; military discharge, if other than honorable; information on the race, color, religion, gender, ethnicity, political affiliation, age, and disability of employees; and laboratory reports or test results regarding drug/alcohol testing. Physical access to an employee's records shall be in the control of the Director. An employee's records may be reviewed by the employee, all those persons in the employee's chain of command, the Department Director/Elected Official of the department to which an employee may be transferred, the County Manager and the County Attorney. If an employee wishes someone other than those authorized to have access to the employee's file, he must request so in writing.

1.13 Human Resource File Review

Employees and Department Directors/Elected Officials are encouraged to review human resource files annually, giving two (2) hours notice to the Director to make the file(s) available.

RULE 2: DEFINITIONS

- 2.1 Administrative Leave with Pay**
Leave with pay granted at the discretion of the County Manager. May also be granted by the Board through resolution.
- 2.2 Administrative Leave Without Pay**
Leave without pay may be granted by a Department Director/Elected Official. Requests for leave without pay longer than ten (10) working days require County Manager approval.
- 2.3 Anniversary Date**
A day, twelve (12) months from an employee's appointment to their current job classification.
- 2.4 Annual Leave**
Leave with pay granted to a classified or unclassified employee (excluding temporary employees), after accrual, to be used by an employee at the employee's discretion, with approval of the employee's supervisor.
- 2.5 Appeal**
Written request that a decision of a formal grievance be reconsidered at a further stage in the grievance procedure.
- 2.6 Applicant**
Any person, including an employee, who has made formal application on an official County employment application form for a position in the County.
- 2.7 Board**
The Santa Fe County Board of County Commissioners.
- 2.8 Bona Fide Occupational Qualification (BFOQ)**
A qualification reasonably related to the satisfactory performance of the duties of a job, and for which there is a factual basis for believing that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety or efficiency.
- 2.9 Break in Employment**
A period of separation from the County payroll of at least one day.
- 2.10 Certified List of Eligibles**
A list of applicant names certified by the Human Resource office from which a candidate may be selected for employment.
- 2.11 Classification Plan**
A means of appropriately classifying all County positions.
- 2.12 Classification Reduction**
Voluntary reduction in classification, without prejudice, from one classified position to another classified position with a lower salary range. There may be a reduction in pay.

2.13 Classified Employee

A full or part-time employee in a classified position who has completed the probationary period, who shall be disciplined only for just cause, and who is entitled to all the rights and benefits of the Santa Fe County Human Resource Rules and Regulations. A classified employee must be specifically designated as such on a Human Resource Action Form, which will be made part of the employee's human resource file.

2.14 Classified Position

A position for which there is a job description, a set salary range, and is subject to recruitment, selection and employment action procedures based on merit as outlined in the Human Resource Rules and Regulations. A classified position is not temporary or unclassified.

2.15 Compensatory Time

Leave hours granted in lieu of overtime pay to a nonexempt employee as defined by the Fair Labor Standards Act. Payment is made on the basis of one and one-half (1 1/2) hours compensatory time for each hour of overtime worked in excess of forty (40) hours in one workweek. In the case of employees who qualify under the Fair Labor Standards Act (FLSA) Section 7K exemption, payment is made on the basis of one and one-half (1 1/2) hours compensatory time for each hour of overtime worked in excess of one hundred and twelve hours (112) hours in a work period. Employees exempt from FLSA may also be granted compensatory time at the discretion of the County Manager.

2.16 Contract Personnel

Contract personnel are independent contractors. An independent contract position is a position in which the individual retained must enter into a written agreement with the County which determines the conditions under which the individual will work, and which is executed in accordance with the State of New Mexico Procurement Code. All independent contractors will serve in accordance with the terms of their contract. An independent contractor is not an employee of the County.

2.17 County

Santa Fe County.

2.18 County Business

The performance of any and all duties required of a given County position.

2.19 Demotion

Involuntary classification reduction for disciplinary reasons to a position in a lower classification, for which the employee qualifies, with a reduction in pay.

2.20 Department Director

The head of an administrative department who has the responsibility for supervising and administering a department of County government as determined and designated by the Board.

2.21 Director

Santa Fe County Human Resource Director.

2.22 Disciplinary Hearing

A formal hearing conducted by a third-party hearing officer at the request of an employee who is grieving a suspension or demotion, or a former employee who is grieving a dismissal, held after the grievant's completion of the administrative grievance procedure as set forth in this Human Resource Rules and Regulations.

- 2.23 Dismissal**
Involuntary separation from employment for disciplinary reasons.
- 2.24 Due Process**
The administrative rights granted to a full-time or part-time classified employee who has completed the probationary period, to pre- and post- disciplinary hearings, for actions of suspension, demotion, or dismissal.
- 2.25 Elected Official**
An individual elected by popular vote or appointed to fill a vacancy in elective office charged with fulfilling the statutory duties of the office.
- 2.26 Employee**
Any person, excluding Elected Officials, holding an authorized position with the County, including classified, unclassified, term and temporary appointments.
- 2.27 Exempt Employees**
All executive, administrative, and professional employees as those terms are defined in the Department of Labor regulations relating to the Fair Labor Standards Act and whose compensation is based on a fixed annual salary.
- 2.28 Full-time Employee**
Any position with a work schedule of at least forty (40) hours per week.
- 2.29 Grievance**
A formal complaint by an employee who believes that due to unfair treatment, which violates the Human Resource Rules and Regulations regarding personnel matters, property rights have been affected.
- 2.30 Hearing Officer**
The third party that is charged with the responsibility of hearing and deciding post-disciplinary action matters of demotion, suspension and dismissal.
- 2.31 Immediate Family**
Spouses, children, parents, siblings, grandparents, grandchildren, like in-laws, and like step-relations are immediate family.
- 2.32 Just Cause**
Just cause includes, but is not limited to inefficiency, incompetence, misconduct, negligence, insubordination, absence without leave, continued unsatisfactory performance after employees have been given reasonable opportunity to correct it, falsifying official records and/or documents, failure to comply with drug testing policy, or conviction of a felony or misdemeanor as described in NMSA 1978, Section 28-2-1 es seq.
- 2.33 Layoff**
The involuntary separation of an employee from County employment without fault on the part of the employee, due to the abolition of a position, reorganization, lack of work, or lack of funds.
- 2.34 Medical Disability Termination**
The termination of an employee from County employment when the employee is unable to perform the essential functions of the position, due to a medical condition. Documentation of the condition from a licensed physician is required.

1801792

2.35 Nepotism

The hiring, promotion or supervision of an employee by a person who is related by blood or marriage to the employee, which includes; spouse, parent, mother-in-law, father-in-law, stepparent, children, son-in-law, daughter-in-law, stepchild, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild and great-grandparent.

2.36 Nonexempt Employees

All employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act. Nonexempt employees shall receive overtime pay or compensatory time off for actual hours worked in excess of forty (40) hours per workweek at a rate of one and a half times that of their regular hourly rate.

2.37 Part-time Employee

A position in which an employee works twenty (20) or more hours, but less than forty (40) hours per week. Part-time classified employees will receive benefits on a pro-rata basis.

2.38 Performance Evaluation

The written objective review made by the employee's supervisor of an employee's performance relating to the employee's assigned duties. Generally, performance evaluations are conducted on the employee's anniversary date.

2.39 Pre-Disciplinary Grievance Hearing

A hearing conducted by the Director before the imposition of the recommended disciplinary actions of suspension, demotion, or dismissal.

2.40 Premium Pay

Extra compensation provided by a premium rate of pay of at least time and one-half which is paid for work performed by an employee in excess of 40 hours actually worked, or 106 hours in a work period in the case of employees under the FLSA 7K exemption or when special conditions warrant such payments with prior approval of the County Manager.

2.41 Probationary Employee

A full-time or part-time employee hired to fill a classified position who has not yet completed the twelve (12) month probationary period of employment during which time the employee is terminable-at-will. A probationary employee accrues leave, receives employee benefits, but is not entitled to grieve human resource actions in the manner allowed for classified employees. An employee may be put on probationary status for up to six months, following reinstatement from a suspension, or following a demotion.

2.42 Promotions

Change to a position with a higher salary range.

2.43 Retirement

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

2.44 Severance Pay

Pay given to an employee upon separation from the County. The County Manager is the only employee eligible for severance pay and only through contractual agreement with the Board. Severance pay will be paid in strict accordance with the contract.

2.45 Sick Leave

Leave with pay granted to a classified or qualified unclassified employee, after accrual, when personal illness or quarantine keeps the employee from performing the duties of the position or when the employee must care for an immediate family member who is ill.

2.46 Sick Leave Misuse

A pattern of using sick leave for taking off work when there is no bona fide illness to excuse the employee. Employees misusing sick leave shall be disciplined, up to and including dismissal.

2.47 Suspension

A forced leave of absence without pay for disciplinary reasons.

2.48 Terminable-at-Will

A terminable-at-will employee is one who fills an unclassified position or is probationary in a classified position. The County Manager may terminate the employment relationship, with or without cause. A Department Director may recommend termination of an at-will employee to the County Manager. A terminable-at-will employee cannot grieve a disciplinary action. As per statute NMSA 1978,4-41-5, only the Sheriff may discharge the undersheriff and executive secretary in the Sheriff's Department who hold unclassified positions. All other Elected Officials may hire/dismiss the unclassified Deputy positions in their respective offices.

2.49 Transfer

The transfer of an employee from one department/office to another in a position with the same classification and/or a position with the same salary range without a break in employment.

2.50 Unclassified Employee

An employee who serves at the pleasure of the appointing authority, and who may be terminated at any time, with or without cause, by the appointing authority with the approval of the County Manager. County Manager approval is not required for termination of unclassified Deputy positions in Elected Officials' offices.

2.51 Volunteer

An individual who performs hours of service for a public entity for civic, charitable or humanitarian reasons without promise, expectation or receipt of compensation for services rendered. The individual may not be a volunteer for a public entity when the volunteer hours involve the same type of work which the individual is employed to perform for the same entity. Volunteers are expected to perform the hours of service in compliance with all policies regarding conduct established by the entity, such as sexual harassment, workplace violence, substance abuse, etc. Any misconduct shall be reason for suspension of volunteer status.

2.52 Work Week

A period of time which begins at 12:01 am Saturday, and ends at 12:00 midnight, the following Friday. The Director may approve alternative workweeks.

RULE 3: EMPLOYMENT STATUS

1801794

3.1 Unclassified Appointments

- A. The County Manager is appointed by and serves at the pleasure of the Board. The County Manager appoints/approves unclassified appointments, including Department Directors, with approval of the Board (with the exception of 3.1.B.).
- B. Each Elected Official appoints the unclassified Deputy positions for his/her respective office and recommends the salary for those employees to the Board for approval.

3.2 Classified Appointments/Probation

- A. A classified appointment is the employment of an applicant to a position recognized by the Human Resource office as a classified position.
- B. A probationary period of twelve (12) months is required of all employees, unless otherwise provided for by these Rules. The probationary period may be extended for up to ninety (90) days to continue to evaluate employees. Extending the probationary period longer than ninety (90) days requires approval of the County Manager.
- C. The probationary period includes all continuous employment in a classified or term position, regardless of classification.
- D. Continuous leave without pay taken during the probationary period exceeding thirty (30) calendar days shall extend the probationary period by the number of days of leave without pay that exceeds thirty (30) calendar days.
- E. The suspension, demotion or dismissal of a probationary employee is not grievable.
- F. Classified status begins the day following the end of the probationary period unless otherwise provided for by these Rules. A Human Resource Action Form changing the employee status must be submitted within ten working days of achieving classified status.
- G. The suspension, demotion, or dismissal of a classified status employee is grievable.
- H. An employee who fills a temporary position and is subsequently hired to fill a classified position shall serve the required probationary period. The beginning date of the probationary period is the date the employee changes from temporary to probationary status.
- I. A former Santa Fe County employee, who was separated from the County without prejudice, may be rehired within six (6) months of separation to their same position or position with a lesser pay range. They shall be credited with the continuous time in service immediately prior to separation toward the required probationary period. The employee must meet the minimum qualifications for the position, unless it is the same position the employee held immediately before separation, and may be hired without a list of eligibles.

3.3 Term Appointments

- A. A term appointment is the employment of an applicant in a position created for a special project or state or federally funded program that has a term longer than six (6) months.
- B. Employees in term status who complete the twelve (12) month probationary period required by Rule 3.2 shall have all of the rights and privileges of employees in classified status except that term appointments may be expired (if funding becomes unavailable) with at least fourteen calendar days written notice to the employee without the right to grieve.
- C. The expiration of a term appointment shall not be considered a lay-off within the meaning of the Rule 5.7 or a dismissal within the meaning of Rule 7.2.

3.4 Temporary Appointments

Temporary appointments will be made for services needed on a temporary or seasonal basis. A classified position may be filled with a temporary appointment due to a temporary absence of an employee or other circumstance. Temporary employment will not exceed a six (6) month period. Temporary employees are terminable-at-will, do not accrue leave, do not receive employee benefits, nor do they receive paid legal holidays.

RULE 4: RECRUITMENT AND SELECTION

1801796

4.1 Purpose

Santa Fe County strives to recruit and select the best-qualified applicants for all positions in an open and competitive manner and to insure an equal employment opportunity for all applicants and employees. Any qualified applicant shall have the opportunity to compete for available positions without regard to race, color, religion, national origin, ancestry, gender, age, sexual orientation, mental or physical disability, or medical condition unless based on a bona-fide occupational qualification.

4.2 Recruitment and Posting Procedure

- A. Whenever filling a classified position, the Department Director/Elected Official will submit a completed Request to Advertise form to the Human Resource office. The Director will post the opening internally and may post/advertise externally.
- B. Exceptions to posting shall include; when a current employee assumes the duties of a higher classification on a temporary basis, when the County transfers an employee into an existing vacancy, which is in the best interest of the County, or when a current certified list of eligibles for a given classification exists.

4.3 Filing of Applications

Applications for employment, that meet the following criteria, shall be accepted in the Human Resource office during normal business hours for recruitments only.

- 1. Applications must be submitted on the employment application form provided by the County. Resumes will not be accepted in lieu of the application.
- 2. Applications must include all necessary transcripts, licenses, certifications and if applicable, proof of identification and right to work in accordance with the law.
- 3. Applications shall be signed and dated by the applicant or a legally authorized representative. By signing applications, applicants certify that all statements are true and correct.
- 4. Applications must be received by the Human Resource office within the prescribed recruitment time frame.

4.4 Rejection of Applications

- A. The Director shall reject an application if:
 - 1. the applicant fails to comply with Rule 4.3;
 - 2. the applicant fails to meet the required minimum qualifications as stated in the recruitment announcement and classification specification;

3. the applicant has been convicted of a felony or a misdemeanor and the provisions of the Criminal Offender Employment Act[&28-21 to 28-2-6 (Repl. Pamp. 19910] permit such rejection.
4. the applicant has made any false statement or produced any false document in support of the application; or
5. the applicant has directly or indirectly given, paid, offered, solicited, or accepted any money or other valuable consideration or secured or furnished any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the County.

4.5 Selection

- A. The Human Resource office will compile a certified list of eligibles consisting of qualified applicants. The certified list of eligibles shall be valid for the specified classification for a period of ninety (90) days.
- B. Except for temporary appointments, appointments to classified positions shall be made only from a list of eligibles unless otherwise specified in these rules. Pre-selection for a classified position is strictly prohibited.
- C. First consideration will be given to applicants that are current County employees or former County employees who have been laid off within the previous six (6) months and who meet the minimum qualifications
- D. Within fourteen (14) calendar days of a selection from a certified list of eligibles, departments shall notify the applicants not selected for the position.
- E. Final recommendation for hire shall be made by the Department Director/Elected Official to the County Manager for approval.

4.6 Employment Reference Checks

- A. References provided by the applicant may be checked by the departments.
- B. Applicants for certain positions will be required to sign a written authorization for the County to check references and perform background investigations as a condition of employment.

4.7 Physical Examinations and Drug/Alcohol Screening

- A. Applicants offered positions shall be required to undergo and pass pre-employment physical examinations, and a drug/alcohol screening. Law Enforcement/Fire Personnel shall be required to also pass additional testing requirements.
- B. Failure to pass pre-employment screenings as defined in Rule 4.7 A., shall be grounds for rescinding the offer of employment.
- C. All pre-employment testing will be paid for by the County.
- D. Exempt unclassified employees may also be screened.

4.8 Ineligibility for Hire and Rehire

An applicant may be considered ineligible for hire or rehire by Santa Fe County if the applicant has:

- A. knowingly made any false statement or omission on the employment application;
- B. not met the requirements of the position;
- C. failed pre-employment examinations or screenings or other requirements as directed by the County, within the last thirty (30) days;
- D. not met the criteria for bonding insurance as required by County or State law;
- E. been dismissed from County employment as a result of disciplinary action;
- F. not been certified by a physician that the applicant can perform the physical requirements or essential requirements of the position.

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

4.9 Testing

The County may require an applicant to submit to testing for certain bona-fide occupational qualifications to determine employment eligibility. Examinations shall be confined to those matters which test the candidate's knowledge, skill and ability for the position and which are directly job-related and which fairly, validly, and reliably test the capacity and fitness of the applicant to successfully discharge the duties of the position for which the examination is administered. Examinations may be written, oral, physical, performance tests, assessment center, in-basket, rating of training/experience or any other appropriate selection device. No test shall be administered by a department to a candidate for employment without approval of the Director.

4.10 Human Immunodeficiency Virus-related (AIDS) Test

The County shall not require an applicant or employee to take the human immunodeficiency virus-related (AIDS) test or disclose the results of same test as a condition of employment, promotion or continued employment unless the absence of human immunodeficiency virus infection is a bona fide occupational qualification for the job in question. The County adheres to the provisions of the Human Immunodeficiency Virus Test Act NMSA 1978, Section 24-2B-1 to 24-2B-8.

RULE 5: CHANGES IN EMPLOYMENT STATUS**5.1 Eligibility for Promotion**

An employee is eligible for a promotion at any time during employment with the County. Employees must apply and meet minimum qualifications for the posted vacant position in order to be considered.

5.2 Temporary Promotion

Employees may be temporarily promoted for a period not to exceed six (6) months to a vacant position for which they meet the minimum qualifications and shall be paid in accordance with the provisions of Rule 9.7G. At the end of the temporary promotion period, employees shall return to their former class without the right of appeal and shall be paid in accordance with the provision of Rule 9.7G.

5.3 Classification Reduction

- A. Employees may voluntarily request a classification reduction to a classification with a lower salary range than their current classification from a Department Director/Elected Official.
- B. Employees must meet the minimum qualifications for the classification requested.
- C. The pay of employees taking a voluntary classification reduction may be reduced.

5.4 Transfer**A. General Transfer**

- 1. Employees may be transferred from one position to another of the same range either voluntarily or involuntarily, if it is in the best interest of the County.
- 2. Involuntary transfers are not grievable.

B. Medical Transfer

- 1. An employee who has been certified by a licensed physician as being physically unable to perform the duties of the employee's current position may be transferred to an available position in which the physician certifies the employee is able to work, and for which the employee is qualified.
- 2. If no such position is available, the employee is subject to leave without pay for up to six months.
- 3. If during the six-month period the employee refuses to accept a vacant position for which they are qualified, the employee may be terminated from County employment.

1801800

5.5 Resignation

- A. An employee voluntarily resigning shall submit, in writing, at least a two week notice of resignation.
- B. Failure to provide written two-week notice of resignation may be grounds for refusal of future employment with the County.
- C. The Department Director/Elected Official may waive the two (2) week requirement.
- D. Unauthorized absence from work for a period of three (3) consecutive regularly scheduled working days may be considered a voluntary resignation.

5.6 Furlough

- A. A furlough is the temporary placement of an employee in a modified-duty, modified-pay condition for lack of work or funds. The modified-duty, modified-pay condition may be part or full-time.
- B. In the event of the need for a furlough, the County Manager shall submit a plan to the Board for approval to implement the furlough. The County Manager may approve such plans if an emergency exists and there is insufficient time for the Board to consider such plans.
- C. Employees shall be given at least fourteen (14) calendar days written notice of furlough, unless the time limit is waived by the County Manager in emergency situations.
- D. Employees shall be furloughed in the same order as provided in Rule 5.7.
- E. Employees shall be returned from furlough in the reverse order in which they were furloughed.

5.7 Reduction-In-Force

- A. The County Manager may lay off employees only for deletion of positions, shortage of work or funds, or other reasons that do not reflect discredit on the services of the employees.
- B. The County Manager will identify the organizational units for purposes of layoff and submit a written plan to the Board. The Board shall consider such proposals and the needs of the County and may recognize organizational units within the County. Such organizational units may be recognized on the basis of geographic area, function, classification, funding source, or other factors deemed appropriate by the Board. The County Manager must define the classification(s) affected within the organizational unit.
- C. The order of layoff due to reduction in force shall be by service date which is based upon performance appraisals and employment date under the following formula:
 - 1. The employment date is the date on which an employee's current continuous employment with the County began.
 - 2. An employee's performance appraisal of record on the date of notice of a reduction in force shall determine entitlement to additional service credit. Such

1801801

a performance appraisal must have been on file for at least ninety (90) calendar days. If there is no performance appraisal on file, it shall be assumed that the employee's performance is satisfactory.

- a. An employee, who has an excellent rating, or its equivalent, shall have four years of service added to the employee's creditable service.
 - b. An employee who has a rating between satisfactory, or its equivalent, and excellent shall have two years of service added to the employee's creditable service.
3. In the event of a tie, the Director shall determine an appropriate mechanism for breaking the tie.
- D. No probationary employee or employee in classified status shall be laid off while there are temporary employees in the same classification in the same organizational unit.
- E. Probationers shall be laid off in reverse order of service date and then employees in classified status by reverse order of service date.
- F. Employees shall be given at least fourteen (14) calendar days written notice of layoff.
- G. Return to work subsequent to layoff shall be accomplished in accordance with the provisions of Rule 5.8.
- H. Termination because of a reduction-in-force is not grievable.

5.8 Return from Reduction in Force

- A. Former employees who were in classified status at the time of separation by a reduction in force shall be returned to work in order of highest service date calculations as determined by Rule 5.7, if a position becomes available within six months of the former employee's separation. The position must be the same position, one formerly held, or one in the same or lower salary range the former employee qualifies for and has made application for.
1. Offers of employment shall be made in writing and in an alternative format when requested and hand-delivered, relayed or mailed by certified mail with receipt confirmed to the last address provided by the former employee.
 2. A former employee who is offered and accepts employment after layoff shall occupy the position within fourteen (14) calendar days of accepting the offer of employment or forfeit the right to employment.
 3. Any former employee who refuses an offer of employment or fails to respond to an offer of employment within fourteen (14) calendar days shall be removed from the certified list of eligibles maintained for the purposes of rehire.
- B. Former employees who were terminated by a reduction in force and are not returned to work in accordance with the provisions of Rule 5.8 shall have re-employment rights as provided in Rule 5.9.
- C. The pay of employees returned to work in accordance with the provision of Rule 5.8 shall be governed by the provisions of Rule 5.9.

- D. Former employees returned to work according to the provisions of Rule 5.9 shall have that period of time they were laid off counted as time in the classified status, and shall be reinstated into a classified status.

5.9 Re-employment

- A. Former employees in a classified status who separated from county employment, without prejudice, may be re-employed within six (6) months from the date of separation unless otherwise authorized by these Rules.
- B. Any employee who separates from the county to enter the United States Armed Forces, National Guard, or an organized reserve unit may be re-employed in accordance with the provisions of 38 U.S.C. &2021 and NMSA 1978, &&28-15-1 to 28-15-3 (Repl. Pamp. 1991).
- C. Lay-Off Return Privileges
1. Any classified employee who is laid off and returns within six (6) months of layoff, shall not have to serve a probationary period if the employee returns to the employee's previous position.
 2. A laid-off returning employee will be credited for all unused sick leave remaining at the time of layoff if the employee returns within the six (6) month period. Layoff privileges end:
 - a. six (6) months after the effective layoff date;
 - b. after an employee has refused employment in a position for which the employee is qualified and/or for which the pay rate is the same or higher than the position previously held; or
 - c. when a laid-off employee accepts another position with the County. A laid-off employee accepting another position with the County shall serve the required probationary period.

5.10 Medical Disability Termination

- A. Employees shall be involuntarily terminated no earlier than six (6) months from the last day of work after a qualified, licensed physician certifies that the employee is physically unable to perform the essential duties of the employee's position.
- B. During this six (6) month period, the employee may be placed on medical leave without pay status.
- C. If the employee has not returned to work after the six (6) month period, the position may be filled and the employee may be terminated.
- D. The provisions of this rule, are subject to the provisions regarding Workers' Compensation, found in Rule 10.13.

RULE 5: CHANGES IN EMPLOYMENT STATUS**5.1 Eligibility for Promotion**

An employee is eligible for a promotion at any time during employment with the County. Employees must apply and meet minimum qualifications for the posted vacant position in order to be considered.

5.2 Temporary Promotion

Employees may be temporarily promoted for a period not to exceed six (6) months to a vacant position for which they meet the minimum qualifications and shall be paid in accordance with the provisions of Rule 9.7G. At the end of the temporary promotion period, employees shall return to their former class without the right of appeal and shall be paid in accordance with the provision of Rule 9.7G.

5.3 Classification Reduction

- A. Employees may voluntarily request a classification reduction to a classification with a lower salary range than their current classification from a Department Director/Elected Official.
- B. Employees must meet the minimum qualifications for the classification requested.
- C. The pay of employees taking a voluntary classification reduction may be reduced.

5.4 Transfer**A. General Transfer**

- 1. Employees may be transferred from one position to another of the same range either voluntarily or involuntarily, if it is in the best interest of the County.
- 2. Involuntary transfers are not grievable.

B. Medical Transfer

- 1. An employee who has been certified by a licensed physician as being physically unable to perform the duties of the employee's current position may be transferred to an available position in which the physician certifies the employee is able to work, and for which the employee is qualified.
- 2. If no such position is available, the employee is subject to leave without pay for up to six months.
- 3. If during the six-month period the employee refuses to accept a vacant position for which they are qualified, the employee may be terminated from County employment.

5.5 Resignation

- A. An employee voluntarily resigning shall submit, in writing, at least a two week notice of resignation.
- B. Failure to provide written two-week notice of resignation may be grounds for refusal of future employment with the County.
- C. The Department Director/Elected Official may waive the two (2) week requirement.
- D. Unauthorized absence from work for a period of three (3) consecutive regularly scheduled working days may be considered a voluntary resignation.

5.6 Furlough

- A. A furlough is the temporary placement of an employee in a modified-duty, modified-pay condition for lack of work or funds. The modified-duty, modified-pay condition may be part or full-time.
- B. In the event of the need for a furlough, the County Manager shall submit a plan to the Board for approval to implement the furlough. The County Manager may approve such plans if an emergency exists and there is insufficient time for the Board to consider such plans.
- C. Employees shall be given at least fourteen (14) calendar days written notice of furlough, unless the time limit is waived by the County Manager in emergency situations.
- D. Employees shall be furloughed in the same order as provided in Rule 5.7.
- E. Employees shall be returned from furlough in the reverse order in which they were furloughed.

5.7 Reduction-In-Force

- A. The County Manager may lay off employees only for deletion of positions, shortage of work or funds, or other reasons that do not reflect discredit on the services of the employees.
- B. The County Manager will identify the organizational units for purposes of layoff and submit a written plan to the Board. The Board shall consider such proposals and the needs of the County and may recognize organizational units within the County. Such organizational units may be recognized on the basis of geographic area, function, classification, funding source, or other factors deemed appropriate by the Board. The County Manager must define the classification(s) affected within the organizational unit.
- C. The order of layoff due to reduction in force shall be by service date which is based upon performance appraisals and employment date under the following formula:
 - 1. The employment date is the date on which an employee's current continuous employment with the County began.
 - 2. An employee's performance appraisal of record on the date of notice of a reduction in force shall determine entitlement to additional service credit. Such

a performance appraisal must have been on file for at least ninety (90) calendar days. If there is no performance appraisal on file, it shall be assumed that the employee's performance is satisfactory.

- a. An employee, who has an excellent rating, or its equivalent, shall have four years of service added to the employee's creditable service.
 - b. An employee who has a rating between satisfactory, or its equivalent, and excellent shall have two years of service added to the employee's creditable service.
3. In the event of a tie, the Director shall determine an appropriate mechanism for breaking the tie.
- D. No probationary employee or employee in classified status shall be laid off while there are temporary employees in the same classification in the same organizational unit.
- E. Probationers shall be laid off in reverse order of service date and then employees in classified status by reverse order of service date.
- F. Employees shall be given at least fourteen (14) calendar days written notice of layoff.
- G. Return to work subsequent to layoff shall be accomplished in accordance with the provisions of Rule 5.8.
- H. Termination because of a reduction-in-force is not grievable.

5.8 Return from Reduction in Force

- A. Former employees who were in classified status at the time of separation by a reduction in force shall be returned to work in order of highest service date calculations as determined by Rule 5.7, if a position becomes available within six months of the former employee's separation. The position must be the same position, one formerly held, or one in the same or lower salary range the former employee qualifies for and has made application for.
- 1. Offers of employment shall be made in writing and in an alternative format when requested and hand-delivered, relayed or mailed by certified mail with receipt confirmed to the last address provided by the former employee.
 - 2. A former employee who is offered and accepts employment after layoff shall occupy the position within fourteen (14) calendar days of accepting the offer of employment or forfeit the right to employment.
 - 3. Any former employee who refuses an offer of employment or fails to respond to an offer of employment within fourteen (14) calendar days shall be removed from the certified list of eligibles maintained for the purposes of rehire.
- B. Former employees who were terminated by a reduction in force and are not returned to work in accordance with the provisions of Rule 5.8 shall have re-employment rights as provided in Rule 5.9.
- C. The pay of employees returned to work in accordance with the provision of Rule 5.8 shall be governed by the provisions of Rule 5.9.

- D. Former employees returned to work according to the provisions of Rule 5.9 shall have that period of time they were laid off counted as time in the classified status, and shall be reinstated into a classified status.

5.9 Re-employment

- A. Former employees in a classified status who separated from county employment, without prejudice, may be re-employed within six (6) months from the date of separation unless otherwise authorized by these Rules.
- B. Any employee who separates from the county to enter the United States Armed Forces, National Guard, or an organized reserve unit may be re-employed in accordance with the provisions of 38 U.S.C. &2021 and NMSA 1978, &&28-15-1 to 28-15-3 (Repl. Pamp. 1991).
- C. Lay-Off Return Privileges
1. Any classified employee who is laid off and returns within six (6) months of layoff, shall not have to serve a probationary period if the employee returns to the employee's previous position.
 2. A laid-off returning employee will be credited for all unused sick leave remaining at the time of layoff if the employee returns within the six (6) month period. Layoff privileges end:
 - a. six (6) months after the effective layoff date;
 - b. after an employee has refused employment in a position for which the employee is qualified and/or for which the pay rate is the same or higher than the position previously held; or
 - c. when a laid-off employee accepts another position with the County. A laid-off employee accepting another position with the County shall serve the required probationary period.

5.10 Medical Disability Termination

- A. Employees shall be involuntarily terminated no earlier than six (6) months from the last day of work after a qualified, licensed physician certifies that the employee is physically unable to perform the essential duties of the employee's position.
- B. During this six (6) month period, the employee may be placed on medical leave without pay status.
- C. If the employee has not returned to work after the six (6) month period, the position may be filled and the employee may be terminated.
- D. The provisions of this rule, are subject to the provisions regarding Workers' Compensation, found in Rule 10.13.

RULE 6: GENERAL WORKING CONDITIONS

6.1 Immigration Act Compliance

The applicant/employee is responsible for furnishing proof of identification and right to work in accordance with the Immigration Reform and Contract Act of 1986.

6.2 PERA Benefits

All County employees, except elected officials, PERA retirees, and temporary employees, are required to join the Public Employees Retirement Association of New Mexico (PERA). Copies of the latest PERA rules and provisions may be obtained in the Human Resource office. Elected Officials and PERA retirees may join if they so state, in writing, within thirty (30) days of taking office or being appointed.

6.3 Insurance Benefits

The County provides insurance benefits to classified and qualified unclassified employees and qualified Elected Officials. Group insurance plans may be changed at the discretion of the Board. Details concerning benefits may be obtained from the Human Resource office.

6.4 Political Activities

A. Prohibited Political Activity

All employees, Department Directors and Elected Officials are prohibited from:

1. Using official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office, or for any other political purpose.
2. Directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee or organization, agency, or person for a political purpose.
3. Threatening to deny promotions to any employee who does not vote for certain candidates, requiring employees to contribute part of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising events and similar events, advising employees to take part in political activity and matters of a similar nature.
4. Engaging in political activity while on duty or campaigning on County property.
5. Displaying political stickers or posters on County-owned vehicles or in any County office.
6. Using any County-owned equipment, supplies, vehicles, spaces or property for political purposes.

7. Soliciting or handling political contributions or participating in any way in partisan fund raising activities during work hours.
8. Serving in connection with, preparation for, organizing or conducting a political meeting or rally, addressing such a meeting on any partisan political matter or taking any other active part therein, during work hours.
9. Engaging in activity at the polls either during primary or general elections, such as soliciting votes, assisting voters to mark ballots, transporting or helping to get voters out on election day, unless the employee is granted annual leave.
10. Acting as a recorder, checker, poll watcher or challenger of any party or candidate during work hours, unless the employee is granted annual leave, serving in any position of election officer in which partisanship or partisan political management may be shown.
11. Writing for publications or publishing any letter or article signed or unsigned, soliciting votes in favor of, or against any political party or candidate, during working hours.
12. Initiating or circulating partisan political nominating petitions during work hours.
13. Engaging in political caucuses, or canvassing a district, or soliciting political support for a party, faction or candidate during work hours.
14. Serving on or for any political committee, party, or other similar organization or serving as a delegate or alternate to a caucus or party convention on the municipal, state or national level, during work hours.
15. Holding public office with Santa Fe County during employment with the County.

B. Permitted Political Activity

1. Registration - It is not only permissible, but all employees are encouraged to register to vote.
2. Voting - Employees are encouraged to vote as they choose.
3. Expression of Opinions - All employees have the right to express their opinion on all political subjects and candidates.
4. Election Official - An employee may serve as an election judge or clerk provided the employee is representing the jurisdiction conducting the election rather than a political party, if the employee has taken annual leave.
5. Attendance at Political Rallies and Conventions - Employees may attend political rallies and conventions which occur during non-working hours or if the employee has taken annual leave.

6. Nominating Petitions - Employees are permitted to sign nominating petitions in support of candidates as long as such activity is done away from County premises and during their personal time.
7. Contributions - Employees may make voluntary contributions to regularly constituted political organizations or candidates, provided such activity is done away from County premises and during their personal time.
8. Badges and Buttons - Employees may wear non-distracting political badges or buttons on County premises unless said premises are designated as a polling place for an election.

C. Hatch Act Compliance

A County employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants is required to comply with the provision of the federal Hatch Act. (5 U.S.C. Section 7321-7328).

D. Running for Political Office

Employees of the County, whether unclassified or classified, but not including Elected Officials, who become a candidate for state, federal, or county office, must, upon filing a declaration of candidacy or accepting the nomination, take a leave of absence from their position in County service. Such leave of absence shall be for thirty (30) calendar days immediately prior to the primary election, and thirty (30) calendar days immediately prior to the general election, and the leave may be charged to accrued annual leave, if available. This provision shall not apply to candidates running unopposed.

6.5 Nepotism

- A. No department/office shall permit the hiring, promotion, or direct supervision of an employee by a person who is related by blood or marriage to the employee.
- B. A spouse, parent, mother-in-law, father-in-law, stepparent, children, son-in-law, daughter-in-law, stepchild, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, aunts, uncles, first cousins, former spouses, and unrelated persons sharing a spousal relationship, shall not work in the same department when there is a supervisory relationship between them. Any problems arising from such a situation should be referred by the Department Director/Elected Official to the Director for review. Relatives, former spouses or unrelated persons sharing a spousal relationship cannot fill or be promoted into a position which requires supervision by a relative, a former spouse, or unrelated persons sharing a spousal relationship. Neither shall any Elected Official or County employee give employment as clerk, deputy or assistant, or other class of departmental employee to any relative, former spouse, or other unrelated person sharing a spousal relationship when that person's compensation is to be paid out by public funds. This provision shall not apply where the compensation of such clerk, deputy, assistant or other employee shall be less than six hundred (\$600) dollars per year pursuant to NMSA 1978, Section 10-1-10 (1987 Repl. Pamp.).
- C. When there is a change in assignment or relative relationships among County employees which leads to the supervision of or by other relatives, former spouses or unrelated persons sharing a spousal relationship, or a violation NMSA 1978, Section 10-1-10 (1987

Repl. Pamp.), the employee must inform the Department Director/Elected Official in writing within five (5) working days. The Department Director/Elected Official must transmit the letter and a recommended course of action to the Director within five (5) working days of receipt of the letter.

6.6 Conflicts

A. Outside Employment

1. Unless they have authorized leave, employees shall not engage in any other employment during the hours they are scheduled to work for the County.
2. Other employment includes public, private, or self-employment. Any employee may engage in outside employment or acquire private interest in a business; provided such employment does not interfere with the efficient performance of County duties, conflict, or give rise to suspicion of conflict with the interests of the County.
3. Employees must seek guidance from their immediate supervisor or Department Director/Elected Official before engaging in outside activities which may reasonably be seen as violating the Santa Fe County Conflict of Interest Ordinance No. 1981-5, as amended or as reenacted.
4. Due to the nature of the law enforcement field, Sheriff's Office enforcement employees must get prior approval to obtain outside employment.

6.7 Confidential Information

Employees in positions that are exposed to or have access to confidential information must safeguard this information. Sharing this information or allowing this information to be released, without prior approval of the Department Director/Elected Official, will be subject to disciplinary action, up to and including dismissal.

RULE 7: EMPLOYEE DISCIPLINE**7.1 Basis for Employee Discipline****Just Cause Discipline**

An employee who has completed the probationary period required by Rule 3.2 may only be disciplined for just cause.

Probationary employees and temporary employees may receive an oral reprimand, written reprimand, suspension, demotion, or be dismissed without the right of appeal. Such employees; shall be advised in writing of the conduct, actions or omissions which resulted in the disciplinary action.

7.2 Disciplinary Action

A. Santa Fe County subscribes to the concept of progressive discipline and it should be practiced as a corrective measure whenever possible. However, there are instances when a disciplinary action, including dismissal, is appropriate without first having imposed a less severe form of discipline.

1. Oral Warning/Reprimand

An oral reprimand is used to correct minor infractions of performance, conduct or behavior. Employees should be notified that further instances may require more progressive discipline.

2. Written Reprimand

An employee shall receive a written reprimand because the deficiency or infraction is of a greater degree than that for which an oral reprimand may be used, or if a previous oral reprimand was not effective as corrective action.

- a. Present proposed disciplinary action to the employee, in person, to give the employee an opportunity to respond to the allegations. In addition, the Department Director/Elected Official may be required to read the written reprimand to the employee.
- b. After discussion, advise the employee of the recommended disciplinary action that will be forwarded to the Human Resource office.
- c. The employee will be asked to acknowledge having read and discussed the incident by signing the Disciplinary Action Report. If the employee refuses to sign, a witness will attest in writing that the Disciplinary Action Report was presented to the employee for signature. The witness' signature indicates that the employee received the Disciplinary Action Report, but does not necessarily indicate concurrence with its content. The employee will be given a copy of the disciplinary action report along with any accompanying documentation.
- d. Written reprimands for an employee's work performance, conduct or behavior shall be placed in the employee's official human resource file after the approval of the Director and the County Manager.

- e. The employee may respond with a written rebuttal, which shall be placed in the employee's human resource file. The placement of a written reprimand in an employee's file is not grievable.
- f. A written reprimand shall be removed, and destroyed, from the employee's human resource file, and destroyed eighteen (18) months after the employee received the reprimand, provided the employee has not received another written reprimand or other disciplinary action during the eighteen (18) month period.

3. Suspension without Pay

- a. An employee may be suspended without pay for a single serious offense or for continued inadequate job performance or misconduct after previous attempt(s) to correct the conduct have failed.
- b. Present proposed disciplinary action to employee in person to give employee the opportunity to respond to the allegations. In addition, the Department Director/Elected Official may be required to read the suspension to the employee.
- c. After discussion, advise the employee of the recommended disciplinary action that will be forwarded to the Human Resource office.
- d. The employee will be asked to acknowledge having read and discussed the incident by signing the Disciplinary Action Report. If the employee refuses to sign, a witness will attest in writing that the Disciplinary Action Report was presented to the employee for signature. The witness' signature indicates that the employee received the Disciplinary Action Report, but does not necessarily indicate concurrence with its content. The employee will be given a copy of the disciplinary action report along with any accompanying documentation.
- e. Suspensions will not exceed thirty (30) workdays except per hearing officer stipulation.
- f. Suspensions are subject to the formal grievance procedures.
- g. Suspension become a permanent part of employee's file.

4. Administrative Leave Pending Outcome of Investigation

In cases where County property, other employees, or the public are at risk or when there is a pending investigation because of the employee's actions, the employee's Department Director/Elected Official may put the employee on administrative leave with pay while the appropriate disciplinary action is contemplated. This leave shall not exceed twenty (20) working days, unless approved by the County Manager.

5. Demotion

- a. An employee may be demoted for a single serious offense or for continued inadequate job performance or misconduct after previous attempt(s) to correct the conduct have failed.
- b. Present proposed disciplinary action to employee in person to give employee the opportunity to respond to the allegations. In addition, the Department Director/Elected Official may be required to read the demotion to the employee.
- c. After discussion, advise the employee of the recommended disciplinary action that will be forwarded to the Human Resource office.
- d. The employee will be asked to acknowledge having read and discussed the incident by signing the Disciplinary Action Report. If the employee refuses to sign, a witness will attest in writing that the Disciplinary Action Report was presented to the employee for signature. The witness' signature indicates that the employee received the Disciplinary Action Report, but does not necessarily indicate concurrence with its content. The employee will be given a copy of the disciplinary action report along with any accompanying documentation.
- e. Demotions are subject to the formal grievance procedures.
- f. Demotions become a permanent part of the employee's file.

6. Dismissal

- a. An employee may be dismissed for a single serious offense or for continued inadequate job performance or misconduct after previous attempt(s) to correct the conduct have failed.
- b. Present proposed disciplinary action to employee in person to give employee the opportunity to respond to the allegations. In addition, the Department Director/Elected Official may be required to read the dismissal to the employee.
- c. After discussion, advise the employee of the recommended disciplinary action that will be forwarded to the Human Resource office.
- d. The employee will be asked to acknowledge having read and discussed the incident by signing the Disciplinary Action Report. If the employee refuses to sign, a witness will attest in writing that the Disciplinary Action Report was presented to the employee for signature. The witness' signature indicates that the employee received the Disciplinary Action Report, but does not necessarily indicate concurrence with its content. The employee will be given a copy of the disciplinary action report along with any accompanying documentation.
- e. Dismissals are subject to the formal grievance procedures.

RULE 8: GRIEVANCE AND APPEAL PROCESS

1801814

8.1 Formal Grievance and Appeal Process

This formal grievance and appeal process is applicable for suspension, demotion, and dismissal. Employees who have completed the probationary period as required by Rule 3.2 have the right to the grievance and appeal process. An employee shall pursue grievances according to the rules contained herein.

8.2 Pre-Disciplinary Grievance Hearing

- A. Request for Pre-disciplinary Grievance Hearing:
Within three (3) working days of receipt of the recommended disciplinary action from the Department Director/Elected Official, the employee may request a pre-disciplinary hearing by notifying the Director and the Department Director/Elected Official, in writing.
- B. Pre-disciplinary Grievance Hearing Process:
Within three (3) working days of receipt of the request for a pre-disciplinary hearing, the Director shall schedule a time, date and location for the pre-disciplinary hearing. The time, date and location of the pre-disciplinary grievance hearing can be revised upon the written agreement of the parties.
- C. The Director or designee and the appropriate Department Director/Elected Official or designee shall meet with the employee and the employee's representative, if any, at the appointed time, date and location. At this pre-disciplinary grievance hearing, the employee shall have the opportunity to respond to the recommended disciplinary action. The County Attorney or designee may also be present. Pre-disciplinary hearings may be recorded.
- D. The Director or designee will issue a decision in writing within three (3) working days of the pre-disciplinary hearing. The written decision shall include the time, date, and location of the meeting; persons present; and the determination. The written decision shall be either delivered directly to the employee (obtaining employee's signature of receipt of the decision) or be sent to the employee by certified mail, return receipt requested.
- E. Within three (3) working days of the receipt of the decision, the employee has a right to appeal the decision of the Director to the County Manager.
- F. The County Manager will render a written decision, based upon a review of all documentation, within three (3) working days of receipt of the employee's appeal request. The County Manager's decision will be hand-delivered or mailed by certified mail, return receipt requested.

8.3 Disciplinary Hearings/Appeals to the Hearing Officer**A. Notice of Appeal**

Within three (3) working days of receipt of the County Manager's written decision, the grievant's intent to pursue a disciplinary hearing shall be sent, in writing, to the County Manager requesting a disciplinary hearing before an arbitrator.

B. Disciplinary Hearing Schedule

Within thirty (30) calendar days of the notification that the employee wants to pursue a disciplinary hearing, the County Manager or designee shall schedule a hearing. The parties must agree in writing to any postponement of the hearing beyond thirty (30) calendar days. At this hearing, the grievant shall have an opportunity to present witnesses and physical evidence and cross-examine the County's witnesses before a third-party hearing officer. The grievant and the County may be represented by legal counsel.

C. Appointment of Hearing Officer

Within five (5) working days of the grievant's notification of intent to pursue a disciplinary hearing, the County Manager or his designee will provide the grievant, and the Department Director/Elected Official with the name of the hearing officer. Within five (5) working days of receipt of the notification of the proposed hearing officer, the grievant will notify the County Manager of any objection of the proposed hearing officer, giving valid and justifiable reasons for such objection by filing an affidavit of disqualification within fourteen (14) calendar days of the order. The affidavit must state the particular grounds for disqualification. If the County Manager or his designee does agree with the grievant's objection, the County Manager or his designee and the grievant or his/her representative shall meet to designate a mutually acceptable hearing officer.

D. Hearing Officer Qualifications

1. Hearing officers shall be human resource professionals, or be familiar with public or private human resource systems, or have pertinent experience in the fields of management, labor relations or law. Qualifications for service as hearing officers shall be verified by the County Manager or his designee.
2. The hearing officer shall not participate in any adjudicatory proceeding if, for any reason, the hearing officer cannot afford a fair and impartial hearing to either party.
3. No person shall discuss the merits of any pending adjudicatory proceeding with the designated hearing officer unless both parties or their representatives are present.
4. The hearing officer may dismiss an appeal, with prejudice, in accordance with the provisions of a settlement agreement approved by the hearing officer or upon the filing of a motion to withdraw the appeal.

8.4 Initiation of an Appeal

Upon receipt of a notice of appeal, the hearing officer shall send the department a copy of the notice of appeal and issue an order directing the appellant to state the grounds for the appeal by a specific date, and set a date for the pre-hearing conference.

8.5 Consolidation and Joinder

- A. The hearing officer may consolidate cases in which two or more appellants have cases containing identical or similar issues.
- B. The hearing officer may join the appeals of an appellant who has two or more appeals pending.
- C. The hearing officer may consolidate or join cases if it would expedite final resolution of the cases and would not adversely affect the interests of the parties.

8.6 Pre-Hearing Conference

- A. The hearing officer may conduct the pre-hearing conference by telephone or direct the parties to submit a proposed pre-hearing order rather than appearing for a conference.
- B. At the pre-hearing conference, the parties shall submit to the hearing officer a proposed pre-hearing order, which shall contain at least:
 - 1. a statement of any contested facts and issues;
 - 2. proposed stipulation of those matters not in dispute;
 - 3. witnesses to be called and a brief summary of their testimony;
 - 4. a list of exhibits;
 - 5. requests for discovery;
 - 6. requests for subpoenas; and
 - 7. a tentative hearing date.
- C. The hearing officer shall issue a pre-hearing order in accordance with the requirements of the case. The order shall contain, at a minimum:
 - 1. the issues which remain in dispute;
 - 2. stipulations agreed to by the parties;
 - 3. a deadline for disclosure of all probable witnesses and documentary evidence;
 - 4. a deadline for the close of all discovery;
 - 5. a deadline for filing pre-hearing motions and the manner in which they will be heard or acted upon; and
 - 6. a hearing date, which may be continued for good cause shown.
- D. The hearing officer may further revise the pre-hearing order.
- E. Any discussion concerning possible settlement of the appeal shall not be a part of the pre-hearing order nor may it be introduced at the hearing.

8.7 Discovery

The hearing officer has the power to compel the production of books and papers. The parties shall have a right to discovery limited to depositions, interrogatories, requests for production, and requests for admission. All discovery shall be subject to the control of the hearing officer.

8.8 Motions

- A. Any defense, objection, or request that can be determined on the merits prior to a hearing may be raised by motion before the deadline set by the hearing officer unless good cause is shown for the delay.
- B. Responses to any motions shall be filed according to a schedule set by the hearing officer.
- C. During the course of a hearing, motions may be renewed or made for the first time, if such a motion then becomes appropriate.
- D. The hearing officer shall rule on all non-dispositive motions.
- E. Witnesses who are not disclosed by the deadline contained in the pre-hearing order shall not be permitted to testify except for good cause shown and to prevent manifest injustice.

8.9 Subpoenas

- A. The hearing officer has the power to subpoena witnesses.
- B. Subpoenas shall be hand delivered unless otherwise agreed to.
- C. In order to compel attendance at a hearing, the subpoena shall be received by the witness at least 72 hours prior to the time the witness is to appear. The hearing officer may waive the Rule for good cause shown.
- D. Employees under subpoena shall be granted administrative leave as required by the provisions of Rule 10.11.

8.10 Sanctions

- A. The hearing officer may impose sanctions upon the parties as necessary to serve the cause of justice including, but not limited to the instances set forth below:
 - 1. When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, a request for admission, and/or production of witnesses, the hearing officer may:
 - a. draw an inference in favor of the requesting party with regard to the information sought;
 - b. prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the information sought;

- c. permit the requesting party to introduce secondary evidence concerning the information sought; or
 - d. strike any part of the pleadings or other submissions of the party failing to comply with such request.
 - 2. The hearing officer may refuse to consider any motion or other action which is not filed in a timely fashion.
- B. The hearing officer may issue an order to show cause why an appeal should not be dismissed for failure to prosecute, or rule for the appellant. If the order is uncontested, the hearing officer may dismiss the appeal or rule for the appellant. If the order is contested and the hearing officer dismisses the appeal or rules for the appellant, such decision is appealable to the County Manager within fourteen (14) calendar days of the order.

8.11 Disciplinary Hearing Procedures.

A. Rules of Procedure

- 1. The hearing officer will determine the date and time of the disciplinary hearing and any continuances. Such hearings will be conducted at a time and location convenient to all parties concerned. Requests for continuances of hearings shall be made at least three (3) working days prior to the scheduled hearing, absent extenuating circumstances. Requests for continuances of hearings shall be made in writing directly to the hearing officer with copies to all parties involved.
- 2. The hearing shall be closed, unless the employee requests the hearing be conducted as an open meeting with notice given to the public pursuant to the New Mexico Open Meetings Act.
- 3. The hearing officer shall:
 - a. notify the County Manager and the grievant of the date, time and location of the disciplinary hearing,
 - b. make rulings on procedural and substantive issues of the hearing,
 - c. determine the admissibility of evidence and testimony, all of which must have a direct bearing on the issue before the hearing officer,
 - d. follow the evidentiary standard for administrative agencies, and
 - e. issue a written ruling, including findings of fact which form the basis of the hearing officer's conclusions of law.
- 4. The following persons are required to be present at all grievance proceedings unless otherwise excused by the hearing officer or by agreement of the parties; the grievant, grievant's representative (if any), and the County's designated representative(s).

5. The parties shall stipulate to the facts and issues to the greatest extent possible prior to the hearing.
6. Prior to the hearing, the parties or representatives of the parties shall stipulate to exhibits to the extent possible and bring to the hearing adequate copies for the hearing officer as well as the opposing party.
7. At least seven (7) calendar days prior to the hearing, all parties must submit to the hearing officer: a statement identifying the issues to be heard, a witness list, and a complete list of documents to be admitted as evidence.
8. Witnesses in grievance hearings are not admitted into the hearing room until called upon to testify. This ban excludes those individuals listed in Section 4, above.
9. Notice of hearing will be sent by the hearing officer to the grievant and to the County Manager and postmarked at least ten (10) calendar days prior to the scheduled hearing. Copies of the hearing notice shall be sent concurrently to all relevant parties.
10. Either a tape recorded or stenographic record of all disciplinary grievance hearings will be made.

B. Conduct of Hearings

1. The County, who carries the burden of proof by a preponderance of the evidence, shall present the statements of issues involved in the cases, followed by the grievant. Opening statements are limited to the pertinent issues of fact and law and shall not exceed ten (10) minutes without permission of the hearing officer.
2. **Order of Presentation**
 - a. The County will present their case to the hearing officer first. Witnesses for the County may be called and questioned on their involvement in, or knowledge of, the case. Following each witness' testimony, the grievant will have the opportunity to cross-examine the witness. The hearing officer will then have the opportunity to question the witness on matters related only to the witness' testimony. The hearing officer shall restrict his/her questions to those necessary to clarify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the hearing officer.
 - b. Witnesses for the grievant may be called and questioned on their involvement in, or knowledge of, the case. Following each witness' testimony, the County will have the opportunity to cross-examine the witness. The hearing officer will then have the opportunity to question the witness on matters related to the witness' testimony. The hearing officer shall restrict questions to those necessary to clarify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the hearing officer.
 - c. Following presentation of the grievance position, the County may offer rebuttal testimony. Such testimony shall be brief, and shall address only the issues brought forth in the grievant's presentation.

- d. The County's closing statement shall be presented, followed by that of the grievant. These statements shall not exceed ten (10) minutes without the permission of the hearing officer, and at a minimum shall contain a request for the desired outcome. The County shall have the opportunity to make a final statement, not to exceed five (5) minutes, and which shall be limited to issues brought forth in the grievant's closing statement.

C. Communication of Hearing Officer's Decision

The hearing officer's decision will be issued within twenty (20) calendar days of the hearing, and will be signed by the hearing officer and transmitted to the grievant, by the hearing officer and transmitted to the grievant, Department Director/Elected Official, and the Director. The hearing officer may uphold, modify, or reverse the decision of the County Manager, and may reinstate the employee and award back pay and benefits. The record of the proceedings will be retained by the Director's office for a period of not less than one (1) year from the hearing date, along with all of the physical evidence admitted by the hearing officer. The verbal record shall be transcribed only in the case of appeal to the District Court by one of the respective parties. The party requesting the transcription shall make arrangements to pay for the transcription.

D. Appeal of Hearing Officer's Decision

1. Either party may appeal the hearing officer's decision in the First Judicial District Court.
2. The Human Resource Rules & Regulations may be included in the record on appeal at the request of any one of the respective parties at any time before forwarding the record to District Court.

8.12 Procedure for Grieving Working Conditions and Other Work Related Problems

- A. With respect to those conditions about which an employee wishes to grieve but which are not subject to the formal grievance procedure set forth in Rule 8.1 through 8.11, including but not limited to dissatisfaction with working conditions or working relationships, the employee may contact the employee's supervisor in an attempt to work out a solution.
- B. If the employee is not satisfied with the proposed solution, the employee may address the problem to the Director. The Director shall make a recommendation to the County Manager regarding the issue.
- C. The County Manager's decision shall be final.

RULE 9: PAY PLAN/COMPENSATION

9.1 Purpose

It is the express policy of Santa Fe County to establish and maintain an equitable classification and compensation plan for all classifications. The plan is subject and limited to availability of funding as may be determined by the Board. The Board shall be the final arbiter of available funds.

9.2 Pay System

The Director shall maintain a pay system for all positions in the County. The goal of the pay system shall be salary ranges which are externally competitive in the comparison market and which fairly and objectively reflect the internal value of each classification.

9.3 Adoption

The pay plan shall be prepared by the Director for adoption by the Board.

9.4 Assignment of Salary Ranges

Salary ranges shall be assigned to classification specifications by the Director using a systematic measurement method approved by the County Manager. Classification specifications, descriptive of the work performed by each classification, will be evaluated and approved by the Director. Appointees of Department Directors/Elected Officials shall receive a salary approved by the Board and are not subject to wage and classification provisions of the Human Resource Rules and Regulations, although they are subject to the other leave and benefit provisions of the Human Resource Rules and Regulations.

9.5 Salary Range Changes

- A. The Director may approve a salary range change when comparative pricing reviews indicate the need for a different salary range assignment to a classification.
- B. All affected departments/offices must be able to absorb any fiscal impact within currently budgeted funds, as verified by Finance, for a salary range change to be implemented.

9.6 Salary Schedule

- A. The Director shall develop a salary schedule, which shall consist of salary ranges. The purpose of the salary range is to provide a variable rate of pay for classifications in recognition of employees' relative value to County government as they gain skill and competency in their classification.
 - 1. The salary schedule shall be the official schedule of salaries for all classifications in the classified service.

2. Each salary range shall contain a minimum and maximum value.
- B. A classified employee shall not be paid less than the minimum nor greater than the maximum of the range for their classification.

9.7 Administration of the Salary Schedule

A. Entrance Salary

1. The salary of a new employee should reflect the employee's qualifications for the position and take into consideration the salaries of other employees in the County in the same classification.
2. New employees are usually paid at the minimum of the range. A higher salary than minimum must be documented if the qualifications of the new employee or a bona fide recruitment difficulty warrant a higher salary.

B. Salary on Promotion

Upon promotion an employee's salary shall be increased by a minimum of five percent (5%) and up to a maximum of fifteen percent (15%), unless otherwise approved by the County Manager. No salary upon promotion may exceed the maximum value of the new salary range nor fall below the minimum value of the new salary range.

C. Salary on Demotion

Upon demotion, an employee's salary shall be decreased to a value in the lower salary range which does not represent more than a fifteen percent (15%) decrease from the previous salary, unless the maximum of the new range does not accommodate less than a fifteen percent (15%) decrease. No salary upon demotion may exceed the maximum value of the new salary range nor fall below the minimum value of the new salary range.

D. Salary upon Transfer

The salary of employees who are transferring to the same classification or a classification with the same range in accordance with the provisions of Rules 2.47 or 5.4 shall remain the same, unless otherwise approved by the County Manager.

E. Emergency Retention Increases

1. The County Manager may authorize a salary increase up to the maximum value of the salary range to retain an employee who is considered to be critical to the efficient operation of the County. The Department Director/Elected Official must certify in writing to the County Manager that the employee will separate from the County without the increase. The County Manager or designee shall consider whether the employee has a pending employment offer and any other relevant factors.
2. Generally, all requests for an emergency retention increase shall be accompanied by a bona fide written employment offer, including salary amount. The employment offer must be from an entity outside of Santa Fe County.

F. Salary upon Range Change 1801823

When the Director authorizes a change of salary range in accordance with the provision of Rule 9.6, the salaries of affected employees shall be adjusted as follows:

1. No employees shall have their pay reduced, including those who would be above the maximum of the range.
2. Employees whose range is adjusted upward shall retain their same hourly pay rate or taken to the minimum of the new range, if higher than the employee's pay rate unless approved by the County Manager.

G. Temporary Salary Increase

A Department/Office may, with the approval of the Director, grant a temporary salary increase for up to a maximum of fifteen (15%) percent or the minimum of the new range (if higher than 15%), for a period no longer than one year, to an employee for temporarily accepting responsibilities which are in addition to the employee's regularly assigned duties and which are not characteristic of the employee's classification. The Department shall revert the employee to the salary held prior to the salary increase, plus any general pay increase when the conditions cease to exist.

9.8 Pay Differentials

Employees covered by collective bargaining agreements shall be paid shift differential in accordance with existing collective bargaining agreements. Employees working a shift in a twenty-four hour operation shall be compensated five percent (5%) for swing shift, seven and a half percent (7.5%) for split shift and ten percent (10%) for graveyard shift. Firefighters working twenty-four (24) hour shifts are excluded.

9.9 Overtime Compensation

- A. Actual time worked in excess of forty (40) hours during a designated workweek shall be compensated, through cash payment or compensatory time, in accordance with the provisions of the Fair Labor Standards Act (FLSA) for FLSA covered employees. Only actual hours worked shall be considered for the purpose of qualifying for overtime. Holiday, vacation, sick, and other leave shall not be considered as actual time worked.
- B. Overtime shall be compensated only when overtime work is authorized by the Department Director/Elected Official at the rate of one and one-half times the employee's hourly rate.
- C. The County Manager may approve overtime pay at straight time or time and one-half for FLSA exempt employees.
- D. The Human Resource office and Department Directors/Elected Officials shall evaluate each employee's duties to determine FLSA status and inform each employee of the status determination. Employees may appeal the FLSA determination to the Human Resources Director. The Director's decision shall be final.
- E. The normal work period for FLSA 7K exempt employees is a fourteen (14) day work period or twenty eight (28) day work period. Only actual hours worked shall be considered for the purpose of qualifying for overtime. Holiday, vacation, sick, and other leave shall not be considered as actual time worked.

- F. The normal workweek period is 40 hours, which may begin on any day of the week and any hour of the day. Departments/Offices shall designate the normal workweek or allowable work periods under the FLSA [29 U.S.C. && 201 to 262] for each employee.
- G. The normal workweek shall not be changed to avoid payment of overtime.
- H. Departments/Offices shall compensate FLSA non-exempt employees at one and one-half times the employee's regular rate of pay, which includes shift differential.
- I. Departments/Offices shall compensate FLSA non-exempt employees through cash payment for overtime worked unless the employee agrees to compensatory time off. Employees may accrue a maximum of forty-five (45) hours of compensatory time. Employees shall be paid for unused compensatory time upon separation.
- J. Compensatory time is time off for overtime hours worked beyond the actual hours worked, as described in Rule 9.9.A. above. A non-exempt employee may, at the discretion of the Department Head/Elected Official, accrue compensatory time in lieu of cash payment at the rate of one and one-half (1 ½) hours of time for each hour of overtime worked.

9.10 Call-Back Pay

- A. Employees who are directed to return to work after completing their normal shift and before their next shift:
 - 1. shall be paid in accordance with the provisions of Rule 9.9A, if the time worked results in overtime; or
 - 2. shall be paid their normal hourly rates, if the time worked does not result in overtime.
- B. Employees called back to work will receive two hours straight time or actual hours worked, whichever is greater. Call back time will commence when the employee is contacted and shall include a reasonable time for travel to work. If agreed to, employees may receive compensatory time for call back in lieu of cash payment.

9.11 On Call Time

On call is defined as time that an employee is required to be ready to report for duty or to respond to a work related call during their time off. Such time shall include time that an employee has been directed to remain within contact by pager, or other means, in order to respond to the call. On call shall be compensated as follows:

- A. One hour compensatory time for each 24 hours on call during a normal workday.
- B. Two hours compensatory time for each 24 hours during weekends or holidays.
- C. Call back is applicable to on call duty and shall be paid in accordance with Rule 9.10.

9.12 Holiday Pay

- A. When a holiday falls on an employee's regularly scheduled work day and the employee is not required to work, the employee shall be compensated in cash payment at their usual hourly rate of pay for the number of hours they would have normally worked.
- B. If the employee is scheduled to work on a holiday, they will be paid two and one-half times their hourly rate for the first eight hours worked and straight time for hours worked above the eight hours, unless the hours worked above the eight hours are overtime. If it is overtime, then they are paid one and one-half times their hourly rate for the additional time worked.
- C. If the employee is not scheduled to work but must work, they are paid overtime for the hours worked either at straight time if other leave has been taken during the forty hour work week, or at time and one-half if the employee already has forty hours actually worked for the week. The employee will also be compensated for working the holiday at eight hours holiday premium pay (time and one-half).
- D. Departments, such as Fire, who have twenty-four hour shifts may, with the approval of the County Manager, observe holidays on the actual holiday for the entire calendar year.

9.13 Pay Periods

The County shall have a two-week pay period, beginning at 12:01 a.m. on alternate Saturdays and ending at 12:00 a.m. on the second Friday following such Saturdays. Payroll checks shall be distributed on the Friday following the end of the pay period by the Human Resource office to the Department Directors/Elected Officials, unless prior arrangements have been made. The County Manager may authorize distribution of checks earlier than Friday.

9.14 Final Payroll Check

An employee who voluntarily or involuntarily separates from the County will receive a final payroll check on the payday following the pay period that the separation date was effective. Accrued annual leave and compensatory time will be paid out the payperiod following the final payroll check. In case of death, final salary and compensation for unused annual leave shall be paid to the employee's named beneficiary or if unnamed, to the employee's estate.

9.15 Timesheets

The County is required to collect and maintain data concerning the hours worked by each employee to support the issuance of a payroll check and to document compliance with the FLSA. The timesheet is to be treated as an invoice by the employee, his or her supervisor and the Human Resource office, upon which a payroll check will be issued.

1. By signing and submitting a timesheet, the employee is certifying that the number of hours reported were worked or taken as authorized leave and that payment therefore is lawfully due and payable by the County. By signing the timesheet, the supervisor is verifying the representation made by the employee and that payment therefore is lawfully due and payable by the County. Based on these signatures, the Human Resource Office will issue a payroll check. Falsifying a public voucher or invoice supporting a public voucher, or causing one to be falsified, is a felony under N.M. Stat. Ann. Section 30-23-3 (1984 Repl. Pamp.).

2. Timesheets are due to the Human Resource office on the last day of each pay period, unless otherwise requested by the Human Resource office.
3. Incorrect or incomplete timesheets will be returned by the Human Resource office to the supervisor to be corrected or completed with the employee. The Human Resource payroll office will not issue a payroll check until the corrected timesheet is resubmitted through the appropriate supervisory channels. Re-submitted or late timesheets may have to be processed after the normal payroll, resulting in a later than normal payday for those affected employees.
4. The Human Resource office will keep a cumulative record of all leave time accrued and used.

9.16 Payroll Check Authorization

An employee's payroll check will not be delivered to any person except the employee, unless the employee gives the Human Resource office written authorization, naming a person to pick up the payroll check from the Department liaison or the Human Resource office.

9.17 Hours of Work

Employees will work their scheduled hours pursuant to work schedules established by their supervisors and Department Directors/Elected Officials. Full-time employees will work a minimum of forty (40) hours per week. Actual work periods may fluctuate at the discretion of the Department Director/Elected Official. Part-time employees are scheduled to work pursuant to scheduling set forth by their supervisors or their Department Directors/Elected Officials for periods of time between twenty (20) and less than forty (40) hours per week. Part-time employees will generally work the same number of hours each week.

9.18 Per Diem and Mileage

All payments of per diem and mileage allowance to County employees will be made pursuant to policies established by the State of New Mexico.

9.19 Breaks

Full-time employees shall take a lunch break to be scheduled by their supervisors. Full-time employees are entitled to two fifteen-minute breaks per day. One break is to be taken during the first half of the work shift and one break during the second half of the work shift; employees working four hours or less per day are entitled to one fifteen-minute break per day to be taken during the work shift. Supervisors may limit or delay breaks if continuous work is required because of an emergency or unusual condition. This provision may not apply to Firefighter and Law Enforcement positions.

RULE 10: LEAVE**10.1 Authorized Leave**

Any authorized absence, with or without pay, during regularly scheduled work hours, granted in accordance with workload requirements in the department/office as approved by the respective Department Director/Elected Official.

10.2 Unauthorized Leave

Absence without approved leave which is subject to disciplinary action and loss of pay. Absence without leave for three (3) consecutive days may be considered a voluntary resignation by the employee.

10.3 Holidays

Legal holidays will be designated by the Board for each calendar year. The following conditions will apply with respect to holidays and holiday pay:

- A. Temporary employees are not entitled to holiday pay.
- B. When a holiday falls during an employee's vacation, the day shall be counted as a holiday, and not a vacation day.
- C. In order to receive pay for a designated legal holiday, employees shall be in a work or paid leave status on their scheduled work day immediately preceding and following the holiday.

10.4 Personal Leave Day

- A. Employees who have completed the probationary period shall be entitled to one (1) personal leave day each calendar year.
- B. Personal leave day is to be requested in advance and approved by the employee's supervisor.
- C. Personal leave days shall not be accrued from one (1) year to the next, and shall not be compensated upon separation from County employment.
- D. The personal leave day must be taken in consecutive hours on a single work shift.

10.5 Annual Leave

- A. Employees in probationary, classified, unclassified and term status are eligible for annual leave accrual, as per hours worked and during paid leave, in accordance with the following schedule:
 - 1. **Regular employees:**
 - a. 3.08 hours per pay period if less than one year of continuous service.
 - b. 4.62 hours per pay period if more than one year but less than five years of continuous service.

c. 6.13 hours per pay period if five years or more of continuous service.

2. Firefighters (7K exemption):

a. 4.312 hours per pay period if less than one year of continuous service.

b. 6.468 hours per pay period if more than one year but less than five years of continuous service.

c. 8.582 hours per pay period if five years or more of continuous service.

3. Law Enforcement (non-union):

a. 3.08 hours per pay period if less than one year of continuous service.

b. 4.62 hours per pay period if more than one year but less than five years of continuous service.

c. 6.13 hours per pay period if more than five years but less than ten years of continuous service.

d. 6.46 hours per pay period if more than ten years but less than fifteen years of continuous service.

e. 7.08 hours per pay period if fifteen years of continuous service.

- B.** Part-time employees shall receive annual leave on a pro-rated basis, according to the number of hours actually worked.
- C.** Annual leave should be requested and approved at least forty-eight (48) hours in advance, when possible. Approval will be subject to advance notification and the needs of the department/office.
- D.** Annual leave shall not be accrued while an employee is on leave without pay.
- E.** A maximum of two hundred and forty (240) hours of annual leave may be carried forward to the next calendar year. Those employees on a 7K exemption will be allowed to carry over three hundred and sixty (360) hours of annual leave to the next calendar year.
- F.** Upon separation from employment, an employee shall be entitled to payment of accrued annual leave at their current hourly rate, as of the date of separation.
- G.** In the event of the death of an employee, the employee's estate shall be entitled to payment of the accrued annual leave, as of the last day worked.
- H.** An employee does not accrue annual leave for time worked in excess of forty (40) hours per week.
- I.** Annual leave will not be granted in advance of accrual.

10.6 Donation of Annual Leave

- A. Employees may donate annual leave to another employee for a catastrophic medical emergency on the recommendation of the Department Director/Elected Official and approval of the Director and the County Manager.
- B. A Department's written request to the Director shall include:
 - 1. the name, position title, and hourly rate of pay of the proposed leave recipient;
 - 2. a doctor's description of the nature, severity and anticipated duration of the medical emergency involved which has been provided by the employee or legally authorized representative and a statement that the recipient is unable to work; and
 - 3. any other information which the County may require.
- C. Supporting medical documentation for the request to donate annual leave shall be kept confidential and not subject to public inspection without the written consent of the employee.
- D. Upon approval by the County Manager, the Human Resource office shall transfer the donated leave to the leave balance of the employee converting the dollar value of the donor's leave based on the donor's hourly rate of pay, to hours of leave based on the recipient's hourly rate of pay using a form approved by the Director.
- E. The recipient of donated annual leave may not use such leave until first exhausting all accrued annual and sick leave, compensatory time and personal leave day.
- F. Donated annual leave shall revert to the employees who donated the leave on a prorated basis when the catastrophic medical emergency ends or the employee separates from the County.

10.7 Sick Leave

- A. Employees in probationary, classified, unclassified and term status are eligible for sick leave accrual, as per hours worked and during paid leave in accordance with the following schedule:
 - 1. Regular employees shall accrue a maximum of 3.08 hours of sick leave per pay period.
 - 2. Firefighters (7K exemption) shall accrue a maximum of 4.31 hours of sick leave per pay period.
 - 3. Law Enforcement (non-union) shall accrue:
 - a. a maximum of 3.08 hours of sick leave per pay period, if less than one year of continuous service.
 - b. a maximum of 3.12 hours of sick leave per pay period, if more than one year of continuous service.
- B. There is no accrual limitation and there shall be no pay for sick leave upon termination except as provided for in Rule 10.10.
- C. Part-time employees accrue sick leave on a pro-rated basis.

10.8 Sick Leave Authorization

Sick leave shall be authorized by the employee's supervisor when an employee is unable to perform normal job duties due to medical considerations, or when a member of the employee's immediate family is ill and requires the personal attention of the employee.

10.9 Medical Certification/Physician's Certificate

- A. Sick leave shall be requested in advance when possible. The employee or an immediate family member (if the employee is physically unable) shall request sick leave no later than fifteen minutes after the beginning of the employee's work shift unless the nature of the illness requires extended leave certified by the employee's physician and of which the employee's supervisor is notified.
- B. A physician's certificate shall be required when the employee is absent from work for three or more consecutive days.
- C. A physician's certificate is also required when sick leave is due to the serious illness of an immediate family member or when the employee is absent from work for three or more consecutive days for this reason.
- D. A physician's certificate may be required by a supervisor when an identified pattern of sick leave usage develops, in order to preclude the possibility of sick leave misuse.

10.10 Sick Leave Sell-Back

An employee may, at the time of retirement, sell back all unused leave over 240 hours at one-half (1/2) the employee's hourly rate, providing the following criteria are met:

- 1. An employee must state in writing their intention to retire to the Department Director/Elected Official.
- 2. An employee has submitted an officially executed copy of an approved PERA retirement form.
- 3. An employee will not receive their sick leave buy back proceeds prior to the effective date of retirement.

10.11 Bereavement Leave

Up to five (5) days may be granted for an employee to attend the funeral of an immediate family member. These days will be charged against an employee's accrued sick, annual or compensatory leave.

10.12 Administrative Leave with Pay

Administrative leave with pay may be granted by the Department Director/Elected Official, subject to the approval of the County Manager, whenever circumstances warrant such leave. Leave shall not exceed thirty (30) days.

10.13 Tuition Assistance

1801831

A. Definition

Tuition assistance is the payment of tuition, registration fees, activity fees and laboratory fees for eligible employees of county government to attend "for credit" courses from an accredited institution of higher learning.

B. Eligibility

To be eligible for Tuition Assistance, an employee must be a classified employee, unclassified employee, or term employee and must have completed the probationary period.

C. Funding

1. Tuition Assistance will be determined by the availability of funds and limited to a maximum of twelve (12) credit hours per employee during each fiscal year.
2. 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 documentation including receipt of course payment to the Human Resource office, which substantiates the criteria under which funding, will be made available. At least one of the following criteria must be met:
 - a. Job or career related: Studies that are directly related to work performed by the employee.
 - b. Required for upward mobility: Studies that enhance employee eligibility for promotion.
3. Only tuition charges, registration fees, activity fees and laboratory fees will be paid unless the course is required by the Department. If an 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, they will be responsible for any additional costs beyond the regular registration fee. All tuition charges will be paid directly to the academic institution by the employee.
4. Santa Fe County will reimburse the employee upon successful completion of the course and submittal of course grade of an "A, B, or C". In the event that a course is only offered on a PASS/FAIL basis, a grade of PASS will be acceptable.
5. Depending on the availability of funds, Tuition Assistance may be denied, or partial assistance may be considered to allow for more employee participation. In the event that an employee does not have a declared degree and makes application to attend an institution, which is more costly than another school offering the same course, the employee will be directed to attend the latter.

D. Educational Leave

With the approval of an employee's immediate supervisor, up to four (4) work hours per week will be allowed for class attendance for a course scheduled during normal work hours. 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 Human Resource Director. 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 Resource office. 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.

E. Employee Responsibilities

1. Documentation of course completion must be furnished to the Human Resource office within one week of receipt of the grade. Upon receipt, it will be filed in the employee's human resource file, for processing the reimbursement. Acceptable documentation is a copy of the official grade report or an official transcript, which includes the course(s) for which Tuition Assistance was granted.
2. Employees who change their course status or withdraw from the institution must inform the Human Resource office and their supervisor within one week of the action.
3. No class assignments or homework will be done during working hours.

F. Application Process

1. Applications for Tuition Assistance can be obtained from the Human Resource office.
2. The employee will complete the application form and obtain the supervisor's approval when educational leave is to be granted.
3. The employee will submit the completed application including receipt to the Human Resource office for review, approval and encumbrance of funds.
4. Upon successful completion of the course(s), the Human Resource office will process payment paperwork and the employee will be reimbursed for tuition expenses by check through the Finance Department.

10.14 Occupational Injury Time/Workers' Compensation

A. Workers Compensation

Employees injured on the job or suffering from occupational diseases, as defined in the New Mexico Workers' Compensation Statute, shall receive worker's compensation benefits as prescribed by law.

B. Injury Leave Pay

1. An employee injured on the job may use accrued annual or sick leave for each regularly scheduled work day after the injury occurs for all such days not paid by workers compensation.
2. If the employee is on workers compensation time for more than four weeks, and is entitled to compensation for the first seven days and has used accrued annual or sick leave for the first seven days of injury, the workers compensation payments received for all such days shall be paid directly to the County by the workers compensation carrier.

3. In that event, annual or sick leave used by the employee upon the County's receipt of the reimbursement by workers compensation after the expiration of the statutory waiting period, shall be credited to the employee.

C. Reporting Procedure

1. All work-related injuries requiring medical attention must be reported to the employee's Department Director/Elected Official and the County workers' compensation representative, along with the employee's written statement of facts relating to the injury within fifteen (15) days of the injury and on a First Report of Injury Form.
2. The report shall be signed by the employee and the employee's Department Director or Elected Official. In addition, the Department Director's/Elected Official's Accident Investigating Report must be filed on the day following the day the Department Director/Elected Official receives the employee's first accident report.
3. All accidents shall be reported, however minor.

D. Medical Procedure

1. An employee, who incurs a job-related injury/illness, must go to the County designated physician, who will treat the employee, or will refer the employee to another physician, depending on the nature of the problem.
2. In circumstances of medical emergency, the employee should go to the nearest urgent-care center. Treatment subsequent to the emergency treatment will be coordinated by the County designated physician.
3. It is the employee's responsibility to identify themselves to the treating physician as a County employee, and whether the injury is work-related.

E. Return to Work

An employee shall return to their former position or be reassigned to a comparable position if the employee's physician certifies that the employee can return to work within six (6) months.

F. Modified Work Schedule

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

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

A regular full-time employee who has received, or is due to receive, benefits pursuant to the Workers Compensation Act, and who was unable to return to work during the six (6) month period

for which the County shall hold the employee's position open, and if the County is subsequently hiring, may apply for his/her pre-injury job, a modified job similar to the pre-injury job, or any job that pays less than the pre-injury job, provided that the employee is qualified for the job. The County shall rehire the regular full-time employee provided that the employee's treating physician certifies that the employee is fit to carry out the job without significant risk of injury.

10.15 Civic Duty Leave

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

A. Jury Duty

1. Employees shall be entitled to administrative leave when appearing in obedience to a subpoena as a witness before a grand jury, state or federal court regarding County business. Fees received, as a witness, excluding reimbursement for travel, shall be remitted to the County.
2. Employees shall be entitled to leave with pay for serving on a grand or petit jury. Fees received, as a juror, excluding reimbursement for travel, shall be remitted to the County.

B. Voting

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

10.16 Military Leave for Reserve or National Guard Duties

A. Paid Military Leave for Reserve or National Guard Activities

Paid military leave is granted for authorized reserve or National Guard activities for a maximum of fifteen (15) working days during the Federal Fiscal year (October - September). Military leave must be requested twenty (20) working days in advance. The employee must furnish proof of duty orders or other documentation prior to leave being granted unless the leave is for emergency purposes.

The Board may grant members of the National Guard paid military leave for emergency/crisis situations in addition to that already given by law. Such additional leave shall not exceed 15 work days per federal fiscal year.

B. Unpaid Military Leave

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

C. Employees Returning from Unpaid Military Leave

1. Any employee who leaves a position held with the County, other than a temporary position, to enter the armed forces of the United States, National Guard or organized reserve, and who serves on active duty to complete his/her remaining service in a reserve component, and who is still qualified to perform the duties of the County position previously held, shall be re-employed in such position or to a position of like seniority, status, and pay.
2. To be re-employed in such position, the employee must make application for re-employment within ninety (90) calendar days after being is relieved from training or duty, or from hospitalization of a service-related injury continuing after discharge for a period of not more than one (1) year.
3. The returning employee will be deemed to have accrued seniority and length of service rights as though employment with the County had been continuous since the date of initial employment.
4. The returning employee shall have all annual and sick leave accrued at the time of departure for military service restored.

10.17 Leave for Inclement Weather

- A. The County may close offices and send non-essential employees home due to inclement weather and grant administrative leave with pay. Essential employees are employees charged with the responsibility of public health, safety and welfare and are required to attend their posts during work hours.
- B. Employees shall be responsible for time taken in excess of administratively approved amounts and employees shall be charged with leave for all normal work hours missed.
- C. If an employee leaves work due to inclement weather with a supervisor's approval prior to administrative leave being granted by the County Manager, the employee will be credited for the administrative leave granted.
- D. Leave requests for public school delays for those employees with school age children are the responsibility of the employees unless notified of an official county government weather related delay. Employees are still responsible for notifying their supervisors and securing leave approval for official school delays.

10.18 Leave Without Pay

A. Approval of leave without pay

The Department Director/Elected Official, with the approval of the County Manager, may grant classified employees leave without pay for a period not to exceed six (6) months, when the Department Director/Elected Official deems that such leave without pay is in the best interest of the County.

B. Vacancies May be Filled by Temporary Employees

Temporary employees may be hired to fill vacancies created by an employee who is on leave without pay.

C. Benefits at Employee's Expense

1. An employee does not accrue leave while on Leave without Pay. Employees are required to have twenty-seven hours in paid status in order to receive the County's contribution to group health benefits. Employees on leave under the Family Medical Leave Act are an exception.
2. An employee on Leave Without Pay wishing to continue receiving group health benefits may do so at the employee's expense, by submitting the employee's and the County's share of the premium, as required, to the Human Resource office on each regular pay day. Employees on leave under the Family Leave Act are an exception.

D. Failure to Return to Work

Failure on the part of an employee to report for work to the assigned shift following the expiration date of approved leave without pay shall be considered a voluntary resignation.

10.19 Family and Medical Leave

- A. Eligible employees are entitled to leave in accordance with the Family and Medical Leave Act (FMLA) of 1993. Employees who have been employed in the County for at least 12 months (which need not be consecutive) and who have worked, as defined by Section 7 of the FLSA, at least 1250 hours during the 12-month period immediately preceding the start of FMLA leave are eligible employees. When the necessity for the leave is foreseeable, the employee must provide at least thirty days notice to the County. If the date of the leave is not foreseeable, the employee must provide notice as soon as possible.
- B. Eligible employees are entitled to a total of 12 weeks of unpaid FMLA leave in a 12-month period, at the time of a birth or placement of a child or at the time of a serious health condition of the employee, or family member, as defined in the FMLA. The 12-month period is calculated forward from the date an employee's first FMLA leave begins. For the birth or placement of a child, for adoption or foster care the leave may not be taken intermittently, except the employee or the County may agree that, for certain periods of consecutive days during the leave time, the employee may return to work without forfeiting the benefits. Where the leave to be taken is for the care of a sick family member or for the employee's own serious health condition, the leave may be taken intermittently.
- C. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential care facility for continuing treatment by a health care provider.
- D. Employees may use any combination of annual leave, donated annual leave (as per Rule 10.6K), personal leave, compensatory time, sick leave or unpaid leave for FMLA leave. Employees shall not accrue annual and sick leave, nor be compensated for "observed" holidays while on unpaid FMLA leave.
- E. No part of FMLA leave shall be considered a break in employment, nor shall it be considered time worked for overtime purposes.
- F. Departments shall post the required FMLA notices, maintain the required employee records, and implement department policies in accordance with the FMLA. All medical records and

correspondence relating to employees and/or their families shall be considered confidential. If leave is requested because of a family member's or the employee's own serious health condition, the employee must submit a certification of a healthcare provider which must contain; the date the serious health condition began, the probable duration of the condition, and the appropriate medical facts regarding the condition; if the leave is based on care for a spouse, child, or parent, a statement that the employee is needed to care for the individual and the estimated amount of time needed for that care; if the leave is for the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her job; in the case of intermittent leave, the dates the treatment is expected to be given and the duration of the treatment. If an employee is taking leave for his or her own serious health condition, the employee must obtain a certification from a healthcare provider that the employee is able to resume the functions of his or her job.

- G. Any employee who takes leave pursuant to this subsection shall be restored to his or her former position or to an equivalent position with equivalent pay and benefits. The employee shall not lose seniority, group life, health, disability insurance and retirement benefits, educational benefits and annual and sick leave accrual rates.
- H. Health, life, and disability insurance coverage for the employee shall continue for the duration of the leave at the same level and under the same conditions coverage would have been provided, if no leave had been taken. If an employee fails to return to work after the leave expires, the county shall recover the premium the county paid for coverage during the leave period. The County will not recover the premium if the employee does not return to work due to the continuation, reoccurrence, or onset of a serious health condition of a family member or the employee that would otherwise entitle the employee to take leave, or due to other circumstances beyond the control of the employee. Provided, however, that the employee produces certification from a healthcare provider that the inability to return to work was due to a continuation, recurrence, or onset of a serious health condition to the employee or to a family member of the employee covered under this subsection.
- I. Disputes over the administration of the FMLA shall be forwarded to the Director for resolution.

10.20 Mentorship/Volunteer Leave

The County Manager may grant employees one and one-half hours per week of administrative leave to participate in approved mentorship/volunteer programs.

RULE 11: PERFORMANCE EVALUATION

1801838

11.1 Probationary Period for New Hire

- A. An employee hired to fill a classified or term position shall serve a probationary period of twelve (12) months, during which time the employee is a terminable-at-will employee. The probationary period is an integral part of the evaluation process and is utilized for observing the employee's performance and obtaining the most effective adjustment of a new employee to the position.
1. The Department Director/Elected Official and supervisor shall define performance expectations to the employee within ten (10) working days of employment. The employee must receive a performance evaluation satisfactory or better at the end of the twelve (12) month probationary period before the employee can become a classified employee entitled to all of the rights and benefits of that status, including coverage by the merit and grievance provisions of the Human Resource Rules & Regulations. If the employee has not satisfactorily completed the twelve (12) month probationary period, the probationary period may be extended up to ninety (90) days, or the employee may be dismissed.
 2. A probationary employee hired to fill a law enforcement, radio dispatch, or firefighter position shall serve a twelve (12) month probationary period, during which time the employee shall obtain the statutorily required certification for the position. Failure to obtain such certification within the twelve (12) month period bars the employee from becoming a classified employee and may result in the employee's dismissal. All other provisions apply to law enforcement, radio dispatch and fire employees, except that they shall receive performance evaluations at the end of the probationary period.
 3. If the employee satisfactorily completes the probationary period with a satisfactory or better performance evaluation, the employee will become classified. If the employee does not satisfactorily complete the probationary period, the employee will be dismissed.

11.2 Performance Evaluation

A. Procedure for Evaluation

The performance of each classified and term employee shall be appraised annually by the employee's immediate supervisor on an official performance evaluation form. An evaluation shall also be submitted for a change of status, a classification change, recommendation for any type of salary increase, or whenever a supervisor determines it is necessary.

B. Contents of Evaluation

1. A performance evaluation shall contain an overall appraisal of the employee's performance such as satisfactory, outstanding or unsatisfactory.

2. The performance evaluation shall state areas of responsibilities and standards of performance.
3. The performance evaluation shall also contain a Performance and Development Plan which shall contain areas of responsibilities, standards or results expected and a weight factor assigned to the responsibilities.
4. Employees will acknowledge, in writing, receipt of the Performance and Development Plan.

C. Employee Rebuttal

The employee may document a rebuttal statement on the performance evaluation form.

D. Unsatisfactory Evaluation

1. A classified employee who receives an overall evaluation of unsatisfactory shall be informed in writing as to the specific areas of deficient performance and steps for improvement.
2. A classified employee who receives an overall evaluation of unsatisfactory may be re-evaluated within ninety (90) days, and, if performance remains unsatisfactory, may be demoted or dismissed.
3. If an employee declines to sign his/her evaluation, the supervisor shall so state in the evaluation.

RULE 12: ALCOHOL AND DRUG TESTING

1801840

12.1 Commitment

Santa Fe County is committed to the goal of a drug-free work place in compliance with the Drug-Free Work Place Act of 1988.

12.2 Illegal Use of Drugs or Alcohol

1. The use of controlled substances, drugs or alcohol, prescribed and non-prescribed, is a concern to Santa Fe County when it interferes with job performance, conduct, attendance, safety, or when it is in violation of the law.
2. The unlawful manufacture, distribution, possession or use of a controlled substance by an employee while on County premises or while on County business is prohibited.
3. Conducting County business, which includes driving vehicles or operating County equipment, while under the influence of alcohol or other drugs is also prohibited.
4. Engaging in any of these prohibited activities may result in disciplinary action up to and including dismissal.

A. Pre-employment Drug/Alcohol Screening

Successful employment applicants shall be screened for alcohol/drugs as part of the pre-employment medical examination. A confirmed positive test result shall be grounds for rescinding the employment offer.

B. Reasonable Suspicion Testing

Any Santa Fe County employee shall be tested for alcohol and/or drugs if the County has reasonable grounds to suspect that the employee is engaging in the use of drugs or alcohol on the job or is reporting to work under the influence of drugs or alcohol. Reasonable suspicion includes, but is not limited to, the following:

1. job accidents involving loss of life, limb, or damage to property including County property, where the employee is a contributing factor to the accident; or,
2. evidence of alcohol or drugs or paraphernalia discovered at the employee's work place; or,
3. an employee showing signs of erratic behavior, mood changes altered appearance or speech patterns, smell of alcohol on breath or person, and increase in absenteeism, tardiness, or deterioration of work performance.

C. Random Alcohol and Drug Testing (CDL Employees ONLY)

In compliance with federal mandated Department of Transportation (DOT) through the Federal Highway Administration (FHWA) with the implementation of the Controlled

Substance and Alcohol Use and Testing Rule and the Federal Transit Administration (FTA) with the implementation of the Prevention of Alcohol Misuse in the Transit Operations Rules, employers of the drivers who are required to obtain commercial drivers license (CDL), (federally mandated employees) are required to adopt federally mandated Rule 49 CFR Part 40. Random alcohol and/or substance abuse testing is required for Santa Fe County federally mandated employees effective January 1, 1996. Random alcohol and/or substance abuse testing is characterized by randomly selecting federally mandated employees for drug and alcohol testing on an unannounced basis. Random alcohol or substance abuse testing will be conducted in compliance with federal DOT rules. Random alcohol testing shall be administered at a minimum annual rate of 25 percent of the average number of federally mandated employees. Random controlled substances testing shall be administered at a minimum annual rate of 50 percent of the average number of federally mandated employees. Santa Fe County shall ensure testing site facilities and procedures to be in compliance with federal DOT rules through the approved contractor providing such services.

All applicants or present employees being considered for a job that requires a CDL, must be controlled substance tested using a split sample method. Before the first time the driver performs a safety sensitive function, a confirmed negative result is required.

D. Random Alcohol and Drug Testing (Safety Sensitive Positions)

In accordance with the Santa Fe County drug testing process used for testing CDL employees, all employees in safety sensitive positions, as identified by the County Manager shall be randomly tested. An employee who tests positive for drugs or alcohol shall be afforded the administrative process prescribed in Rule 12.4.

E. Voluntary Self-Identification by Employees

An employee who self-identifies or requests referral to a drug or alcohol rehabilitation program prior to being randomly selected for drug or alcohol testing shall be referred to such program without reprisal of disciplinary action, provided that self-identification is not made to avoid disciplinary action. An employee shall be afforded the administrative process prescribed in Rule 12.4. Employees shall be randomly tested during the rehabilitation period. A positive test result shall be grounds for dismissal.

12.3 Refusal to Submit to Alcohol or Drug Testing

Any employee who refuses or fails, without good cause, to cooperate in the drug or alcohol testing procedure shall be subject to disciplinary action, up to and including dismissal.

12.4 Positive Results of Alcohol and Drug Testing

- A. The guidelines established by the National Institute of Drug Abuse will be used to determine whether an employee tests positive.
- B. If an employee tests positive for drugs or alcohol, the employee will be placed on administrative leave with pay (up to ten (10) working days), pending disciplinary action and/or rehabilitation alternatives.

- C. If the employee is required to successfully complete an approved drug rehabilitation program as part of the disciplinary action, the employee shall be responsible for paying the cost of the rehabilitation program personally or through insurance coverage for such treatment. Employees shall be randomly tested during the rehabilitation period. A positive test result shall be grounds for dismissal.
- D. Accrued annual, compensatory and sick leave may be used to attend any rehabilitation program scheduled during normal working hours. If leave is exhausted, the employee shall be placed on leave without pay.
- E. Prior to the employee's return to work, the employee shall be required to submit to an alcohol/drug test. If the employee tests positive, the employee shall be subject to disciplinary action, up to and including immediate dismissal.
- F. Upon the employee's return to work after completion of the rehabilitation program, the employee shall be required (by work contract) to submit to unannounced, unscheduled tests for drugs/alcohol for a period of twelve (12) months.
- G. If the employee tests positive during this twelve (12) month period, the employee shall be subject to disciplinary action, up to and including immediate dismissal.
- H. If the employee successfully completes this twelve (12) month testing period, all records of the previous test and related case documentation shall be destroyed after three (3) years of completion of the twelve (12) month contractual testing period.

12.5 Confidentiality

No laboratory reports or test results shall appear in the employment human resource file unless they are a part of a disciplinary action, but shall be placed in a confidential file.

RULE 13: SEXUAL HARASSMENT/WORKPLACE VIOLENCE**13.1 Prohibition of Sexual Harassment**

- A. Employees of Santa Fe County are prohibited from sexually harassing anyone while conducting County business.
- B. Sexual harassment is any unwanted sexual attention or such attention when submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose of affecting or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

13.2 Policy Regarding Sexual Harassment

- A. Santa Fe County is committed to enforcing a policy prohibiting sexual harassment that:
 - 1. provides for a work environment free from all forms of sexual harassment,
 - 2. applies to the actions of all County employees, elected and appointed officials,
 - 3. ensures that appropriate corrective measures, up to and including dismissal and appropriate legal action, will be taken if this policy is violated,
 - 4. establishes a complaint procedure that is fair and confidential, and protects against retaliation for filing, or testifying as a witness to a complaint,
 - 5. ensures that all complaints are investigated promptly, thoroughly, and fairly, and
 - 6. ensures that all Elected Officials, Department Directors, and supervisors are fully trained in their responsibilities under this policy.

13.3 Sexual Harassment Complaint Procedures

- A. Employees of Santa Fe County are encouraged to resolve complaints of sexual harassment with the lowest level supervisor who is independent of the complaint and has supervisory authority over the alleged harasser. If the matter cannot be resolved at that level, the employee shall go to the Department Director/Elected Official for resolution. If the matter cannot be resolved at that level, the employee shall go to the Director, who shall document the complaint and provide a copy of the complaint and all relevant documents to the complaining employee and shall keep all such forms on file.
- B. The Director and/or the immediate supervisor who is independent of the complaint and has supervisory authority over the alleged harasser shall meet with the alleged harasser immediately and in no event more than three (3) working days from the filing of the complaint. The purpose of the meeting will be to investigate the matter and, if necessary take prompt corrective action. The investigations shall be complete, confidential, and well documented. The principles of progressive discipline, up to and including termination from County employment, shall be followed by the supervisor for a person who is determined to have violated the sexual harassment policy. The discipline will vary depending on the nature and severity of the complaint.

- C. Nothing in these procedures shall prohibit the employee from filing a complainant directly with the Director or the Federal Equal Employment Office. Employees are encouraged to seek consultation with the Director before filing a formal sexual harassment complaint. If there appears to be a violation constituting sexual harassment, the Director shall advise the employee of the employee's rights and determine if any interim administrative action is warranted.

13.4 Prohibition of Violence in the Workplace

- A. Employees of Santa Fe County are prohibited from exhibiting violent, hostile or aggressive behavior while conducting County business. There is zero tolerance for this type of behavior.
- B. Prohibited conduct includes, but is not limited to, threatening remarks, causing physical injury, engaging in hostile aggressive behavior that creates a reasonable fear of injury or causes another worker emotional distress, or intentionally damaging County property or a co-worker.

13.5 Policy Regarding Violence in the Workplace

- A. Santa Fe County is committed to enforcing a policy prohibiting workplace violence that:
 - 1. provides for a work environment that is free from violence,
 - 2. applies to actions of all County employees, elected and appointed officials,
 - 3. ensures that appropriate corrective measures, up to and including dismissal and appropriate legal action, will be taken if this policy is violated,
 - 4. establishes a complaint procedure that is prompt, fair and confidential,
 - 5. ensures that all Elected Officials, Department Directors, and supervisors are trained in their responsibilities under this policy, and
 - 6. provides that non-employees who engage in violent acts in the workplace will be reported to law enforcement authorities.

13.6 Violence in the Workplace Complaint Procedures

- A. Employees who are victims of, or observe, workplace violence must report it to their supervisor immediately. The supervisor must report it to the Department Director/Elected Official who shall report it to the Human Resource office.
- B. The Director and the Department/Office designee shall begin a prompt and thorough investigation of the complaint immediately, if at all possible. If not possible, the investigation will begin no later than one (1) working day following the complaint. The purpose of the investigation will be to collect the facts and, if necessary, take immediate corrective action.
- B. The investigation shall be complete, confidential and well documented. For an employee who is determined to have violated this policy, the disciplinary action, up to and including dismissal, will depend on the nature and severity of the incident.
- C. Nothing in these procedures shall prohibit the employee from filing a complaint directly with the Director.

RULE 14: MISCELLANEOUS**14.1 Gratuities**

Elected Officials, appointed officials or employees shall not accept anything of value from a person, business, or other entity when the official or employee knows or reasonable shall know that said person, business, or entity does any business with the County or desires to do business with the County. Employees will maintain the highest moral standards and any attempt to influence an employee's performance by any person will be reported to the Department Director/Elected Official and/or the County Manager.

14.2 Designated Work Areas

All employees are to be at their designated work areas on time and ready to work. They shall work until the scheduled quitting time, unless permission of the supervisor has been obtained for different work hours.

14.3 Personal Business

Personal business shall not be conducted during scheduled work hours. County supplies and equipment shall not be used for personal business.

14.4 Safety

The County is committed to having all work conducted in a safe manner and environment.

14.5 County Property

Employees shall not misuse County property, records, or other material in their care, control, or custody; nor shall any County property, records, or other material be removed from the premises of the County offices unless written permission by the Department Director/Elected Official has been given.

14.6 County Vehicles

- A. No County vehicle will be taken out of Santa Fe County without permission of the Department Director/Elected Official, and employees shall notify the Department Director/Elected Official of their destinations and itineraries.
- B. County vehicles may be used only for County business and commuting to and from work, if required for a work-related purpose. County vehicles shall not be used for personal business, except as in incidental in commuting, as determined by the employee's Department Director/Elected Official.

14.7 Dress and Appearance

Employees should dress in clothing appropriate and suitable for their work assignment as designated by their supervisor. Employees must maintain proper hygiene and appearance.

14.8 Solicitation

1801846

No persons, including any Santa Fe County employees shall solicit or provide information to employees in any County facility during work hours concerning any product, service, campaign or membership unrelated to the employee's direct work responsibilities. Requests for donations for charitable causes or for community service non-profit organizations shall not be considered violations of this rule, provided that solicitation is first approved by the County Manager or his designee.

14.9 Internet, E-Mail and Phone Use

Internet, E-Mail and phones shall be utilized in a professional and responsible manner. They shall be used for County business only, unless authorized otherwise. Employees who use Internet, E-Mail or phones inappropriately will be subject to disciplinary action, up to and including dismissal.

14.10 Department/Office Standard Operating Procedures

If a department/office establishes written policies, procedures and/or guidelines specific to the department/office, they shall be adhered to as long as they are not in conflict with these Rules and Regulations, as authorized by the Director, or any statutory law.