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DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM

Roosevelt County

ORDINANCE NUMBER: 2016-02

ROOSEVELT COUNTY PERSONNEL ORDINANCE

WHEREAS, the Board of County Commissioners of Roosevelt County, New Mexico, is empowered by statute to adopt rules, regulations, policies, and procedures pertaining to the terms and conditions of employment of all County employees; and

WHEREAS, the Board of County Commissioners of Roosevelt County desires to implement a system of personnel management to encourage a quality work environment that will promote quality service to the people of Roosevelt County;

NOW, THEREFORE, the Board of Commissioners of Roosevelt County, New Mexico, does hereby adopt the following ordinance to meet the needs of the citizens and employees of Roosevelt County for quality personnel management.

REPEAL AND SEVERABILITY. Roosevelt County Ordinance Number 2007-3, adopted the 13th day of June 2007, shall be and hereby is repealed, as are any inconsistent provisions or any other Ordinances.

If any part of this Ordinance is held to be unconstitutional, invalid, or otherwise in conflict with the laws of the State of New Mexico, or the United States of America, the validity of the remaining portions of this Ordinance shall not be affected.

ADOPTED: this 18th day of October, 2016 in open meeting effective immediately after this Ordinance 2016-02 has been recorded by the Roosevelt County Clerk.

APPROVED:

Amber Hamilton, County Manager

Randy Knudson, County Attorney

ATTEST:

DeAun Searl, County Clerk

ROOSEVELT COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS

absent
Richard "Rick" Leal, Chairman, District II

absent
Lewis "Shane" Lee Vice-Chairman, District III

Jake Lopez, District I

Gene Creighton, District IV

Paul Grider, Member, District V

COUNTY CLERK SEAL ROOSEVELT COUNTY, N.M.

COUNTY COMMISSIONERS SEAL ROOSEVELT COUNTY, N.M.

Roosevelt County Personnel Policy Manual

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SECTION 1

GENERAL PROVISIONS

PURPOSE. The purpose of these Personnel Rules and Regulations (Rules) is to establish consistent, basic policies and practices concerning relations between the County and its employees. These Rules further establish the formal grievance procedure available to regular employees to hear their grievances with respect to promotions, demotions, suspensions, involuntary transfers and dismissal, and provide the method by which a personnel hearing officer is chosen to hear formal grievances. Independent contractors are not subject to the provisions of the Rules.

SCOPE. Definite rules and regulations cannot be readily formulated for every possible problem and situation. These Rules severs as a general basis and guide for the proper, efficient, and effective management and administration of personnel matter of the employees of the County. The Rules contained herein replace and supersede all previously issued personnel rules, regulations and ordinances applicable to employees of the County as the subject matter is covered in the County Code of Conduct and these Rules.

AMENDMENT OF RULES AND REGULATIONS. There shall be no resolution or other action of the Board or other County officials, which is inconsistent with these Rules, except by amendment of these Rules. The Board reserves the right to amend these Rules at its discretion. The County Manager may issue interpretative memoranda or Administrative Instructions, not inconsistent with these Rules, which further detail the interpretation of these Rules.

EMPLOYEE KNOWLEDGE AND INFORMATION OF RULES AND REGULATIONS. The Elected Official, Department Head, or Human Resources shall provide a copy of these Rules to present employees and to all new employees with instructions to read and be familiar with all provisions of these Rules. Employees shall sign for a copy upon receipt.

EQUAL EMPLOYMENT OPPORTUNITY RULES AND REGULATIONS. Individuals will not be discriminated against on the grounds of race, age, religion, color, national origin, ancestry, sex, marital status, physical or mental handicap, medical condition, sexual orientation or gender identity, in consideration for employment, promotions, transfers, duration of employment, compensation, terms, conditions, or privileges of employment by the County.

ADMINISTRATION BY COUNTY MANAGER. The County Manager or designee shall administer and interpret the personnel system and the terms of these Rules and its amendments, and all future approved operating procedures. The County Manager shall recommend to the Board any necessary amendments or revisions to the Rules.

PRONOUNS. All pronouns used in the Personnel Policy Manual shall include the masculine, feminine, and neuter gender, the singular and plural, and the context of this policy shall be read accordingly.

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DUTIES OF ALL EMPLOYEES. All employees shall adhere to the provisions of these Rules. Elected Officials, Department Heads, Human Resources and the County Manager further shall be responsible for seeing to the adherence and enforcement of these Rules.

CHAIN OF COMMAND AND CONFLICT RESOLUTION. In order to maintain open communication between County and its employees and to ensure that employees' general working concerns and conflicts are addressed quickly and efficiently, the County will utilize the chain of command protocol. Employees have the right to present or make known their complaints, free from interference, restraint, discrimination, coercion, or reprisal. This provision does not apply to serious complaints such as harassment, dangerous working conditions, workplace violence and discrimination, which are otherwise addressed by the policy.

It is required that an employee discussed his concerns first with his immediate supervisor. Departments/Offices should utilize alternative methods of dispute resolutions, including mediation, wherever appropriate to resolve conflicts in the workplace and encourage positive working relationships between employees and management.

If the concern cannot be handled at this level, the employee may request a meeting with the next level supervisor, up to the Elected Official or Department Head of his department. If it becomes necessary to pursue the issue beyond the Elected Official or Department Head level, or if the concern cannot be handles or remedied within the department due to supervisory conflict, it may be appealed to the County Manager within ten (10) calendar days of the department's final decision. The County Manager or designee may serve as a hearing officer and the County Manager's decision on the complaint shall be binding.

CODE OF ETHICS

A. The ethical County employee shall:

1. Comply with all County policies and standards regarding ethical business practices in accordance with The Governmental Conduct Act, NMSA 1978, Chapter 10, Article 16 ("GCA").
2. Properly administer the affairs of the County
3. Promote decisions which only benefit the public interest
4. Actively promote public confidence in County government
5. Keep safe all funds and other properties of the County.
6. Conduct and perform the duties of the office diligently and promptly dispose of the business of the County.
7. Maintain a positive image to pass constant public scrutiny
8. Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility
9. Inject the prestige of the office into everyday dealings with the public employees and associates.
10. Maintain a respectful attitude toward employees, other public officials, colleagues and associates.

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11. Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the County.
12. Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.

B. The ethical County official shall not:

1. Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
2. Improperly influence or attempt to influence other officials to act in his or her benefit.
3. Accept anything of value from any source which is offered to influence his or her action as a public official.
4. The ethical County Official accepts the responsibility that his or her mission is that of a servant and steward to the public.

CONTENTS OF PERSONNEL FILES. Subsequent to hiring, a separate record file shall be prepared and maintained for each employee. These records shall be kept in the Human Resources Office. It is the responsibility of each Elected Official or Department Head to ensure that the records of the employees are complete and up-to-date. The file shall contain a minimum of the following records:

A. the original application form:

B. the originating personnel action showing occupation, position classification, date of beginning employment and salary and a signed receipt evidence of receiving these Rules;

C. copies of personnel action forms;

D. copies of all performance evaluations, if applicable;

E. copies of all favorable or unfavorable letters or memorandums such as letters of certificates of appreciation or records of other outstanding achievements regardless of origination, so long as the procedure applicable to written reprimands is followed;

F. records or certificates of educational training or orientation achievement completion;

G. records of disciplinary actions such as reprimands, suspensions, demotions or dismissal; and

H. application for retirement program

ACCEESS TO PERSONNEL FILES. Personnel records are the property of the County and access to the information they contain is restricted. Generally, only immediate supervisors and management personnel of the County who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact Human Resources. Physical access to an employee's records shall be in the control of Human Resources. Personnel files may only be viewed or copied in the presence of the custodian of such records. The County may charge for copies as allowed by the Inspection of Public Records Act.

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SECTION 2

DEFINITIONS

ADMINISTRATIVE LEAVE WITH OR WITHOUT PAY. Leave with or without pay may be granted at the Department Head or Elected Official's discretion for good cause with the County Manager's approval.

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

ANNUAL LEAVE. Leave with pay granted to a regular or qualified appointed employee, after accrual at a specific rate, to be used by an employee subject to the prior approval of the employee's Department Head or Elected Official.

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

APPLICANT. A person who has made formal application on an official County application for employment form for a vacant position with the County.

APPOINTED EMPLOYEE. Appointed employees include: the Chief Deputy appointed by the County Assessor, Clerk, and Treasurer; the Chief Deputy and the Executive Secretary appointed by the Sheriff; the County Manager appointed by the County Commission; the Detention Administrator and the Road Superintendent appointed by the County Manager and any other designated by job description, employment agreement, or as approved by the County Commission subsequent to this Ordinance. Upon appointment, the employee is required to sign an At-Will-Agreement. This agreement states that the employees shall be subject to termination at the will of the appointee and may not grieve any disciplinary action.

CASUAL EMPLOYEE. An employee paid by the hour who may be called on short notice and/or on an occasional basis. A casual employee may also be one who regularly works less than twenty (20) hours per week and/or who has no expectation of future employment. A casual employee is terminable at-will, is not entitled to the grievance process contained herein, does not accrue leave, and is not eligible for any benefits.

CHIEF DEPUTY. An appointee of the Elected Official County Clerk, County Assessor, and County Treasurer. This position, by this policy, is considered an exempt, terminable-at-will in an unclassified position. They serve strictly at the discretion of their immediate Elected Official.

CLASSIFICATION PLAN. An ordering of the different positions in the County Service according to duties, responsibilities, and qualifications required

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COMPENSATORY TIME. Those hours granted in lieu of overtime, on the basis of one and one-half (11/2) hours compensatory time for each hour of overtime for employees covered by the Fair Labor Standards Act.

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 contracts. An independent contractor is not an employee of the County.

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

COUNTY MANAGER. Shall refer to the Roosevelt County Manager or his designee, who shall act as Enforcement Officer for the Roosevelt County Personnel Ordinance.

DEMOTION. A personnel action that reduces the employee's responsibilities and pay. Demotions may be voluntary, involuntary and/or may be the result of disciplinary actions.

DEPARTMENT HEAD. The Elected Official or appointee of the County Manager or Commission who has responsibility for supervising, administering, and managing a department of County government.

DISABILITY TERMINATION. The separation of an employee from County employment when the employee is physically or mentally unable to perform the essential functions of the position held by the employee and the employer is unable to reasonably accommodate the employee's condition.

DISMISSAL. A disciplinary action, taken by the County Manager, Department Head, or Elected Official with the County Manager's approval, which terminates an individual's employment with the County.

DUE PROCESS. The right 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. The right to due process does not apply to appointed employees who serve at the discretion of Elected Officials or Department Heads; or to probationary, temporary, casual, or part-time employees.

ELECTED OFFICIALS. An individual elected by popular vote or appointed to fill vacancies in an elective office (i.e., County Commissioners, County Clerk, County Treasurer, County Sheriff, County Assessor, and Probate Judge.)

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EXEMPT EMPLOYEES. All executive, administrative, and professional employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act, where and whose compensation is based on a fixed annual salary. Exempt employees are not eligible for overtime pay or compensatory time.

FULL-TIME EMPLOYEES. Any position with a work schedule of at least forty (40) hours per work week.

GRIEVANCE. A written complaint by a classified employee alleging a violation of rights under these policies, concerning actions taken by management which result in loss of pay to the employee.

LAYOFFS. The involuntary separation of an employee from County service, without fault on the part of the employee, due to reorganization, lack of work, lack of funds, or lack of appropriation of funds.

NON-EXEMPT EMPLOYEES. All employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act. Non-exempt employees shall receive overtime pay or compensatory time off for actual hours worked in excess of the work week as defined by Fair Labor Standards Act.

PART-TIME EMPLOYEE. Part-time classified employees working not more than twenty (20) hours per week, and will receive their benefits on a pro-rata basis.

PAY PERIOD / WORK PERIOD. A normal pay period for County employees shall consist of eighty (80) hours, which comprises two (2), forty (40) hour work weeks. Authorized leave during normal hours of work (excluding leave for official holidays) shall typically be counted as hours worked in a pay period. Work Period is used for a Sherriff's Deputy overtime calculation (See Compensation and Benefits-Section 9)

PERFORMANCE EVALUATION. The written objective assessment of the quality of the employee's work performance made by the Elected Official or Department Head.

POST-DISCIPLINARY HEARING. A hearing conducted by a Hearing Officer at the request of an employee who is grieving suspension or demotion, or a request by a former employee who is grieving a dismissal, and who has complied with the administrative grievance process as set forth in the Personnel Policy.

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

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PROBATIONARY EMPLOYEE. All full-time or part-time employees hired to fill a classified position who has not yet completed the six (6) months or twelve (12) months (law enforcement and detention) probationary period or any subsequent period of probationary employment during which time the employee is terminable-at-will.

PROMOTION. Movement of an employee to a position with a higher classification and pay grade, which generally results in an increase in salary.

RE-EMPLOYMENT. Hiring of a former County employee.

RESIGNATION. Voluntary separation of employment by an employee prior to retirement.

RETIREMENT. A County employee who has resigned employment with the County and who is drawing an annuity from Public Employee Retirement Association (PERA).

SAFETY SENSITIVE POSITION. A position where the employee holding this position has the responsibility for his own safety or other's safety. All law enforcement officers, detention officers, transport officers, employees required to have a commercial driver license, and employees who have control or access to controlled drugs or reports associated with these drugs.

SICK LEAVE. Leave with pay granted to a classified or eligible employee, after accrual and approval when personal illness or quarantine keeps the employee from performing the duties of the position, or when the employee's immediate family is ill.

STUDENT EMPLOYEE. An employee who is enrolled at an educational institution and carrying at least twelve (12) credit hours. Student employees are terminable-at-will and have no grievance rights.

SUBSTANCE ABUSE. The use of alcoholic beverages or controlled substances to the extent that the employee's health is substantially impaired or endangered, or the employee's work performance is impaired.

SUSPENSION. An involuntary leave of absence without pay for disciplinary reasons.

TEMPORARY POSITION. The employment or assignment of an employee to temporarily fill a position vacant due to the temporary absence of an employee or other requirements, and for a period not to exceed nine (9) months. Temporary positions also include seasonal employees. All temporary employees are terminable-at-will.

TERMINABLE-AT-WILL. A terminable-at-will employee is one on probationary status or one who fills an unclassified position. The County Manager, a Department Head or Elected Official with the County Manager's approval, can terminate the employment of an at-will employee under their supervision at their discretion without cause. A terminable-at-will employee cannot grieve layoff, suspension, demotion, dismissal, or other disciplinary actions.

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TRANSFER. Moving an employee from one position to another in the same pay range within the department or to a position of the same pay range in another department.

UNCLASSIFIED EMPLOYEE. Unclassified employees include: the Chief Deputy employed by the County Assessor, Clerk, and Treasurer, the Chief Deputy Sheriff and the Executive Secretary to the County Sheriff, the County Manager, the Road Superintendent, the Detention Center Administrator, student employees, temporary and casual employees; and probationary employees. Unclassified employees may be suspended, demoted, or dismissed at any time without cause and cannot avail themselves of the grievance process set forth in this policy manual.

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SECTION 3

EMPLOYMENT STATUS

A. TYPES OF EMPLOYMENT

1. CLASSIFIED EMPLOYEES.

a. Full-time classified employees.

A full time classified employee is an employee who has successfully completed the probationary period, who works a minimum of forty (40) hours per week, and who is entitled to all rights and benefits of the Roosevelt County Personnel Manual.

b. PART-TIME CLASSIFIED EMPLOYEES.

A part-time classified employee is an employee who has successfully completed the probationary period and who meets the definition of part-time employee. Part-time classified employees are eligible for the same benefits as full-time employees except benefits are calculated on a pro-rata basis. This rate of accrual or participation will be based on the ratio of actual hours worked to a forty (40) hour work week.

2. UNCLASSIFIED POSITIONS. The County Manager, Road Superintendent, Detention Center Administrator, student employees, temporary and casual employees, probationary employees, the Chief Deputy of each Elected Official, the Executive Secretary to the Sheriff and the Chief Deputy Sheriff. Unclassified employees are terminable- at-will, and cannot grieve disciplinary actions. Unclassified employees are subject to all other provisions contained herein, unless specifically excluded.

3. PROBATIONARY EMPLOYEE. A newly hired full-time employee or one rehired after a fully terminated absence of sixty (60) days, hired to fill a position in the classified service who has not completed the one hundred eighty three (183) day (three hundred sixty five (365) day for law enforcement) probationary period of employment during which the employees is terminable-at-will and has no grievance rights. Probationary employees accrue annual leave and benefits, but cannot take such until the probationary period is completed. Sick leave may be requested when necessary and is subject to the approval of the Department Head or Elected Official and by the County Manager. All Roosevelt County employees will be required to serve a six month (6) or twelve (12) month for law enforcement and detention center probationary period.

4. TEMPORARY EMPLOYEE. A temporary employee is hired on a full-time or part-time basis to a seasonal position or for a position established for a period not to exceed nine (9) months. A temporary employee will also include an employee who is hired to perform a specific job or fill the temporary absence of an employee. Temporary employees are terminable-at-will, are not eligible for County benefits, and do not accrue vacation, sick leave or holiday pay.

5. **CASUAL EMPLOYEE.** An employee paid by the hour that may be called on short notice and/or on an occasional basis or, who generally works twenty-four (24) or less hours per week. Casual employees are terminable-at-will, are not eligible for County benefits, and do not accrue vacation, sick leave, or holiday pay.

6. **GRANT FUNDED EMPLOYEE**. A full or part time employee hired to fill a position that exists only upon receipt of grant funds. This position is terminable at will if funding is not received or upon expiration of the grant agreement.

7. **STUDENT EMPLOYEE.** An employee who during at least eight (8) months in any calendar year, or during the period of employment, is enrolled at an educational institution whose academic credits would be accepted by a state educational institution or a public school district and carrying at least twelve (12) credit hours. Student employees are terminable-at-will and have no grievance rights. Student employees are not eligible for County benefits, and do not accrue vacation, sick leave or holiday pay. Student employees are exempt from PERA membership.

SECTION 4

RECRUITMENT AND SELECTION

POLICY. Roosevelt County desires to obtain the best possible employees and affords equal opportunity for employment to all. In order to achieve this goal, the following recruitment policies shall apply.

APPLICATIONS WILL BE TAKEN ONLY WHEN A POSITION IS POSTED.

A. RECRUITING POSTING PROCEDURE.

A vacant position may be filled either by a transfer from another County department or by the hiring of a new employee.

Vacancies may be filled from among current County employees after the internal posting of a job notice.

An interdepartmental transfer shall be based on qualifications, experience, and overall suitability for the position. An employee under disciplinary action in their current position is not eligible for an interdepartmental transfer without the approval of Human Resources/County Manager.

Positions not filled by current County employees will be posted for public advertisement.

B. EXCEPTIONS TO POSTING

Human Resources may choose not to post a position vacancy. These situations may include:

- A vacancy filled through the re-assignment of a current employee to another position on a temporary basis.
- A vacancy filled through the reassignment of an employee in accordance with the Americans with Disabilities Act as amended.
- An employee transferred into an existing vacancy to best serve the needs of the County.
- A vacancy filled by the recall of a previously laid off or soon-to-be-laid off qualified County employee.
- A vacancy filled through the disciplinary demotion or self-demotion of an employee.
- A vacancy in a temporary or other unclassified position.

C. APPLICANT RESPONSIBILITY

1. SUBMISSION OF APPLICATIONS:

- Applications must be submitted on the County's employment application form.
- Application for employment shall be accepted in the County's Human Resources Office during normal business hours.
- Applicants shall be considered only for positions for which they have applied and are qualified.
- For specific positions, as stated on the position posting, evidence of training, licenses, or certifications shall be submitted either with the application or before the closing date on the announcement.
- Applications, along with supplemental documentation, are the property of the County and will not be returned to the applicant. Applications are public record and may be released to the media or other requesting parties, except for confidential materials as identified in the New Mexico Inspection of Public Records Act, NMSA 1978 Section 14-2-1 et seq.

2. IMMIGRATION ACT COMPLIANCE.

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

3. REFERALL TO DEPARTMENT HEAD OR ELECTED OFFICIALS

Human Resources will refer applicants who have met the qualifications to the Department Head or Elected Official for consideration.

D. SELECTION

Selection shall be made based on the following:

- Skills
- Educational background
- Experience
- Personal Interview
- References
- Result of pre-employment screenings and examinations, as required

The Department Head or Elected Official shall submit to Human Resources an authorization to hire form recommending any new hire. The authorization to hire form requires final approval by the County Manager. An employee shall not be scheduled to work until an authorization to hire form with all required signatures has been submitted and all new hire paperwork has been processed.

Employment Reference Checks

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- Applicants will be asked to sign an authorization for the County to check references. Only those applicants who sign this written authorization will be considered for employment.
- References provided by the applicant may be checked.

Physical Examination or Other Testing

- Post offer physical examinations and other testing may be required as identified in the job description or posting, within the limits of applicable state and federal law.
- These post offer screening tests will be at the County's expense. Any further testing or treatment recommended to an applicant by any of the testing practitioners will be at the applicant's own expense.
- Any applicant who voluntarily terminates their employment with the County prior completing fifty percent (50%) of their probationary period will reimburse the County the total costs of all post offer screening tests.
- Any applicant who terminates their employment with the County after completing more than fifty percent (50%) but prior completing one hundred percent (100%) will reimburse the County fifty (50) percent of the total costs of all post offer screening tests.

Driving Record, Pre-Screening

- A DMV record will be obtained for all applicants considered.

Pre-Selection Prohibited-Posted and advertised positions shall not be promised to any person prior to recruitment and selection to ensure the integrity and fairness of the selection process.

E. INELIGIBILITY FOR HIRE AND REHIRE

An applicant shall be considered ineligible for hire or rehire by Roosevelt County if the applicant has:

- Made any false statements or deliberate omission on the employment application.
- Not met the requirements of the position as stated in the job description; fails to complete or pass required tests; fails to complete or pass post-offer examinations including physical agility testing; or other requirement as determined by Human Resources.
- Failed to submit a complete application or missed the established closing date of position.
- Not met the criteria for insurance bonding as required by County

policy or state law.

- Been certified by an appropriately licensed profession that the applicant cannot perform the essential functions of the position.
- Been convicted of a felony or misdemeanor as described NMSA 1978, Section 28-2-1, et seq., as amended or convicted of a felony or infamous crime as defined by NMSA 1978, Section 10-1-3, as amended.
- Makes a materially false statement, affirmatively of by way of omission
- Been dismissed from County service as a result of a disciplinary matter or failure to successfully complete the probationary period
- Failed to appear for a scheduled interview or any other step of the selection process.

**The above list is not exhaustive and does not include all the reasons that would make an applicant ineligible for hire.*

COMPLAINT PROCEDURES. Any employee or person refused employment or who believes he/she has been subjected to a discriminatory employment act or practice prohibited by federal or state law shall file with Human Resources and signed statement of facts setting out the basis for the complaint.

A. Upon receiving a written and signed complain or upon receiving notice of an alleged unlawful employment practice from an individual, Human Resources shall immediately conduct an investigation and attempt to resolve such complaint informally and forward copies of the investigation and results to the Elected Official/Department Heads and County Manager.

B. If the complaint is not resolved informally by the process set forth in subsection A. above, it will go before a Hearing Officer appointed by the County Manager. The Hearing Officer shall conduct a hearing not more than forty-five (45) days after the complaint has been received by Human Resources. The complainant, complainant's attorney (if any), the County Manager, Human Resources, County Attorney, Elected Official/Department Head and the employee allegedly responsible for the discriminatory act or practice, shall be given five (5) days written notice of the hearing together with a copy of the complaint filed with Human Resources.

C. At the hearing, the complainant and respondent shall have the right to be represented by counsel; all testimony shall be received under oath, ant the Hearing Officer shall have the authority to issue administrative subpoenas for the attendance of any County employee as a witness.

D. The Hearing Officer shall report finding and recommendations in writing to the County Manager and Elected Official or Department Head not more than twenty (20) days after hearing the complaint. A full record of the proceedings shall be kept either by audio media or in writing by the Human Resources confidential file.

REMEDIES. In the event the County Hearing Officer determines that a discriminatory act or practices has occurred, the County Manager may take appropriate action including, but not limited to, reinstatement, hiring or promotion of the aggrieved individual, with or without back pay, or any other equitable administrative relief necessary to correct and rectify the discriminatory act or practice. Nothing in this policy prohibits any aggrieved party from seeking remedy through state or federal agency responsible for such actions.

F. PROMOTION

1. **CONSIDERATION TO COUNTY EMPLOYEES.** It is the policy of Roosevelt County to attempt to promote qualified employees from within and to hire new employees for entry-level positions if possible and in the best interest of the County. To apply for a posted job vacancy, County employees must contact Human Resources in the Administration Department with a letter of request for promotion. All employees seeking promotion must meet the basic qualifications for the position for which they are applying, including physical examination, experience, education, certifications and/or other tests when deemed necessary by the appropriate Department Head or Elected Official.

   Where a vacancy exists for a supervisory, Administrative Assistant or management position within a department, the Department Head or Elected Official with the approval of the County Manager, may choose to fill the vacancy from within the department. In those situations the vacancy shall be posted within the department with each employee within the department being given the opportunity to apply for the vacancy.

2. **RE-EMPLOYMENT OF FORMER EMPLOYEES.** Re-employment preferences will be given in the following order: Employees returning from an approved leave of absence, including military leave, medical leave or reduction-in-force in this order followed by former qualified full-time and part-time employees, and temporary employees who left the County in good standing. Previous work performance will be considered. Nothing set forth in this section shall require such re-employment, but only consideration of the same by the employing authority. Re-employment of military personnel is governed by Section 10, J-3.

3. **BASIC QUALIFICATIONS.** Basic qualifications, together with references and desirable attributes, will be contained in the job description for each classified position within the County and include educational levels and skills which relate particularly to that specific job. Waivers may be granted on basic qualifications by the County Manager. If waivers are requested by a Department Head or Elected Official, they shall be in writing and shall contain the reason for such waiver request. If the waiver is granted, the position will be re-posted and the pay may be adjusted accordingly.

G. REASONABLE ACCOMMODATIONS POLICY

1. **STATEMENT OF PURPOSE.** It is the policy of the County of Roosevelt to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. The County of Roosevelt will adhere to all applicable federal, state and local laws, regulations and guidelines with respect to providing reasonable accommodations as required affording equal opportunity to qualified persons with disabilities. Reasonable accommodations as required by law will be provided upon request for accommodation.

2. **DEFINITIONS OF DISABILITIES.** Any person who has or who acquired a physical or mental impairment, or who has a record of such an impairment or who is regarded as having an impairment which limits one or more major life activities, such as self-care, performing manual tasks, seeing, hearing, speaking and working on a temporary or permanent basis.

   a. **Physical or Mental Impairment:** Any physiological disorder, disfigurement or anatomical loss or limitations, or any mental or psychological disorder acquired as a result of illness, accident or birth.

   b. **Qualified Person with Disability:** A person with a disability whose experience, education and/or training enables the person with a disability, with reasonable accommodations, to perform the essential functions of the job.

   c. **Reasonable Accommodations:** Adjustments made for the known disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with a disability to perform the essential functions of a job. Reasonable Accommodation includes, but is not limited to, modifying written or oral examinations; making facilities accessible; adjusting work schedules; restructuring jobs; the purchase of assistive devices; and the acquisition of interpreter services for hearing impaired employees.

   d. **Reasonable Accommodations Committee:** A committee to review and monitor the provision of reasonable accommodations to employees or applicants. The committee shall be composed of the County Manager or his designee and representatives of the operating department involved.

3. **PRACTICES.** Department Heads or Elected Officials shall prepare an analysis of jobs within their units, which includes defining the essential functions, elements and tasks; as well as the environment in which job activities occur. Such documentation shall be developed with the assistance of Human Resources and be updated and reviewed periodically.

When an employee is unable to perform the essential duties of a specific position because of a mental or physical handicap, efforts shall be made to allow the employee to continue to work through reasonable accommodation. In considering an employee with a disability, it is appropriate to determine the ability of that employee to perform the essential functions of a job with a reasonable accommodation.

The Reasonable Accommodations Committee shall meet on an as needed basis, to review decisions on reasonable accommodations made by Department Head or Elected Official. It shall meet as needed to review other proposed or requested accommodations. The committee shall consult with the employee or the applicant's immediate supervisor and any other related staff. It shall act in a timely manner that will enable personnel actions to proceed in their regular course.

In determining the extent of the County of Roosevelt's accommodation obligations, the following factors, among others are to be considered:

a. business necessity, and
b. financial cost and expenses.

"Business necessity" includes reasonable consideration of productivity, safety and efficiency in the operation of County business. If an employee wishes to challenge an action related to reasonable accommodation, they can appeal it through the existing Grievance Procedure as outlined in the Personnel Policy.

4. **REQUEST PROCESS, APPLICANTS.** An applicant with a known disability needing an accommodation in the examination or interview process shall request this accommodation from the County Manager or his designee in a timely fashion (no less than forty-eight [48] hours prior to an exam or interview). The County Manager or his designee will provide the requested reasonable accommodation or schedule a meeting of the Reasonable Accommodations Committee to determine if the accommodation can be provided.

5. **REQUEST PROCESS, EMPLOYEE.** An employee with a known disability shall request an accommodation from their Department Head or Elected Official. The Department Head or Elected Official, and the County Manager or his designee, in cooperation with the employee, shall determine if the accommodation is reasonable and, if so, provide the accommodation. Under certain circumstances, i.e., disability is not visible, a request for medical verification of the disability is appropriate. If medical examination is necessary and the County requires a medical examination to be conducted, the County will pay for such examination. If a reasonable accommodation is agreed upon, the accommodation will be provided. If a reasonable accommodation cannot be agreed upon, the matter will be referred to the Reasonable Accommodations Committee whose decision concerning the requested accommodation shall be final.

SECTION 5

CHANGES IN EMPLOYMENT STATUS

A. DEMOTION. An employee may be demoted to a lower position for which he is qualified when the employee would otherwise be terminated because his position is being abolished due to a lack of funds or lack of work or when the employee does not possess the necessary ability to render satisfactory performance in the position presently held; or when the employee voluntarily requests such a demotion in writing. Demoted employees will receive a reduction in pay commensurate with the new position. Demotion is not a required step in progressive discipline. An employee who is demoted will serve a probationary period for the new position for a period of twelve (12) months.

B. PROMOTION. Roosevelt County encourages the professional growth of its employees and rewards the initiative, creativity, effort, commitment, and diligence of its employees through the promotional process. County employees are encouraged to take advantage of promotional opportunities and apply for higher paying positions for which they qualify. Promoted employees will receive an increase in pay which is commensurate with the new position. An employee who is promoted may be required to serve a trial period. A promotion is a movement to a higher classified position within the County's classification plan.

C. TRANSFER. An employee may be transferred, voluntarily or involuntarily, to a vacant position for which he is qualified if the employee meets the qualification requirements, if it is in the best interest of the County, if further training and development of an employee in another position would be beneficial to future staffing potential of the County, or if it meets a personal need of the employee. There shall be no pay adjustment for employees transferred from one position to another of comparable responsibility. An employee cannot grieve involuntary transfers. An employee who is transferred will serve a trial period for the new position for a period of six (6) months. Sheriff Deputies who are required to be certified must serve a twelve (12) month period.

D. RESIGNATION. A County employee who wishes to resign in good standing must submit a letter to the Department Head or Elected Official at least ten (10) working days before leaving. Any County employee operating in a supervisory capacity who wishes to resign in good standing must submit a letter to Department Head or Elected Official at least fifteen (15) days and preferably thirty (30) days before leaving. All County equipment, uniforms, and other County property shall be turned into the department upon termination or the employee's final paycheck may be reduced by the value of the unreturned items and for any amount of pre-employment fees as determined by the Conditional Offer Letter the employee signed upon accepting the offer of employment. PERA will be notified of the employee's termination and the employee will be given a Member Request for Refund/Rollover Form. The letter of resignation must be promptly delivered to Human Resources. Failure to give at least ten (10) days' notice is grounds for denial for rehire.

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An employee who fails to report to work for three (3) consecutive workdays without authorization is considered to have abandoned his position and resigned his County employment and is not eligible for rehire. Absence without authorization is defined as the failure of any employee to report to work without contacting his Supervisor within the first hour of scheduled work or in accordance with Department Policy. Calling in does not necessarily constitute an excused absence. Employees who are absent without an authorized leave for less than three (3) days will be subjected to disciplinary action which may include up to termination.

An employee who leaves his duties before the scheduled ending time because of illness or other reasons and does not inform his supervisor prior to leaving will be considered to be on unauthorized leave. Such action will be subject to disciplinary action which could include dismissal.

E. EXIT INTERVIEW. Prior to the last day of work, each employee who resigns and has completed the probationary period must schedule an exit interview with Human Resources at the convenience of their supervisor. Department Heads or Elected Officials shall make arrangements for the employee to attend the exit interview. The interview is to assess information about the employee's job, work environment, and the County organization in general which can be used to improve the organization. Exit interviews will not be made a part of the employee's personnel files.

F. REDUCTION-IN-FORCE. If it is necessary for the County to reduce the number of County employees because of reorganization, lack of funds, or lack of work, the Department Head or Elected Official shall make the determination of the job classification to be affected. The reduction will occur in the following manner:

1. Lay-offs will be determined by department/office within job classification. Casual, temporary, and probationary employees within a department/office will be laid-off before full or part-time classified employees with the same classifications within the given department/office unless specific skills and knowledge must be retained.

2. Lay-offs of classified employees shall be done in reverse order of seniority. For the purpose of this section, seniority shall mean total of years of continuous, uninterrupted service as a classified employee of the County applied to the current classification held.

3. Employees to be laid-off shall be notified in writing by the Department Head or Elected Official and Human Resources.

4. Classified employees who are laid-off will be considered for recall on a seniority basis within the classification subject to recall. For a period of six (6) months from the date of lay-off, qualified individuals on the lay-off status will be given preference on positions to be filled in the classification that the employee held prior to lay-off. To be considered for other vacancies, the laid-off employee must reapply.

5. Any classified employee who is laid-off and returns to County employment within six (6) months of lay-off shall not be required to serve a probationary period if the employee returns to the employee's previous classification. A laid-off classified employee returning to classified County employment will be credit for all unused sick leave left unused at the time of lay-off if such return is within six (6) months. A lay-off as a result of reduction-in-force cannot be grieved.

G. DISMISSAL. The County Manager, or the Department Head or Elected Official with the County Managers' approval, shall have the authority to dismiss classified employees for just cause which shall include, but not be limited to, unsatisfactory performance, illegal activity or unacceptable conduct on the job. Unclassified employees serve at the discretion of the Department Head, Elected Official or County Manager under whom they are employed, and may be dismissed with or without cause.

Unacceptable conduct may include but is not limited to insubordination, theft, intoxication, sexual harassment, or other criminal or immoral conduct committed while on the job.

H. MEDICAL DISABILITY TERMINATION. Employees shall be involuntarily terminated no earlier than six (6) months and no later than twelve (12) months from the last day of work after a qualified, licensed physician certifies that the employee is physically unable to perform the essential functions of the employee's position. During the initial six (6) month period of disability, the employee will be placed on medical leave without pay status. This period may be extended up to six (6) months with the approval of the County Manager.

The employee must submit monthly reports from a qualified, licensed physician on the employee's condition. However, if the employee is declared to be permanently disabled, and unable to perform his position, then the employee will be terminated if all leave has been exhausted.

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SECTION 6

CONDITIONS OF EMPLOYMENT

A. PROBATIONARY PERIOD

1. **Probationary Period for New Hires.**

An employee hired to fill a classified position shall serve a probationary period of six (6) months; and twelve (12) months for deputy sheriff and detention officers, 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.

a. When an employee successfully completes his probationary period, a letter must be sent to Human Resources 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 this Personnel Policy Manual. If the employee has not satisfactorily completed the appropriate probationary period, the probationary period may be extended for up to sixty (60) days at the Department Head's or Elected Official's discretion. The County Manager, Department Head or Elected Official will advise Human Resources of the status change.

b. An employee, whether probationary or non-probationary, hired to fill law enforcement or detention center position shall serve a twelve (12) month probationary period, during which time the employee shall obtain the 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 shall result in the employee's dismissal.

c. If the employee satisfactorily completes the probationary period, the employee will be placed in the classified County service. If the employee does not satisfactorily complete the probationary period, the employee will be dismissed. A probationary employee may be terminated at any time during the probationary period and the termination cannot be grieved.

d. If the employee is hired to a full-time or part-time classified position, the first day of work shall be counted in computing the beginning of the probationary period.

2. **Temporary Employee Hired to a Classified Position.** 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 full-time or part-time status.

3. **Former County Employees Hired to a Classified Position.** All benefits will accrue at the same rate as any new employee. A former County employee shall become required to serve the same probationary period as a new hire.

B. PERFORMANCE EVALUATION.

1. **Evaluations.** An evaluation may be submitted upon the following occasions:
   a. One the annual anniversary date for an employee
   b. A change of status
   c. Demotion or suspension
   d. Any other time that a Department Head or Elected Official or immediate supervisor wishes to make the particularly good or bad performance of an employee matter on record.

2. **Contents of Evaluations.** Performance evaluations will be in writing and will contain an overall appraisal of the employee's performance such as satisfactory, outstanding, or unsatisfactory and be completed on the standardized form provided by Human Resources. The employee shall sign the performance evaluation. If the employee refuses to sign, the Elected Official or Department Head shall write "refused to sign".

3. **Employee Rebuttal.** Employees may submit rebuttal statements to the evaluation and development plan which will be attached to the evaluation and development plan. Such rebuttals must be submitted within ten (10) working days of the evaluation.

4. **Unsatisfactory Evaluation.** In the event a classified employee receives an overall evaluation of unsatisfactory, such employee shall be provided with written information in the evaluation as to specific areas of deficient performance and steps and time limits for improvements. The employee is also not eligible for any pay increase granted by the County to other employees within the next twelve (12) months, and shall be warned that failure to meet reasonable performance standards of the position within a set time period, not to exceed ninety (90) days. If performance remains unsatisfactory, the employee shall be dismissed.

All employee evaluations shall be given to Human Resources to be placed in the employee's file.

NO SALARY CHANGES WILL BE MADE PRIOR TO THE RECEIPT OF THE EVALUATION ALONG WITH A AND SIGNED AUTHORIZED PERSONNEL ACTION FORM (PAF.)

C. PROHIBITED POLITICAL ACTIVITIES.

County employees shall not:

1. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose.
2. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person, for political purposes.

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3. Threatening to deny promotions to or retaliating in any way any employee who does not vote for or support certain candidates, requiring employees to contribute to a political fund or candidate, influencing subordinate employees to buy tickets to political fundraiser and similar events, advising employees to take part in political activity and matters of similar nature.
4. Engaging in a political activity while on duty.
5. Using County-owned equipment, supplies, vehicles, space or property for political purposes.
6. Campaign on County property or on County time. County employees whose principal employment are in connection with an activity financed in whole or in part by federal loans or grants are required to comply with the provisions of the Hatch Act. (5U.S.C.^U 7321-7328).

D. PERMITTED POLITICAL ACTIVITIES – All employees:

1. May engage in political activity on their own time;
2 Are encouraged to register to vote, and to exercise the right to vote;
3. Have a right to express their opinion on all political subjects and candidates;
4. May serve as convention delegates;
5. May sign nominating petitions and make voluntary contributions to political organizations and candidates; and
6. May serve as an election or poll official

E. NEPOTISM.

1. The practice or appearance of nepotism is prohibited. Nepotism, for purposes of this Personnel Policy Manual, is defined as the practice of giving preferential treatment to near relatives, or to unrelated persons who are cohabiting, in areas of employment including, but not limited to: selection, hiring, appointment, assignment, benefits, pay, promotion and discipline. Any person elected or appointed to public office shall not give employment as clerk, deputy, assistant or other class of departmental employee to any near relative or to an unrelated individual sharing a spousal relationship with an employee when that person's compensation is $600.00 or more annually NMSA 1978,^U 10-1-10 (1987 Repl. Pamp). The practice of Nepotism does not apply to casual employees hired to assist in County elections if the compensation for such employees is $600.00 or less per year.
2. "Near relatives" for purposes of this policy are defined as: employee's spouse or ex- spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, first cousins, and like relations of the employee's spouse. This definition includes any person related to the employee by birth, adoption, or marriage, up to and including those within the second degree of consanguinity or affinity. This includes any person who would fall under the above definition if the persons who are cohabiting were in fact married. No one related to a Department Head or Elected Official will be hired, appointed, or employed in any department during that Department Head's or Elected Official's term of employment.

3. Near relatives, or persons cohabiting, shall not work in the same department/office.
4. When there is a change in assignment or relative relationships among County employees which leads to both employees sharing the same department/office, the employee must inform the Department Head or Elected Official in writing within five (5) working days. The County Manager will arrange for the transfer of one of the employees in question and will officially notify those involved within ten (10) working days, if a position is available. If no position is available within three (3) months of notice, one employee will be terminated. Any employee not submitting a letter indicating a change of relative or spousal relationship, as specified in this section, will be disciplined.
5. Employees, hired prior to May 15, 2007, who are near relatives of supervisors or employees in the direct chain of command or persons who are cohabiting with a supervisory employee in their direct chain of command are grand-fathered in for their duration as County employees.

Blood Relationship

Employee Blood Relationship

1st Level	2nd Level
Father	Uncle
Mother	Aunt
Son	Nephew
Daughter	Niece
Brother	Grandfather
Sister	Grandmother
Step-Father or Mother	Grandson or Granddaughter
Step-Brother or Step-Sister	First Cousin

Employee Relationship By Marriage

1st Level	2nd Level
Husband	Uncle
Wife	Aunt
Daughter or Son In-Law, one marriage Removed	Nephew
Step-son or Step-Daughter In-Law	Niece
Brother or Sister In-Law	Grandfather
Step-Son or Step-Daughter	Grandmother
Father or Mother In-Law	First Cousin
Step-Mother or Step-Father In-Law	Brother or Sister In-Law, two marriages removed

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E. **CONFLICT OF OUTSIDE EMPLOYMENT.** No employee shall engage in any business transaction or accept private employment or other public employment which is incompatible with the proper discharge of the employee's responsibilities, or which gives the appearance of impropriety.

Because each employee represents Roosevelt County in the performance of the employee's duties, the County requires each employee to obtain the express written permission of the Department Head or Elected Official to whom the employee reports allowing the employee to engage in supplementary or outside employment. A copy of this written permission shall be given to Human Resources to be placed in the employee's personnel file.

If a Department Head (excluding Elected Officials) wishes to engage in supplementary or outside employment, express written permission of the County Manager shall be obtained in writing.

The Department Head or Elected Official shall determine whether:

1. The duties or services of the proposed supplemental/outside employment will not create a conflict of interest for the employee or the employee's subordinates while serving in an official capacity with the Country.

2. The proposed supplementary/outside employment will not defame, embarrass, or reflect discredit upon the County.

3. The employee is serving the County satisfactorily and will be able to continue to do so if the employee undertakes supplementary/outside employment.

4. The employee's sick leave usage reflects or gives the appearance of abuse. The County Manager will also verify the usage and or abuse of sick leave. If it is determined that sick leave is being abused, the offending employee shall be given a letter of caution, which shall be placed in the employee's personnel file. Continued abuse of sick leave may result in disciplinary action.

Approval authorizes supplementary/outside employment for a period of one (1) year, unless otherwise specified.

The limit of County responsibility, in the case of injury or occupational disease due to the supplementary/outside employment will be the employee's accrued sick and vacation leave.

Upon the request of the Department Head or Elected Official, no employee shall continue in supplementary/outside employment if such employment has a negative impact on the employee's job performance. A determination that such employment has a negative impact on an employee's job performance is not subject to a grievance.

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SECTION 7

EMPLOYEE DISCIPLINE

A. BASIS FOR EMPLOYEE DISCIPLINE

1. **Just Cause Discipline.** Classified employees shall not be disciplined except for just cause. Disciplinary actions will be consistent with governing laws and regulations and will be taken without regard to race, age, religion, color, national origin, sex, physical or mental handicap or medical condition.

2. **Disciplinary Action.** Any Department Head or Elected Official may take disciplinary action against an employee under their authority, consistent with departmental policies and this Personnel Policy and with prior review from Human Resources. Original documents of any disciplinary action must be provided to Human Resources for placement in the employee's personnel file with the signature of the recipient acknowledging receipt of the action.

3. **Consultation with County Manager and County Attorney.** Dismissal, demotion, and suspension require consultation with the County Manager and County Attorney before implementation. Whenever such consultation is not practical because of urgency or other pressing reasons, the Department Head or Elected Official may place the employee on leave with pay pending a review of the situations/circumstances by the County Manager and County Attorney.

B. PROGRESSIVE DISCIPLINE.

The County will use progressive discipline when it is determined by the County to be appropriate. The step of corrective action used depends on the severity of the infraction and the employee's previous work record. Therefore, the initial disciplinary action may be dismissal.

1. **Written Reprimand**

   a. An employee shall receive a written reprimand because the deficiency or infraction is of a degree that, in the opinion of the supervisor, it requires documentation. Causes for written reprimands include, but are not limited to:

      1. Substandard work performance
      2. Repeated absences or tardiness.
      3. Insubordination (failure to follow the lawful order of a recognized supervisor).
      4. Sleeping on the job.
      5. Failure to follow safety rules.
      6. Failure to meet prescribed standards of work.
      7. Failure to follow other County rules or regulations.
      8. Non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of his or another employee's work.

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b. Written reprimands for an employee shall be placed in the employee's personnel file by the Department Head or Elected Official after providing the employee with a copy of the statement. The employee will be asked to acknowledge having read the comments by signing the statement. If the employee refuses to sign, a witness will attest in writing that the statement was presented to the employee for signature. The witness signature indicates that the employee read the statement, but does not necessarily indicate concurrence with its content. The employee may respond with a written rebuttal which shall be placed in the employee's personnel file. The placement of a written reprimand in an employee's file is grievable only under Section 8-D of this manual.

2. Suspension. An employee may be suspended without pay for a single serious offense, or for continued inadequate job performance or misconduct after previous attempt(s) to correct the deficiency have failed. Such suspension will not exceed thirty (30) working days. Suspensions of classified employees are grievable to the County Manager. Causes for suspensions include, but are not limited to:

a. The causes listed for written reprimands.

b. Continued instances of inefficiency in work performance.

c. Negligent damage to property and/or person(s).

3. Dismissal. Dismissal is the final consequence when progressive discipline has failed to change unacceptable behavior or performance, or when the employee has engaged in other behavior that is of a serious nature and which is unacceptable for County employees. Grounds for dismissal may include, but are not limited to:

a. All causes listed for the previous disciplinary actions.

b. Theft

c. Conviction of a job-related felony or misdemeanor pursuant to the Criminal Offender Employment Act, NMSA 2878, 28-2-1 et. Seq.

d. Serious acts of negligence causing damage to County property or to persons.

e. Conduct unbecoming an employee of Roosevelt County.

f. Deliberate falsification of information on the employee's job application, sick leave reports, work time cards, or other County records.

g. Substance abuse on the job

h. Intentional abuse or destruction of County property or equipment.

i. Refusal to carry out reasonable orders.

j. Failure to meet standards of substance abuse rehabilitation programs.

k. Failure to maintain a valid New Mexico Driver's License if required by the Job Description for the position or failure to maintain a good driving record.

l. Fighting on the job or horse-play that result in the injury of an employee.

m. Sexual or racial harassment of other persons.

The above examples are typical of the types of infractions sometimes encountered but are not inclusive of all situations which may arise. The County reserves the right to exercise judgment

and render disciplinary action or dismissal, as determined appropriate, based on the circumstances of each case. Dismissals of classified employees are grievable to the Grievance Hearing officer.

4. Unlawful Act. No employee will be disciplined for refusing to perform an unlawful act.

5. Conditions or Actions Not Grievable. Including but not limited are the following conditions or actions that are not subject to review under the formal grievance procedure:

a. Disputes as to whether or not an established County policy or practice is appropriate.

b. Matters where a method of review is mandated by law.

c. Matters where the County is without authority to act or does not have the ability to provide a remedy.

d. Probationary employees disciplined or dismissed prior to the expiration of their probationary period.

e. Temporary and casual employees disciplined or dismissed prior to or at the end of their anticipated employment period.

f. All unclassified employees disciplined or dismissed at any point during their employment with the County.

g. Employee complaints charging discrimination based on race, color, creed, religion, gender, age, national origin or handicap. Such complaints shall be administered by the County Manager in compliance with the Civil Rights Act of 1964 and the New Mexico Human Rights Act.

h. Position desk audits, job evaluations, performance appraisals or preference for employment.

i. Transfers, temporary assignments, removal from temporary assignments, and promotions.

j. Objections to working conditions.

k. Denial of permission for outside employment.

l. Performance evaluations.

m. Suspension form employment for three days or less.

C. WORKPLACE BULLYING. The County defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." All employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees that the County will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The County considers the following types of behavior examples of bullying:

- Verbal Bullying – Slandering, ridiculing or maligning a person or hi/her family; persistent name calling that is hurtful; insulting or humiliating; using a person as the subject of jokes; abusive and offensive remarks.
- Physical Bullying – Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- Gesture Bullying – Nonverbal threatening gestures or glances that convey threatening messages.
  Exclusion – Socially or physically excluding or disregarding a person in work-related activities.
- Social Media – Social media can become a forum for inappropriate, unwelcome remarks about employees by supervisors or among co-workers. This kind of behavior will not be tolerated.

D. WORKPLACE VIOLENCE. The County expressly prohibits any act or threat of violence, direct or indirect, by any employee, former employee, customer, visitor, or any other person against any employee in or about the County's premises. Anyone found to be responsible for threats or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination.

Employee's Role

- Indirect or direct threats of violence, incident of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, Human Resources, or any member of senior management.
- When reporting a threat or incident of violence the employee should be specific and derailed as possible.
- Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

County's Role

- Promptly and thoroughly investigating any allegation of behavior that is perceived to violate this policy.
- Initiate corrective action up to and including separation of employment against any employee who engages in behavior that the County determines violates this policy.
- Taking appropriate action with all individuals who engage in behavior on County premises that the County determines violates this policy.

SECTION 8

GRIEVANCE PROCEDURES

A. INITIAL STEPS IN FORMAL GRIEVANCE PROCEDURE. This formal grievance procedure is applicable for suspensions, demotions or dismissals only.

1. **Written Notification.** The Elected Official or Department Head shall present the employee with written notification of intent to suspend, demote, or dismiss at least five (5) working days in advance of the proposed action. The written notification must explain the reasons for the proposed action. The employee will be given the opportunity to respond to the charges for the proposed disciplinary action prior to the implementation of any suspension, demotion, or dismissal. The notice of the anticipated action shall be hand-delivered to the employee along with the notice for the predetermination meeting.

2. **Immediate Suspension.** In cases where County property, other employees, or citizens are at risk as a result of the employee's actions, the Elected Official or Department Head shall put the employee on administrative leave with pay while the appropriate action is contemplated and until the pre-determination meeting is held and the decision is rendered.

3. **Pre-determination meeting.** Employees must pursue grievances according to the rules contained herein.

   a. Within three (3) calendar days of the receipt of the Notice of Proposed Disciplinary Action, the employee is required to notify the Department Head or Elected Official and Human Resources, in writing, whether the employee will participate in the pre-determination hearing.

   b. If the employee does not request a pre-determination hearing, the employee is deemed to have waived the employee's right to contest the matter and the County Manager shall issue a Notice of Final Determination to the employee.

   c. The Notice of Final Determination will specify:
      1. The grounds for discipline;
      2. The disciplinary action to be imposed;

4. **The date the disciplinary action will be effective.**
   a. The County Manager or appropriate Department Head or Elected Official shall set the time, place, and date of the predetermination meeting. The employee and must be advised of the scheduled hearing in writing.
   b. The purpose of the pre-determination meeting is to provide the employee with notice of grounds for the employee's proposed termination and the opportunity to respond to the proposed disciplinary action. The hearing will be held prior to implementation of any proposed disciplinary action identified in this section. The employee shall represent themselves. The hearing shall be informal, and there shall not be evidence presented.

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c. The County Manager and appropriate Department Head or Elected Official will issue a decision in writing within five (5) days of the pre-determination meeting. The written decision shall include the time, date, and location of the meeting; persons present; and the determination. The written decision shall be delivered directly to the employee.

B. POST-DISCIPLINARY HEARINGS

1. **Employee Notification.** Within ten (10) days of receipt of the written decision, grieving employees must notify the County Manager of the employee's intent to pursue a post-disciplinary hearing by sending a written request for a grievance hearing to the County Manager's office.

2. **Post-Disciplinary Hearing Scheduled.** Within sixty (60) days the County Manager shall schedule a grievance hearing. The parties must agree in writing to any postponement of the grievance hearing beyond sixty (60) days. At this hearing, the grieving employee and the County shall have an opportunity to present witnesses, physical evidence, and cross-examine the witnesses. The grieving employee and the Department Head or Elected Official may be represented by legal counsel.

3. **Personnel Hearing Officer.**
   a. The personnel hearing officer shall be hired by the County Manager on Contract.
   b. A personnel hearing officer shall be an attorney who is a member of the New Mexico Bar Association or a person experienced in grievance arbitration.
   c. A personnel hearing officer shall provide services under a contract with the County and shall not be considered an employee of the County for any purpose. The term of a contract shall be no more than two (2) years. The contract may provide for part-time services.
   d. A personnel hearing officer shall not be actively involved in partisan political activities or the political affairs of Roosevelt County.

4. **Personnel Hearing Officer's Duties and Responsibilities.**
   a. The personnel hearing officer may conduct pre-hearing conferences in order to obtain information necessary to the issuance of a pre-hearing order.

   b. The personnel hearing officer may consolidate cases in which two (2) or more grieving employees have cases containing identical or similar issues or to expedite final resolution of the cases provided that such consolidation would not adversely affect the interest of the parties.

   c. The personnel hearing officer shall operate the hearings in accordance with common law evidentiary standards applicable to administrative hearings. The hearings shall be conducted in an orderly and informal manner and shall adhere to relaxed rules of evidence as required in administrative proceedings in New Mexico.

   d. In the hearing of grievances, the personnel hearing officer may admit any competent evidence, including affidavits. The personnel hearing officer, in his or her discretion, shall exclude incompetent, immaterial, irrelevant, or unduly cumulative testimony. Documentary evidence may be received in the form of

copies or excerpts unless the source of the information or other circumstances indicates lack of trustworthiness. The hearing shall not be open to the public unless a written request for public hearing is mad by the grieving employee.

e. The personnel hearing officer may bar from the hearing room any person who is disruptive and either party may invoke the rule of sequestration. Upon written notice by the personnel hearing officer and for good cause shown, a disruptive person may be prohibited from appearing before a County personnel hearing officer for a period of up to twelve (12) months.

f. The personnel hearing officer shall not participate in any adjudicatory proceedings if, for any reason, the personnel hearing officer cannot afford a fair and impartial hearing to either party.

g. The hearing shall be recorded in a fashion to allow for a review by a Court or competent jurisdiction. All evidence received shall be marked, identified, and preserved. A responsible person shall be designated to monitor the recording of the proceeding on a periodic and/or regular basis.

h. The hearing officer's decision is binding on the parties.

C. POST-DISCIPLINARY HEARING PROCEDURES

1. Rules of Procedure.

a. The decision of the Hearing Officer may be reviewed in District Court:

1. Where the decision is arbitrary or capricious and is supported by substantial evidence;
2. Where the decision is made in violation of applicable constitutional provisions or is otherwise illegal; or
3. Where the decision is in excess of the statutory authority or jurisdiction of the Hearing Officer.

b. Appeal of the decision of the Hearing Officer to District Court shall be filed in the District Court within thirty (30) days of the final adverse decision of the Hearing Officer.

D. PROCEDURE FOR GRIEVING WORKING CONDITIONS AND OTHER WORK RELATED PROBLEMS.

An employee may discuss any action that is grievable, such as written reprimands or working conditions with the Department Head or Elected Official in an attempt to work out a solution. If the employee is not satisfied with the proposed solution, the employee must address the problem to the County Manager. The County Manager's decision will be final.

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SECTION 9

COMPENSATION AND BENEFIT PROGRAM

A. **HOURS OF WORK.** All employees shall work their scheduled hour pursuant to work schedules established by the Department Head or Elected Official. Except as otherwise provided, employees shall not be paid for travel time from home to their work site within Roosevelt County, or from the work site to their home. Actual work periods may fluctuate at the discretion of the Department Head or Elected Official. Employees who report to their designated work station at the start of the working day, but who are required to travel to other County sites to perform their job, may leave the site in time to return to the designated work station by the end of the day's work period. Under no circumstances shall an employee be entitled to claim reimbursement for the cost of travel from home to the designated work station without specific advance approval from the Department Head or Elected Official. The value of the use of the County take-home vehicle shall be treated as taxable income in accordance with the Internal Revenue Code.

B. **BREAKS.** All full time employees are allowed a one hour, un-paid lunch break, except for departments with established thirty (30) minute lunch breaks. Full-time employees are eligible for a two (2) fifteen (15) minute breaks per day. Employees working four (4) hours or less per day are eligible for one (1) fifteen (15) minute break. Supervisors may limit or delay breaks if, in their opinion, continuous work is required, and the entire break or remainder of a break will be taken at a later time as determined. The County retains the right to assign the employee to work a complete shift and take his lunch period on paid status.

C. **PAY PERIODS/WORK WEEK.** A "pay period/work week" is a two-week period beginning on Sunday at 12:00 a.m. and ending fourteen (14) days later on Saturday at11:59 pm. The method of payment results in twenty-six (26) pay periods per year. Checks will be issued every other Friday. If a holiday falls on Friday, checks will be issued on Thursday or the day immediately preceding the holiday. Checks may be issued early, but only in case of emergency, and only after clearance by the County Manager.

D. **OVERTIME PAY AND COMPENSATORY TIME.** Overtime is actual time worked in excess of forty (40) hours for non-law enforcement employees, in a work period of seven (7) days, in a pay period; and in excess of eighty-six (86) hours for law enforcement employees, in a pay period. In computing the number of hours worked during the week for overtime purposes, time absent from work, such as for holidays, sick leave, annual leave, or compensatory time, shall not be computed as hours worked. Employees covered by the Fair Labor Standards Act who are required to work more than the standard regular hour work week shall be compensated for such overtime work by the award of compensatory time off at the rate of one and one-half (1 ½) hours for each hour of overtime worked. Compensatory time shall not exceed a total of sixty (60) hours [forty (40) hours straight time]. Overtime shall be kept to a minimum and authorized only under special circumstances. Employees working overtime without proper authorization may be subject to disciplinary action. The working of **ANY** overtime can only be authorized by the Department Head or Elected Official. Compensatory time off will be approved at the discretion of the Department Head or Elected Official, and is subject to be denied if the request conflicts with work schedules.

Overtime pay shall be paid only when overtime work is pre-authorized in writing by the Department Head, and only when the departmental needs preclude the employee from taking compensatory leave time off. The rate shall be one and one-half (1 ½) times the regular pay for each hour of overtime actually worked. FLSA exempt employees shall not receive compensatory or overtime pay. In the case of a termination of employment, an employee shall be paid for unused compensatory time at the rate of not less than the regular final rate of pay received by the employee.

E. **FINAL PAY CHECK.** An employee who resigns shall receive a pay check for hours worked during the pay period of resignation on the first regularly scheduled payday following the employee's effective date of resignation. A pay check for any remaining annual leave, banked holiday(s), and compensatory time will be issued on the second regularly scheduled payday following the employee's date of resignation. Employees, hired prior to Oct. 18, 2016, will be paid one-sixth (1/6th) of their accrued sick leave as of Oct. 18, 2016 less any of the sick leave that has been utilized. The oldest accrued sick leave will be utilized first.

An employee that is dismissed shall receive a final pay check for hours worked up to termination, any annual leave, banked holiday(s), and compensatory time, no later than 5:00 p.m. on the fifth working day following dismissal or as required by law. Employees, hired prior to Oct. 18, 2016, will be paid one-sixth (1/6th) of their accrued sick leave as of Oct. 18, 2016 less any of the sick leave that has been utilized. The oldest accrued sick leave will be utilized first. In the 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, on the next scheduled payday.

ALL UNIFORMS AND COUNTY ISSUED EQUIPMENT MUST BE RETURNED PRIOR TO THE RELEASE OF ANY FINAL PAY CHECK.

F. **CLOTHING.** County employees are constantly in the public eye. Consequently, it is important that the employees should present the best possible image to the public and should always be clean and as neatly dressed as work assignments allow.
An employee in a designated job with the County may be required to wear special clothing to perform the job function. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty and at no other time unless authorized by a Department Head or Elected Official. Failure to wear designated uniforms while on duty will be considered insubordination, unless otherwise authorized by the Department Head or Elected Official. Required uniforms will be provided by the County and will be issued at the time of employment for positions that require them.

G. **GRATUITIES.** County employees shall be prohibited from accepting gifts or other considerations of a significant monetary value from vendors given with the intent of modifying the employee's performance of his duties or encouraging the employee to make purchases of material or services from the vendor involved. County employees should at all times maintain the highest moral standards and any attempt to influence an employee's performance of his duties by a vendor or other person should be reported to the Department Head, Elected Official, or County Manager.

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H. **PER DIEM AND MILEAGE.** All payment of per diem and mileage allowance to County employees will be made pursuant to policies established by the State of New Mexico and the Board of Commissioners as found in the Roosevelt County Travel and Per Diem Policy. In no event shall any per diem allowances be made for travel by a County employee in connection with the employee's regular job duties within the boundaries of Roosevelt County without the express written consent of the Department Head, Elected Official, or County Manager.

I. **TIME SHEETS.** Time sheets are furnished to each department/office by the County Administrative Office or designee and must be filled out each pay period. At the completion of such pay period and after approval by the supervisor, Department Head or Elected Official, the time sheets are to be forwarded to the Finance Administrator for processing. In addition to time worked each day, holidays, vacation, sick leave, or other leave during the pay period **must** be recorded on the time sheet. Any special pay considerations should be noted on the time sheet and initialed by the Department Head or Elected Official. Time sheets **must** be signed by the employee and by the Department Head or Elected Official or their designee. If a time sheet lacks a required signature, is incomplete, or is not submitted prior to the deadline established by the Finance Administrator, the time sheet may be held for proper completion and will be processed with the next scheduled payroll.

J. **TIMECLOCK POLICY.** Nonexempt employees whose primary work location is the Roosevelt County Courthouse at 109 West 1st Street, Portales, NM 88130, or the Roosevelt County Detention Center at 1700 North Boston, Portales, NM 88130, are required to use the respective on-site time clock system. Employees who are classified as Exempt employees shall not clock in on the time clock system.

PROCEDURE: A. TIMECLOCK STATIONS AND ALLOWABLE ACTIONS
Employees are required to clock in and out at the timeclock located in their facility. If there is a problem with the time clock, employees should notify their supervisor, whom will notify Human Resources. The supervisor will record the employees' time manually and will report such manual records along with regular time clock records for payroll and attendance purposes.

a. Employees should clock in no sooner than seven (7) minutes before or after the beginning of their scheduled shift. Clock-ins recorded eight (8) minutes or more after the beginning of the scheduled shift, with no excusal, will be recorded as a tardy occurrence for attendance purposes.

b. Three (3) tardy occurrences within a pay period, or four (4) occurrences within a calendar month, will count as one unexcused absence and will be subject to the progressive discipline policy of Roosevelt County.

c. Employees should clock out no more than seven (7) minutes before or after the end of their scheduled shift.

d. Clock outs recorded eight (8) minutes or more before or after the end of the scheduled shift shall require a supervisor's authorization. Early departures will be treated, recorded, and paid as absences, and must be supported by signed Leave Request Forms when submitted for payroll purposes. Late departures result in overtime that is governed by existing County policy.

e. Nonexempt employees are required to clock in and out for lunch breaks in addition to the beginning and end of the day.

f. Employees may not clock in or out for another employee. If an employee begins or ends their shift at a location away from the time clock, their supervisor is required to document the correct in or out time and report it for payroll and attendance purposes accordingly. Clocking in or out for another employee without the Department Head or Elected Official's authorization is falsification of a County record and is subject to the progressive discipline policy of the County.

PROCEDURE: B. AVAILABILITY OF TIMEKEEPING RECORDS (CONFIDENTIALITY)

Timekeeping records are privileged documents. Their use is restricted to the interest of the individual as well as for the efficient conduct of the County's business. Access to personnel records is restricted to the following persons except in the response to a public records request:

a. The employee.

b. The employee's representative in a County administered grievance or appeal process, with the written consent of the employee filing the grievance or appeal.

c. The employee's immediate Department Head or Elected Official.

d. Personnel department, legal department, and the County Manager, as required in the performance of their duties.

e. In no case, will any medical or other treatment records be available in the employee's file.

PROCEDURE: C. ENFORCEMENT

Supervisors are free to refer employees for disciplinary action if they have various and/or repeated offenses to the timekeeping policy or procedure. Situations may include, but are not limited to, an employee who has clocked in but is repeatedly absent from their work station during work hours, or have missed time clock entries in addition to working unscheduled overtime.

a. The progressive discipline policy of the County is primarily enforced by the County Manager or his designee. Disciplinary referrals should be reviewed by the County Manager or his designee prior to delivery to the referred employee.

b. Failure to comply with this policy will subject an employee to disciplinary action up to and including termination depending on the violation, specifically including but not limited to:

1. Falsification of time records.

2. Signing In/Out or attempting to sign in/out for another employee.

3. Damaging, attempting to change a time clock. Criminal charges and restitution charges may also be pursued.
4. Excessive tardiness or absences from work as defined in the County Personnel Policy.
5. Failure to sign in/out as required without reasonable cause/excuse.
6. Any other conduct, behavior or violation consistent with abuse of this policy.

J. **PERA BENEFITS.** All Roosevelt County Employees, with the exception of student, seasonal or temporary employees, and part-time employees are required to join and contribute to the Public Employees Retirement Association of New Mexico (PERA). Copies of the latest PERA rules and provisions may be obtained in the Human Resources Office or on-line at PERANM.org. Elected Officials and employees retired from public/state education are the only employees that membership with PERA is optional.

K. **OPTIONAL MEDICAL AND OTHER INSURANCE BENEFITS.** Roosevelt County offers optional medical, dental, vision, life and disability through the State of New Mexico Risk Management Division, and other insurance benefits to all employees except temporary employees and those working less than twenty (20) hours per week. Part-time employees are eligible for insurance benefits pro-rated for the number of hours worked. The County pays a percentage, approved by the Board of Commissioners, of the premiums for employees. All employee premiums are deducted prior to taxes being figured (pre-tax). Due to IRS regulations, it prevents an employee, once enrolled in the plan, from dropping coverage or making any changes to their plans unless there is a qualifying event or during open/switch enrollment.

L. **CLASSIFICATION AND COMPENSATION PLAN.** The Roosevelt County Classification Plan shall establish a salary and wage schedule containing a minimum and maximum wage or salary for each non-appointed and for select appointed personnel positions. These pay ranges are intended to furnish administrative flexibility. All wages and salaries are approved by the Roosevelt County Board of Commission in the official County Fiscal Year Budget adopted by the governing body each year. Wage and salary increases, when authorized will be merit based and are dependent upon the financial condition of the County. Copies of this plan may be obtained from the Roosevelt County Administrative Office.

M. **ELECTED OFFICIAL SALARY INCREASES.** Elected Official salary increases shall be governed by New Mexico State Statutes. Elected Officials are not eligible for any pay increase during their term in office.

N. **GRANDFATHER CLAUSE.** Any employee whose position specification is revised is subject to the experience, education, or certification requirements of the new position specification shall show satisfactory progress to meet the new standards within six (6) months or may be subject to reclassification, transfer or dismissal.

SECTION 10

LEAVE AND HOLIDAY

A. **AUTHORIZED LEAVE.** Leave is any authorized absence with or without pay, during regularly scheduled work hours, which is approved by the Department Head or Elected Official. The Department Head or Elected Official are responsible for the maintenance and transmittal of leave records to Human Resources.

Leave is granted in accordance with work-load requirements in the department and is subject to the approval or denial of the respective Department Head or Elected Official.

B. **UNAUTHORIZED LEAVE.** Absence without approved leave is subject to disciplinary action and loss of pay. Absence without leave for three (3) days shall be considered just cause for termination.

C. **HOLIDAYS.** Legal holidays will be approved by the Board of County Commissioners no later than the first meeting in January each year. The following conditions will apply with respect to holidays and holiday pay:

1. Temporary and casual employees are not entitled to holiday pay.

2. 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, or must have worked on the stated holiday. An employee absent without approved leave on their scheduled work day before or after a holiday will not receive pay for that holiday.

3. When a holiday falls on an employee's day off, the employee's holiday must be banked and observed as approved by the Department Head.

4. When a holiday falls during an employee's vacation, the day shall be counted as a **holiday**, not a vacation day.

5. When a holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday, unless the Roosevelt County Commissioners chooses to designate otherwise.

6. If an employee is required to work on a holiday, he or she will be permitted another day off at a later time. Every effort will be made to allow the employee to take the accrued holiday within ninety (90) days of it being earned. Holidays must be taken within six (6) months of being earned or shall be forfeited.

7. Holiday pay in lieu of time off may be granted by the County Commission.

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D. SICK LEAVE WITH PAY

Accrued sick leave with pay may be granted to classified employees when a medical reason, such as described below, keeps the employee from performing the duties of the position.

Sick leave benefits are accrued at the rate of 3.69 hours for each complete normal pay period.

a. Unused sick leave shall accumulate from year to year up to a maximum of 1,040 hours. At the time of retirement from the County, the employee will be reimbursed for one-sixth (1/6) of the total sick leave accumulated. In no event shall the employee be reimbursed for more than 174 hours, which is one-sixth of the maximum accumulation allowed. Employees, hired prior to Oct. 18, 2016, will be paid one-sixth ($1/6^{th}$) of their accrued sick leave as of Oct. 18, 2016 less any of the sick leave that has been utilized. The oldest accrued sick leave will be utilized first.

b. Part-time employees will accrue sick leave on a pro-rata basis.

c. Casual or temporary employees do not accrue sick leave.

d. Probationary employee's use of sick leave is subject to the approval of their supervisor

Accrued sick leave is subject to the approval of the employee's supervisor when an employee is unable to perform normal job duties due to medical considerations, including, but not limited to: illness, injury, pregnancy, prearranged medical or dental examination, quarantine, therapy, counseling, and treatment, or when an employee's household member, who is related by blood or marriage (as defined below), or where a relationship is established by judicial decree, is ill and requires the personal attention of the employee.

Close relative is defined as an employee's spouse, mother, father, child, sibling, grandchild, father or mother-in-law, and stepchildren.

Sick leave should be used only as need for sickness or illness of the employee or approved household members. Abuse of sick leave is considered just cause for disciplinary actions up to and including termination. Abuse of sick leave included, but is not limited to, the use of sick leave for purposes other than those stated in this policy and patterns of sick leave usage on the day before and after the employee's days off; and before and after a holiday. If an employee has used all accrued sick leave, he may be allowed to use his accrued annual leave (vacation) as sick leave, but must obtain prior approval from his Department Head or Elected Official before doing so and must be able to justify the use of annual leave as sick leave.

Sick leave should be reported to the employee's supervisor, Department Head, or Elected Official by the employee or immediate family members as soon as possible, but not longer than one (1) hour after the employee's shift begins.

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Medical Certification. Sick leave of more than three (3) days duration shall require certification by a physician as to the nature of the illness and the employee certified able to return to work. A doctor's certification may be required at any time the supervisor suspects the abuse of sick leave and may be made a condition of future requests until the supervisor is convinced that the abuse has stopped. It is also the responsibility and obligation of management to insure that sick leave is not abused. Therefore, the County shall investigate any suspected abuse of sick leave and any failure to cooperate with any such investigation by the employee or the employee's health provider shall result in the denial of pay for the leave requested and the possibility of disciplinary action against the employee.

Exhaustion of Sick Leave. An employee who has exhausted all accrued sick leave and vacation and still requires additional time off due to an extended illness or injury, or to provide care to an immediate family member may request donated time. Transfer is prohibited in the case of work-related illnesses or injuries covered by worker's compensation.

Requests for donated time must be submitted to Human Resources for approval and dissemination to the County staff. A certificate of illness or injury will be required from a physician in order to qualify to use donated hours. This donation is to be done strictly on a volunteer basis and is contingent upon County Manager approval for each request. Donation of time shall be in four hour increments. An employee may not donate more than eighty (80) hours per request, and must retain a minimum of eighty (80) hours of leave banked. Under no circumstances, including termination, can donated hours be converted to cash. Conversion of the value of the donated leave is based upon the hourly rate of pay to the hours of leave the employee making the donation converted to the recipient's hourly rate of pay.

E. **ANNUAL LEAVE WITH PAY.** Full-time County employees accrue annual leave according to the following schedule:

a. During the first three (3) years of employment, leave shall accrue at the rate of 3.08 hours per pay period, for 80 hours annually

b. After three (3) years of continuous employment –4.62 hours per pay period, for 120 hours annually

c. After ten (10) years of continuous employment – 6.15 hours per pay period, for 160 hours annually

1. An employee does not accrue annual leave for time worked in excess of forty (40) hours per week

2. An employee may accumulate no more than two hundred eighty (280) hours of accrued annual leave. Employees may convert a maximum of twenty four (24) hours accrued vacation time for cash payment each fiscal year. Payment will be made on the basis of seventy-five cents ($0.75) for each one dollar ($1.00) value of leave for the employee.

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3. Annual leave shall not be granted in advance of accrual.

4. Upon termination from County employment, an employee shall be paid for the employee's unused accrued annual leave, up to a maximum of two hundred eighty (280) hours.

5. An employee may take annual leave, subject to the approval of the Department Head or Elected Official, just prior to resignation.

6. Vacations should be scheduled with the Department Head or Elected Official as early in the year as possible. All reasonable effort will be made to accommodate the employee's request, though approval will be subject to advance notification and the needs of the department.

7. A probationary employee shall not be able to use accrued annual leave until the successful completion of their probationary period, unless it is approved by the Department Head or Elected Official

8. Permanent part-time employees will accrue annual leave on a pro-rata basis.

9. Casual or temporary employees do not accrue annual leave.

10. Employees will accrue an additional four (4) hours of annual leave on their birthday

G. **BEREAVEMENT LEAVE.** In the event of a death of a member of an employee's immediate family, the employee will be entitled to a Bereavement Leave not to exceed three (3) days. Roosevelt County will pay for up to eight (8) hours of Bereavement Leave annually. Bereavement Leave may be extended by the Department Head or Elected Official for a total of five (5) days. If needed, employees may use his accrued annual leave as additional Bereavement Leave. An approved Leave Request Form shall be required prior to taking Bereavement Leave.

When returning to work, an employee should be prepared to present proof of death and relationship to be paid for bereavement.

At the discretion of the Department Head or Elected Official, up to eight (8) hours per year may be granted to employees to attend funerals for deceased who are not members of the employee's immediate family.

H. **ADMINISTRATIVE LEAVE FOR PARENT-TEACHER CONFERENCES**. On May 14, 2014, the State of New Mexico authorized up to eight (8) hours of administrative leave to attend scheduled parent-teacher conferences (depending on the number of children), with up to four (4) hours of leave being given in the fall semester and up to four (4) hours of leave being given in the spring semester.

GUIDELINES. The following guidelines apply regarding requesting and approving administrative leave for parent- teacher conferences:

DEFINITIONS.

A. "Child" or "Children" means a person or persons 18 years-old or younger who is enrolled in School, and who is or are the biological child(ren), legally adopted child(ren), foster child(ren), stepchild(ren), or legal ward(s) of an eligible employee.

B. "Eligible employee" means any parent employed by Roosevelt County with a child or with children enrolled in a School.

C. "Fall semester" means August through December.

D. "School means a single attendance center in which instruction is offered by one or more teachers and is discernible as a building or group of buildings generally recognized as either a licensed child care center, preschool, elementary, middle, junior high, or high school, or any combination of those, including charter schools, state institutions, and private schools, but not including home schools.

E. "Spring semester" means January through May.

F. "Reasonable Notice" not less than twenty-four (24) hours in advance to scheduled parent teacher conference.

PARENT-TEACHER CONFERENCE LEAVE REQUIREMENTS.

A. The County shall grant an Eligible Employee the following amounts of paid administrative leave for parent teacher conferences:

- Eligible Employees with three or more Children may be granted up to four (4) hours of paid administrative leave during the Spring semester, and up to four (4) hours of paid administrative leave during the Fall semester for parent-teacher conferences;

- Eligible Employees with one Child or two Children may be granted up to two (2) hours of paid administrative leave during the Spring semester, and up to two (2) hours of paid administrative leave during the Fall semester for parent-teacher conferences,

PROVIDED THAT:

1. The express purpose of the leave is to attend a parent-teacher conference during the Eligible Employee's normal work day, including reasonable travel time;

2. The leave is requested for the parent-teacher conference for a child enrolled in a school in grades pre-kindergarten (Pre-K) through twelve (12), and is not being requested for parental participation or assistance in extra- curricular school activities (i.e. sporting events, orientations, ceremonies, field trips, registrations, etc.);

3. The Eligible Employee provides Reasonable Notice to the Department Head or Elected Official regarding any scheduled parent-teacher conference in an effort to avoid disruptions in the operational needs of the department/office;

4. The Eligible Employee follows the required procedures to request paid administrative leave for the parent-teacher conference;

5. On the day of the parent-teacher conference, the Eligible Employee reports to work during regularly scheduled hours, except for the leave taken pursuant to this policy, unless the Eligible Employee has requested and uses other available leave as approved by his Department Head or Elected Official.

B. Two (2) Eligible Employees may request available leave to attend the same scheduled parent-teacher conference(s) for their child(ren).

PARENT-TEACHER CONFERENCE LEAVE PROCEDURES.

A. An Eligible Employee requesting paid Administrative Leave for a parent teacher conference shall complete the Request for Parent Teacher Conference Administrative Leave Form, and submit it to their Department Head or Elected Official.

B. A Department Head or Elected Official receiving the Request for Parent-Teacher Conference Administrative Leave Form shall review the leave request to ensure compliance with above, prior to granting the requested leave.

C. A Department Head or Elected Official receiving Request for Parent-Teacher Conference Administrative Leave Forms shall turn the form in with the timesheet for the payroll process.

ADMINISTRATIVE LEAVE WITH PAY. Administrative leave with pay may be granted by a Department Head or Elected Official pending disciplinary action. Administrative leave for matters or than disciplinary must receive prior approval from the County Manager.

I. CIVIC DUTY LEAVE. An employee shall be given necessary time off with pay for the following:

1. Jury Duty. Employees will be granted leave with pay for the purpose of serving as a juror in federal court or the state court of a political subdivision of the State of New Mexico. Pay while serving as a juror shall be authorized only for those days that the employee was scheduled to work. Employees receiving Court leave with pay shall turn any fees received for such Court service to the County.

A. Procedures for jury duty time:

1. *Jury Service Verification* form from the Court must be attached to the Leave Request Form
2. Reconciliation of time by Payroll will include matching *Jury Hours Summary Sheet* from the Court to time sheet, Leave Request Form and *Juror Service Verification* form.

2. Court Appearance Time. When required by County duties and subpoenaed to appear before a Court, personnel Hearing Officer, public body or the Board for the purpose of testifying in regard to County matters, the employee will be compensated as regular work time. . In no case shall the County pay an employee to appear in court as a witness against the County. If excused by the Court during a working day, the employee is expected to return to duty if at least one (1) hour of County duty can be served in the work day. If the excused employee does not return to work, the balance of the day will be charged to annual leave or leave without pay.

3. Voting Time. 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 between the time of opening and the time of closing the polls. The Department Head or Elected Official may specify the hours for the leave. 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 time of the polls. This leave shall be used for no other purpose than to vote and the County may verify if the time was used appropriately. The misuse of the leave will be subject to disciplinary action including possible dismissal.

J. MILITARY LEAVE FOR RESERVE OR NATIONAL GUARD DUTIES

1. Paid Military Leave. Paid leave is granted for authorized reserve or national guard activities for a maximum of fifteen (15) working days during a one (1) year (fiscal year) period, or as required by state or federal law. Military leave must be requested twenty (20) days in advance, except in emergency situations. The employee must furnish proof of duty orders or other documentation prior to leave being granted unless the leave is for emergency purposes.

2. **Unpaid Military Leave.** Employees voluntarily or involuntarily serving on active duty for more than fifteen (15) day shall be placed on leave without pay. The honorably discharged or released from active duty to complete his remaining service employee taking additional, unpaid military leave may be allowed to use annual leave.

3. Employees Returning from Unpaid Military Leave. Any employee who leaves a position, other than a temporary position, to enter the armed forced of the United States, national guard, or organized reserve, and who serves on active duty and is in a reserve component, and who is still qualified to perform the duties of the County position previously held, shall be reemployed in such position or to a position of like seniority, status, and pay. To be reemployed in such position, the employee must make application for reemployment within ninety (90) days after he is relieved from training or duty, or from hospitalization continuing after discharge for a period of not more than one (1) year.

a. The returning employee will be deemed to have accrued seniority and length of service rights as though the employment with the County had been continuous since the date of the initial employment.

b. The returning employee shall have all annual and sick leave accrued at the time of his departure for military service restored.

K. **LEAVE WITHOUT PAY.** The Department Head or Elected Official or County Manager may grant classified employees leave without pay (LWOP) for a period not to exceed six (6) month, when the Department Head or Elected Official and County Manager deems that such leave without pay is in the best interest of the County. Reasons for such a leave may include, but are not limited to: sabbatical; education; medical disability; pregnancy; or birth or adoption of a child; and the need to care for a family member, including a newborn. Leave without pay is subject to the following conditions:

1. **Position Upon Return.** If an employee returns to work within twelve (12) weeks, the employee will be returned to the same position. If the employee is on leave without pay for more than twelve weeks, the County will attempt to return an employee to the same or similar position for which the employee is qualified. The position of an employee on leave without pay for more than twelve (12) weeks shall not be guaranteed.

2. **Use of All Leave.** Prior to going on leave without pay, an employee requesting leave without pay shall use all available annual leave and sick leave if the employee is seeking leave without pay for medical or post-natal care purposes. If taken in conjunction with an FMLA covered situation, all paid and unpaid leave shall apply to the FMLA coverage requirement.

3. **Physician's Certificate.** Leave without pay requested because of medical reasons or pregnancy related purposes must be accompanied by a physician's written statement indicating the estimated time of disability or recommended time for post-natal leave. Employees returning to work from leave without pay due to medical or pregnancy related reasons must be released by their physician to return to work. Proof of release must be presented to the employee's Department Head or Elected Official.

4. **Vacancies may be Filled by Temporary Employees** .Temporary personnel may be hired throughout the County to fill vacancies created by an employee who is on leave without pay (LWOP).

5. **Benefits at Employee's Expense.** Employees on leave without pay do not accrue leave, nor do they receive County benefits. Employees wishing to continue their insurance benefits may do so at their own expense by submitting the employee's and the County's share of the premium to the Administration Department on the regular pay day.

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SECTION 11

FAMILY AND MEDICAL LEAVE ACT (FMLA)

1. Roosevelt County will under the Family and Medical Leave Act provide up to twelve (12) weeks of leave during any twelve (12) month period for eligible employees. The eligible employee will be returned to the same or similar position to the one held prior to the leave. Roosevelt County will maintain group health insurance coverage during the leave period. The employee must submit in to the County Administration Office the employee's portion of the insurance premium every pay day. The leave may be taken for one or more of the following reasons:

   a. The birth of a child or placement of a child with the employee for adoption or foster care and to bond with the newborn or newly placed child within one year of birth or placement;

   b. To care for a spouse, son, daughter or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal care

   c. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal care; or

   d. For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status.

   An eligible employee may also take up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for a covered service member with a serious injury or illness when the employee is the spouse, son, daughter, parent or next of kin of the service member. An eligible employee is limited to a *combined* total of twenty-six (26) work weeks of leave for **any** FMLA-qualifying reasons during the single twelve (12) month period. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employee may take leave intermittently or on a reduced schedule.

2. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves **in-patient care** or **continuing treatment** by a health care provider.

3. To be eligible for family or medical leave under the Act, the employee must meet three criteria in order to be eligible for FMLA

   a. Have worked for the employer for at least twelve (12) months;

   b. Have at least 1,250 hours of service in the twelve (12) months before taking leave;

   c. Work at a location where the employer has at least fifty (50) employees within seventy-five (75) miles of the employee's worksite.

4. Roosevelt County requires that any of the employee's available accrued paid vacation, sick leave, or any accumulated comp time be substituted for any of the twelve (12) week leave period. Once paid leave is used, the remainder of the twelve (12) weeks leave will be unpaid.

5. Where leave is to be taken for the birth or placement of a child for adoption or foster care, the leave may be taken intermittently or on a reduced leave schedule.

6. Where the leave to be taken is to care for a sick family member with a serious health condition or due to the employee's own serious health condition, the leave may be taken intermittently or on a reduced schedule when medically necessary.

7. When the necessity for the leave is foreseeable, the employee must provide at least thirty (30) days' notice of the employee's intention to take leave. If the date of leave is not foreseeable, the employee must provide notice as soon as practicable.

8. Roosevelt County requires that a leave request based on a family member's illness or the employee's own serious health condition be supported by a certification of a health care provider. The certification must contain:
   a. Contact information for the health care provider, including name, address, telephone number, fad number, and type of medical practice/specialty;
   b. The date the serious health condition began;
   c. How long the serious health condition is expected to last;
   d. If the employee is the patient, whether the employee is unable to work, and the likely duration of this inability;
   e. If a family member is the patient, whether the family member needs care, and an estimate of the frequency and duration of the leave required to care for the family member;
   f. Whether the employee's need for leave is continuous or intermittent, and
   g. Appropriate facts about the condition.

9. Any employee who takes leave is entitled to be restored to his old position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. No employee benefits accrued before the date leave began will be lost. An employee is not entitled to an accrual of seniority or benefits for the leave period. The term benefits means all benefits provided or made available by the County including group life, health, disability insurance and retirement.

10. Roosevelt County may deny job restoration to certain highly compensated employees who are among the highest paid 10% of the employees of the County who work within seventy-five (75) miles of the facility where the employee works.

11. This exception only applies if:
    a. The denial of job restoration is necessary to prevent substantial and grievous economic injury to Roosevelt County's operation.
    b. Roosevelt County notifies the employee of the County's intent to deny restoration when the County first determines such economic injury would occur.
    c. The employee has begun leave and, after receiving such notice elects not to return to work.

12. Roosevelt County requires that an employee claiming an inability to return to work due to a continuation, recurrence, or onset of a serious health condition, provide certification from a health care provider to that effect.

MILITARY FAMILY LEAVE. The military family leave provisions of the FMLA entitle eligible employees to take FMLA for: (The criteria for eligible employees is the same as regular FMLA)

1. Any qualifying exigency arising from the foreign deployment of the employee's spouse, son daughter, or parent with the Armed Forces, or
2. To care for a covered service member with a serious injury or illness if the employee is the service member's spouse, child, parent, or next of kin. FMLA leave for this purpose is called "military caregiver leave"

The military member must be on covered active duty, under a call to covered active duty status, or have been notified of an impending call or order to covered active duty.

For members of the **Regular Armed Forces**, covered active duty is duty during the deployment of the member with the armed forces to a foreign country.

For members of the **Reserve components** of the Armed Forces (members of the U.S. National Guard and Reserves), covered active duty or duty during the deployment of the member with the Armed Forces to a foreign County under a call or order to active duty in support of the contingency operation.

Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any territory or possession of the United States. It also includes deployment to international waters.

MILITARY CAREGIVER LEAVE
COVERED SERVICE MEMBER

a. **Current Service Member:** current member of the Armed Forces, including a member of the U.S. National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

b. **A Veteran:** who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

Serious Injury or illness for a current service member is an injury or illness that was incurred by the service member in the line of active duty

M. OCCUPATIONAL INJURY TIME/WORKERS' COMPENSATION. Employees injured on the job or suffering from occupational diseases, as defined in the New Mexico Workers' Compensation Statute, NMSA 1978, 52-1-1 et. Seq., shall receive workers' compensation benefits as prescribed by law.

1. **Reporting Procedure:** All work-related injuries requiring medical attention must be reported to the employee's supervisor immediately, but in no event later than 24 hours after the injury occurs. A Notice of Accident shall be filled out and signed by the employee and the employee's supervisor, First Report of Injury Form must be filled out and filed with the Human Resources Office within twenty four (24) hours of the injury. The report shall be signed by the employee's supervisor and the employee. In circumstances of medical emergency, the employee shall seek medical treatment, if unable to sign; The Notice of Accident Form will be filled out by the supervisor. In addition, the Supervisor's Report of Accident, HIPAA Medical Authorization Release, Claim Explanation, Benefits Explanation, Authorization to Communicate Directly with HCP, Witness Statement of Accident must be filed with Human Resources on the following work day. **All accidents, however minor, shall be reported.**

2. **Injury Leave Pay:** An employee injured on the job may use accrued sick leave for the first seven (7) scheduled working days after the injury occurs. If the employee is off of work because of a work-related injury for more than seven (7) days and receives Workers' Compensation benefits for the first seven (7) days, NMCIA will reimburse the County for that amount which the employee received in Workers' Compensation benefits for the first seven (7) days. Upon receipt of the reimbursement by the County, the sick leave used by the employee will be re-credited to the employee

   An employee will receive the Workers' Compensation benefits as provided by law. The employee will not draw any pay from the County until he is able to return to work. Accrued sick leave or annual leave may not be used to supplement Workers' Compensation benefits. County employees will not accrue benefits while on Workers' Compensation.

   If an employee is unable to work because of an on the job injury, Roosevelt County will pay the County's portion of the employee's hospitalization insurance for a period not to exceed three (3) months. It will be the responsibility of the employee to submit to the Administrative Office the employee's portion of the medical insurance premium on or before the regularly scheduled paydays. After a concurrent disability period of three (3) months, if an employee is still unable to return to work, the County will then require the employee to pay both County and Employee portions of medical insurance if the employee wishes to keep their insurance in force. That status will remain for a period of time not to exceed six (6) months.

3. **Injury Care**. An employee who incurs a work related injury/illness shall be allowed to choose the physician for initial evaluation and treatment. If determined that the employee will require ongoing care, Workers' Compensation will then direct the employee to a contracted physician. 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 Workers' Compensation.

4. **Light Duty Return to Work.** Employees who are on leave due to an injury or illness may be eligible to return to work on light duty status after their physician certifies their fitness to do so. The Department Head or Elected Official and Human

Resources will determine if there is a position or duties suitable for an employee to perform light duty work. The County retains full discretion as to whether or not an employee is eligible for light duty status

A. Coordination with Attending Physician. An employee on leave due to work related disability can return to work only when the County received the attending physician's written medical release authorizing such return. Human Resources is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential restricted duty assignments, and written information explaining the County's return-to-work program.

B. Return-to-Work Options. Arraignments to facilitate an employee's early return to work are made in consultation with the employees attending physician and/or other qualified medical professionals retained by the County or its insurance carrier. The following options will be explored:

1. **Return to prior position**. An employee is offered the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. Human Resources is responsible for working with the employee's manager or Elected Official and attending physician (and third party consultants, as necessary) to provide any reasonable accommodations.

2. **Restricted duty**. Any employees who are not yet able to return to their former duties are offered, subject to the restrictions set out in Section 6-C of these Rules, a temporary restricted duty assignment that has been approved by the employee's attending physician. Human Resources is responsible for working with the employee's manager, and the employee's attending physician to develop and implement the restricted duty assignment. The assignment can consist of the employee's regular job, with reduced working hours or reduced activities, or an alternative restricted duty position.

C. Limitations on Restricted-Duty Assignments. The following limitations apply to restricted duty assignments:

1. No guarantee of work. As provided in Section B.2 of these Rules, the County will endeavor to return employees to gainful employment as soon as possible by exploring possible restricted duty assignments. However, the County does not guarantee the availability of restricted duty work.

2. Pay rates and Worker's Compensation Benefits. Employees on restricted duty are not guaranteed the rate of pay they receive for the position they held at the time they sustained a work-related injury or illness. The pay rate for a restricted-duty assignment is based on the knowledge, skills, and the abilities required for the job as well as general market conditions. Employees who return to work before they have reached maximum medical improvement (MMI) may be eligible for temporary partial disability benefits under the Worker's Compensation program, if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in restricted duty positions are not permitted

to supplement their worker's compensation benefits by using the accrued vacation or sick leave.

3. Four (4) week limit. Restricted duty assignments are temporary arraignments intended to complement and facilitate the healing process. Restricted duty assignments cannot exceed four (4) weeks without approval from the Department Head or Elected Official and approved by the County Manager.

D. Employee Refusal of Work/Training. In the event that an employee refuses to return to regular or restricted duties in response to a written bona fide offer of employment by the County sent via certified mail, the employee is separated from the County and his position will filled permanently *(NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement)*

A written offer of employment shall be on a form promulgated by the County Manager and must clearly state:

1. The position offered and the duties of the position;
2. The County's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
3. The job's essential functions; and
4. The job's start date, wage, working hours, supervisor and location;
5. Length of assignment and required training.

E. Coordination with FMLA. Nothing is these Rules should be construed as denying employees their rights under the FMLA or any other federal or state law.

It is the County's policy to designate an employee's absence from work due to a work-related injury or illness as FMLA leave to the extent allowed by federal law. Employees' entitled to FMLA leave can voluntarily accept restricted duty assignments while they are recuperating, but they cannot be required to do so. Employees who lose their workers' compensation benefits as a result of declining a restricted duty assignment are required to substitute any available paid leave such as vacation or sick leave, for unpaid FMLA leave.

Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job providing they are able to perform the job's essential functions.

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5. **Rehire of Workers Injured on the Job.** If the County is hiring, the County may offer to rehire the individual who has been terminated from work due to an injury for which the employee has received, or is due to receive benefits under the Workers' Compensation Statute, if the employee applies for his pre-injury position, or a position similar to the pre-injury position, subject to the following conditions:

   a. The employee's treating health care provider certifies that the employee is fit to carry out the pre-injury position or a modified position similar to the pre-injury position without significant risk or re-injury; and

   b. The County has a pre-injury position or modified position available.

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SECTION 12
USE OF COUNTY OWNED COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS

A. **PURPOSE**. To establish and maintain a continuing policy regarding the use of computers and electronic communications systems owned by Roosevelt County ("The County"), and to delineate the County's expectations regarding the use of such equipment.

To ensure compliance with the Roosevelt County Personnel Policy against sexual harassment and equal employment opportunity policies, to proscribe the usage of County owned computers and electronic communications systems for pornographic or other offensive purposes, and to prevent corruption of County computer systems by the influx of computer viruses or otherwise.

B. **POLICY**. The County's computer systems, all electronic and telephonic communication information transmitted by, received from, stored in, or stored by the County's systems are the property of the County. The use of the e-mail and other electronic communication systems and the Internet is intended for County business and is not to be used for personal business. The County has the right to monitor employee use of all County equipment, including, but not limited to, the Internet and e-mail. Employees have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, and storage of information in this equipment. The use of the Internet, including e-mail, during business hours should only be for the performance of job duties.

Inappropriate Use. County Internet access shall not be used for any illegal or unlawful purposes. Examples of this would be the transmission of violent, threatening, defrauding, pornographic, obscene or otherwise illegal or unlawful materials.

A. Use of County electronic mail or messaging services shall be used to conduct County business only. These services shall not be used to harass, intimidate or otherwise annoy another person.

B. The County Internet assess shall not be used for private, recreational or other non-County related activity.

C. The County Internet connection shall not be used for commercial or political purposes.

D. Use of the County Internet access shall not be used for personal gain such as selling access of a Roosevelt County user login. Internet access shall not be used for or by performing work for profit with Roosevelt County resources in a manner not authorized by Roosevelt County.

E. Users shall not attempt to circumvent or subvert security measures on Roosevelt County's network resources or any other system connected to or accessible through the Internet.

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F. Roosevelt County users shall not use Internet access for interception of network traffic for any purpose unless engaged in authorized network administration.

G. Roosevelt County users shall not make or use illegal copies of copyrighted material, store such copies on Roosevelt County equipment, or transmit these copies over the Roosevelt County network.

Employees **will not load** software programs or download files to their County-owned computers either directly from the Internet or from discs or other devices without the written authorization of the Department Heads, Elected Officials, the County Manager, or the IT Technician. Such activity may result in interference with proper and appropriate use of business equipment and interfere with the County's business, and it may also result in the corruption, through the influx of virus or otherwise, of County equipment.

Employees will not attach peripherals or other electronic devices to their County owned computers without the written authorization of the Department Head, Elected Official, County Manager, or IT Technician. Such activity may result in the interference with proper and appropriate use of the County's business.

The County, at any time, and without notice, reserves and intends to exercise the right to review, audit, intercept, access, and disclose any and all information created, sent, received, or otherwise accessed through the e-mail system or through the Internet. This includes information that has been deleted from an employee's computer which may be retrieved from the computer's backup system.

C. **RESPONSIBILITY FOR ENFORCEMENT**. The County Manager shall have the responsibility for interpreting this policy. Department Heads or Elected Officials are responsible for implementing this policy. Any violation of this policy may result in disciplinary action up to and including termination

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SECTION 13

ROOSEVELT COUNTY DRUG AND ALCOHOL ABUSE POLICY

Roosevelt County has a responsibility to all its employees to provide a safe, drug-free work place and a responsibility to the citizens of the County to ensure that their safety and trust in the County is protected. Therefore, Roosevelt County government will not condone the abuse of alcohol and drugs by its employees. The policy is promulgated to notify employees and supervisors of the action which may be taken if an employee is suspected of being under the influence of alcohol or drugs while on the job. It is also the purpose of this policy to provide employees with a drug or alcohol problem the opportunity to resolve their problem.

I. PROHIBITIONS

1. The manufacture, distribution, dispensation, possession or use of a "controlled" substance" by employees is prohibited while on duty, in a County vehicle, or on County premises. A "controlled substance" means any substance, possession of which is a crime under New Mexico Controlled Substances Act.

2. The consumption or possession of alcohol by an employee is prohibited while on duty, in a County vehicle, or on County premises.

3. No employee will report to work, attempt to perform assigned duties or drive County vehicles or operate County equipment if they are under the influence of alcohol or a controlled substance.

4. No supervisor shall allow an employee who is reasonably suspected of being under the influence of alcohol or a controlled substance, to perform assigned duties, drive County vehicles, or operate any County equipment.

5. Before performing duties, it is the responsibility of the employee to report to their supervisor any use of a prescription drug or over-the-counter drug that may impair their job performance. Supervisors shall send the employee home on sick leave in such cases or provide a job which the employee can safely perform.

II. PRE-EMPLOYMENT DRUG SCREENING. All applicants for employment must be drug-free at the time of their pre-employment drug test. Applicants who test positive for controlled substances or alcohol at their pre- employment drug screening will have the offer of employment rescinded and shall not be considered for employment until they are able to show that they are no longer abusing drugs or alcohol. All testing will be performed by a County designated facility.

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III. EVENTS THAT WILL INITIATE A DRUG AND ALCOHOL SCREEN

1. An accident which involves a County vehicle or equipment:
   - **a.** in which medical attention is required;
   - **b.** a citation is issued to the employee; or
   - **c.** one of the vehicles must be towed.

2. If an employee's actions result in the injury of another individual/ employee, the employee causing the injury will be tested.

3. When a supervisor has reasonable suspicion to believe an employee is under the influence of a controlled substance or alcohol, or such are in the employee's possession, the employee shall immediately submit to a breathalyzer exam or substance screening.

   Reasonable suspicion exists when a supervisor observes specific indicators that in their experience and training tend to indicate that an employee may be under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to:

   a. odor of alcohol on the breath
   b. slurred or incoherent speech
   c. staggering walk or other loss of physical coordination
   d. bloodshot eyes
   e. results of any appropriate field sobriety test

   The supervisor must notify the County Manager, or his designee, as soon as possible, of any specific indicators observed and obtain approval to test the employee. The supervisor must then follow up with written documentation supporting the finding that reasonable suspicion existed. This documentation shall be forwarded to the County Manager within 48 hours of the reasonable suspicion test.

4. Employees in safety sensitive and security-related positions and road department employees shall be subject to random testing throughout the year. A safety sensitive position is a position where the employee holding this position has the responsibility for his own safety or other's safety. A safety sensitive employee is one, who in the line of duty, operates equipment that is potentially dangerous to other employees or citizens of the County and includes any employee who has access to or carries a firearm. These employees include: Road Department, Detention Department, and Sheriff's Deputies.

   The selection of employees for any random testing shall be conducted by Human Resources. Arrangements and times scheduled for testing shall be kept strictly confidential. Employees subject to random testing are also subject to reasonable suspicion testing for any other event specified in Section 3 of this policy.

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5. All employees will be given written notification that their position has been classified either safety sensitive or non-safety sensitive. Such notification will also inform the employee that they are subject to drug testing based on reasonable suspicion.

   Before requiring an applicant or employee to undergo drug testing, the applicant or employee shall be provided the opportunity to indicate, in writing, any over-the-counter or prescription medication that the applicant or employee is currently taking or has recently taken and any other information relevant to the reliability of the test results. No applicant or employee, however, shall be required to list any such medication or information and failure to do shall in no way prejudice the analysis of his or her test.

IV. DRUGS FOR WHICH AN EMPLOYEE MAY BE TESTED

Alcohol
Amphetamines
Barbiturates
Benzodiazepines
Cocaine
Methadone
Methaqualone
Opiates
Phencyclidine
Propoxyphene
Cannabinoids
Any other drug or substance that Federal or State law prohibits the possession of

V. BREATHALYZER EXAM AND SUBSTANCE SCREENING

1. The Breathalyzer exam will be arranged through the County Manager. Arrangements for transportation to the evaluation site shall be coordinated with the Department Head or Elected Official by the County Manager. If a positive breathalyzer test is received, the supervisor will arrange for the employee to be transported home. The employee will be instructed to contact Human Resources for further instructions with regard to leave time, treatment program assistance, etc.

2. A test result of a blood alcohol content (BAC) level of point zero two (.02) or more will be deemed positive for alcohol.

3. The substance screening test will be arranged by Human Resources and will be conducted by a County approved independent laboratory that meets applicable provisions of any State licensure requirement and is certified by the Nation Institute on Drug Abuse or the college of American Pathologist on Forensic Urine Drug Testing. The laboratory shall have the capability, on the same premises, of performing initial and confirmatory tests for each drug or metabolite for which service is offered

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4. The cut off levels which shall be used when screening specimens on the initial drug tests to determine whether they are negative shall be those levels which are standard at the time of the testing.

5. All specimens identified as positive on the initial drug test shall be confirmed by the laboratory at the cutoff values established as standard at the time of testing.

6. The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens reported as positive on the confirmatory test shall be reported positive for the specific drug.

7. The laboratory shall retain and place in properly secured long-term frozen storage for at least 365 days those specimens confirmed positive. The County may request the laboratory to retain the specimen for an additional period of time. If the laboratory does not receive a request to retain the specimen during the initial 365 day period, the specimen may be discarded.

8. In the case of a "reasonable suspicion" test, the employee shall be transported by the supervisor or his designee to the laboratory. Analysis of the collected sample will be performed by a certified laboratory selected by the County.

VI. **REPORTING OF TEST RESULTS**. The Test Reports shall contain the specimen number signed by the County, the laboratory accession number, and the results of the test. All specimens negative on the initial test or negative on the confirmatory test shall be reported as negative. Only specimens confirmed positive shall be reported positive. In the event any test is deemed to be inconclusive, the employee may be required to immediately submit to additional testing and the collection of any urine specimen shall be collected by or under the direction of an independent laboratory or alternatively under medical supervision. Voluntary refusal to cooperate in testing procedure will be grounds for disciplinary action up to and including termination.

VII. **EXPLANATION OF POSITIVE TEST RESULTS**

1. Applicants for employment and employees who test positive for drugs may, within two working days of notification of the test results. Submit a written request to the County Manager for a review of the test results by a Medical Review Officer who shall be a licensed physician knowledgeable in the medical use of prescription drugs and alcohol and the pharmacology in toxicology of illicit drugs and alcohol. The test results of all employees who test positive for drugs and/or alcohol shall be referred by the County Manager to a Medical Review Officer.
   A. If the applicant does not request a review of the test results within two (2) working days, the applicant waives review by a Medical Review Officer and any re-testing of the sample and consents to rejection of the his or her application for employment.

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B. The Medical Review Officer shall examine any proffered or possible explanations concerning the validity of the confirmed positive test results. This action may include conducting a medical interview, review of the medical history, review of the chain-of-custody, and discussions with the collection or laboratory personnel. The Medical Review Officer shall review all medical records made available by the prescribed medications and/or medical or dental treatment. The Medical Review Officer shall also review the results of any retest done according to the provisions of this section.

C. Should any questions arise as to the accuracy or validity of a confirmed positive test result, only the Medical Review Officer is authorized on behalf of the County to order a reanalysis of the original sample and such retests are authorized to be performed only at an independent laboratory that meets applicable provisions of any state licensure requirements and is certified by the National Institute on Drug Abuse or the College of American Pathologists in Forensic Urine Drug Testing.

D. Prior to making a final decision to verify a positive test result, the Medical Review Officer shall give the applicant or employee an opportunity to discuss the test results.

E. The Medical Review Officer shall notify the County Manager of his or her medical conclusions from the review of the test results. If there are conflicting factual statements, the Medical Review Officer shall not attempt to resolve the factual conflict, but shall report it along with his medical conclusions to the County Manger. Similarly, the Medical Review Officer shall not attempt to ascertain the factual correctness of any claim by the applicant or employee of involuntary ingestion of drugs or alcohol, but shall simply report such claims to the County Manager with his medical opinion as to the possibility that such occurrence could have affected the test results.

2. Based upon the Medical Review Officer's report and such inquiries or facts as the County Manager may consider, the Manager shall determine whether the applicant or employee's explanations or challenges of the confirmed positive test results are satisfactory.

A. If the applicant's or employee's explanations or challenges of the positive test results are unsatisfactory to the County Manager:

i. A written explanation as to why the explanation is unsatisfactory, along with the test results shall be provided to the applicant or employee within ten (10) calendar days of the County Manager's determination; and

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ii. Such records shall be kept confidential by the County Manager and shall be retained for one (1) year.

B. If the applicant's or employee's explanations or challenges of the positive test results are satisfactory to the County Manager:

i. The County Manager shall notify the applicant or employee of the County Manager's determination within ten (10) calendar days of the determination; and

ii. Such records shall be kept confidential.

VIII. IMPAIRED PERFORMACE DUE TO LAWFUL USE OF DRUGS

When, due to the use of lawfully prescribed or over-the-County substances, the employee is unable to perform his assigned duties or perform any duty in a safe manner, the employee will be subject to temporary reassignment of duties or be required to take accrued sick leave. The employee must notify his supervisor in advance of such circumstance.

IX. EMPLOYEE ASSISTANCE

1. Roosevelt County will provide assistance in accessing a drug and alcohol abuse program for all employees who self-refer. The purpose of these programs are to provide professional assessment, evaluation, counseling and prescribed treatment for the employee to assist them in becoming drug and alcohol-free. Any and all costs associated with these programs will be the employee's sole responsibility. Some insurance companies, including those offered by Roosevelt County, offer substance abuse coverage.

2. The County Manager or his designee will coordinate all assistance referrals. All cases regarding positive drug/alcohol tests will be kept strictly confidential by the County Manager, his designee, and the employees Department Head or Elected Official.

3. After an employee self refers, all information shall remain confidential to the County Manager and/or other personnel having a legitimate business or legal need to know.

4. Employees convicted of illegal distribution or sale of drugs are not entitled to treatment program referral and are immediately subject to a pre-disciplinary hearing to consider termination. Conviction of illegal distribution or sale of drugs shall be grounds for termination.

Return-to Duty Testing. A return to duty test is required of an employee who has had a positive drug or alcohol test and must be passed (negative non-dilute) before that can return to a safety sensitive position. The SDPA (substance abuse professional must first clear the employee to return-to-regular-duty after the evaluation and insure the employee has consented to treatment. The return-to-duty

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test may be for drugs and/or alcohol as required. Any work missed due to a positive drug/alcohol test or due to treatment shall be charged to the employees' sick leave or annual leave (employee's choice) or leave without pay if the employee has no leave balances.

Follow-Up Testing. Once allowed to return to duty, safety-sensitive employees shall subject to unannounced follow-up testing for at least twelve (12) but not to exceed sixty (60) months. The frequency and duration of the follow-up testing may be recommended by the SAP as long as not more than six (6) tests are performed during the first twelve (12) months after the employee returns to duty. Follow-up testing is separate from and in addition to the random testing program.

Employment Assessment. An SAP may refer any safety sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds for evaluation. An SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related and drug-related disorders. The SAP may evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. The employee may select the SAP of their choice as long as the criteria above are met.

X. ENFORCEMENT

1. Refusal to undergo either a breathalyzer test or a substance screening test will subject the classified employee to a pre-disciplinary hearing to consider termination. Refusal to submit to a breathalyzer or substance screening is sufficient grounds for termination.

2. Refusal to enter or failure to successfully complete a treatment program will result in a pre-disciplinary hearing to consider termination of the employee. Refusal to enter a treatment program or the failure to complete the program is sufficient grounds for termination.

3. All second offenses of positive drug/alcohol test shall result in immediate termination.

4. All violations of this policy shall be subject to disciplinary action in accordance with the Roosevelt County Personnel Policy.

5. Any Sheriff's Deputy, Detention Officer, or Road Department Employee who tests positive for a controlled substance will be subject to immediate termination.

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XI. TRAINING AND INFORMATION. A copy of this policy will be distributed to and signed for by all employees. Supervisors will be provided training on the use of this policy.

XII INTERPRETATION. In cases that provisions of this policy may be vague or unclear, the County Attorney shall provide interpretation and clarification.

XIII. AMENDMENTS. Amendments of this policy shall require prior notice to employees

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SECTION 14

ROOSEVELT COUNTY WORKPLACE HARASSMENT POLICY

A. **PURPOSE.** This Workplace Harassment policy is intended to promote a safe and harmonious work environment free from all forms of unlawful harassment. All employees are responsible for knowing and following this policy. Workplace harassment in any form is strictly prohibited, whether directed at employees, customers, or others

B. **POLICY.** This policy applies to all employees, Elected Officials, and volunteers. The County expects that employees will treat one another with courtesy, dignity, and respect. Sexual harassment is a form of misconduct, which constitutes a serious offense and subjects offenders to disciplinary action, up to and including termination.

The County will exercise reasonable care to prevent or correct any sexually harassing behavior by providing training, by enacting a formal policy, by launching prompt, thorough, and impartial investigations of any complaints, and by enforcing appropriate disciplinary actions.

Each Elected Official, Department Head, and/or supervisor is responsible for:

- Complying with this policy and reporting sexual harassment complaints of observations to the County Manager, Human Resources, or County Attorney. Under no circumstances is a supervisor, Department Head, or Elected Official authorized to investigate alleged violations of this policy.
- Distributing this policy to all employees and, where appropriate, including in new employee orientation material and publicizing in employee publications.

C. **DEFINITION OF SEXUAL HARASSMENT.** According to the EEOC, sexual harassment is any unwelcome sexual advances, requests for sexual favors, sexual demands, or other verbal, non-verbal, physical, or visual conduct of a sexual nature will constitute sexual harassment when:

a. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment;

b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or

c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

d. In third party situations, one individual is offended by the sexual interaction, conduct, or communications between others.

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D. **DEFINITION OF WORKPLACE HARASSMENT.** Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age, (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is so severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

E. **EXAMPLES OF SEXUAL HARASSMENT**. Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Sexual harassment is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events. The following are some common examples of behaviors or situations that may constitute sexual harassment if they are unwelcome and if they create a hostile, intimidating or offensive work environment:

1. Repeated, unwanted social invitations
2. Touching, e.g., hugs, massages, fanny pats, hip-grinds, and behavior that, if it occurred to a stranger on the street, would subject the employee to charges of molestation, indecent exposure, assault, or rape.
3. Sexual gestures or other offensive body movements, e.g., "the finger," or grabbing personal areas of the body.
4. Sexually suggestive or abusive talk, e.g., dirty jokes, sexual innuendoes, talking about body parts, and repeated, unwanted sexually explicit invitations, bragging or speculating about one's own or others sexual performance.
5. Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior;
6. Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention or sexual behavior;
7. Offensive printed or written materials
8. Any conduct that ridicules, or is malicious or abusive to, an individual because of the individual's gender;
9. Asking employee questions of a sexual nature.

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F. **EXAMPLES OF WORKPLACE HARASSMENT**. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harasses, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of the victim.

E. **PROCEDURE**

1. Employees experiencing or witnessing sexual harassment or workplace harassment must immediately report it to the County Manager, Human Resources, or County Attorney. Employees failing to report sexual harassment may be subject to disciplinary action.

2 The County Manager, Human Resources, County Attorney, or an outside party retained by County management will promptly, thoroughly, and impartially investigate any complaint of report of any violation of this policy. Investigations will be initiated within three working days after receipt of the complaint.

3 To the extent possible, the employee's confidentiality and that of any witness and the alleged harasser will be protected against unnecessary disclosure.

4 The County will take prompt disciplinary and/or remedial action for violations of this policy. Such discipline may range from a verbal warning to discharge from employment.

5. The affected employee will be informed of the findings when the investigation is complete.

6 The County takes complaints of violations of this policy seriously. In addition, false or dishonest complaints or reports are also a violation of this policy. If a complaint or report is deliberately made in bad faith or dishonestly, the responsible party may be subject to disciplinary action.

7. Nothing is this policy shall prohibit an employee from filing a complaint directly with the Equal Employment Opportunity Commission (EEOC) or the New Mexico Human Rights Division (NMHRD). This option may be used when an employee feels he or she has not obtained relief from the County. Employees are encouraged to seek consultation with the County Manager, Human Resources, or County Attorney before filing a formal complaint with the EEOC or NMHRD.

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F. **MANDATORY TRAINING**. Periodic mandatory training for all employees, including supervisors, Department Heads and Elected Officials, will be provided by the County to increase knowledge of the workplace harassment policy, state and federal laws and the process for enforcing the policy.

G. **VENDORS AND CUSTOMERS**. Employees should report sexual harassment from vendors, customers, other County employees and the general public utilizing this policy.

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SECTION 15

MISCELLANEOUS

A. **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. Employees shall not litter work areas and will keep them neat and clean.

B. **PERSONAL BUSINESS.** Personal business shall not be conducted during work hours or on County premises.

C. **SOLICITATION.** No solicitation will be allowed in a County-owned building or on County property. All legitimate proposals should be directed to Department Head or Elected Officials or persons responsible for purchasing. Salesmen should not consult directly with employees.

D. **SAFETY.** The County will develop, implement, and enforce such safety standards and rules as are deemed necessary for safe operations. Employees will be expected to abide by County safety rules and procedures and any violation will result in disciplinary action.

1. **Occupational Safety and Health Act.** The New Mexico Environmental Improvement Division, Occupational Safety and Health Unit, is responsible for enforcing the provisions of the Occupational Safety and Health Act of 1970 (OSHA) upon units of local government. This agency has the power to inspect County operations and assure compliance with the Act and will promulgate such rules and procedures for employees as to establish and maintain compliance.

2. **Unsafe Conditions.** Unsafe conditions existing in the work environment shall be reported immediately to the supervisor in order that corrective action can be taken. Machinery and/or equipment which are unsafe to operate as labeled by the supervisor will not be used until necessary repairs have been made.

3. **Personal Protective Equipment.** Protective equipment for certain jobs will be prescribed by supervisors and must be worn by employees during the duration of the job which requires protective equipment. Failure to do so when it has been prescribed will be grounds for disciplinary action. On jobs requiring personal protective equipment, the required equipment shall be issued to the individual employee and he shall be responsible for it until it is returned at the completion of the job.

4. **Loss Prevention Committee.** The committee shall serve as an advisory committee to the County Manager on all matters related to the County Risk Management program.

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5. **Inclement Weather.** The County Manager, after consulting the Elected Officials and Department Heads, may close offices, authorize late reporting or early release due to inclement weather, and all employees will be compensated for normal work hours as administrative leave with pay and shown on a Leave Request Form. Inclement weather leave pay will not exceed eight (8) hours in one work day.

6. **Leave for unforeseen Circumstances.** The County Manager may close individual offices, authorize late reporting or early release due to unforeseen conditions beyond the County's control that prevent the employees from performing their duties as administrative leave with pay and shown on a Leave Request Form

E. **COUNTY PROPERTY.** The responsibility for County equipment or property used by an employee in the discharge of one's duties belongs to the employee. The employee entrusted with equipment by a Department Head or Elected Official assumes sole and complete responsibility for the condition and proper use of such property or equipment from the time of assuming use or control until acknowledgement of its return by the Department Head or Elected Official or supervisor. Monetary costs of damages to County property or equipment caused by careless, negligent or deliberate acts of omissions by the using employee may be deducted from the net pay of such employee.

F. **COUNTY VEHICLES.** No County vehicle will be taken out of the County without permission of the Elected Official or Department Head. County vehicles shall be used for County business only. County vehicles may not be taken home unless designated permissible in the Accident Prevention Program and adheres to the Fringe Benefits rule. The Roosevelt County Vehicle Accident Prevention Policy Program adopted by the Board of County Commissioners outlines:

A. County vehicles shall not be used for personal business, except as incidental in commuting. Employee family members or passengers not on official County business are not allowed to ride in a County vehicle, unless permitted in writing; and strict adherence to this policy is directed to all employees operating a County vehicle.

B. Smoking in all County vehicles or motorized equipment is prohibited.

G. **WEAPONS IN THE WORKPLACE**. It is the policy of the County that employees are strictly prohibited from introducing, possessing, using, buying, or selling weapons, firearms, ammunition, explosives, or other items constituting deadly weapons pursuant to NMSA 178s 30-1-12 (b) (1963), as amended, said weapons are prohibited on any premises controlled by the County.

A. The aforementioned policy statement regarding the possession of firearms or other dangerous items does not pertain to deputies commissioned by and for the Sherriff's Office, when said employees are in the lawful performance and discharge of their duties.

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B. The aforementioned policy statement regarding the possession of firearms does not prohibit an employee who lawfully possesses a firearm and/or ammunition from transporting or storing a firearm or ammunition in a locked privately owned motor vehicle in a County parking lot or parking area.

C. The aforementioned policy statement regarding the possession of firearms does not prohibit an employee with a valid concealed handgun license to carry a handgun consistent with the limitations imposed by NMSA 1978, Section 29-19-1 et seq.

D. If an employee has questions about this policy, or becomes aware of anyone acting in violation of this policy, the employee shall contact the Elected Official or Department Head immediately.

E, Failure to abide by the terms of this policy may result in discipline up to and including dismissal.

H **SEARCHES AND SURVEILLANCE.** The County's employees should not expect privacy in their personal effect while on County property or on County time. Employee workplaces may be subject to video surveillance. The County may search lockers, desks, toolboxes, lunch sacks, clothing, County internet, County email or County computer accounts and County electronic media/storage, a County vehicle, and any other item in which unauthorized weapon or other contraband may be hidden. To the extent that an employee refuses to permit a search, such refusal may constitute grounds for disciplinary action.

I. **NORMAL WORK HOURS.** Offices within the Courthouse shall be open between the hours of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday unless it is a County approved holiday. Some offices may choose to open during the period of 12:00 p.m. to 1:00 p.m. to accommodate the public. Offices can be closed for a funeral only if the person deceased was an employee of the County. The office can be closed for other occasions only with approval of the County Commission.

J. **REDUCED WORK HOURS.** The Board may reduce the number of work hours by resolution of the Board determines the County budget will not sustain the normal work hours. Reduced work hours will apply to all full time employees of the County, with the possible exception of those employees in safety-sensitive or security sensitive positions.

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

PURPOSE. To establish and maintain a continuing policy regarding the presence of children of Roosevelt County ("the County") employees and other family members on County property during working hours, and to delineate the County's expectation regarding this matter. To prevent the possibility of injury or harm to County employees' children to lessen the exposure of liability to the County, and to comply with the Anti-Donation Clause of the New Mexico Constitution.

POLICY. The County does not and cannot provide day care services for its employees' children. This service is not available and is not a benefit available to County Employees. Children of County employees shall not accompany their parent(s) to work under any circumstances. If an employee cannot arrange for care of his or her child(ren), he or she must contact their supervisor and arrange for their absence from work.

This policy should not be construed as forbidding the occasional visit of family members or the children of County employees as long as the visit is not disruptive to the work environment and the child is not left in the care of the County employee while on duty. Any violation of this policy may result in disciplinary action up to and including termination.

L **ADULT FAMILY MEMBERS OF ROOSEVELT COUNTY EMPLOYEES.** Adult family members of County employees are prohibited from accompanying the employee to work. This does not include the occasional visit of family members as long as the visit is not disruptive to the work environment and is not an extended amount of time.

M. **ADDITIONAL RULES.** Employees shall obey all additional rules, directives and requests stated verbally or in writing by their supervisors. Employees are generally required to follow all standards, rules, procedures, and policies that are similar or normally expected in the work place.

N **RESPONSIBILITY FOR INTERPRETATION AND ENFORCEMENT.** In cases where the provisions of this policy may be vague, unclear, or subject to multiple interpretations, the County Manager shall provide the interpretation and clarification. The County manager shall have the responsibility of interpreting this policy. Department Heads and Elected Officials shall be responsible for implementing this policy.

O. **LACTATION/BREASTFEEDING.** The County will provide reasonable break times as needed for any employee who is breastfeeding her child after the birth of that child. When notified of the need, the County will designate a clean and private room in the facility of the employee requesting space for this purpose.

Employee Responsibility

Any breast milk stored in a County refrigerator must be labeled with the name of the employee and the date of expressing the milk. Employees storing milk in a County refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Any time in addition to established employee breaks will be unpaid. No overtime will be granted while a nursing mother is using a breast pump.

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SECTION 16

AUTHORITY

RULES. These rules are promulgated on the authority granted in state and federal law and the Ordinance providing for these Rules.

SAVINGS CLAUSE. If any article, section, paragraph, clause, word or phrase if this Ordinance is held to be invalid or unenforceable by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

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