



## **Human Resources**

### **Policies and Procedures Manual**

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## **General Provisions**

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## General Provisions

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Purpose	<p>The purpose of the Human Resources Policies and Procedures is to establish consistent, basic policies and practices concerning relations between Lea County and its employees.</p> <p>The rules contained herein replace and supersede all previously issued rules, policies, and regulations applicable to employees of Lea County.</p>
Scope	<p>As rules and regulations cannot be readily formulated for every possible situation; these policies and procedures serve as a general basis and guide for the proper, efficient, and effective administration of personnel matters of Lea County.</p> <p>The provisions of these policies and procedures shall apply to all County employees, with the exception that the provisions governing merit and the grievance of disciplinary actions do not apply to appointed employees who serve at the discretion of elected officials or the County Manager.</p>
Supplementation Of Policy	<p>The County Manager, may issue rules and regulations that are consistent with the terms of these policies and procedure, to provide further guidance and clarification.</p>
Employee Knowledge and Information Policy	<p>The Human Resources Department shall provide a copy of these policies and procedures to all current and new employees with instructions to read these policies and procedures. Employees shall sign a receipt for the copy, which shall be maintained in the Human Resources Department.</p>
Equal Employment Opportunity Policy	<p>The County shall provide equal employment opportunities to all individuals and shall not discriminate against any individual on the basis of race, color, age, religion, sex, sexual orientation, gender identity, national origin, ancestry, physical or mental disability or medical condition, or any other legally protected status. This anti-discrimination policy applies to all phases of the employment process and includes a prohibition of retaliation against anyone who has asserted their rights under this policy.</p>
Americans with Disabilities Act	<p>All people with disabilities shall be free from discrimination and provided equal opportunity in accordance with the Americans with Disabilities Act as amended. The County does not discriminate on the basis of disability in employment or in the admission and access to its services, programs, or activities.</p>

Administration of Policy      The Human Resources Director, under the supervision of the County Manager, shall administer the personnel management system.

Use of Pronouns      All pronouns used in this Policy and Procedures Manual shall include the masculine, feminine and neutral genders, the singular and plural, and the context of this policy shall be read accordingly.

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## **Workplace Safety**

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## Safety

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Policy	It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state, and federal safety and health regulations and with any special safety concerns for use in a particular area.
Employee Responsibility	<p>It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action up to and including termination.</p> <p>Every employee in the County assumes the responsibility of individual and organizational safety. Failure to follow county safety and health guidelines or engaging in conduct that places the employee, fellow employees, or county property at risk can lead to employee disciplinary action up to and including termination.</p>
County Responsibility	The County shall have the responsibility to develop and the authority to implement the safety and health program in the interest of a safer work environment.

## Drug-Free Workplace

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Policy	<p>The County is committed to providing a work environment that is safe and alcohol and drug free for its employees and the general public. With this goal in mind, the County prohibits the use, possession, sale, attempted sale, manufacture, purchase, solicitation, or transfer of prohibited substances on any County premises or on the job. The County is authorized to test its employees for the use of prohibited substances in accordance with federal, state, and local law.</p>
Definitions	<p>Prohibited substance means alcohol, drug paraphernalia, substances identified as illegal pursuant to state or federal law (whichever has the higher standard), controlled substances, prescription medications prescribed to someone other than the employee who possesses the medication or in the possession of an employee who does not have a valid prescription, or other substances that can be inhaled, injected, ingested, absorbed, or otherwise introduced into the body in any other way that might alter an individual's perception, coordination, response time, reflexes, vision, mental capacity, performance, or judgment.</p> <p>County premises, or on the job, include County parking lots, County-owned and leased vehicles, County facilities, County-owned and leased property, any facility used for business purposes by the County. On the job also includes work activity that occurs outside of Lea County.</p>
Prescription and Over-the-Counter Medications	<p>Employees must report the use of an over-the-counter medication or legally-prescribed medication that affect their ability to perform their job safely. They must report the use of the medication to their supervisor immediately if the medications affect the individual's perception, coordination, response time, reflexes, vision, mental capacity, performance, or judgment.</p>
Medical Marijuana	<p>Under the Controlled Substances Act, marijuana is classified as a Schedule I drug, which means that the federal government views marijuana as highly addictive and having no medical value. The County follows federal law as it pertains to medical marijuana. Under federal law, marijuana is treated like an illegal, controlled substance.</p>
Types of Alcohol And Drug Testing	<p>In accordance with federal and state law, The County may conduct testing under any of the following circumstances:</p> <ul style="list-style-type: none"><li>• <i>Pre-employment</i>: Final candidates selected for any County position will be given a conditional offer of employment pending, in part, the final results of the pre-employment testing.</li></ul>

- *Random*: Employees in safety sensitive positions may be selected at random for drug testing at any interval determined by the County, pursuant to applicable state law. For the purpose of this policy only, the following positions have been designated as being in safety sensitive categories in accordance with the broad criteria of “positions directly affecting public health or public safety”:
  - Sheriff’s deputies, including the undersheriff and all supervisory personnel
  - Sheriff’s dispatchers
  - Detention officers, including supervisory and program-related personnel
  - Heavy mobile equipment operators. Heavy mobile equipment includes but is not limited to backhoes, compactors, dozers, front-end loaders, motor graders, scrapers, tractor-trailers, and similar type of equipment
  - Employees classified other than heavy mobile equipment operators who spend twenty five (25) percent or more of their time operating heavy mobile equipment
  - Employees who operate, inspect or maintain airport equipment
  - Employees who supervise or transport inmates, including trustees and work detail inmates
  - Other positions as determined by the County in accordance with the criteria of directly affecting public health or public safety
- *Reasonable Suspicion*: An employee may be tested based on reasonable suspicion that the employee is under the influence of a prohibited substance or alcohol. Reasonable suspicion is based on, but not limited to:
  - Direct observation of the consumption or possession of alcohol, illegal drugs, or drug paraphernalia
  - Abnormal conduct or erratic behavior while at work
  - Noted difference or decline in quality of work
  - Admission of consumption or possession of prohibited substances
  - A report of consumption, possession, or use of prohibited substances provided by a reliable and credible source from which a sworn affidavit has been obtained
- *Inspection/Search*: Any employee may undergo a search if there is reasonable suspicion that the employee is under the influence or in possession of prohibited substances or alcohol while on duty.
- *Post-Accident*: All employees may undergo testing when the employee is involved in a work-related accident resulting in a physical injury to the

employee or others, and/or damage to machinery, equipment or vehicles.

- *Discharge of a Firearm*: An employee who discharges a firearm in an adversarial situation will be required to undergo drug and /or alcohol testing.

**Refusal to be Tested** The following situations will be treated in the same manner as a positive test result:

- The failure, without specific supervisory authorization, of an employee to appear at the collection site when scheduled, or within thirty (30) minutes of the scheduled time, after receipt of notification to appear for testing
- Refusal to provide a specimen
- Refusal or failure to provide an adequate specimen when such is not supported by a valid and verified or verifiable medical cause or explanation
- Refusal to comply with specimen collection procedures prescribed for the purpose of ensuring the integrity of the specimen
- Tampering with or the taking of any action that results in the compromise of the specimen

**Collection Site** When the employee reports to the collection site, the employee must remain at the collection site until the collection is completed, and

- The employee must provide a valid photo ID
- The employee must comply with the collector's instructions or failure to do so may be considered a refusal to test
- The collector and the employee must complete and sign the Custody and Control Form

After satisfactorily completing the collection, signing the Custody and Control Form, and receiving a copy of the chain-of-custody paperwork, the employee may leave the collection site.

**Drug Test** Drug test specimens requiring laboratory processing will be processed at laboratories certified by the Department of Health and Human Services (DHHS) under the National Laboratory Certification Program (NLCP).

All drug tests will be collected following strict chain-of-custody procedures using various sample types including, but not limited to, urine, hair, saliva, or blood, as determined by the County.

Alcohol Test	<p>Alcohol testing will be conducted by a breathalyzer or saliva strip at the discretion of the County. Blood specimens may be taken for initial alcohol screening if breath or saliva cannot be obtained.</p> <p>A test result of blood alcohol content (BAC) level of .02% or more shall be deemed positive for alcohol for employees in departments not listed below.</p> <p>Law enforcement, Detention, DWI and Compliance, Communication Authority, Road, and Airport personnel shall be deemed positive with a test result of blood alcohol content (BAC) level of more than .00%.</p>
Reporting of Test Results	<p>Drug and alcohol results shall be reported only to the Alcohol and Substance Abuse Policy Administrator or designee.</p> <p>The written test report shall contain the specimen number assigned by the agency, the laboratory accession number, and results of the tests. 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 for a specific substance.</p> <p>The Alcohol and Substance Abuse Policy Administrator shall notify applicants and employees of the test results.</p> <p>Only those members of management who need to know shall be made aware of the test results, except as otherwise allowed by law.</p>
Retesting	<p>An applicant or employee who tests positive on an alcohol and/or drug test may elect to have, at the applicant's or employee's expense, a portion of the original specimen retested by another approved testing facility. The request for a retest must be made within two working days of the applicant's or employee's notification of positive results. The original testing laboratory shall then arrange for the shipment of the sample to approved testing facility of the applicant's or employee's choosing. The County shall reimburse the applicant or employee for the retest if the retest is negative.</p>
Confidentiality	<p>No laboratory reports or test results shall appear in the employee's personnel file, but shall be placed in a special locked file, unless they are a part of a disciplinary action taken in accordance with the provisions of the County's Policies and Procedures. Files relating to laboratory reports or test results are confidential and are available on a need to know basis only, or as otherwise allowed by law.</p>

**Voluntary Admission**                      The County encourages employees to voluntarily disclose abuse or misuse of prohibited substance to the Human Resources Department. Provided the voluntarily disclosure is not made in connection with a safety-related incident or prior to any testing, the County may allow an employee to take an unpaid leave of absence in order to participate in a County approved rehabilitation program.

**Conviction of Drug and Alcohol Crimes During Employment**                      Any employee who is arrested or convicted of a misdemeanor or felony criminal drug or alcohol violation must notify the employee’s manager immediately. Reporting such information does not automatically result in separation of employment, but the employee might not be allowed to work in a safety sensitive position or operate a County vehicle until the final disposition. The County will evaluate these situations on a case-by-case basis.

## Workplace Harassment

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**Policy** The County is committed to taking reasonable steps to provide a professional working environment free from all forms of harassment, whether based on sex, sexual orientation, gender identity, race, color, religion, national origin, age, disability or any other protected classification. Although this policy focuses on sexual harassment, it applies equally to all forms of harassment based on a protected classification and the procedures described in this policy shall be followed for all such harassment. This policy also applies when a Lea County employee is subject to harassment in the workplace by someone outside of Lea County.

All County employees and members of the public have a right to be free from harassment from employees on official duty. Lea County employees are prohibited from engaging in harassing conduct in the workplace. Employees are also prohibited from engaging in conduct outside of work that creates a hostile work environment at work. Any act of harassment based upon a protected classification is a violation of Lea County policy.

**Definition of Sexual Harassment** According to the EEOC, sexual harassment is any unwelcome sexually oriented behavior, demand, comment or physical contact initiated by any individual at the work place when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or
- 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.

**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:

- Oral or written sexual statements, comments, jokes, questions or innuendoes;

- Display of sexually oriented visual items such as calendars, cartoons, photos or posters;
- Assault, molestation or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against or hugging;
- Requests, demand or subtle pressure for sexual activity;
- Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior;
- Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention or sexual behavior;
- Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures and sexually suggestive materials;
- Any conduct that ridicules, or is malicious or abusive to, and individual because of the individual's gender;
- Pressuring an employee to go out on a date; or
- Asking employee questions of a sexual nature.

Responsibility to Report Harassment

Any employee, who believes they are a victim of harassment because of their protected classification, should first notify the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the matter to the Department Director, Human Resources Director or County Manager. These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of Lea County. All employees who observe, or become aware of harassment, also have an obligation to bring the matter to the Department Director, Human Resources Director or County Manager, even if they are not the victim of harassment.

Investigation of Complaints

It is the County's intent to provide a fair process for investigating and resolving complaints of harassment.

The County will investigate all reports of alleged harassment. Information associated with the investigation will be kept confidential, to the extent possible, and consistent with the County's obligation to investigate promptly and thoroughly. All employees are required to cooperate with any investigation by the County in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.

Appeal

Any affected employee, who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the County Manager. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the

investigation. Any qualifying disciplinary appeal must follow the grievance process.

Protection  
Against Retaliation

The County will not retaliate against an individual who reports sexual harassment in good faith and such retaliation in and of itself is grounds for disciplinary action, up to and including termination without prior progressive discipline. Retaliation is a serious violation of this policy and should be reported immediately.

Discipline

Unlawful harassment, including sexual harassment, of employees, or members of the public, may be cause for dismissal. If the County determines that harassment has occurred or that counseling, training, disciplinary measures or termination are appropriate, it will take appropriate measures to correct the problem following the County's disciplinary procedures. Serious cases of harassment constitute cause for termination without prior progressive discipline.

Employees who knowingly make false allegations of sexual harassment may be subject to disciplinary action.

Mandatory  
Training

Periodic mandatory training for all employees, including supervisors, managers 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.

Vendors and  
Customers

Employees should report sexual harassment from vendors, customers, other County employees and the general public utilizing the Policy.

## Workplace Violence

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Policy	<p>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.</p>
	<p>Anyone found to be responsible for threats of 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 of employment.</p>
Employee’s Role	<p>Indirect or direct threats of violence, incidents 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 as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.</p>
County’s Role	<p>The County is responsible for:</p> <ul style="list-style-type: none"><li>• Promptly and thoroughly investigating any allegation of behavior that is perceived to violate this policy</li><li>• Initiating corrective action up to and including separation of employment against any employee who engages in behavior that the Count determines violates this policy</li><li>• Taking appropriate action with all individuals who engage in behavior on County premises that the County determines violates this policy</li></ul>

## Workplace Bullying

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### Policy

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 his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt 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.

## Weapon-Free Workplace

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### Policy

The County prohibits the possession or use by county employees of weapons – including firearms, explosives, knives, and other implements capable of inflicting great bodily harm – while on duty and while on or off duty on county property, at county work sites, and in county vehicles, with the following exceptions:

- Law enforcement personnel may possess and use such weapons as are permitted by their individual department policies
- Possession and or the use of lock-blade knives with a blade length not exceeding four inches, or specialty tool type knives is permitted by employees for job related purposes only.

## Motor Vehicle

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**Policy** All motor vehicles operated for County business shall be operated by approved employees in a safe manner.

A County employee who drives a County vehicle is encouraged to remember that County employees work for the public and are always in the public eye. Employees will exercise good judgment in utilizing their vehicle, and will not drive or use it to cause an unfavorable comment, or reflect discredit on the County. The public's favorable impression of a driver's behavior and use of the vehicle is of the utmost importance.

**Applicability** This policy applies to the following groups:

- Any employee who operates a County vehicle
- Any contract worker who operates a County vehicle in the course and scope of County business
- Any employee who operates a rental vehicle for County business
- An employee-owned vehicle being used in the course and scope of County business

**Guidelines**

1. Employees assigned a vehicle will not operate it outside of Lea County unless on official business and with prior approval of Department head.
2. Employees will not operate an official vehicle within eight (8) hours after the consumption of any alcoholic beverages. Employees will not be under the influence of alcohol or any drug that may impair their driving. Employees will not possess, consume, purchase or transport personal alcoholic beverages in a County vehicle.
3. The use of County vehicles to travel to and the parking of County vehicles at places of entertainment, particularly those that serve alcohol, is strongly discouraged. The parking of County vehicles at establishments whose sole business is the sale and/or serving of alcohol is prohibited except when related to an employee's official duties.
4. Family members or other guests may accompany a County employee in a County vehicle. However, employees will not expose family members or authorized passengers to undue danger. If a commissioned officer is required to respond to a potentially dangerous incident, the employee will stop and have the passenger exit in a safe area. Individuals other than the County employee

are permitted to operate the vehicle only in cases of medical or safety emergency.

5. Employees who drive County vehicles are permitted to use County fuel cards or an approved method of payment to purchase fuel. Employees who drive their own vehicles on county business will be reimbursed for mileage only when a pool car is not available and with prior Department Director approval.

6. Employees eligible to take County vehicles home on a regular basis are limited to the County Manager, Department Directors and employees specifically authorized by the County Manager, or commissioned deputies and the Sheriff. Employees who drive a County vehicle to and from home to work will receive a pay deduction in their paycheck for the use of the County vehicle.

7. Employees will be appropriately attired when operating a County vehicle.

8. Employees should not let their vehicle run idle unnecessarily. When leaving a County vehicle parked and unattended, employees shall lock the ignition and doors and retain the key on their person unless impossible or impractical because of duty requirements.

9. Employees not using their vehicle for a period of seven (7) days or more will park their assigned vehicle in a Lea County designated County parking area until they return to their position. If an employee is on light duty, depending on their job function, another vehicle may be assigned during that time.

10. Employees are fully responsible for ensuring the care, cleaning and scheduled preventive maintenance of their assigned vehicles, but are prohibited from personally performing, or allowing anyone other than an authorized mechanic to perform any mechanical repairs or alterations. Employees are expected to notify their immediate supervisor of any problems or damages to the assigned vehicle within 24 hours of the incident.

11. Employees will not smoke or use tobacco products, including electronic cigarettes, inside a County vehicle. While operating a County vehicle, employees will not consume food.

12. Employees may not alter the body, appearance, markings, mechanical, electrical, radio systems or add equipment to a vehicle or rearrange accessories without prior approval of their Department Director. Employees may not place bumper stickers, window stickers, magnetic ad/placard plates or stickers on the vehicle unless authorized by the Department Director.

13. County employees authorized to operate a County vehicle may be subject to disciplinary action if they receive a speeding and/or moving violation ticket in their personal vehicle.

14. The hands-free use of cell phones is permissible while driving County vehicles; however, an employee is prohibited from reading or viewing a text message or manually type on a handheld mobile communication device while driving a vehicle on County business.

Screening

A driver's DMV record will be obtained for all applicants considered for all county employment positions. A pattern of careless driving or reckless driving may disqualify an applicant. A conviction of DWI/DUI in the past five (5) years may disqualify applicants from employment.

Valid License

All County employees must have a valid New Mexico driver's license with proper endorsement(s) for the vehicle(s) to be driven. An employee without a valid license is not permitted to drive a County vehicle or to drive a personal vehicle on County business. Failure to report in writing the lack of a valid driver's license when requested to drive may result in disciplinary action. Driving a County vehicle or driving a personal vehicle on County business without a valid driver's license may result in disciplinary action up to and including termination.

Defensive Driving  
Training

All Lea County employees who regularly drive a County vehicle may be required to successfully complete initial and recurrent defensive driving training courses. Failure to successfully complete the required courses may result in revocation of the employee's driving privileges.

Vehicle Incidents

If an employee is involved in an incident in a County vehicle, these guidelines must be followed:

- Stop immediately
- Ensure your personal safety before exiting the vehicle to gather or exchange information
- Get help for the injured and render first-aid to the extent trained or qualified
- Notify police, supervisor and Risk Management immediately
- Obtain necessary information at the incident scene, including, but not limited to, the following information:
  - Names of those involved
  - Driver's license numbers of vehicle operators involved in the incident

- Vehicle make, description, and license plate numbers
- Insurance carriers of other drivers
- Names and numbers of any witnesses, if possible
- Move any County vehicle extensively damaged to the appropriate County parking area. The vehicle will remain stored at this location until repairs can be made.
- Risk Management may require the employee to complete all documentation, reports and forms deemed appropriate to adequately record and investigate an accident.
- The Department Director shall investigate and make a written report and findings of incident preventability to Risk Management.
- Risk Management shall notify the County Manager of the incident.

#### Traffic Citations

Any County employee who receives a citation for a traffic offense while driving a County vehicle shall report the citation immediately to their supervisor and to Risk Management.

Risk Management may require the employee to complete all documentation, reports and forms deemed appropriate to adequately record and investigate a citation.

Excessive citations by a County employee may result in the removal of an assigned County vehicle or driving privileges of a County vehicle.

#### DUI

Employees convicted of DUI shall not drive. If convicted, an employee may be placed on leave until a decision is made on continued employment.

Any employee who is convicted of driving under the influence or whose driver's license is confiscated shall not be permitted to operate any County vehicle or any personal vehicle on County business until the driver's license is reinstated. If the loss of driving privileges prevents the employee to perform his or her job, the employee may be terminated.

If an employee's driving privileges are suspended or revoked, or if the employee is required to use an interlock device, the employee shall be prohibited from driving any County vehicle and shall immediately notify their supervisor. Any employee who fails to report a suspension, revocation, or mandatory usage of an interlock device may be subject to disciplinary action, up to and including termination. The County will not approve installation of an interlock device in any County vehicle.

Conviction is defined as a guilty plea, a no contest plea, or an Alford plea.

Preventable  
Incidents

The following preventable incidents shall be subject to the following provisions:

- Incident 0-\$500 in County cost – written reprimand
- Incident \$501-\$1000 in County cost – one day (eight (8) working hours in the case of shift workers) suspension without pay
- Incident \$1001 and above – minimum three (3) day (minimum twenty four (24) working hours in the case of shift workers) suspension without pay
- Subsequent incidents from the same employee shall result in discipline progressively more severe, up to and including termination

Motor Vehicle  
Record Review

All County employees may undergo a motor vehicle record review at least once annually. This review may include County volunteers.

## Smoke-Free Workplace

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Policy	Smoking or the use of tobacco products, including electronic cigarettes, is prohibited in any County-owned or leased building and/or vehicle.
Designated Smoking Areas	<p>Employees who wish to smoke must use only designated outdoor areas which have appropriate smoking waste disposal receptacles. These areas are to be no less than twenty five (25) feet from an accessible entrance or air intake of any County building.</p> <p>Smoking is prohibited within fifty (50) feet of any area where flammable materials are handled or stored, or where other significant fire hazards may exist.</p>

## Building Security

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Policy	<p>The County has a system of controlled access to various areas and of screening of individuals seeking access to various areas in order to enhance the safety of County staff as well as the safety of the public.</p>
Guidelines	<p>Security and screening stations will be located on the first floor of the Lea County Courthouse. Individuals seeking access to a secured area will be required to pass through a walkthrough metal detector and/or be subjected to screening via a hand held device. In cases where the presence of a weapon or other item considered a safety risk is suspected, a pat-down search may be required.</p> <p>All items to be carried into a secured area, including but not limited to purses, briefcases, boxes and items of clothing such as coats, are subject to search.</p> <p>Screening and search may be waived for employees clearly displaying approved employee identification insignia. Screening and search may also be waived for law enforcement personnel wearing immediately recognizable uniforms. Law enforcement personnel who are not immediately recognized or who are not in uniform may have screening waived by producing a law enforcement identification card.</p> <p>Failure to submit to screening and/or search will result in denial of access to the secured area. Such failure may also result in expulsion from the relevant County building.</p> <p>Possession of an unauthorized weapon or an object of an illegal nature will result in denial of access to the secured area. Possession may also result in expulsion from the relevant County building, confiscation of the item, and possible prosecution. The appropriate law enforcement agencies will be contacted in case of such an incident.</p> <p>County employee access to secured areas will be available only through a screening station, or by means of an access code assigned by the Lea County Sheriff's Department.</p> <p>The following actions by employees are considered to be violations of security and will be subject to discipline up to and including dismissal from employment:</p> <ul style="list-style-type: none"><li>• Disclosure of an access code to an unauthorized person. This includes another County employee who has not been assigned an access code</li></ul>

- Tampering with, damaging or deliberately thwarting or attempting to thwart a security device
- Allowing access via one's code to an unauthorized person
- Deliberately avoiding screening or search by subterfuge or evasion; deliberately setting off an alarm system except in the case of emergency
- Failing to comply with the lawful directive of a security officer on duty in or around a County building

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## **Employment**

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## Employment Status

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**Full-Time Regular Employee** A full-time regular employee is one who has completed the probationary period and who normally is scheduled to work a minimum of forty (40) hours per week. A full-time regular employee is eligible for all rights and benefits provided by the County.

**Part-Time Regular Employee** A part-time regular employee is one who has completed the probationary period and who works twenty (20) or more but less than forty (40) hours per week. A part-time regular employee is eligible for PERA and group insurance benefits, and may participate in the County's grievance process. A part-time regular employee does not accrue paid leave.

**Appointed Employees** The appointees of elected officials are as follows:

- County Manager
- Undersheriff
- Executive Secretary to the Sheriff
- Chief Deputy Assessor
- Chief Deputy Clerk
- Chief Deputy Treasurer
- Bureau of Elections Administrator
- Chief Appraiser
- Others designated by job description approved subsequent to these policies and procedures by the County Commission

Department Directors and unclassified administrative staff who report to the County Manager shall be appointed by the County Manager subject to approval by the County Commission.

Appointed employees shall receive a salary set by the County budget. Appointed employees are terminable-at-will and cannot avail themselves of the grievance procedure set forth herein, but are entitled to all other benefits provided by the County unless otherwise accepted.

**Probationary Employees** The purpose of the probationary period is to evaluate the employee's ability, potential and performance. A full-time or part-time probationary employee is one who is hired to fill a regular, established position and who has not yet completed the probationary period of employment.

A probationary employee may be terminated with or without cause at any time during the probationary period, and is not entitled the grievance procedure set forth herein, but is entitled to all other county benefits provided herein.

The probationary period shall be twelve (12) months from date of hire.

A probationary employee accrues paid time off, but may not use paid leave except in cases of transfer or promotion until three (3) months of employment is completed.

To determine whether an employee has satisfactorily completed the probationary period, the employee's Department Director or immediate supervisor will complete a written evaluation.

An employee hired on the condition that the employee obtains a specific certification shall obtain the certification during the probationary period except as otherwise provided for in the job description. Failure to obtain such certification within the period bars the employee from becoming a regular employee and may result in the employee's dismissal, demotion, or reduction in pay.

An employee who is temporarily assigned to a vacant position and is subsequently hired to fill that position shall serve the required probationary period. The beginning date of the probationary period is the date the employee began filling the position on a temporary basis. An employee may not be temporarily assigned to a vacant position for more than six months.

A regular employee who is promoted or transferred to another position shall be subject to a probationary period. That probationary period shall be twelve (12) months beginning on the date the employee began filling the new position. During the probationary period following promotion or transfer, a regular employee may use paid leave as approved by the appropriate department head.

A former Lea County employee rehired to the same position more than six months after termination or rehired at any time to fill a different position shall serve the required probationary period beginning with the employees latest hire date.

If a newly hired employee does not satisfactorily complete the probationary period, the employee will be dismissed. Proposed dismissal of a probationary employee must be reviewed with the Human Resources Director.

If a regular employee, having already completed one probationary period when originally hired, is promoted or transferred and does not satisfactorily complete the probationary period following that change of status, the employee may with the approval of the appropriate department head(s) and the Human Resources Director be returned to the former position or a comparable position if such a position is available or an agreed upon subordinate position within the department if such is available. It will be solely within the discretion of the County Manager if the employee may return to the former position or a comparable or subordinate position. If such a position is not available, the employee will be dismissed.

## Recruitment and Selection

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Recruitment and Posting Procedure	<p>A vacant position may be filled either by a transfer from another county department or by the hiring of a new employee.</p> <p>Vacancies may be filled from among current county employees after the internal posting of a job notice.</p> <p>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 the Human Resources Director.</p> <p>Positions not filled by current county employees will be posted for public advertisement.</p>
Exceptions to Posting	<p>The Human Resources Director may choose not to post a position vacancy. These situations may include:</p> <ul style="list-style-type: none"><li>• A vacancy filled through the re-assignment of a current employee to another position on a temporary basis.</li><li>• A vacancy filled through the reassignment of an employee in accordance with the Americans with Disabilities Act as amended.</li><li>• An employee transferred into an existing vacancy to best serve the needs of the County.</li><li>• A vacancy filled by the recall of a previously laid off or soon-to-be laid off qualified County employee.</li><li>• A vacancy filled through the disciplinary demotion of an employee.</li><li>• A vacancy in a temporary or other unclassified position.</li></ul>
Applicant Responsibility	<p>Submission of Applications:</p> <ul style="list-style-type: none"><li>• Applications must be submitted on the County’s employment application form.</li><li>• Applications for employment shall be accepted in the County’s Human Resources Department during normal business hours.</li><li>• Applicants shall be considered only for positions for which they have applied and are qualified.</li><li>• 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.</li></ul>

- 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 § 14-2-1 *et seq.*

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.

Referral to Department Director:

- The Human Resources Department or designee will refer applicants who have met the qualifications to the department head for consideration.

Selection

Selection shall be made based on the following:

- Skills
- Educational background
- Experience
- Personal Interview
- References
- Results of pre-employment examinations, when required

The Department Director reporting to the County Manager shall submit to the Human Resources Department a change of status form recommending any new hire. The change of status form requires final approval by the County Manager. An employee shall not be scheduled to work until a change of status form with all required signatures has been submitted and all other new hire paperwork has been processed.

Employment Reference Checks:

- 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.

Applicant credit records will be checked where job-appropriate. Applicants will be asked to sign an authorization for the County to check credit records.

Physical Examinations or Other Testing:

- Post-offer physical examinations and other testing may be required as identified in job descriptions, 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 to their six month anniversary date will be responsible for reimbursing the County the total costs of all post-offer screening tests.

Driving Record, Pre-Screening:

- A driver's DMV record will be obtained for all applicants considered for all county employment positions. A pattern of careless driving or reckless driving within the past five years may disqualify an applicant. A conviction of DWI/DUI in the past five (5) years may disqualify an applicant from employment.

Ineligibility For Hire and Rehire

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

- Made any false statement or deliberate omission on the employment application.
- Not met the requirements of the position as stated in the job announcement; fails to complete or pass required tests; fails to complete or pass post-offer examinations including physical agility testing, or other requirements as determined by the Human Resources Department.
- Failed to submit a complete application or missed the established closing date of position.
- Not met the criteria for insurance or bonding as required by County policy or state law.
- Been certified by an appropriately licensed professional that the applicant cannot perform the essential function of the position.
- Been convicted of a felony or a misdemeanor as described NMSA 1978, Section 28-2-1, et seq., as amended or convicted of a felony or infamous crime as defined in NMSA 1978, Section 10-1-3, as amended.
- Makes a materially false statement, affirmatively or by way of omission.
- Directly or indirectly obtained information regarding any recruitment examination to which the applicant was not entitled.
- Participated in the compilation, administration or any part of the selection process in which the applicant is competing.

- Failed to notify the interview panel that the applicant has familial, personal or romantic relationship with a member of the interview panel.
- Previously been terminated or resigned prior to being terminated from County employment for a disciplinary reason and determined ineligible for rehire.
- A record of conviction of a crime involving moral turpitude, the nature of which would affect the applicant's suitability for employment for the position for which the applicant has applied.
- Failed to appear for a scheduled interview or any other step of the selection process.
- Directly or indirectly given, paid, offered, solicited or accepted any valuable consideration, or secured or furnished any special or secret information, for the purpose of affecting the rights or prospects of any person with respect to employment in the County.
- The above list is not exhaustive and does not include all the reasons that would make an applicant ineligible for hire.

Ineligibility of Applicants for Deputy Sheriff and Detention Officer:

- No person under indictment or with pending criminal charges or who is generally known for having a bad character or as a disturber of the peace shall be eligible to serve as a deputy sheriff or detention officer.

## Changes In Employment Status

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Promotion	<p>County employees are encouraged to take advantage of promotional opportunities for which they qualify. Failure to promote is not a grievable action.</p> <p>The employee shall be placed in the pay grade for the position to which the employee is being promoted at a rate of pay commensurate with education, years of service, and directly related experience when compared to other employees in the same classification.</p>
Demotion	<p>An employee may be demoted, either voluntarily or involuntarily by their Department head with concurrence of the County Manager, to a vacant position for which the employee is qualified when:</p> <ul style="list-style-type: none"><li>• The employee would otherwise be laid off because the employee's position is being abolished due to a lack of funds or lack of work and there are no appropriate vacancies at the same level;</li><li>• The employee does not possess the necessary ability to render satisfactory performance in the position presently held; or</li><li>• The employee voluntarily requests such a demotion.</li></ul> <p>Demoted employees will receive a reduction in pay. The employee shall be placed in the pay grade for the position to which the employee is being demoted at a rate of pay commensurate with education, years of service and directly related experience when compared to other employees in the new classification.</p> <p>Only a regular employee demoted due to an inability to render satisfactory performance in the position presently held is entitled to grievance proceedings.</p>
Transfer	<p>An employee may be transferred by the Department Director with concurrence of the County Manager from one position to another either voluntarily or involuntarily if it is in the best interest of the County.</p> <p>Transfers may include changes in classification and rate of pay as specified in the Lea County Compensation and Classification Plan, which includes the pay matrix and job description for all positions. The employee may not begin work in the new position until a Change of Status Form with all required signatures has been submitted.</p> <p>Involuntary transfers that do not involve a demotion are not grievable.</p>

**Resignation** An employee voluntarily resigning shall submit, in writing, a two week notice of resignation. Failure to provide a written two week notice of resignation may be grounds for refusal of future employment with the County.

If an employee chooses to rescind their resignation, Lea County may refuse to accept the rescindment.

An unauthorized absence from work for a period of three consecutive, regularly scheduled working days shall be considered a voluntary resignation.

**Reduction In Force** At the recommendation of the County Manager, should it become necessary for the County to reduce the number of County employees because of the lack of availability or appropriation of funds, the County Commission shall make the determination of the necessity for layoffs.

The reduction will occur in the following manner, and shall be approved by the County Commission. Reductions in force are not grievable.

Probationary employees will be laid off before full or part-time regular employees unless they are filling positions that require specific skills and knowledge.

Lay-off of regular employees shall be determined by department head, with concurrence of the County Manager, based on the employee's suitability for the remaining jobs.

Employees to be laid off may be notified at any time during a pay period and may be allowed to work through the end of that regular pay period or receive pay to the end of that period.

Accrued annual leave shall be paid on the next regular payday.

A laid-off employee must reapply to be considered for future employment.

A laid-off full-time regular employee returning to County employment within six (6) months of lay-off will not serve a probationary period if hired to the same position.

**Dismissal** Department Directors, with the written concurrence of the County Manager, shall have the authority to dismiss regular employees subject to the provisions

of the Lea County Personnel Ordinance and Human Resources Policies and Procedures.

Appointed employees serve at the discretion of the official under whom they are employed and may be dismissed with or without cause.

All dismissals, except unclassified positions within elected officials departments, must be approved in writing by the County Manager before any action is taken.

## Conditions of Employment

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**Residency** County Manager, Department Directors and at-will employees shall be residents of Lea County at the time of hire or must establish residence in Lea County within 180 days of hire, and maintain such residency for the duration of employment.

**Nepotism** No elected official or appointed official shall give employment as clerk, deputy, or assistant or other class of departmental employee whose compensation is to be paid out of public funds and is six hundred (\$600) dollars or more per year, to any person related by blood or marriage within the third degree to the person giving such employment. NMSA 1978, Section 10-1-10, as amended. Any exceptions to this rule must be approved by the County Commission prior to employment.

Employees, related by blood, marriage, adoption, or domestic partnerships within the third degree, shall not work in the same department when there is a supervisory relationship between them. Any problems arising from such a situation, including but not limited to new hires, transfers, and proposed promotions, should be referred to Human Resources for review.

The term supervisor/subordinate relationship applies at any level in the same line of authority.

Employees who become related within the third degree after employment with the County shall inform the Human Resources Department within two work days of the event making them such. Failure to inform Human Resources may result in discipline up to and including termination.

In the event an employee becomes related within the third degree, attempts will be made to find a suitable vacant position to which one of the employees will be transferred provided the employee is qualified for that position. If no suitable vacancies exist, the employees involved will be permitted to determine which of them will resign. If the employees cannot make a decision, the County Manager will have discretion to decide which employee will remain employed.

**Personal Relationships** The County strongly believes that an environment where employees maintain clear boundaries between personal and business interactions are most effective for conducting business. The County reserves the right to take action if an actual or potential conflict of interest arises between individuals who occupy positions at any level in the same line of authority. Supervisors are prohibited from having

an intimate relationship with subordinates and may be disciplined for such actions, up to and including termination of employment.

Interpersonal relationships within the work environment shall be professional at all times. Those relationships that impair an employee's ability to exercise good judgment in the performance of the employee's duties for the County are discouraged and may be cause for discipline up to and including termination of employment.

In the event that a supervisor becomes aware of a conflict of interest, created by a consensual relationship, the supervisor shall report the conflict to the Department Director in writing with a copy to the Human Resources Director.

#### Conflicts

No employee shall engage in any business or transaction or accept private employment or other public employment that is incompatible with the proper discharge of the employee's responsibilities as a Lea County employee.

All employees shall immediately report outside employment through their department directors with notification to the Human Resources Director. Outside employment status shall be updated annually in January.

The County Manager may disapprove any outside employment by any employee that is determined to be in conflict with County operations. The determination by the County Manager cannot be grieved.

#### Performance Evaluation

The Department Director will discuss performance with a probationary employee during the probationary period, and a written performance evaluation will be done at the end of the probationary period.

The probationary employee's performance must be Satisfactory or above at the end of the probationary period before the employee can become a regular employee entitled to all of the rights and benefits of that status.

Regular employee evaluations will be conducted semi-annually.

Employees may also be evaluated upon the following conditions:

- A change of status
- Recommendation of any type of salary increase, including merit increases if available
- Demotion or suspension

- Any other time that a Department Director wishes to make the performance of an employee a matter of record

A performance evaluation shall be completed on a form provided by the Human Resources Department. The evaluation should include an overall appraisal of the employee's performance. A narrative summary of the employee's performance is encouraged.

The employee may submit a written rebuttal to any performance evaluation that will be attached to and become a part of the performance evaluation. The rebuttal shall be submitted within ten (10) days of the evaluation. Performance evaluations are not grievable.

In the event a regular employee receives an overall evaluation of Needs Improvement or Unsatisfactory, the employee shall be provided with written information in the evaluation covering specific areas of deficient performance and steps for improvement.

#### Prohibited Political Activities

All employees are prohibited from the following:

- Using 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.
- Directly or indirectly coercing, attempting to coerce, commanding or advising a county officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for a political purpose.
- Threatening to deny or denying promotion to any employee who does not vote for certain candidates, requiring employees to contribute part of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising events and similar events, or advising employees to take part in political activity and matters of a similar nature.
- Engaging in political activity, wearing or displaying campaign material, or campaigning on County property, in a County vehicle or using County resources for the same.
- Attending partisan political functions in a County vehicle or County uniform, unless the attendee is there in their official capacity.

## Electronic Equipment and Communications

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### Policy

County-owned electronic communications equipment – including computers, telephones, voice mail, e-mail, tablets and Internet access systems – are County property as are their contents.

It is the employee's responsibility to keep the County provided electronic equipment free from damage and/or destruction. Should an employee's electronic equipment become damaged or destroyed and require repairs or replacement due to the employee's negligence, the employee shall be held responsible consistent with the preventable incident policy.

The use of all electronic equipment is intended for County business purposes.

The County reserves the right to intercept, monitor, review and download any communications or files created or maintained on these systems.

Use of electronic equipment and communications is held to the same standard as any other business communication, including compliance with anti-discrimination and anti-harassment policies.

The County will make efforts to increase overall network security and prevent unauthorized data access by updating its password policy from time to time.

The County will maintain email correspondence for all County Employees for up to four (4) years.

Supplemental rules or policies may be promulgated covering electronic equipment and communications equipment.

## Dress and Appearance

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### Policy

County employees are constantly in the public eye; consequently it is important that employees present the best possible image to the public. Employees should always be clean and neatly dressed in clothing suitable for their work assignments.

Employees in designated positions may be required to wear special clothing or uniforms to perform the job functions of those positions.

Clothing and personal grooming should project a competent, professional image suitable to the employee's position and job duties. Clothing should be clean, properly pressed if appropriate and free of tears, fraying and other signs of damage or excessive wear at the beginning of each workday or duty shift.

The following are considered inappropriate for employees in all departments while on duty:

- Tee shirts
- Ball caps
- Tattoos or garments with political statements, foul language, words or pictures promoting illegal activities, use of controlled substances, or violence
- Tube tops
- Clothing that leaves the midriff bare
- Clothing that is tight, transparent, baggy or low-slung as to reveal underclothing or the absence thereof

Where necessary, Lea County may make a reasonable accommodation to this policy for a person with a disability.

Department Directors shall be responsible for the administration of these guidelines. These individuals may promulgate additional dress and appearance guidelines for their respective departments, so long as the guidelines are reasonable, business-related, and equably administered.

## County Property

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**Use of Property** Employees shall not misuse County property, records, or other materials in their care, control, or custody; nor shall any County property, records, or other material be removed from the premises of the County offices unless written permission has been given.

**Return of Property** At the time that an employee resigns or is involuntarily dismissed, the employee shall return all County property to the appropriate Department Director, including but not limited to:

- Keys
- Vehicles
- Supplies
- Equipment
- Uniforms

All cell phones, tablets, laptops and any other portable electronic equipment assigned to the exiting employee will be turned into IT for cleaning, inspection and re-issue back to the assigned department.

**Failure to Return** Employees that fail to return allocated County property may be required to reimburse the County the value of the missing property. This amount can be deducted from the employee's final paycheck.

## **Personal Business**

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**Policy**

Personal business shall not be conducted during work hours except during an employee's approved break time or lunch time.

The Department Director may approve an employee conducting personal business in the case of a medical or family emergency.

## Personnel Files

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Policy	<p>The County keeps certain records about each employee's employment in a personnel file. The documents contained within that file are the property of the County and must be maintained for government and County record keeping purposes. Some employment records are kept in separate file, such as records about</p> <ul style="list-style-type: none"><li>• Medical conditions and leave</li><li>• Investigations</li><li>• Worker's Compensation injuries and illnesses</li><li>• Benefit information</li><li>• I-9 requirements</li></ul> <p>All files connected with an employee are considered confidential, and access is limited to those who have a job-related need to know and who have been authorized to see the file and as permitted by law.</p>
Employee Access	<p>Current employees may ask the Human Resources department to inspect their personnel file. This inspection is to be supervised by the Human Resources department. No documents may be removed from the file.</p>
Former Employees	<p>Former employees may not have access to, or copies of, the former employee's personnel file unless required by law.</p>
Legal and Third Party Requests	<p>Employees must forward any legal or third party request for personnel files to the Legal department. The County reserves the right to request a subpoena and employee authorization before releasing any personnel documents to third parties.</p>
Record Retention	<p>The employee's personnel file is maintained in County archives in accordance with the County's Records Retention Schedule.</p>

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## **Discipline and Grievance Procedures**

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## Employee Discipline

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Policy	<p>Disciplinary actions for regular full- and part-time employees are based on a showing of just cause.</p> <p>Disciplinary actions will be consistent with governing laws and regulations and will be taken without regard to race, age, religion, color, national origin, ancestry, sex, physical or mental disability or medical condition.</p> <p>No employee will be disciplined for refusing to perform an unlawful act.</p>
Just Cause	<p>Classified employees shall not be subject to corrective/disciplinary action without just cause. Just cause is described as any conduct, action, or inaction arising from, connected with, or impacting on the employee's work, whether on or off duty, that is inconsistent with the employee's obligations to the employer; or conduct reflecting a disregard of the employer's interests, policies or procedures. Just cause includes but is not limited to inefficiency, unacceptable performance, incompetence, misconduct, negligence, insubordination, or conviction of a felony or misdemeanor under the provisions of the Criminal Offender Employment Act (Section 282-1, et. Seq., NMSA 1978). Just cause may include actions or omissions that bring discredit on the County.</p>
Disciplinary Action	<p>Any Department Director may take disciplinary action against an employee under the Department Director's inherent authority, consistent with departmental policies and Human Resources Policies and Procedures.</p> <p>Originals of any documented disciplinary action must be furnished within three (3) working days to Human Resources for placement in the employee's personnel file with the signature of the recipient acknowledging receipt of the action.</p>
Consultation & Concurrence	<p>Dismissal, involuntary demotion, and suspension without pay require consultation with and concurrence of the County Manager before the employee is notified of the proposed action.</p>
Counseling Session	<p>The purpose of counseling is to provide guidance and direction to personnel in an attempt to make corrections to behaviors or actions that, if repeated or unchanged, could lead to disciplinary action. A counseling session will not therefore be viewed as a disciplinary action. A supervisor taking disciplinary action in the future, however, will take into account any previous counseling session for the same or similar type of behavior or action. A written notation of a counseling session should be made by the supervisor and initialed or signed at</p>

the time by the supervisor and the employee. That notation should be kept in the employee's personnel file maintained in the Human Resources Department.

Performance  
Improvement Plan

The County recognizes that performance issues can often be resolved before they become disciplinary issues. Supervisors are encouraged to discuss performance issues with their employees as they occur and to develop a performance improvement plan for those issues. These issues may include but are not limited to attendance and tardiness, appearance, safety, and other forms of employee conduct and performance.

The supervisor should take the following steps to make the employee aware of the performance problem and to initiate corrective action.

- Document the performance issue and expectations in the Performance Improvement Form addressed to the employee
- Meet with the employee to review the performance improvement plan. Explain the concerns clearly to ensure that the employee understands the performance problem and the expectations.
- Listen to the employee's explanation of the situation and determine whether there are mitigating circumstances.
- Develop a Performance Improvement Plan that outlines how the employee will improve their behavior/performance and how the supervisor will observe and determine that the change has taken place. Establish a time frame in which the changes should take place and monitor progress
- If an employee does not progress in a satisfactory manner or meet the established time frame, the supervisor shall contact Human Resources to consult regarding the next steps
- This process is not required before disciplinary action is initiated. There are employee issues that should immediately be addressed with disciplinary action
- The Department Director or appropriate supervisor may choose to use the Performance Improvement Plan in addition to or in lieu of the progressive disciplinary action as set forth below

Progressive  
Discipline

The continued employment of any individual by the County depends on acceptable conduct and satisfactory work performance. Failure to meet standards of conduct and work performance is sufficient grounds for progressive disciplinary action up to and including termination.

Each case of inadequate performance or act of misconduct shall be evaluated individually. The step of corrective action used depends on the severity of the infraction and the employee's previous work record.

Because of the serious nature of some infractions, the first disciplinary action may be dismissal.

**Verbal Reprimand:**

- A verbal reprimand informing the employee that their actions, behavior or conduct needs to change is used for minor infractions. The supervisor will verbally notify the employee that an official warning is being given for violation of work rules, policies or procedures.
- Supervisors will keep written notations of verbal reprimands, and a statement that verbal counseling took place will be placed in the employee's personnel file maintained in the Human Resources Department.
- A verbal reprimand is not grievable.

**Written Reprimand:**

- An employee shall receive a written reprimand when the deficiency or infraction is of a greater degree than that for which a verbal reprimand may be used or if a verbal reminder was not effective.
- A written reprimand will be discussed with the employee by a supervisor and approved by the Department Director. The reprimand will briefly describe the offense, behavior or performance issue and the corrective action. The employee will be asked to sign the reprimand to acknowledge its receipt. The employee may respond by submitting a written rebuttal which shall be placed in the employees personnel file. If the employee refuses to sign the reprimand, the Department Director and supervisor shall note the employee's refusal to sign. A copy of the reprimand will be placed in the employee's personnel file maintained in the Human Resources Department.
- The placement of a written reprimand in an employee's file is not grievable.

**Suspension:**

- The Department Director may recommend to the County Manager to suspend a regular employee without pay from the employee's position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days. The recommendation or determination for the suspension without pay shall be documented in a Notice to

Suspend, Demote or Terminate and presented to the employee. The employee shall sign to acknowledge receipt of the notice. If the employee refuses to sign the notice, the Department Director shall note the employee's refusal to sign on the notice. If the employee is not available to receive in person, the notice shall be mailed to the employee's last address of record noted in the Human Resources Department. A copy of the notice shall be placed in the employee's personnel file maintained in the Human Resources Department. A pre-determination hearing shall be held in advance of a suspension without pay if a hearing is requested. FLSA exempt employees may be suspended for a week plus additional full working days for serious infractions of workplace conduct rules or for infractions of safety rules of major significance.

- Suspension of a regular employee is subject to the formal grievance procedures.

#### Involuntary Demotion:

- An employee may be demoted to a lesser position for which the employee is otherwise qualified for an offense of a more serious nature or for repetition of a minor offense. When demoted, the employee will receive a decrease in compensation commensurate with the new position. Each demotion will be recorded and filed in the employee's personnel file maintained in the Human Resources Department.
- The demotion of a regular employee is subject to formal grievance procedures.

#### Dismissal:

- Dismissal is appropriate when the employee has engaged in behavior that is of a serious nature which is unacceptable for County employees, even though the employee has not been previously disciplined. Dismissal may also be the final consequence when progressive discipline has failed to change unacceptable behavior or performance.
- The dismissal of a regular employee is subject to the formal grievance procedure.

#### Grounds for Disciplinary Action:

- Classified employees or term employees, if the probationary period has been served, may only be suspended, demoted, or dismissed for just

cause which is any behavior relating to the employee's work that is inconsistent with the employee's obligation to the County. Just cause includes, but is not limited to, the following:

- Negligent or Inefficient Performance
  - Unsatisfactory or negligent performance of duties
  - Insubordination
  - Continued violation of safety practices
  - Failure to cooperate with fellow employees
  - Failure to adhere to the established work schedule
  - Failure to obtain prior authorization to work overtime
  - Failure to meet or maintain job qualifications, as set forth in the job description, including failure to maintain a valid driver's license
  - Sleeping on duty
- Tardiness/Absenteeism
  - Abuse of sick leave
  - Unauthorized absence from work, including tardiness
- Careless, Negligent or Improper Use of County Property, Equipment or Funds
  - Falsifying official documents or records
  - Theft or vandalism of County property or funds
  - Unauthorized use or possession of County property or equipment
  - Operating a County vehicle or equipment in a negligent, reckless or tortuous manner
  - Unauthorized disclosure of confidential information from County records, reports, or other data belonging to the County
  - Unauthorized or fraudulent manipulation of time records or other County records
  - Operation of County vehicle or equipment while under the influence of a controlled substance or intoxicant
  - Inappropriate use of IT resources
- Improper Conduct
  - On the job conduct toward the public or other employees that causes discredit to the County
  - Personal conduct which impairs the employee's ability to perform his or her duties or causes discredit to the County
  - Conflict of interest which results in private gain to the employee or detriment to the County

- Threatening or harassing an employee, an elected official or anyone doing business with Lea County
- Consumption, possession, or distribution of alcohol or controlled substance on the job, or reporting to work under the influence of alcohol or controlled substance
- Accepting a bribe or consideration given with the intent to influence the performance of duty
- Use of official position or authority for personal profit or advantage
- Bribery or coercion of, or attempting to bribe or coerce an employee or elected official or third party doing business with the County
- Influencing, or attempting to influence a hearing officer, other than through established grievance procedures
- Failure to cooperate in an investigation
- Distribution of literature, vending, soliciting, or collecting contributions while on the job, on County premises, or in a County vehicle, or assisting with the same, without prior authorization of the County Manager
- Unauthorized possession of a weapon on the job site
- Fighting or other disruptive behavior in the workplace
- Gambling during work hours
- Loss of certification necessary to an employee's duty position
- Violation of any Federal or State Law Including All Civil Rights Statutes
- Conviction of a Misdemeanor or Felony
  - Deputy Sheriffs formally indicted or charged for crimes may have their commissions revoked and be dismissed by authority of the Sheriff or re-assigned to a County position not affiliated with the Sheriff's Office or Detention Facility if such a position is available, depending on the seriousness of the alleged offense.
- Violation of this Lea County Human Resources Policies and Procedures, department-specific procedures, or a professional code of ethics followed by those in the same profession as the employee

Conditions or Actions    The following matters are not grievable:

Not Grievable

- Disputes concerning an established County policy

- Matters where a method of review is mandated by law
- Matters where the County is without authority to act or does not have the ability to provide a remedy
- Probationary employees dismissed prior to the expiration of their probationary period
- Appointed employees dismissed at any point during their employment with the County
- Performance evaluations, oral reprimands, written reprimands, promotions, transfers, temporary assignments, removal from temporary assignments, and lay-offs.

## Formal Discipline Procedure

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Policy	<p>The County shall provide a formal disciplinary procedure for all employees. This formal discipline procedure applies only to the suspension, involuntary demotion, and dismissal or regular employees.</p>
Written Notification	<p>Written notification of intent to suspend, demote or dismiss shall provide the reasons for the proposed action, notice of the employee's right to a pre-disciplinary hearing before the Department Director, and the scheduled time and place of the pre-disciplinary hearing.</p> <p>For the purposes of the disciplinary process, the County will make an effort to hand-deliver any documentation related to the disciplinary process. This documentation may include disciplinary action forms, memoranda, documents, and correspondence. In cases where hand delivery is not practical, the documents will be mailed priority, certified and will be considered served on the first date of attempted delivery by the U.S. Postal Service.</p> <p>To initiate the suspension, demotion, or dismissal of a classified employee who has completed the probationary period, the employee's supervisor will deliver a Notice of Proposed Disciplinary Action to the employee that describes the basis for the proposed action. A copy of the notice of Proposed Disciplinary action shall be reviewed by the County Manager prior to presenting to the employee. The Notice of Proposed Disciplinary Action will describe the conduct, actions, or omissions that form the basis for the proposed disciplinary action, and give a general explanation of what evidence the County has. The reasons for discipline and the evidence allowed to be presented are not limited to the issues described herein if other violations of policy are discovered and disclosed to the employee prior to the post-disciplinary hearing.</p>
Immediate Suspension	<p>The employee's Department Director, with approval of the County Manager, may place an employee on administrative leave pending the outcome of an investigation into alleged misconduct.</p>
Pre-Disciplinary Hearings	<p>Request for Pre-disciplinary Hearing:</p> <ul style="list-style-type: none"><li>• Within three (3) calendar days of the receipt of the Notice of Proposed Disciplinary Action, the employee is required to notify the Department Director and the Human Resources Director, in writing, whether the employee will participate in the pre-disciplinary hearing.</li><li>• If the employee does not request a pre-disciplinary hearing, the employee is deemed to have waived the employee's right to contest the</li></ul>

matter and the County Manager shall issue a Notice of Final Determination to the employee.

- The Notice of Final Determination will specify:
  - The grounds of the discipline;
  - The disciplinary action to be imposed;
  - The date the disciplinary action will be effective.

Pre-disciplinary Hearing Procedure:

- The hearing shall be informal and will normally be conducted with the Department Director as the hearing officer. The technical rules of evidence and court procedure shall not apply.
- The employee shall represent themselves, but may have a representative attend the hearing, as an observer. The observer may not participate in or obstruct the hearing process. In the event the observer is disruptive to the proceedings, the hearing officer may remove them from the hearing.
- An audio or video recording of the pre-disciplinary hearing may be allowed.

Pre-disciplinary Hearing Decision:

- Following the pre-disciplinary hearing, within five (5) calendar days the Department Director shall discuss the proposed Notice of Final Determination with the Human Resources Director. The proposed Notice of Final Determination shall include the time, date, and location of the hearing, persons present, and the determination post-marked within ten (10) calendar days of the pre-disciplinary hearing.
- The Determination shall specify whether the proposed disciplinary action has been upheld, modified or overturned. It shall also describe the conduct that as of the date of the pre-disciplinary hearing forms the basis for the disciplinary action and shall specify when the disciplinary action will be effective.

Post-Disciplinary Hearings

Notice of Appeal:

- Within five (5) calendar days of receipt of the Notice of Final Determination, the employee must give written notice to the Human Resources Director of the employee's intent to pursue a post-disciplinary hearing.

Post-disciplinary Hearing:

- At the hearing before a neutral hearing officer, the grievant will have an opportunity to present witnesses and other evidence and cross-examine the County's witnesses.
- The grievant and the County may be represented by legal counsel. All attorneys representing a party shall file an Entry of Appearance with the Human Resources Director prior to the day of the hearing.

Appointment of Hearing Officer:

- Within five (5) calendar days of receipt of the notice of appeal, the County Manager or designee will provide the grievant a list of three (3) proposed hearing officers.
- Within three (3) calendar days of receipt of the list of proposed hearing officers, the grievant will notify the County Manager or designee of the acceptance of one officer from the proposed list.
- If the grievant does not accept an officer from the proposed list within the time limit, the County Manager or designee shall designate one from the list.

Hearing Officer Qualifications:

- The hearing officer shall be a personnel professional, be familiar with public or private personnel systems, or have pertinent experience in the fields of management, education or law.
- The hearing officer is not required to be resident of Lea County.

Post-Disciplinary  
Hearing Procedures

Time of Hearing:

- The hearing officer will determine the date and time of the post-disciplinary hearing.
- The hearing officer will attempt to schedule the hearing within fifteen (15) calendar days of the receipt appointment but may schedule the hearing for a later date if necessary for the availability of the parties, counsel, witnesses, or for other good cause.
- A request for continuances of hearings should be made in writing, with copies to all parties, no less than five days prior to the scheduled hearing. The request shall include proposed alternate dates.
- The following persons are required to be present at all post-disciplinary hearings unless otherwise excused by the hearing officer of by

agreement of the parties: the employee, the employee's representative (if any), the department's designated representative, and the County Attorney.

- The hearing officer may at the request of a party exclude witnesses from the hearing prior to their testimony.
- The County will record the hearing either digitally or stenographically.

#### Conduct of Hearings:

- The County carries the burden of proof by a preponderance of the evidence.
- Order of Presentation:
  - Opening statements
  - County witnesses and evidence
  - Employee's witnesses and evidence
  - At the conclusion of each witness' testimony, the other party may cross examine the witness. The hearing officer may also ask questions of witnesses.
  - County's rebuttal evidence
  - Closing statements

#### Rules of Evidence and Procedure:

- The technical rules of evidence shall not apply; the hearing officer may require reasonable substantiation of statements or records tendered.
- The rules of civil procedure shall not apply; however, the hearing shall be conducted so that both complaints and defenses are amply and fairly presented. To this end, the hearing officer may hear arguments, permit discover, entertain and dispose of motions, as the circumstances justify and render a decision in accordance with the law and the evidence presented and admitted.

#### Communication of Findings and Decision:

- The hearing officer's findings of fact conclusions of law and recommendations for discipline will be issued within fifteen (15) calendar days of the hearing to the employee and Human Resources Director. The hearing officer may request at the end of the hearing that the parties provide proposed findings of fact and conclusions of law.
- The hearing officer may recommend upholding, modifying, or reversing the discipline set forth in the Determination, and may recommend any

disciplinary action authorized under this ordinance including reinstating a dismissed employee and awarding back pay and benefits.

- The record of the proceedings will be retained by the Human Resources Department or the certified court reporter for a period of not less than one (1) year from the hearing date, along with all of the physical evidence admitted by the hearing officer. The party requesting a transcription shall make arrangements to pay for the transcription.
- The County Manager will consider the report, findings, conclusion and recommendations of the hearing officer and may uphold, modify or reverse the recommendation of the hearing officer.
- The County Manager shall issue a written decision, which will include a statement of the factual and legal basis for the decision, within five (5) calendar days of the date the hearing officer's report is issued. The decision shall be filed in the employee's personnel file, and a copy of the written decision shall be sent to the employee by certified mail.

## Grievance Procedure

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**Policy**                      The County provides a formal grievance procedure for grieving work conditions, discrimination, and other work relate problems.

**Procedure**                      With respect to those conditions of employment about which an employee wishes to grieve, the employee shall initially discuss the problem with their immediate supervisor and Department Director in an attempt to work out a solution.

If the employee is not satisfied with the proposed solution, the employee may address the problem to the Human Resources Director whose decision, after consultation with the County Manager, shall be final.

Complaints regarding alleged discrimination based on race, color, religion, sex, age, national origin, physical or mental disability, medical condition or any other legally protected class should be brought to the attention of the Human Resources Director for prompt investigation and resolution.

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## **Compensation & Benefits**

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## Work Schedules

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**Hours of Work** Employees will work their scheduled hours pursuant to work schedules established by their Department Directors, subject to review by the County Manager.

The Lea County work week is defined as 12:01am Sunday through midnight Saturday.

Employees will be paid for travel time from home to any work site within Lea County or from the work site to home only when they are called out for duty above and beyond their scheduled hours of work or when their duty begins and ends at home rather than at another designated work site.

**Alternative Work Schedules** The option to establish alternative work schedules will be administered by Department Directors where feasible and within the following guidelines:

- Department Directors must establish core periods of work during which maximum staffing is required. Once core periods have been established, employees have the option to request alternative schedules built around the core period. However, for those departments not engaged in shift work, no employee's work day may begin earlier than 6:00am or extend later than 7pm except in unusual circumstances.
- Alternative schedules must add up to forty (40) hours per week for regular full time employees, or to the hours per work period defined in Section 207(k) of the Fair Labors Standards Act, where applicable. An alternative work schedule is a regular, weekly schedule that is based on other than the normal working hours for the position or department. In no case can an alternative work schedule result in overtime.
- Employees and Department Directors are expected to establish a regular agreed upon work schedule that can be maintained for a period of weeks or months. Working a different schedule every day at the employee's own discretion is not permitted.
- In those departments where alternative scheduling is feasible, participation is voluntary. There are circumstances – such as shift work and the required presence of employees who are the sole providers of their given service – where alternative scheduling is not feasible.
- Employees with documented performance problems or with documented patterns of absenteeism and tardiness will not be eligible for alternative scheduling unless they can show that the absenteeism or tardiness would be eliminated by an alternative schedule.

- The option to work an alternative schedule is a privilege, not a right, and can be withdrawn at any time because of business necessity, diminished performance or abuse of the privilege.
- The chief responsibility of county employees is to provide service to the public. Therefore, alternative scheduling will not be used as a means of avoiding contact with the public or avoiding supervision.

**Breaks** Breaks and lunch periods shall be set by the Department Directors. Breaks may be limited or delayed if continuous work is required because of an emergency, unusual conditions, or abuse of breaks.

**Pay Periods** Employees shall be paid every two weeks or as required by law. Pay days shall be determined by the County Commission.

**Overtime Pay** Overtime pay shall be paid to FLSA non-exempt employees only when overtime work is authorized by the Department Directors. Employees working overtime without proper authorization may be subject to disciplinary action.

The rate shall be one and one-half (1.5) times regular pay for each hour of overtime actually worked. Time served on Jury Duty shall be considered hours worked. Holiday, vacation, sick and other leave hours shall not be considered work hours in calculating overtime.

Exempt employees shall not receive overtime pay.

**Compensatory Time** Due to the difficulties of record keeping, the use of compensatory time is strongly discouraged. However, if used, such use is subject to the following criteria:

- A non-exempt employee may, at the discretion of the Department Director and with the employee's prior agreement, accrue compensatory time in lieu of overtime payment at the rate of one and one-half (1.5) hours of time for each hour of overtime worked over the actual work hours as specified above. Overtime hours worked and compensatory time hours accrue and taken off shall be recorded for each non-exempt employee and submitted to the Department Director each pay period on approved forms. Compensatory time accrued must be used within two pay periods of accrual.
- Law enforcement and detention officers will not receive overtime pay or accrue compensatory time until they have worked the number of

regular hours allowed under the exemption contained in Section 207(k) of the Fair Labor Standards Act (29 C.F.R. Part 553).

Final Pay Check

An employee who resigns shall receive a final pay check on the first regularly scheduled payday following the employee's effective date of resignation.

An employee who is dismissed shall receive a final pay check on the first regular payday following their dismissal or as required by law.

In case of death, final salary and compensation for unused annual leave shall be paid to the employee's named beneficiary, or if unnamed, to the employee's estate, on the next regularly scheduled payday.

An employee leaving county employment shall receive compensation for accrued vacation leave up to a maximum of two hundred forty (240) hours or as stated in an employee contract.

## Time Clock Policy

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Policy	Lea County uses an electronic time tracking system to capture and record all employee time records. The electronic time tracking system allows the County to accurately record, track, and report employee information in real time. This allows employees to accurately monitor and keep track of their time and enables the County to efficiently process employee time worked and leave taken for payroll purposes.
Official Time	The electronic time keeping system is the official timekeeping software for all non-exempt employees. In order to ensure consistency of treatment for hourly paid employees, the date recorded in the system shall be considered as the official record of the workday for the County. Any disputes over actual hours worked or attendance will be resolved by referring the timekeeping records.
Time Reports	The Fair Labor Standards Act (FLSA) requires that employers keep detailed records on time and payments for all employees. The electronic timekeeping system is used to record all hours worked for non-exempt personnel.
Employee ID Number	Every County employee is assigned an employee ID number upon hire. Employees are responsible for knowing their ID number and protecting it from unauthorized use. The ID number can be used to clock in at the time clock location and to view time worked.
Clock Locations	Time clocks are located throughout the County at every county facility.
Daily Requirements	<p>It is a requirement that all non-exempt employees must “clock in” and “clock out” at the start of their shift, during lunch breaks, and at the end of their shift.</p> <p>Exempt employees are required to clock in for each day worked.</p> <p>Non-exempt employees are expected to clock in and out at their regularly scheduled times.</p>
Viewing Hours Worked	Employees can view their hours worked from any clock in the County.
Falsification, Tampering, and Unauthorized Viewing	<p>The following infractions are prohibited and will be considered severe. Due to the severity of these infractions, employees may be subject to immediate discipline up to and including termination.</p> <ul style="list-style-type: none"><li>• Any attempt to tamper with timekeeping hardware or software</li><li>• Clocking in or out for another employee</li></ul>

- Interference with another employee’s use of the time clock system
- Unauthorized viewing of another employee’s time in the time clock system

**Clock Problems** If an employee is unable to clock in or out because of a time clock malfunction, accidental oversight, or other reason, it is the employee’s responsibility to immediately inform their supervisor of the problem.

**Lunches** All non-exempt employees are entitled and expected to take a lunch period each day.

The lunch period is considered unpaid time and employees must clock in and out.

Due to the nature of some county positions, exceptions to the lunch period may be made with the approval of the employee’s supervisor.

**Breaks** The Fair Labor Standards Act (FLSA) does not require breaks or meal periods be given to workers. Non-exempt employees are allowed paid breaks during their shift as defined by their work schedule and their supervisor.

**Unreported Hours** The FLSA does not permit an employer to benefit from the work of an employee without compensating them for such work. Therefore, all hours worked must be reported using the timekeeping system. Any time spent working while not clocked in is strictly prohibited. Employees that under report or fail to report hours worked are subject to discipline up to and including termination.

**Disputes** In the event an employee has a dispute over time that was clocked in or out, they should bring it to the attention of their supervisor immediately. The electronic timekeeping system provides a log to assist in validating times. Any dispute that cannot be resolved using the logs should immediately be reported to the Human Resources Department.

**Holidays** Employees who are eligible for paid holidays will have those days manually entered into the timekeeping system by the Payroll Department.

**Overtime** Unauthorized overtime is prohibited. Any time worked by an employee that exceeds the employees budgeted position hours must be approved by the employee’s supervisor prior to the time being worked.

## **Gratuities**

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### **Policy**

All employees are prohibited from accepting gifts or other considerations given with the intent of modifying the employee's performance of duties or encouraging the employees to make purchases from the vendor involved.

Employees must maintain the highest moral standards and any attempt to influence an employee's performance by a vendor or other person will be reported to the Department Director.

## **Per Diem and Mileage**

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### **Policy**

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

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 Lea County without the express written consent of the County Manager.

## **Public Employees Retirement Association of New Mexico (PERA)**

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### **Policy**

Public Employees Retirement Association of New Mexico (PERA) is designed to provide County employees with a retirement income. All County employees, except those exempt by statute, are required to join the Public Employees Retirement Association of New Mexico (PERA).

Copies of the latest PERA rules and provisions may be obtained in the Human Resources office. The County will adhere to all regulations for participation.

## Insurance

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### Policy

The County may offer group insurance for health, life, dental, vision and legal plans. Insurance plans may be changed at the discretion of the County Commission. Specific benefits of the current policy may be obtained from the Human Resources Department.

The County may pay a portion of the group health-insurance premiums. It is the employee's responsibility to complete and return to the Human Resources Department all necessary forms to initiate insurance coverage within 31 calendar days of date of hire.

The terms of the policies will determine periods of enrollment/disenrollment, and coverage of family members and other persons.

## Workers' Compensation

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Policy	Employee's injured on the job or suffering from occupational diseases, as defined in the New Mexico Worker's Compensation Statute, shall receive Workers' Compensation benefits as prescribed by law.
Pre-Existing Injury	All newly hired employees shall be required to complete a certificate of pre-existing condition form for submittal to the State of New Mexico Superintendent of Insurance.
Injury Leave Pay	An employee injured on the job may use accrued annual or sick leave for each regularly scheduled work day after the injury occurs for all such days not paid by Workers' Compensation. If the employee is on Workers' Compensation time for more than four (4) weeks, and is entitled to compensation for the first seven (7) days and has used accrued annual or sick leave for the first seven (7) days of injury, the Workers' Compensation payments received for all such days shall be paid directly to the County by the Workers' Compensation carrier. In that event, annual or sick leave used by the employee, in lieu of Workers' Compensation, shall be re-credited to the employee upon the County's receipt of the reimbursement by Workers' Compensation after the expiration of the statutory period.
Reporting	All work-related injuries must be reported to the employee's Department Director as soon as possible. A First Report of Injury Form must be filed with Human Resources as required by law. The report shall be signed by the employee and the employee's Department Director. In addition, the Department Director's accident investigation report must be filed on the first working day following the day the Department Director receives the employee's first accident report. All accidents shall be reported, however minor.
Medical Procedure	Procedures to be promulgated by the Human Resources Director or designee.
Return to Work	An employee shall return to his former position or be reassigned to a comparable position if a physician certifies that the employee can return to work within six (6) months of injury. Other regulations pertaining to return to work may be implemented by the Human Resources Director.
Modified Work Schedule	An employee returning from Workers' Compensation disability may return to light duty if an appropriate position is available and a physician certifies that the employee can return to a modified work schedule.

Light duty is defined either as performing the same job as the employee held before the injury – or as performing the duties of another position for which the employee is qualified – for fewer than eight (8) hours each day or having reduced physical requirements for the full day or less than the full day.

The times and conditions of light duty will be determined by the employee's Department Director in conjunction with the County Manager, and with the treating physician's recommendation.

Re-employment

If the County is hiring, a regular full-time employee who has received benefits pursuant to the Workers' Compensation Act and who was unable to return to work during the six (6) month period for which the County shall hold the employee's position open, may apply for his or her pre-injury job. The former employee may also apply for a modified job similar to the pre-injury job, provided that the employee is qualified for that job. The County shall rehire the regular full-time employee provided that the employee's treating health care provider certifies that the employee is fit to carry out the job without significant risk of injury.

## Domestic Partner Benefits

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Policy	<p>All County employees who have domestic partners as defined herein, shall be provided group insurance coverage benefits in the same manner provided to legal spouses.</p> <p>Immediate family for Sick Leave is defined in the County's Sick Leave with Pay Policy. Policies on Bereavement Leave and Nepotism contain specific definitions of immediate family. All other Federal, State and local mandated policies will follow the definitions for each statute.</p>
Definition	<p>The County defines domestic partners as two (2) individuals who are in a mutually exclusive, committed relationship for the last twelve (12) months, who share a primary residence, who are jointly responsible for the common welfare of each other, who share financial obligations and have executed an affidavit of domestic partnership with the Human Resources Department and granted domestic partnership status. There must be an exclusive commitment similar to that of marriage, in which the partners agree to be financially responsible for each other's welfare and share financial obligations.</p>
Criteria	<p>To be recognized as domestic partners by the County, both individuals must meet all of the following criteria, sign an Affidavit of Domestic Partnership form, and submit necessary documentation to the Human Resources Department.</p> <ul style="list-style-type: none"><li>• Both domestic partners must be unmarried</li><li>• Domestic partners must have been in a mutually exclusive relationship for the last twelve (12) months, intending to do so indefinitely, and must share the same primary residence.</li><li>• Domestic partners must meet the age requirements for marriage in New Mexico and be mentally competent to consent to contract.</li><li>• Domestic partners must not be related by blood to the degree prohibited in legal marriage in the State of New Mexico</li><li>• Domestic partners must be jointly responsible for the common welfare of each other and share financial obligation. An Affidavit of Domestic Partnership Form signed to that effect and proof of three (3) of the following must be submitted to the Human Resources Department:<ul style="list-style-type: none"><li>○ Joint mortgage or lease</li><li>○ Joint ownership of amotor vehicle</li><li>○ Joint bank account</li><li>○ Joint credit account</li></ul></li></ul>

- Domestic partner named as beneficiary of the other’s reitement benefits
  - Domestic partner named as beneficiary of the other’s life insurance
  - Domestic partner named as primary beneficiary in the other’s will
  - Domestic partner assigned durable property or health care power of attorney
- Providing false information may result in disciplinary action, dismissal, and reimbursement of costs involved in providing benefit coverage.

Termination of Domestic Partnership	Individuals granted domestic partnership status must report any change in status that terminates the relationship to the Human Resources Department within thirty-one (31) calendar days, by completing a Termination of Domestic Partnership Form. Upon completion of a Termination of Domestic Partnership Form, the employee would not be eligible to re-enroll a domestic partner until the plan’s next open enrollment.
Eligible Dependents	The child of a domestic partnership qualifies as an eligivle dependent under the group insurance plans: <ul style="list-style-type: none"><li>○ If either of the domestic partners is the biological parent of the child;</li><li>○ If either or both partners are adoptive parents of the child, or</li><li>○ If the child has been placed in the domestic partner’s household as part of an adoptive placement.</li></ul>
Services and Benefits	Domestic partners and their dependents, as defined within this section, shall be granted all and the same services and benefits as those provided to married spouses and their dependent(s), except where expressly prohibited by law.
Taxable Income	The value of insurance benefits provided to the domestic partner is considered taxable income to the employee by the Internal Revenue Service and is subject to Social Security and Federal and State income tax withholding.

## **COBRA**

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### **Policy**

An employee who separates from County employment for any reason other than for gross misconduct may elect a continuation of coverage in the County's group health/dental/vision plans, along with eligible family members. The employee will be responsible for the payment of the full premium plus an administrative fee for continued coverage.

## Classification and Compensation Plan

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Policy	<p>The County shall establish and maintain the Classification and Compensation Plan covering all employees. The Classification Plan defines and organizes all approved job titles, establishes the approved salary range for each job title, and defines procedures for making salary changes.</p> <p>The Classification and Compensation Plan will be administered by the Human Resources Department within established guidelines. The Human Resources Department will recommend the Plan and Plan updates to the County Manager who will, as appropriate, recommend them to the Board of County Commissioners.</p>
Philosophy	<p>Lea County believes the total rewards system is a management tool to communicate and reinforce its business strategies, mission, vision, values, operational and financial needs with the goal of motivating employees to meet County objectives. The County's compensation philosophy is the foundation of this system and reflects the following principles:</p> <ul style="list-style-type: none"><li>• Recognize the value of total compensation, which includes salary and non-salary benefits such as healthcare, annual and sick leave, retirement and employee development.</li><li>• Apply pay practices consistently, fairly and in a transparent manner without regard to race, national origin, religion, age, gender disability or sexual orientation.</li><li>• Grant merit increases based on performance subject to availability of resources.</li><li>• Make pay plans as simple as practical to facilitate understanding.</li><li>• Compensate jobs based on peer market data where the County competes for talent.</li><li>• Evaluate, on a consistent basis, the need for a market study of benchmark classifications to maintain market competitiveness and bring pay ranges into alignment.</li><li>• Encourage continuous job-related employee development at all levels.</li><li>• Recognize individual and team achievement, contribution, and excellence.</li></ul>
Salary Ranges	<p>Lea County will establish a minimum, midpoint, and maximum rate of pay for each pay range based on a competitive employment salary survey to determine the market average for all classified positions. The minimum rate of pay of each range will be based on the prevailing rate or market average.</p>

## Hiring Rate

The hiring rate is the dollar amount, within the salary range assigned to the class, at which a new employee is hired. In most cases, it will be equal to the minimum for the appropriate salary range.

The hiring rate may be set at a point above the minimum when the qualifications and experience of the individual hired significantly exceed the minimum requirements of the position in terms of related education, relevant experience, or both.

- Criteria to be considered when weighing qualifications and experience include but are not limited to the following:
  - University level or post graduate level degrees
  - Post-secondary education and training
  - Vocational school training
  - Experience in the same or related field
  - Related certifications
- Any hiring rate above the minimum must be recommended and justified by the appropriate department head and requires concurrence of the County Manager.

## Major Salary Actions

**Movement Within Range.** Movement within a salary range takes place through merit increases. The Board of Commissioners also reserves the right to mandate other in-range movement at its discretion.

**Merit Increases.** Merit increases will be available to classified employees who have completed their probationary periods. Merit increases are not an entitlement, but are contingent upon availability of funds and the budgeting of such funds each year by the Board of Commissioners. Merit increases are based on an employee's performance evaluation ranking. Merit increases may go above the maximum amount of a salary range.

**Promotion.** A promotion occurs when an employee moves into a position with increasing job-related responsibility and a higher salary range.

**Demotion.** A demotion is the reassignment of an employee to a position in a lower salary class. A demotion may be either voluntary or involuntary, as a result of disciplinary action or business necessity.

**Lateral Transfer.** A lateral transfer involves reassigning an employee to a position within a new salary range that is neither ten (10) percent higher nor lower than the employee's current position.

## Tuition Reimbursement

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Policy	Tuition reimbursement is established to assist the employees of Lea County in continuing their education in order to maintain or improve knowledge, skills and professional growth in their current positions or professions.
Budgeting	Tuition reimbursement continuation is contingent upon annual appropriation of funds by the Board of County Commissioners.
Eligibility	<p>To be eligible, an employee must:</p> <ul style="list-style-type: none"><li>• be a regular, full-time employee who is not on Leave of Absence status without pay</li><li>• have completed initial probation and at least one full year of employment (which may run concurrently)</li><li>• have received at least a Satisfactory overall rating on the latest performance evaluation</li></ul> <p>Work schedule will not be reduced for participating employees. Employees must take courses during non-work hours or during periods of approved leave. Any adjustment to an established work schedule will be at the discretion of the appropriate department head.</p> <p>All course assignments, i.e. homework, must be completed during non-work hours.</p> <p>Employees who are receiving tuition reimbursement from another tax-funded source, such as Pell grants, are not eligible. Other applicable grants, scholarships, etc. will be deducted from the total amount submitted for reimbursement.</p>
Covered Coursework	<p>Courses must be offered from a public or private college, university, community college or technical school that is accredited by the North Central Association of Colleges and Schools or another accrediting body. Correspondence courses and bona fide internet courses from such institutions are eligible under this policy. Graduate-level courses are not eligible under this policy because tuition reimbursement for them is subject to withholding taxes under the Small Business Job Protection Bill of 1996.</p> <p>Each course must have a clear and direct relationship to the employee's current work or profession, their job effectiveness, or a position of possible promotion. This policy is not intended to fund education that will qualify an employee for a new trade or career.</p>

There is no limit to the total number of courses reimbursable during an employee's tenure with the County. However, only one course per semester or quarter is reimbursable.

No "audited" courses will be reimbursed. Course credits must be attainable. Most seminars, workshops and professional conferences are not eligible for tuition reimbursement under this policy.

Employees should give priority in the selection of courses to Lea County educational institutions if the appropriate coursework is available through them.

#### Covered Costs

The County will reimburse tuition to qualified employees based on their final grade:

- A – 100% reimbursement
- B – 80%
- C – 60%

D, F, Fail, Incomplete, Withdrawal, etc. will not be reimbursed. Plus (+) or Minus (-) grades will be paid based on letter grade assigned, with no consideration for other indicators.

Only tuition and enrollment required fees, in an amount not to exceed the equivalent of \$150 per credit hour, will be reimbursed. Textbooks, application fees to enter universities, graduation fees and other related expenses are the responsibility of the employee.

#### Procedures

In addition to apply for tuition reimbursement, the employee must address a letter – through the appropriate supervisory chain of command- to the Personnel Office. The letter should include:

- the name of the course
- the name of the university, college or school offering it
- the start date and estimated ending date of the class
- the exact amount of tuition and required fees
- a short description of how the course relates to the employee's current job

Application for reimbursement should be made no sooner than three months prior to the start date of a class.

The employee's department head must attach comments indication recommendation for or against reimbursement, including a clear statement concerning the job relatedness of the course.

The application will be reviewed by the Personnel Office, in consultation with the County Manager, then approved or denied and returned to the employee. Upon receipt of an official grade report, the employee must send the approved letter of application, with grade report and itemized statement of payment, to the Personnel Office within 30 days of the end of the course. Only original copies of grades will be accepted.

Other

Departments shall not fund tuition reimbursement except as stated in this policy. Departments shall not discourage or deny tuition reimbursement eligibility without good cause.

Departments shall not reimburse additional funds for tuition, fees, books or other items not covered by this policy.

Seminars and courses taken for Continuing Education Units (C.E.U.s) and/or Credits to maintain job required certifications are outside the scope of this policy and are the responsibility of an individual employee and/or the department to fund and monitor.

Department heads may approve limited use of office supplies and equipment if use is pre-approved and course related work is done during non-work hours. Lea County will have no financial responsibility for tuition reimbursement that has been denied under the conditions of this policy, or due to an absence of funds available for reimbursement.

An employee must remain employed by Lea County for at least one year after reimbursement. If employment is terminated during the first year, the amount of tuition reimbursement will be recovered at the time of termination.

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## **Time Off and Leaves of Absence**

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## Holidays

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Policy	<p>The County observes several holidays each year. Holidays are designated by the Board of Commissioners in January of each year. Holidays observed are:</p> <ul style="list-style-type: none"><li>• New Year’s Day (January 1)</li><li>• Martin Luther King Jr. Day (third Monday in January)</li><li>• Presidents Day (third Monday in February)</li><li>• Good Friday (Friday before Easter)</li><li>• Memorial Day (last Monday in May)</li><li>• Independence Day (July 4)</li><li>• Labor Day (first Monday in September)</li><li>• Columbus Day (second Monday in October)</li><li>• Veterans Day (November 11)</li><li>• Thanksgiving Holiday (1/2 day Wednesday before)</li><li>• Thanksgiving Holiday (Thursday and Friday in November)</li><li>• Christmas Holiday (December 25 and either day before or after)</li><li>• New Year’s Eve (December 31)</li></ul>
Weekend Holiday	<p>When a holiday falls on a weekend, it is observed on either the preceding Friday or the following Monday, as determined by County Manager.</p>
Eligibility	<p>Regular, full-time employees are entitled to holiday pay.</p>
Waiting Period	<p>For eligible employees, there is no waiting period following an employee’s hire date to receive holiday pay.</p>
Scheduling	<p>In order to receive pay for a designated legal holiday, employees shall be in a work or authorized 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 leave on their scheduled work day before or after a holiday will not receive pay for that holiday.</p> <p>When a holiday falls on an employee’s day off, the employee’s holiday shall be observed on the following work day, workload permitting as determined by the department head.</p> <p>If a non-exempt employee is required to work on a holiday, the employee 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 90 days of its being earned. Holidays not taken within six (6) months of being earned shall be forfeited.</p>

**Leave of Absence**            When a holiday falls during an employee’s annual leave, the day shall be counted as a holiday, not as annual leave.

When a holiday falls during an employee’s approved sick leave, the day shall be counted as a holiday, not a day of sick leave.

**Pay**                            At times, it might be necessary for eligible employees to work the County observed holiday. If this occurs, the holiday is paid at straight time, and the hours worked during the holiday are used as hours worked toward the calculation of overtime pay.

## Leave of Absence

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Policy	<p>The County may grant a leave of absence, with or without pay, during regularly scheduled work hours, determined on a case-by-case basis, taking into consideration factors such as business need, reason for leave, length of service, and length of requested time off. Management reserves the right to deny a leave request.</p> <p>Absence without approved leave is subject to disciplinary action, up to and including termination.</p>
Administrative Leave With Pay	<p>Administrative leave with pay may be granted by the County Manager pending an administrative investigation or disciplinary action. Administrative leave with pay other than leave related to disciplinary action must be approved by the County Manager.</p>
Leave Without Pay	<p>The County Manager may grant regular employees leave without pay (LWOP) for a period not to exceed six (6) months, when the County Manager deems that such leave without pay is in the best interest of the county.</p> <p><i>Reemployment.</i> If an employee returns to work within three (3) months, the employee may be returned to the same position. If the employee is on leave without pay for more than three (3) months, the County will attempt to return the employee to the same or similar position for which the employee is qualified.</p> <p><i>Use of Leave.</i> Prior to going on leave without pay, an employee requesting leave without pay shall use all available paid time off, except for those going on military leave without pay. If the employee is seeking medical leave without pay, the employee shall first use all available paid leave.</p> <p><i>Benefits.</i> An employee on approved leave without pay does not accrue leave, nor does the employee receive County benefits (except for employees subject to the benefits provisions of the Family and Medical Leave Act of 1993 or as amended). An employee on approved leave wishing to continue receiving insurance benefits may do so. Employees on unpaid leave will be responsible for timely payment of the total insurance premium.</p>

## Annual Leave with Pay

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Policy	<p>The County provides annual leave to qualifying employees for rest and recreation. Eligible employees accrue annual leave according to the following schedule:</p> <ul style="list-style-type: none"><li>• First through fifth years: 3.75 hours per pay period</li><li>• Sixth through tenth years: 4.75 hours per pay period</li><li>• Eleventh through Fifteenth years: 5.75 hours per pay period</li><li>• Sixteenth and following years: 6.75 hours per pay period</li></ul> <p>Annual leave will not be granted in advance of accrual.</p>
Eligibility	<p>Regular, full-time employees are eligible for annual leave with pay. Casual, temporary, or part-time or term employees do not accrue annual leave.</p> <p>Employees must have paid time equal to forty (40) hours per week (or 42.75 for Detention and Sheriff's Office) to be eligible to accrue Annual Leave.</p>
Accrual	<p>An employee may accumulate no more than 30 days or 240 hours of accrued annual leave. If annual leave is not taken after an employee accrues 240 hours it will be forfeited on a per pay period basis.</p> <p>An employee does not accrue annual leave for time worked in excess of forty (40) hour per week.</p>
Waiting Period	<p>A probationary employee, with the exception of a regular employee serving a probationary period following promotion or transfer, shall not be able to use accrued annual leave until completion of six (6) months of employment, except in the case of unusual conditions as determined by the department head with approval of the County Manager. If a probationary employee resigns, or is dismissed before completing the probationary period, the employee shall be compensated for accrued annual leave time.</p>
Rehire	<p>An employee who has been separated from the County for any length of time accrues annual leave at the same amount as a new hire.</p>
Scheduling	<p>Annual leave should be requested and approved in advance. Reasonable effort will be made to accommodate the employee's request. Approval will be subject to advance notification and the needs of the department.</p>

**Holidays**                      If a County observed holiday falls during an employee’s annual leave, the holiday is paid and is not counted as annual leave.

**Separation of  
Employment**                      Upon termination from County employment, an employee shall be paid for the employee’s unused accrued annual leave up to a maximum of 240 hours or 30 days determined at the employee’s current rate of pay.

An employee may take annual leave just before the employee’s separation from County employment.

## Sick Leave with Pay

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Policy	<p>The County provides sick leave with pay to employees for absences due to personal or family illness or injury, medical and dental appointments that cannot be scheduled during non-working hours, unplanned events, and circumstances beyond employee's control.</p> <p>Eligible employees accrue sick leave with pay according to the following schedule:</p> <ul style="list-style-type: none"><li>• First through tenth years: 3.75 hours per pay period</li><li>• Eleventh through following years: 4.75 hours per pay period</li></ul>
Eligibility	<p>Regular, full-time employees are eligible for sick leave with pay. Casual, temporary, part-time, or term employees do not accrue sick leave.</p> <p>Employees must have paid time equal to forty (40) hours per week (or 42.75 for Detention and Sheriff's Office) to be eligible to accrue Sick Leave.</p>
Accrual	<p>An employee may accumulate no more than seven hundred twenty (720) hours.</p> <p>An employee does not accrue sick leave for time worked in excess of forty (40) hours per week.</p>
Waiting Period	<p>Probationary employees accrue sick leave equal to the above schedule. Use of sick leave shall be approved by the employee's supervisor on a day by day basis during the probationary period.</p>
Rehire	<p>An employee who has been separated from the County for any length of time accrues sick leave at the same rate as a new hire.</p>
Sick Leave Authorization	<p>Sick leave shall be authorized by 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 and childbirth, pre-arranged medical or dental examination, quarantine, therapy, counseling, and treatment.</p> <p>Sick leave shall also be authorized for the same type of medical considerations involving an employee's household member related by blood or marriage or through judicial decree, and requiring the personal attention of the employee.</p> <p>Sick leave shall also be authorized for the same type of medical considerations involving an employee's spouse, parent, or child, regardless of place of</p>

residence, if the employee's personal attention is required. The definitions of spouse, parent and child shall conform to those used in the Family and Medical Leave Act of 1993 or as amended.

#### Sick Leave Abuse

An employee may be dismissed for abusing sick leave. Sick leave abuse is defined as charging sick leave for work absences that do not qualify as such under this section. The following conditions may lead to a review of sick leave use for possible disciplinary action:

- Excessive leave unless justified by a physician's certification
- Patterns of use
  - After pay day
  - Using the same day of the week repeatedly
  - The day before or after holidays, annual leave, weekends or days off
- When attempts to contact an employee who has called in sick uncover the fact that the employee is not home, the employee's being seen in an activity that appears inconsistent with the statement of illness
- When a review of sick leave use indicates that it is being used at the same rate that it is being accrued
- When an employee's supervisor has personal knowledge of any drug or substance abuse dependency.

#### Medical Certification

A physician's certificate will be required:

- When the employee is absent from work for three or more consecutive days, when the employee is absent for four or more days within two consecutive pay periods, or at any time a Department Director deems it appropriate.
- When sick leave of three or more days is used due to the serious illness of a household member, parent, spouse, or child.
- When a pattern of use of sick leave that may indicate abuse of sick leave is determined to exist.

The County may request that an employee have a medical examination at the County's expense when it appears to the department head that the employee cannot perform the essential functions of the position, when a pattern of sick leave develops, or when an employee advises the department head that he cannot perform his job for medical reasons.

#### Holidays

If a County observed holiday falls during an employee's annual leave, the holiday is paid and is not counted as sick leave.

#### Separation of

Upon termination from County employment, an employee shall not be paid for

Employment

the employee's unused accrued sick leave.

An employee may not use sick leave just before the employee's separation from County employment.

## Leave Donation (Sick Leave Bank)

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Policy	<p>The County provides employees who earn annual or sick leave the opportunity to donate annual or sick leave to another employee due to a medical emergency. Sick leave may be transferred to the Sick Leave Bank in the event of the receiving employee's own illness or injury, or that of an immediate family member. Immediate family member for the purposes of this section only is defined as a spouse, child, parent or parent-in-law.</p> <p>Transfer is prohibited in the case of work-related illnesses or injuries covered by worker's compensation.</p>
Eligibility	<p>An employee requesting leave must be a regular, full-time employee who has exhausted both their annual and sick leave balances, including any accrued compensatory time.</p>
Application Process	<p>An employee must submit a written request to the Department Director, preferably at least one full pay period prior to the need for the donated time.</p> <p>A certified document by a health care provider that describes the nature, severity and anticipated duration of the emergency medical condition of the recipient and that includes a statement that the recipient is unable to work all or a portion of the recipient's work hours must be submitted with the request for approval. Open-ended durations will not be eligible for donation.</p> <p>Once approved, the request will be forwarded to Human Resources for final approval or denial.</p> <p>Human Resources will then make aware the need for the requested leave to the County. Human Resources will only receive authorized donated leave up to two (2) weeks from the initial request.</p> <p>An authorization form shall be completed by any employee wishing to donate leave to the leave bank. The original form shall be forwarded to Human Resources for review and processing. The original form shall be maintained by the Payroll Department.</p>
Donating Leave	<p>Any employee may donate a reasonable amount of leave annually and that each donating employee shall maintain their paid time off balance at a minimum of eighty (80) hours.</p>

Donated Leave	The maximum amount of time that can be used by the requesting employee will be capped at 480 hours based on the recipient's hourly rate of pay.
Conversion	Conversion of the value of the donor's donated leave is based on the donor's hourly rate of pay to hours of leave for the recipient based on the recipient's hourly rate of pay.
Unused Donated Leave	Any unused donated leave at the end of a medical emergency or when the leave is no longer needed shall revert to the donating employee(s) on a prorated basis.
Tax Consequences	Any donated sick leave may have tax consequences associated with that leave for both the donor and/or recipient. Please inquire with Payroll for any potential tax consequences.

## Family and Medical Leave Act

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Policy	Employees may have a right to unpaid leave under the federal Family and Medical Leave Act (FMLA). Under the FMLA, covered employers must provide eligible employees with specific notices pertaining to their FMLA rights and responsibilities and designate leave as FMLA when appropriate.
Eligibility	To qualify for this leave, an employee must be a regular full-time or regular part-time employee and have been employed by the County for at least 12 months (which need not be consecutive, provided the break in service does not exceed seven years) and must have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave.
Basic Leave Entitlements	<p>A 12-week leave may be taken for any one, or for a combination of, the following reasons:</p> <ul style="list-style-type: none"><li>• The birth of the employee’s child or to care for the newborn child</li><li>• The placement of a child with the employee for adoption or foster care or to care for the newly-placed child</li><li>• To care for the employee’s spouse, child, or parent (but not in-law) with a serious health condition. Spouse includes same-sex spouse as recognized by the state of New Mexico.</li><li>• The employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee’s job.</li></ul>
Serious Health Condition	<p>Serious health condition means an illness, injury, impairment, or physical or mental condition that involves the following:</p> <ul style="list-style-type: none"><li>• Any period of incapacity or treatment connected with inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility</li><li>• A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider</li><li>• Any period of incapacity due to pregnancy or for prenatal care</li><li>• Any period of incapacity (or treatment therefore) due to a chronic serious health condition such as asthma, diabetes, epilepsy, etc.</li></ul>

- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective such as Alzheimer's, stroke, terminal diseases, etc.
- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated such as chemotherapy, physical therapy, dialysis, etc.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two in-person visits to a healthcare provider within 30 days of the first day of incapacity or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or incapacity due to a chronic condition. Under either condition, the first in-person treatment visit must take place within seven days of the first day of incapacity.

#### Military Leave

**Exigency Leave:** Eligible employees may take leave for a qualifying exigency arising out of a spouse's, child's, or parent's active duty or call to active duty during the deployment of the family member with the Armed Forces in support of a contingency operation. Qualifying exigencies include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**Military Caregiver Leave:** Eligible employees may take up to 26 weeks of leave to care for a spouse, child, parent, or next of kin of a covered service member during a single 12-month period. A covered service member is one of the following:

- A member of the Armed Forces (including a member of the 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.
- A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five

years preceding the date on which the eligible employee takes FMLA leave to care for covered veteran.

A serious injury or illness means

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five years preceding the date on which the eligible employee takes FMLA leave to care for the covered veteran, a qualifying injury or illness that was incurred by the service member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that meets one of the following conditions:
  - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and that rendered the military member unable to perform the duties of the military member's office, grade, rank, or rating
  - A physical or mental condition for which the covered veteran has received a US Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50% or greater, with such VASRD rating being based, in whole or in part, on the condition precipitating the need for military caregiver leave
  - A physical or mental condition that substantially impairs, or would do so absent treatment, the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service
  - An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the

Department of Veterans Affairs Program of  
Comprehensive Assistance for Family Caregivers.

Amount of Leave	An eligible employee is entitled to up to 12 (or 26, if applicable) work weeks of unpaid leave during a 12-month period for any FMLA-qualifying reason(s). The 12-month period is a rolling 12-month period, measured backward from the date an employee uses any FMLA leave time.
Limitations On Leave Time	<p>Leave to care for a newborn or for a newly-placed child must conclude within 12 months after the birth or placement of the child. When both parents of a newborn or newly-placed child are employed by the County, they are entitled to a combined total of 12 work weeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees and for the aftercare of the child.</p> <p>When employees who are parents of the same child and are married to each other take FMLA leave for any of the reason listed in this policy, the employees may be entitled to additional FMLA leave for other FMLA-qualifying reasons. That is, they may be entitled to the difference between the leave taken individually for any of the reasons listed in this policy and 12 (or 26, if applicable) work weeks, but not more than a total 12 (or 26, if applicable) work weeks per person. For example, if each spouse took 6 weeks of a leave to care for a newborn child, each could later use an additional 6 weeks due to their own serious health condition or to care for a child with a serious health condition or, in the event of a service member leave, 20 weeks for needed service member leave.</p>
Intermittent or Reduced Work Schedule	Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per work week or hours per work day. Leave may be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt operations. Leave for pre-placement activities associated with the placement of a child with an employee for adoption or foster care may be taken on an intermittent basis. If an employee takes leave intermittently or on reduced work schedule basis, the employee should attempt to schedule the leave so as not to unduly disrupt the County's operations.
Requests for Leave	An employee requests FMLA leave by completing the Request for Leave Form and submitting it to the Human Resources department or to the employee's manager as soon as it is practical.

**Required Documentation** Employees are required to submit a medical certification from a health care provider to support a request for FMLA leave for the employee’s or family member’s serious health condition within 15 calendar days. When leave is taken to care for a family member, the County may require an employee to provide documentation or statement of family relationship (for example, a birth certificate or court document). If an employee requests intermittent or reduced schedule leave, information that the County requires may include certification that this type of leave is medically necessary and verification of the schedule for treatment, if applicable, as well as the expected duration and frequency of the need of such leave. In addition, an employee requesting leave for a qualifying exigency or a service member’s serious injury or illness must provide a certification setting forth sufficient information to support the need for leave, consistent with the requirements set forth in the federal FMLA regulations. Applicable certification forms are available from the Human Resources department.

**Recertification** During an FMLA leave, the County may request that an employee provide recertification of a serious health condition. Unless a longer period is specified, a medical recertification must be completed and returned to the County within 15 days of the County’s request. In addition, during FMLA leave, an employee must provide the County with periodic reports regarding the employee’s status and intent to return to work. If an employee’s anticipated date for returning to work changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the County with reasonable notice (in other words, within two business days) of the employee’s changed circumstances and new return to work date. If an employee gives the County notice of intent not to return to work, the employee will be considered to have voluntarily resigned.

**Return to Work Documentation** Before an employee performs any work on behalf of the County after taking FMLA leave for the employee’s own serious health condition, the employee is required to submit a Fit for Duty form completed and signed by the employee’s health care provider, with respect to the condition for which the leave was taken that states whether the employee is able to perform the essential functions of the employee’s job. Employees in safety sensitive positions may be required to undergo a drug screen at the County’s expense upon returning from leave. If an employee is not able to return to work, the employee may be entitled to additional leave as a reasonable accommodation under the ADA, as amended, and other state or local laws.

The commencement of FMLA leave or the return to work from FMLA leave may be delayed or denied if the appropriate documentation is not provided within a

timely manner. A failure to provide requested documentation related to the reason for an absence from work may lead to separation of employment.

Substitution of  
Paid Leave

Employees are required to use all accrued paid sick and annual leave prior to taking unpaid leave. The qualifying County paid time off runs concurrently, and is not in addition to unpaid FMLA leave. If an employee is off work due to personal medical reason(s) and has County paid time off and has an elimination period before disability payments such as workers' compensation or short-term disability start, the employee can request use of any qualifying County paid time off.

Maintenance of  
Health Benefits

During FMLA leave, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. To the extent that an employee uses qualifying County paid time off while on FMLA leave, the employee's portion of health insurance premiums is deducted from the employee's wages. If the employee is not receiving any wages from the County while on FMLA leave, the employee's portion of health insurance premiums is paid according to the procedures established by the County. Employees should contact the Benefits department for more information.

Performing Work  
While on Leave

Employees may not perform any work on behalf of the County while out on FMLA leave (including checking or responding to emails, checking voice messages, returning phone calls, working on a computer, etc.) unless they submit the required return to work documentation and they receive advance permission from their manager.

Return from  
Leave

Upon return from FMLA leave, the County will place an employee in the same or an equivalent position the employee occupied when the leave began.

Limitations

An employee is entitled to return from leave only if the employee would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to return from leave if because of a reduction in force or other reason the employee would not be employed at the time job restoration is sought.

Designation of a  
Key Employee

The County reserves the right to deny return from leave to eligible salaried employees who are among the highest paid ten percent of the County's employees if such denial is necessary to prevent substantial and grievous economic injury to the County's operations.

Failure to Return  
To Work Following  
FMLA Leave

Non-Medical Reasons

If the employee does not return to work immediately after the end of FMLA leave for non-medical reasons, the employee is considered to have voluntarily resigned. The County may recover health insurance premiums that the County paid on behalf of the employee during any unpaid FMLA leave. The County's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstance beyond the employee's control. In such cases, the County may require the employee to provide medical certification of the employee's or the family member's serious health condition.

Medical Reasons

Employees whose illnesses or injuries do not allow them to return to work upon the expiration of FMLA leave may be separated from employment as a voluntary resignation unless additional leave pursuant to another policy is requested and approved in advance. If an employee remains on leave pursuant to another policy after FMLA leave is exhausted, the employee might not be returned to an equivalent position or a position for which the employee qualifies might not be available. Employees who are unable to return to work must contact the County to discuss whether they may be eligible for additional leave or other reasonable accommodation.

Employer  
Obligations

The County shall inform an employee requesting leave (i) whether the employee is eligible under the FMLA; (ii) whether any additional information is required from the employee; and (iii) of the employee's rights and responsibilities related to the leave. If the employee is found not to be eligible for leave, the County shall provide to the employee the reason for ineligibility.

The County shall also inform the employee if leave will be designated as FMLA leave and the amount of leave counted against the employee's leave entitlement.

Employee Rights  
And  
Responsibilities  
Under the FMLA

A copy of the Notice to Employees of Rights and Responsibilities Under the FMLA published by the Wage and Hour Division of the Department of Labor is posted on employee communication bulletin boards, may be obtained from the Human Resources department.

## Bereavement Leave

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Policy	The County grants an employee time off from work in the event of a death in the immediate family.
Eligibility	Regular, full-time employees are eligible for paid bereavement. Employees generally must attend the funeral or service for the deceased relative to be eligible for bereavement leave.
Waiting Period	For eligible employees, there is no waiting period following an employee's hire date to receive bereavement leave.
Immediate Family	<p>For purposes of this policy, the following relatives are considered immediate family:</p> <ul style="list-style-type: none"><li>• Parents, Mother-in-Law, Father-in-Law</li><li>• Spouse</li><li>• Domestic Partner</li><li>• Children</li><li>• Son-in-Law, Daughter-in-Law</li><li>• Siblings</li><li>• Grandparents</li><li>• Grandchildren</li></ul> <p>The Human Resources department must approve paid bereavement for other types of relationships.</p>
Scheduling	Employees must make their supervisor aware of their situation immediately.
Proof of Death And Relationship	When returning to work, an employee should be prepared to present proof of death and relationship to be paid for bereavement.
Number of Days	The employee shall be entitled to bereavement leave with pay not to exceed five consecutive regularly scheduled work days.
Fellow Employees	Employees are allowed, with Department Head's approval, up to four hours of bereavement leave to attend the funeral of a fellow regular employee, immediate relative of a regular employee, County Official, or retiree of the County, provided such absence from duty will not interfere with normal operations.

**Additional Time Needed** Employees who need additional time off may be granted this time with their supervisor's approval. Additional time off is charged against any other available paid time off.

**Leave of Absence And Annual Leave** Employees who are on a current approved leave of absence are not eligible for bereavement time.

Employees who are on paid annual leave at the time of the event are granted paid bereavement for up to five days, if verifiable documentation is provided.

## Military Leave

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Policy	<p>The County is committed to protecting the job rights of employees on military leave. In accordance with federal and state law, it is the county's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States.</p>
Notice	<p>Military leave must be requested twenty (20) days in advance. The employee must furnish proof of duty orders or other documentation prior to leave being granted unless the leave is for emergency purposes.</p>
Pay	<p>Paid military leave is granted for authorized Reserve or National Guard activities for a maximum of fifteen (15) days during a one year period, or as required by state or federal law.</p> <p>Employees voluntarily or involuntarily serving on active duty for more than fifteen (15) working days shall be placed on leave without pay. The employee taking additional, unpaid military leave may be allowed to use annual leave.</p>
Reinstatement	<p>Any employee who leaves a position he has held with the county, other than a temporary position, to enter the armed forces of the United States, National Guard or organized Reserve, and who serves on active duty and is honorably discharged or released from active duty to complete his remaining service 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 in 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.</p> <ul style="list-style-type: none"><li>• The returning employee will be deemed to have accrued seniority and length of service rights as though his employment with the county had been continuous since the date of initial employment.</li><li>• The returning employee shall have all annual and sick leave accrued at the time of his departure for military service restored.</li></ul>

## Jury Duty

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Policy	<p>The County recognizes that employees have a responsibility to participate in the jury-duty process. Paid time off for jury duty is granted to an employee who has been notified to serve. Pay for jury duty shall only be for those days that the employee is scheduled for work. Jury pay shall be remitted to the county.</p> <p>Note: Employees involved in personal lawsuits requiring time off from work are not eligible for jury-duty pay.</p>
Eligibility	<p>Regular full-time employees are eligible for paid time off for jury duty.</p>
Waiting Period	<p>There is no waiting period following an employee's hire date to be eligible for paid time off for jury duty.</p>
Scheduling	<p>Immediately upon receipt of the notice to serve, an employee must provide a copy of the notice to the employee's supervisor. Upon the employee's return, the employee must submit documentation provided by jury services indicating the number of days served to the individual responsible for submitting payroll information.</p>
Return to Work	<p>If excused by the court during a working day, the employee shall return to duty if at least four (4) hours of County duty can be served in that work day. If the employee does not return to work, the balance of the day will be charged to annual leave or leave without pay.</p>
Vacation and Leave of Absence	<p>If jury-duty service occurs during an employee's approved leave of absence, the employee is not eligible for jury-duty pay.</p> <p>Employees who have paid vacation scheduled that coincides with jury duty are granted jury-duty pay, if verifiable documentation is provided.</p>

## **Time Off to Vote**

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Policy	The County encourages its employees to participate in the political process by voting in federal, state, and local elections.
Pay	<p>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 polls. The employee's supervisor may specify the hours for the leave.</p> <p>Voting leave will not be granted to any employee whose work day begins more than two (2) hours subsequent to the time of the opening of the polls, or ends more than three (3) hours before the closing of the polls.</p>

## **Court Appearance Time**

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**Policy**

The County shall pay for court appearance time when an employee is required by county duties or subpoenaed to appear before a court, county hearing officer, public body or County Commission for the purpose of testifying in regard to county matters.

## **Lactation/Breastfeeding**

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Policy	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.
Pay	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.

## Emergency Closings

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Policy	The County may be required to close the work facility or stop operations in the event of emergency conditions such as severe weather, fire, flood, earthquake, or computer or network system failures.
Employee Responsibilities	In the event the work facility closes or operations stop, employees must maintain contact with their supervisor or the designated individual as instructed to obtain updates about resuming work. Essential employees need to check with their immediate supervisor regarding their work schedule during emergency closure.
Non-Exempt Pay	<p>When the work facility closes or operations stop, this time off from scheduled work for hourly, non-exempt employees is paid.</p> <p>Hours paid pursuant to this provision will not be counted as hours worked for the computation of overtime.</p>
Exempt Pay	When the work facility closes or operations stop, salaried, exempt employees are paid by the County for up to a total of five days (the remainder of the work week), in accordance with the Fair Labor Standards Act (FLSA).
Annual or Sick Leave	Any Annual or Sick Leave that had previously been approved before the announced closing will be considered as leave.

## Notes

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