

**MORA COUNTY  
EMPLOYEE  
PERSONNEL POLICY MANUAL**



**ADOPTED**

\_\_\_\_\_, 2018

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## **SECTION 1: GENERAL PROVISIONS**

**1.1** Mora County, its Elected Officials, and County Manager reserve exclusive right over hiring and discharge of employees of the County, under the regulations herein provided. The purpose of the Policy and Procedure contained herein is to establish consistent, basic policies and procedures concerning relations between the County of Mora, its Elected Officials, County Manager and its employees.

These Personnel Policies and Procedures are subject to unilateral change, modification, or discontinuation by Mora County at any time, including but not limited to benefits provided and personnel practices. Any such changes will apply to present as well as future employees.

This Policy does not apply to members of appointed Boards and Commissions, persons engaged under contract to supply professional or technical services, and volunteer personnel who receive no or nominal compensation from the County.

Each employee shall become familiar with and comply with these personnel policies and procedures. Any violation of these policies and procedures by an employee shall result at the sole discretion of Mora County in disciplinary action up to and including dismissal.

Formulation of definite policies and procedures cannot be readily applied to every possible problem or situation. Nevertheless, it is believed that the policies and procedures contained herein will serve as a general basis and guide for the proper, efficient, and effective administration of personnel matters relating to employees and Elected Officials of Mora County, New Mexico.

In the event that a personnel matter arises which is not covered by this policy, the County Manager shall notify the Commission so that the appropriate policy may be developed. If the ongoing activity of the County requires that a decision be made before the Commission can consider the matter, the County Manager is authorized to make an interim decision which will apply only to the case at hand and which will not be considered a precedent for the policy to be developed according

to the procedure specified above. On such occasions, the County Manager will consult with the Personnel Policy Review Committee.

The Personnel Policy and Procedure contained herein replaces and supersedes all previously issued Personnel Policy and Procedure applicable to the employees, department heads and Elected Officials of Mora County, New Mexico including without limitation, Mora County Personnel Policy Manual Ordinance 93-03.

The Board of County Commissioners of Mora County, New Mexico declares that it is necessary for the public peace, health and safety that this ordinance take effect immediately after passage in open meeting. This ordinance shall take effect when it is recorded in the office of the Mora County Clerk for that purpose and authenticated by the signature of the Mora County Clerk. The ordinance will remain in effect until such time as this ordinance is amended or revised in open meeting by the Mora County Board of Commission.

Mora County is an equal opportunity employer and does not discriminate against any employee or job applicant on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, spousal affiliation, sexual orientation, gender identity or the uniformed armed service.

All persons having the authority to hire, discharge, transfer, or promote personnel shall support, without reservations, a non-discriminatory policy hiring, or transferring to any vacancy, any qualified applicant.

Mora County will offer equal opportunity for employment and advancement of all qualified employees and applicants.

## **1.2 Review Procedures**

A Personnel Policy Review Committee, consisting of Elected Officials, County Manager, Road and Solid Waste Supervisor, and the Payroll clerk, or their designee, will review this ordinance at least once per year. If there are any recommended changes to this policy, the recommended changes will be brought forth to the next scheduled Board of Commission meeting for review and consideration.



### 1.3 SEVERABILITY

If any provision of this policy is found to be in conflict with any state or federal law and thereby illegal or unenforceable, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of this policy.

### 1.4 DEFINITIONS

1. **Administrative Leave with Pay** – Leave with pay granted at the County Manager’s discretion after considering the Elected Official’s or Department Head’s recommendation.
2. **Administrative Leave without Pay** – Leave without pay granted at the County Manager’s discretion after considering the Elected Official’s or Department Head’s recommendation.
3. **Americans with Disability Act (ADA)** – The Federal law which states, in part, that “...no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied benefits of or be subjected to discrimination in programs or activities sponsored by a public entity.”
4. **Anniversary Date** – Annual reoccurrence of the date on which an employee was hired or appointed. The Anniversary date is subject to change if the employee is rehired after a break in service.
5. **Annual (Vacation) Leave** – Leave with pay granted to an employee. There must be sufficient time accrued if the leave is to be with pay. The employee must submit a request for time off and such request must be approved by the employee’s direct supervisor before time off is scheduled.
6. **Appeal** – An action by which an affected party challenges the decision or determination of an Elected Official or Department Head in a matter involving the interpretation or application of the Personnel Rules and Regulations.

7. **Applicant** – A person who has made formal application on an official Mora County personnel application form for a position with the County.
8. **Appointed Official** – An Appointed Official is a full-time exempt employee appointed by an Elected Official or the Board of County Commissioners and include without limitation: Chief Deputies, Under Sheriff, and Road and Solid Waste Supervisor.
9. **Base Salary** – An Employee’s rate of pay based on an adopted salary schedule, excluding premiums, such as overtime pay, standby pay, or other incentives.
10. **Board of County Commissioners** – The elected governing body of the County, consisting of a quorum of Commissioners, with a statutory power to set salaries, except as otherwise provided in NMSA 1978, Section 4-44-12.3, to employ a County Manager and to conduct the business of the County.
11. **Break-in-Employment** – Amount of time between leaving the County and returning to work at the County.
12. **Candidate** – Any applicant who has been deemed qualified by the County Manager, and is on the list of applicants eligible to fill a vacant position.
13. **Cause** – Any conduct, action or inaction arising from or directly connected with the employee’s work which is inconsistent with the employee’s obligation to the County and reflects the employee’s disregard of the County’s interest. Cause includes, but is not limited to, inefficacy, incompetency, misconduct, negligence, insubordination, performance which continues to be inadequate after reasonable efforts have been made to correct the performance problems, or conviction of a felony.

- 14. Casual Employee** – An employee hired to fill a position paid by the hour that may be called on short notice or on an occasional basis. A casual employee works less than (20) hours a week and is paid only for hours worked. The use of a casual employee's services may be discontinued at any time; they do not receive County benefits, do not accrue leave and may not grieve or dispute employment decisions.
- 15. Catastrophic Leave** - A serious non-work-related health condition of the employee or employee's immediate family or household which creates a financial hardship because the employee has exhausted all available leave credits and is not, or not yet, eligible for temporary disability benefits. (See Leave Requirements)
- 16. Classified Employee** – An employee who has successfully completed the prescribed probationary period and is eligible for the rights and privileges provided for under the Personnel Policy & Procedures.
- 17. Classification** – A job position which is occupationally distinct.
- 18. Classification Plan** – A collection of classes or job titles and accompanying job specification, based on duties, authority and responsibilities of positions, approved by the Board of County Commissioners.
- 19. Closing Date** – The last day when a person or an employee can submit their application for a posted job vacancy.
- 20. COBRA** – The Consolidated Omnibus Budget Reconciliation Act of 1985 amending Federal employment laws to provide continuation of employer sponsored group health coverage that otherwise might be terminated.
- 21. Compensation** – Salary and benefits provided to an employee for services rendered.

- 22. Conflict of Interest** – Any business or transaction of a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or which would tend to impair their independence of judgment or action in the performance of their official duties.
- 23. Continuous Length of County Service** – The length of time for which there have been no breaks in employment as an employee spanning from the employee’s Date of Hire, other than annual leave, sick leave, authorized military leave or authorized leave without pay for less than three (3) months.
- 24. Contract Employee** – Contract employees are FLSA exempt and are unclassified employees and have a contract approved by the Board of County Commissioners. Contract employees serve at the pleasure of the County Commission and subject to contractual provisions. Contract employees are not entitled Grievance or Disciplinary Procedures of the Mora County Personnel Policy and Procedures. Subject to contractual provision to the contrary, such employees may be terminated at any time without cause.
- 25. County** – An involuntary political subdivision of the State of New Mexico; refers to Mora County and the corporate governing body.
- 26. County Business** – The performance of duties of a County employee at the employee’s normal workstation or at a location authorized by the County.
- 27. County Manager** - Hired by the County Commission to serve as a personnel officer, fiscal director, budget officer and property custodian and to act generally as the administrative assistant to the Board of County Commissioners aiding and assisting it in the exercise of its duties and responsibilities. In the event there is not a County manager, the duties and responsibilities shall be carried out by the Assistant County Manager or a person designated by the Board of County Commissioners.

- 28.Date of Hire** – The employment start date indicated as such on the employee’s Personnel Hiring Form. Alternatively, the date of hire may be from the date of reinstatement if reinstatement occurs after a lapse of continuous length of County service.
- 29.Demotion** – The reduction in title, position or compensation as a result of a major disciplinary action, lay-off, or an employee’s voluntary request.
- 30.Department Head** – An exempt employee who has the responsibility of supervising and administrating a department of County Government and under the supervision and direction of the County Manager.
- 31.Disability** - A physical or mental impairment that substantially limits one or more life activities.
- 32.Discrimination** – Refusal to hire, or the imposition of some other adverse employment action against an individual because of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, spousal affiliation, sexual orientation, gender identity or the uniformed armed service.
- 33.Dismissal** – An action which terminates an individual’s employment with the County.
- 34.Domestic Partner** – “Domestic Partner” means a person with whom another person maintains a household and an intimate relationship, without a legally recognized marriage.
- 35.Due Process** – The right to notice and a hearing granted to a full-time or part-time classified employee who has completed the probationary period with respect to pre-disciplinary and post-disciplinary procedure in disciplinary actions for suspension without pay, demotion or dismissal.

- 36. Elected Official** – A person elected or appointed to the position of County Commissioner, County Assessor, County Sheriff, County Probate Judge, County Clerk, or County Treasurer. A County Commissioner is an Elected Official, but can only act by a majority vote in an open meeting. Elected Officials are not employees.
- 37. Employee** – Includes all classified County employees.
- 38. Employee Requirements** - A position's job-related qualification standards established by the County in accordance with the specific requirements or needs of the position and are subject to review and recommendation by the County Manager.
- 39. Equal Employment Opportunity** – Includes, but is not limited to, the right of all individuals to expect fair and equal treatment by the County in hiring, promotion, discharge, compensation, and other terms and conditions and privileges of employment.
- 40. Examination** – a quantitative assessment of qualifications, knowledge, skills, fitness and abilities of an applicant, including tests.
- 41. Exempt Employee** – Executive, administrative, and professional employees where the exact terms and conditions of employment exempts the employee from the Fair Labor Standards Act's minimum wage and overtime pay requirements. These employees serve at the pleasure of the County Commission, Elected Officials and the Department Heads and are not entitled to the Grievance or Disciplinary Procedures of the Mora County Personnel Policy and Procedures, with the exception of the policies related to Public Employees Retirement Association, Drug and Alcohol Policy, Vacation Leave, Sick Leave, Jury, or Witness Duty, Bereavement Leave, Leave of Absence and Paid Holidays. They may be terminated at any time without cause, and nothing herein shall be construed to limit the unilateral right of Mora County to discharge such employees in an at-will manner consistent with State and Federal law. A full-time exempt employee for the purpose of

determining the applicable Personnel Policy and Procedure will be defined as any person employed in a full-time position included in the list below:

Chief Deputies of Elected County Officials  
Undersheriff  
County Manager  
Road and Solid Waste Supervisor

- 42.FMLA** – The Federal Family and Medical Leave Act which entitles eligible employees up to twelve (12) weeks of unpaid leave in a twelve (12) month period for certain qualifying reasons.
- 43.FLSA** - The Federal Fair Labor Standards Act which among other things requires employers to pay certain of its employees’ premium overtime for hours worked in excess of forty (40) hours in a workweek. Employees may either be classified as Covered (non-exempt) or Exempt if they meet certain criteria and standards.
- 44.Full-Time Employee** - For the purpose of earning County benefits, any employee with a regularly scheduled administrative workweek of 35 hours or more, or law enforcement personnel, who are not regularly scheduled a specific number of hours in a designated work period. Such an employee may be tenured or non-tenured.
- 45.Grant Funded Employee** – A full or part-time employee hired to fill a position that exists only upon receipt of grant funds. This position is terminable at-will if funding is not received or upon expiration of the grant agreement.
- 46.Grievance** – A classified employee’s complaint concerning actions taken by management which is a result of loss of pay to the employee or which results from dissatisfaction with the working conditions or relationships.
- 47.Hatch Modernization Act of 2012** – a Federal Law (5 U.S.C.S §1502) which permits local government employees to participate in partisan political elections or political activities, except those employees whose salary is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal Agency.

**48.Hire Date** – The date of the offer, acceptance and commencement of employment.

**49.Hostile Work Environment** – A work environment consisting of discriminatory intimidation, ridicule or insult to the extent that it interferes with an employee’s work performance or creates a direct or indirect offensive work environment.

**50.Immediate Family** –

Spouse	Mother/Father/Brother/Sister
Grandparent	Step Mother/Father/Brother/Sister
Mother/Father-in-law	Children/biological or legally adopted
Step Children	Step Mother/Father – in-law
Grandchildren	Step Brother/Sister – in-law
Step Grandparent	Step Grandchildren

**51.Impermissible Political Activity** – Using their position or employment with the County to influence support of candidates or Elected Officials, political parties, action committee or similar organization in any election or pre-election activity, provided, however, that nothing herein shall deny the right of an employer to express their views on any issue.

**52.Inclement Weather/Emergency** - An occurrence which makes it difficult for employees to get to work or where the worksite may be temporarily restricted due to forces beyond the County’s control.

**53.Job Description** – The primary resource document in position classification defining and describing representative duties and responsibilities and setting forth the minimum requirements (qualifications) essential to the performance of the work of the position or job.

**54.Job Title** – A descriptive name that identified a position with similar duties, responsibilities and qualifications.



**55. Jury or Witness Duty** - Any employee who is subpoenaed as witness in a legal proceeding or is called to service on a jury in a court of law.

**56. Just Cause** – A reasonable and lawful basis for action that refers to a standard of reasonableness used to evaluate whether a classified employee’s action constituted just cause for discipline or dismissal.

**57. Layoff** – The involuntary separation of an employee from County service without fault on the part of the employee, due to the abolition of a position, reorganization, lack of work, or lack of funds.

**58. Leave Without Pay** - An employee who is authorized leave but who has exhausted all of their annual leave or sick leave or any employee who is on unauthorized leave is on leave without pay.

**59. Legal Holiday** – Public Holidays designated by the Board of County Commissioners which are generally consistent with Federal, State or County Government holidays.

**60. Light/Modified Duty Position** – A position for an employee who has suffered a disability or who for other reasons cannot perform their regular duties within their job description whenever practicable and when such work is available. A physician’s certification is required to request “light duty” and also to return to “full duty”.

**61. Merit Pay** – Also known as pay-for-performance, is defined as a raise in pay based on a set of criteria (goals and objectives). This usually involves the employer conducting a review meeting with the employee to discuss the employee’s work performance during a certain time period (mid-year and end-of-year). Merit increases are not guaranteed and are based on the County’s operating budget and its ability to incorporate these costs.

**62. Military Leave** – Leave with pay authorized for an employee who is a member of the National Guard or Air National Guard of New

Mexico or any organized reserve unit of the armed forces of the United States for a period not to exceed fifteen (15) working days in each Federal fiscal year.

**63.Moral Turpitude** – Gross violation of standards of moral conduct.

**64.Nepotism** - Is defined as any change in working relationship status whether by placement, promotion, demotion, transfer, reinstatement, new appointment, new hire, or election of one who is related by blood (consanguinity) or marriage (affinity) within the third degree.

**65.Non-Exempt** – Employees who are covered by the Fair Labor Standards Act who are entitled to the minimum hourly wage and must be paid overtime pay after forty (40) hours of work in a work week, unless exempted by FLSA.

**66.Notice of Final Action** - A written notice served on the employee when there is no timely filing of an appeal or the notice provided after the pre-disciplinary hearing.

**67.Notice of Intent to Discipline** - A written notice served on an employee that disciplinary action is being considered with respect to the employee.

**68.Part-Time-Employee** - An unclassified employee whose regular hours of work are less than 35 hours per week.

**69.Pay Scale** – A pay plan maintained corresponding to the classification plan.

**70.Pay Period** – Defined by the County commission as *every other/second Tuesday*.

**71.Performance Review/Evaluation** – The measuring of an employee's performance of a period of time against standards of

performance, goals and objectives. Performance evaluations shall be conducted quarterly for a probationary employee and annually for a non-probationary employee. However, employee performance reviews can be conducted as many times as necessary to ensure documentation of performance, but at least once annually.

**72. Probationary Period** – A conditional employment period, which is the initial one-hundred-eighty (180) calendar days of continuous County employment, which can be extended based on performance by up to one-hundred eighty (180) days, during which an employee is terminable at will and without cause.

**73. Promotion** – The Change of an employee from their classified position to a higher classified position in a higher pay grade or to an unclassified position for which they applied and qualify.

**74. Public Office/Candidate** – An employee becomes a Candidate when the employee files a petition or nomination papers, pays a filing fee, is nominated by a political party or declares their intent to run for a public office. The public office being sought can be a non-partisan elected position or an elected position on a legally constituted State or local unit of government.

**75. Public Safety Employee** - Generally is involved in the protections of the general population from all manner of significant danger, injury, or harm. This protection is typically provided by law enforcement, fire, EMS and detention personnel.

**76. Reassignment** – The in-title movement of an employee to a new job function, work shift, location, or supervisor within the same organizational division.

**77. Reclassification** – The change of a position from one class title to a different class title based on modification in the position's duties and responsibilities.

- 78.Red Circle Rate** - When an employee's base rate of pay is above the maximum salary for a position, the employee's pay rate will be "red circled" or frozen at its current level until the pay plan catches up with the employee's pay.
- 79.Reduction In Force** – Separation by layoff due to the shortage of County Funds, abolishment of position(s), lack of work, or action by the Board of County Commissioners to reduce or eliminate function(s) or services.
- 80.Resignation** – Notice given by an employee desiring to leave County employment in good standing, at least two weeks before separation, unless the Elected Official or Department Head consents to a shorter notice.
- 81.Resignation Not In Good Standing** – Giving up ones' position without giving the required notice, or an unauthorized absence from work for three (3) consecutive working days.
- 82.Requirements** – The minimum qualifications required for successful performance of the job duties.
- 83.Retirement** – The withdrawal of an employee from the County workforce upon meeting the Public Employees Retirement Association of New Mexico (PERA) eligibility conditions for normal or disability retirement.
- 84.Retirement Program** – The Public Retirement Association of New Mexico (PERA) available to all County employees and Elected Officials, conditioned by State laws and regulations.
- 85.Safety-Sensitive Position** – Positions in which the employee is required to safely operate potentially dangerous equipment, or it is required to maintain the safety and security of the County including Public Safety employees.

**86.Seniority** – Relates to the length of continuous service and longevity of time over another employee.

**87.Sexual Harassment** - Any unwanted sexual attention or such attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted.

**88.Sick Leave** – Leave with pay granted to an employee from an accrued balance when a personal or immediate family member illness or other medical conditions prevents them from reporting to work and is approved by their supervisor. Sick Leave in excess of three (3) working days requires a doctor's excuse from work.

**89.Sick Leave Abuse** – Use of accrued sick leave for nonmedical problems or repeated absences or delays in getting to work on Mondays or Fridays. Employees abusing sick leave may be disciplined up to and including dismissal.

**90.Substance Abuse** – The use of controlled substances, prescribed and non-prescribed, or alcohol by an employee when it interferes with their job performance, conduct, attendance, safety or when it violates the law or the sale or distribution of controlled substances while on County property or while on County business.

**91.Suspension** – A forced leave of absence, paid or unpaid for disciplinary reasons, or pending investigation of allegations made against an employee, or for pending determination of the grievance procedure.

**92.Temporary Employee** - A full-time or part-time employee hired to fill a position that will not exceed a six (6) month period. All temporary employees are terminable-at-will, do not accrue leave, and do not receive employee benefits.

**93.Terminable-at-Will** – Employees who can be terminated at any time without cause, i.e., probationary, temporary, contract, chief

deputies, and other exempt employees. Terminable-at-will employees are not entitled to the grievance proceedings.

**94. Training** – Instruction provided to stimulate change is short-term and directed solely at furnishing knowledge or skills needed to carry out their present work duties efficiently and effectively.

**95. Transfer** – The voluntary or involuntary movement of a classified employee between organization units or departments.

**96. Unauthorized Leave** – An unpaid absence where the employee fails to appear for work without authorized leave or who appears for work but is in violation of the County policy governing their readiness for work. This conduct is subject to disciplinary action.

**97. Veteran** – A person who served in the active military service and who was discharged or released therefrom under conditions other than dishonorable.

**98. Veterans Preference** – Preferential treatment for those Veterans who meet the established criteria and who have presented evidence of their service record on or before the application closing date.

**99. Work Week** – Begins Sunday at 12:01 a.m. and ends Saturday at 12:00 a.m.

**100. Unclassified Employees** – Salaried or contract employee, conditional employees, casual probationary, temporary, term, and part-time employees, who are terminable at-will and cannot grieve disciplinary action.

## **SECTION 2: RECRUITMENT AND SELECTION**

### **2.1 PURPOSE**

It is the policy of Mora County to select and recruit the best qualified and best-suited persons for all positions in an open and competitive manner, and to ensure equal opportunity for all applicants and employees. The county will comply with all applicable Federal and State laws and regulations.

## **2.2 RECRUITMENT AND SELECTION**

The Department Head or Elected Official shall notify the County Manager and Payroll Department of the position to be filled. The County Manager's Office shall issue job announcements through such media (radio, newspaper, and website) deemed appropriate to ensure open and competitive recruitment of individuals outside of the County service, with sufficient time to ensure reasonable opportunity for persons to apply. All publications for job announcements shall include reference to Mora County as "*An Equal Opportunity Employer.*"

Applications for employment shall be accepted in the County Manager's Office during normal business hours. Applications must be submitted on the employment application form provided by the County or by a resume acceptable to the County Manager.

### **2.2.1 "IN HOUSE" APPLICANTS**

Notwithstanding the provision of the policy requiring public job announcements, the following exception may apply. County Manager's Office will post the vacancy on the County bulletin board for five (5) days before outside recruitment announcements. Vacant positions may be filled by regular or probationary County employees provided the employee is qualified for the position.

### **2.2.2 TEMPORARY EMPLOYEES**

Vacant positions may be filled without public announcements by temporary employees on a temporary basis to replace regular employees on leave and pending the selection of a regular employee for a position or otherwise for a period not to exceed six (6) months. Employees on temporary status may apply for an advertised position in the same manner as all other outside applicants.

### **2.2.3 BEST QUALIFIED AND BEST SUITED APPLICANT DETERMINATION**

The best qualified and best-suited applicant is determined by the Department Head or Elected Official based on minimum qualification of education, experience, abilities, skills and past work experience as specified in the written position specifications for each position. Personal interviews will be conducted with at least a panel of three (3) individuals. Consideration will be given first to current qualified County employees, and second to former County employees who have been laid off within the past six months. If there is not a sufficient pool of applicants or the submitted applications do not meet the minimum employment requirements, the County Manager's Office shall re-advertise the vacant position.

### **2.3 SELECTION**

Final selection of an applicant is made by the Elected Official or Department Head. The Payroll Department will conduct reference checks and background checks on the selected final candidate. Upon selection of the final candidate, the hiring Department Head or Elected Official, County Manager and the Payroll Department will collaborate to develop an appropriate offer of employment (including position title, compensation, etc.)

Under no circumstance will a prospective employee begin employment without the clearance of results of a drug test, background check and reference checks.

#### **2.3.1 PRE-SELECTION PROHIBITED**

Publically posted and advertised positions shall not be promised to any person prior to recruitment and selection to ensure the integrity and fairness of the selection process.

### **2.4. INELIGIBILITY FOR HIRE AND RE-HIRE**

Applicants shall be considered ineligible for hire or re-hire by the county if the applicant has:



1. Knowingly made any false statement or omission on the employment application.
2. Not met the requirements of the position.
3. Failed to complete pre-employment drug screening or physical examination or other requirements as directed by the County.
4. Been dismissed from County service as a disciplinary measure regardless of length of separation from County service.
5. Not been certified by a physician that the applicant can perform the physical requirements or essential requirements of the position.
6. Been convicted for driving while under the influence of alcohol or illegal drugs and a valid New Mexico driver's license and class is required for the position.
7. Been convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction directly relates to the particular employment, in accordance with the Criminal Offender Employment Act, NMSA 28-2.
8. Has been convicted of a felony or a misdemeanor involving moral turpitude and the criminal conviction does not directly relate to the particular employment, trade, business or profession, if it is determined after investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust, in accordance with the Criminal Offender Employment Act, NMSA 28-2.
  - 8.1 The County Manager shall explicitly state in writing the reasons for a decision which prohibits the person from engaging in the employment if the decision is based in whole or in part on conviction of any crime described in Paragraph (8) of Subsection 2.4 of this section. Completion of probation or parole supervision or expiration of a period of three years after final discharge or release from any term of imprisonment without any subsequent conviction shall create a presumption of

sufficient rehabilitation for purposes of Paragraph (8) of Subsection 2.4 of this section.

9. Not meeting the requirements of State or Federal funding agreements.
10. No person convicted of a felony, under indictment, 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.

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

## **2.5 TESTING**

The County may require an applicant to submit to testing for certain bona fide occupational qualifications to determine employment eligibility. This may include without limitations pre-employment physical and drug screening examinations for all but Elected Officials.

## **SECTION 3: CHANGES IN EMPLOYMENT STATUS**

### **3.1 CHANGES IN EMPLOYMENT STATUS**

Within five (5) working days of a change in assignment or near relative relationship among County Employees, which leads to the supervision of or by a near relative, the employee shall inform the Elected Official, Department Head, or Manager in writing of the change in status.

The Elected Official, Department Head or Manager shall notify the County Manager, who will make reasonable effort to arrange for the transfer or provide a procedure to address the direct supervision of one of the employees affected by the relationship. The transfer will be without loss of pay or length of service and with the full observance of the employee's rights unless the employee accepts a voluntary demotion. If a solution cannot be identified to resolve the supervisory relationship, despite reasonable efforts, one of the employees shall voluntarily resign. If either of the employees does not exercise their option to resign, seniority will dictate which employee shall remain employed.

## 3.2 NEPOTISM

1. a. No one related by blood (consanguinity) or marriage (affinity) within the third degree to a Department Head will be hired, appointed, or employed in that department during that Department Head's term of employment
  - b. No one related to a current County Commissioner as defined under Immediate Family under Definitions will be hired, appointed, or employed by the County during that County Commissioner's term of office.
  - c. No County employee shall supervise, or hold a supervisory position in the same department as a near relative by blood (consanguinity) or marriage (affinity) within the third degree. The only exception to this requirement is a situation where the health, welfare and safety of the community would be compromised by the strict enforcement of this rule. Or that the County, after a good faith and documented effort to recruit and fill a position cannot find qualified personnel. In such a case, the situation is to be documented, approved by the County Manager and included in the employees' personnel files.
2. When there is a change in assignment of relative relationships among County employees which leads to one related employee supervising another, both employees must inform the Department Head in writing within five (5) working days. The Department Head must transmit the letter and a recommended course of action to the County Personnel Coordinator within five (5) working days of receipt of the letter. The County Personnel Coordinator will arrange for the transfer of one of the employees in question and will officially notify those involved within ten (10) working days, if a position is available. If no position is available within three (3) months of notice, one employee will be terminated. Any employee not submitting a letter indicating a change of relative or spousal relationship, as specified in this section, will be disciplined. No assignment of employees as referenced in this section, shall become a permanent and/or an established transfer, raise, promotion and/or

assignment unless and until the terms and conditions set forth in this paragraph have been fully and completely complied with.

### **3.3 REDUCTION IN FORCE (LAYOFF AND RE-CALL)**

Employees will be given written notice of any layoff specifying the reasons and expected duration of the layoff.

#### **3.3.1 ORDER**

If it becomes necessary for the County to reduce the number of County employees due to lack of work, reduction or elimination of functions, budgetary considerations, or abolishment of a position, such reductions will occur in the following manner:

1. Casual, temporary, and probationary employees will be laid off before full or part-time classified employees. The Elected Official or Department Head may determine that a position cannot be filled by a classified employee and a casual, temporary, or probationary employee must be retained to meet specific job requirements.
2. Layoff of classified employees shall be recommended by the Elected Official or Department Head and approved by the County Manager. Length of County service will normally be the determining factor in a layoff. However, an employee's suitability for jobs remaining, ability to perform available work and past job performance may also be considered.
3. When two or more classified employees holding similar positions are to be laid off, determination on retention and job transfer shall be made according to the employee's job performance and/or prior disciplinary action.
4. Employees scheduled for layoff shall be notified no less than twenty (20) calendar days prior to the layoff of their impending layoff, insofar as reasonably practicable. Employees may be notified at any time during a pay period and shall be allowed to work through the end of that regular pay period or receive pay to the end of that period.

5. Accrued annual leave shall be paid on the next regularly scheduled pay day.
6. The sick leave of a laid off employee is frozen as of the day of lay off.

### **3.3.2 SENIORITY**

Employees will retain seniority in any position or classification previously held, provided the employee is capable of performing the work.

### **3.3.3 LAYOFF PRIVILEGES**

An employee on layoff status shall be given the opportunity to be interviewed for any vacancy for which they have applied and for which the employee qualifies.

1. Rehire limitation and layoff term:
2. The rehire option terminates after the employee has refused a job for which they qualify and when the pay rate is the same or comparable to the position from which they are being laid-off.
3. The employee shall be removed from layoff and rehire status when they have accepted another position within the County.

### **3.3.4 RECALL**

Employees laid off or demoted, due to a reduction in force, will be called back to work within classification according to the following procedures:

1. The Employer will advise the employee of their recall by certified or registered United States Mail with delivery confirmation.
2. Any employee, upon receiving notice of recall, shall within ten (10) working days of delivery confirmation, notify the Elected Official or Department Head, in writing of their intent to return

to work. A recalled employee must report to work no later than fourteen (14) calendar days from the date of delivery confirmation, unless there are extenuating circumstances approved by the Elected Official or Department Head.

3. Laid off employees have the responsibility of keeping the employer informed as to their correct mailing address. Failure to do so, on the part of the employee, shall result in the forfeiture of any and all recall rights. Laid off employees will be kept on an active recall list.
4. No new employees, within the affected classifications, will be hired until eligible laid off employees have been given the opportunity to return to work.
5. A full-time or part-time classified employee who returns to their previous position will not have to serve a new probationary period.
6. An employee returning from layoff will be credited for all unused sick leave accrued up to the time of layoff.

### **3.3.5 REINSTATEMENT**

Laid-off employees shall be offered re-employment in reverse order of layoff, i.e., the last employee to be laid-off shall be the first person to be offered reinstatement, if qualified for available work.

### **3.3.6 LAYOFF – NOT GRIEVABLE**

An employee has no grievance rights with regards to layoff actions.

## **SECTION 4 SALARIES, COMPENSATION AND BENEFITS**

### **4.1 COMPENSATION**

Elected Officials Salary increases shall be governed by N.M.S.A. 1978 Section 4-44-12.3 or as it may be subsequently amended.

Chief Deputy Salaries shall be a minimum of 50% and a maximum of 90% of the Elected Official's salary. The Starting salary of the Chief Deputy will depend on the employee's experience; therefore, a Chief Deputy with no experience may start at 50% of the Elected Official's salary.

A compensation plan for classified employees shall be adopted or amended as necessary by the Board of County Commissioners. Such plan shall establish a schedule containing a minimum and maximum pay range for each position in the classified service. Wage and salary increases, when authorized, shall be dependent upon the financial condition of the County

## **4.2 COMPENSATION PLAN PROVISIONS**

The compensation plan is intended to provide fair compensation for all employee classifications in relation to the pay for other classifications, general rates of pay for similar employment in the public and private sector, cost of living data, financial condition of the County and other factors. To this end the County Manager may review the compensation plan annually and may initiate comparative wage study by assigning the Payroll Representative to make comparative studies of all the factors affecting the level of salaries and recommended such changes as may be justified. Such adjustments shall be made by increasing or decreasing the salary ranges provided in the base salary schedule and submitting them to the Board of County Commissioners for consideration. The rate of pay of employees may be adjusted to conform to the adjustment of the salary range for that class, but an employee's rate of pay will not be decreased as a result of the study or of the plan approved by the Board of County Commissioners. If a study shows that employee's rate of pay exceeds the salary range for that class, the employee will be paid the red-circle rate or frozen at their current rate of pay until such time the salary range catches up to their rate.

## **4.3 UNCLASSIFIED EMPLOYEES**

The compensation for unclassified employees shall be in accordance with the County's compensation plan and other guidelines established by the Board of County Commissioners.

#### **4.4 PAY RANGES**

Salary ranges are intended to furnish administrative flexibility in recognizing job content differences among positions allocated to the same class and in providing employee incentive for growth and improved performance.

#### **4.5 PAY ADJUSTMENTS**

All pay increases for classified and unclassified employees shall be within the Board of County Commissioners approved budget and with the recommendation from the Elected Official or Department Head and may be granted by the County Manager; pay adjustments must be justified with a current and qualified employee performance evaluation, retention and recruitment factors, and with the adopted compensation plan and approved budget. Pay adjustments above ten percent (10%) must be approved the board of County Commissioners.

Cost of Living Adjustments (COLA) will be subject to review and approval by the Mora County Board of Commission.

#### **4.6 PROBATIONARY FLSA NON-EXEMPT**

Probationary FLSA non-exempt employees shall be hired at the entry-level pay rate or adjusted pay rate within the approved pay scale appropriate to their position and based upon years of applicable experience, skillset and in some positions, education.

#### **4.7 PAY ADJUSTMENT FOR DEMOTION**

An employee desiring a voluntary demotion must submit a written request for a voluntary demotion to their supervisor and to the County Manager for action. When a classified employee is voluntarily demoted, the employee's pay shall be reduced to reflect the position in which they are filing and within the job classification. When a classified employee is involuntarily demoted, their salary shall be reduced to reflect the position to which they are transferred in accordance with the job classification.



## 4.8 RETIREE HEALTH BENEFITS

Public Employees Retirement Association (PERA)

*Insurance benefits contact information is available from the County Manager.*

Website: <http://www.pera.state.nm.us>;  
Click on “Useful Websites”

Click on “NM Retiree Health Care Authority” – On this page you will find “Important Information”, “News and Events”, and “Useful Links.”

Santa Fe Office (physical address):

33 Plaza La Prensa  
Santa Fe, NM 87507

Santa Fe Office (mailing address):

PO Box 2123  
Santa Fe, NM 87504

Telephone: (505) 383-6550  
Fax: (505) 883-4573

For members wanting information about health and life insurance, contact the New Mexico Retiree Healthcare Authority at 1-800-233-2876.

*Members who need their account accessed by PERA should include their PERA ID number or the last four digits of their Social Security number in their e-mail request.*

## 4.9 EMPLOYEE RECOGNITION PROGRAMS

### 4.9.1 EMPLOYEE OF THE QUARTER/YEAR RECOGNITION PROGRAM

1. Purpose – Mora County appreciates the efforts of its employees on a daily basis. Outstanding employees deserve to be recognized both as a reward for exceptional performance and as a model for others to follow.
2. Eligibility – all full- and part-time regular employees are eligible to participate in the Employee of the Quarter Program. An employee may be designated as Employee of the Quarter only once during a calendar year.
3. Procedures – The Employee of the Quarter Program recognizes one employee each quarter of the year. Nomination for the award may be submitted by their peers, supervisor, constituents and general public by using the form available from Mora County Manager’s Office or from any Department Head or Elected Official. Nominations are based on the following criteria during the calendar month for which the award is to be given.
4. Criteria for Nomination – The below listed criteria shall be used in consideration of nomination by supervisor:
  - a. Producing work related service above and beyond the norm.
  - b. Promoting harmony amongst coworkers.
  - c. Promoting a positive image of Mora County.
  - d. Maintaining exemplary work standards presenting a helpful/cooperative attitude.
  - e. Demonstrating exemplary use of time.
  - f. Participating in community service activities.
5. Submission of Nomination – Completed nomination forms may be submitted electronically or in hard copy to County Manager starting the first of March, June, September, and December until the 20<sup>th</sup> of each of those months for that quarter’s award. Between the 20<sup>th</sup> and the end of each selection month, the Employee of the Quarter Selection Committee (Personnel Policy

committee), meets to review the nominations and to select the Employee of the Quarter. The Selection is announced at the first Commission meeting of the following month.

6. Selection Announcement – The selected employee of the quarter will be recognized on the County’s web site and newspaper and will receive use of a reserved parking space for one quarter, and will receive one (1) administrative day off. Additionally, the selected employee will be one of the four employees considered for the Annual Employee of the Year award given in January of each year.
7. Timely Use of the Award – The employee must use their administrative leave within 30 days of earning the award. Employees of the Year must use their administrative leave within 12 months of earning the award.

Part-time regular employees awarded employee of the month or year will be awarded administrative leave pro-rated according to their regular work hours. Administrative leave not used within the time specified cannot be “banked.”

Employees who have questions or need assistance with this policy are encouraged to check with their immediate supervisor or County Manager’s Office.

#### **4.10 EMPLOYMENT SUGGESTION PROGRAM (ESP)**

1. Purpose - County ESP encourages all employees to develop suggestions that improve the performance and quality of County processes while achieving Mora County Objectives. Those suggestions that identify specific problems and propose suitable solutions to enhance the efficiency and effectiveness of Mora County through increased productivity, reduced costs, improved and safer working conditions, conservation of resources and improved public services are considered.
2. Procedures – County Manager administers the ESP by receiving suggestions, overseeing the evaluation process to ensure fair and appropriate evaluations and approving the issuance of awards.

Any suggestion that is cost saving, practical, constructive and benefiting Mora County and its constituents will be eligible for review as long as it identifies a problem area, recommends a solution or action, is consistent with program criteria and is submitted following proper procedure. **The County Manager has discretion to evaluate suggestions and determine if suggestions are consistent with program criteria.**

3. Awards – Administrative (non-cash) awards are authorized only for employees whose ideas:
  - a. Are adopted and implemented and;
  - b. Result in measureable dollar savings or increased revenue.
  - c. Administrative awards are based on savings or revenue actually generated in the first year of implementation of the suggestions.

The active life of a valid suggestion shall be one (1) year from receipt by County Manager or until final disposition of the suggestion, if longer than one year. Based on the evaluator’s estimate of quantifiable (tangible) net cash savings or revenue generated during the first year of implementation, awards are calculated as follows:

<u>Net 1<sup>st</sup> Year Savings</u>	<u>Award</u>
\$25,001 or more	Five (5) days administrative leave
\$10,001-\$25,000	Four (4) days administrative leave
\$5,001-\$10,000	Three (3) days administrative leave
\$1,000-\$5,000	One (1) day administrative leave

The decisions of the Mora County Accounting and Finance representative, County Treasurer and County Manager are final and binding. This includes all questions of policy, procedure, entitlement to an award and the nature and amount, if any, of such award.

County Manager will use the following factors in estimating the value of a suggestion:

- a. Degree of improvement in operations, forms, facilities or equipment.
- b. Degree of improvement in employee relations, working conditions, safety and service to constituents.
- c. Completeness of proposal
- d. Effort involved in developing the idea.
- e. Cost of adoption.
- f. ESP leave not taken within 12 months will be forfeited. Active ESP leave balances cannot be banked.
- g. Employees with suggestions must complete the Mora County Employee Suggestion form, available in County Manager's Office, and submit it to County Manager's Office.
- h. The suggestion is reviewed for eligibility by the Mora County Accounting and Finance representative, County Treasurer and County Manager, logged on to the ESP Log and forwarded to the appropriate department for evaluation. The Evaluator completes their part of the evaluation and returns it and relevant documentation to County Manager's Office.

The Mora County Accounting and Finance representative will be responsible for tracking savings as a result of the employee recommendation.

#### **4.10.2 EXCLUSIONS**

Suggestions that cannot be considered include the following:

1. Suggestions that would normally be expected in the performance of the employee's job or those that the employee can implement without higher-level approval.
2. Suggestions that do not include a solution or plan for improvement.

3. Suggestions that result from assigned audits, surveys, reviews or research.
4. Suggestions that concern proposals that management can document as already under active consideration.
5. Suggestions that duplicate another suggestion under consideration or for which an award previously has been granted.
6. Suggestions that propose changes to salaries, benefits or employment classifications.
7. Suggestions that are already enforced by existing laws or regulations.
8. Suggestions that pertain to complaints or grievance open or closed.

#### **4.11 EMPLOYEE ASSISTANCE PROGRAM**

Mora County provides confidential and voluntary assistance through an employee assistant program (EAP) to all employees and their family members who may be faced with dynamic challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child care problems, etc. For welfare of employees as well as for effective County operations, Mora County encourages its employees to take advantage of this valuable benefit of employment with the County. EAP services will be provided through the New Mexico Association of Counties and the State Personnel Division.

##### **4.11.1. PROCEDURES**

Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends.

##### **4.11.2 MEETINGS WITH EAP COUNSELORS**

EAP Counselors are available to meet with employees or members to assess a problem and develop a plan resolution. The Counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation where an employee may need information, a referral or suggestion may be made over the telephone. There is no charge for employees or their families to use the services of EAP.

#### **4.11.3 EAP VISITS DURING WORK HOURS**

Employees who want to visit the EAP during regular work hours must use sick, vacation or personal time. If illness is involved, sick vacation or personal time may be used for treatment or rehabilitation on the same basis that is granted for other health problems.

EAP Counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with their ability to pay.

#### **4.11.4 CONFIDENTIALITY**

All contact between an employee and the EAP is held strictly confidential. All counselors are guided by a professional code of ethics.

### **4.12 PERFORMANCE EVALUATION**

#### **4.12.1 PURPOSE**

The performance evaluation provides a means for discussing, planning, and reviewing the performance of each employee.

Regular performance evaluations:

1. Help employees clearly define and understand their responsibilities.
2. Provide criteria by which employees' performance will be evaluated.

3. Suggest ways in which employees can improve performance.
4. Identify employees with potential for advancement within Mora County.
5. Help Department Heads, Managers, and Elected Officials distribute and achieve department goals.
6. Provide a fair basis for awarding compensation based on merit.

Performance evaluations influence salaries, promotions and transfers. Therefore, it is critical that Elected Officials, Department Heads and Supervisors be objective in conducting performance reviews and in assigning overall performance ratings.

#### **4.13 ELIGIBILITY**

All full-time and part-time classified employees are eligible for an annual performance review and consideration for a merit pay increase.

##### **4.13.1 PROCEDURES**

1. Performance review schedule – An initial evaluation shall be conducted to set expectations, goals and objectives for the evaluation year. Probationary employees shall be evaluated quarterly for the evaluation year. Non-probationary employees shall be evaluated semiannually. Employees will receive a performance review on the established evaluation date each year. Merit increases are not guaranteed and are based on the County's operating budget and its ability to incorporate these costs. A recommendation of merit increases must include a current performance review and the rating must be satisfactory or above.
2. Focal Increase Planning – Overall individual merit increases are planned for and allocated to the start of each budgeting cycle. The performance evaluation salary increase program is designed to assist Mora County management in planning and allocating merit and promotional increases that:



- a. Reward individual performance.
  - b. Are market competitive with similarly classified counties.
  - c. Are allocated among individual employees, taking into consideration all available factors at one point in time.
3. Performance Review-Salary Increases – Each Department Head or Elected Official is responsible for the timely and equitable assessment of the performance and contribution of the subordinate employee. A performance review will not always result in an automatic salary increase. The employee’s overall performance and salary level relative to position responsibilities must be evaluated to determine whether a salary increase is warranted. Out-of-cycle salary increase must be pre-approved by the Mora County Board of Commissioners.
  4. Unsatisfactory Performance Reviews – Performance evaluations that reflect poor performance and failure to address previously noted deficiencies in prior evaluations may provide the basis for disciplinary action, including demotion or termination.
  5. Salary Equity Reviews – A Department Head or Elected Official may request an analysis of an employee’s salary at any time. This request should be made to the County Manager who will review the employee’s salary in comparison to other employees in comparable positions.
  6. Responsibility for Conducting Performance Reviews – Completed performance evaluations will be retained in the employee’s personnel file. The performance evaluation will be initialed by the reviewer (supervisor) and discussed with the Department Head or Elected Official. Once the Department Head or Elected Official has approved the evaluation a subsequent meeting will be held with the employee for review and discussion. The evaluations must be signed by the immediate supervisor, Department Head, or Elected Official, the County Manager and the employee to ensure that all strengths, areas for improvement and job goals for the next review period are clearly communicated. The employee’s signature is acknowledgment of

their receipt of the evaluation and is not an admission of agreement or concurrence. The Department Head or Elected Official is responsible for obtaining increase approvals and submitting the approved increase to the County Manager for processing. Salary increases must be supported by an acceptable performance evaluation for salary change processing. The Department Head or Elected Official will not discuss any proposed action with the employee until all written approvals are obtained. The County Manager will review all salary increase or adjustment requests to ensure compliance with personnel policy and that they fall within the provided guidelines.

#### **4.14 OVERTIME**

Overtime must be preapproved and authorized by the employee's supervisor. Immediate supervisors may modify work schedules to limit overtime. The rate of overtime pay shall be 1.5 times regular hourly pay.

### **SECTION 5 CONDITIONS OF EMPLOYMENT**

#### **5.1 PERSONNEL RECORDS**

1. Personnel records are the property of Mora County.
2. Mora County shall establish and maintain personnel records in the County Manager's Office for each active and inactive employee of Mora County. Employees may request in writing information contained in their files. The personnel file shall include but not be limited to the following:
  - a. Employment Application;
  - b. Completed and signed W-4;
  - c. Completed and signed authorizations for payroll deductions:
    - a. Completed and signed waivers for insurance benefits;
    - b. A signed statement that the employee has been given a copy of the Mora County Personnel Policy;

- c. Disciplinary reports;
  - d. Pay increase or decrease authorizations signed by the appropriate Department Head;
  - e. Personnel performance and review forms
  - f. Proof of Citizenship
3. Privacy of personnel files shall be respected under any and all applicable State and Federal Laws. Elected Officials or Department Heads may review their employee's file; however, the file may NOT leave the County Manager's office. Supervisors may also request written approval from the Elected Official or Department Head to view the files of the employees they supervise. If an employee wishes someone other than those authorized to have access to those parts of the employee's file that are not open to the public as required by the Inspection of Public Records Act, that employee must give written authorization. This authorization must be given to the County Manager and state the name of the person or entity obtaining permission.
  4. In the event that the employee's medical records or medical history is received by the County, such documents and information shall not be filed with such employee's other personnel documents. Medical record files shall be secured and shall be accessible only by individuals who have demonstrated a need for access to such files.
  5. Personnel record files shall be secured and shall be accessible only by individuals described in Section 3 of this policy.
  6. Mora County shall establish a performance evaluation system as part of the employee's personnel file. The system will include, but not be limited to an initial employee conference and a written review. Performance evaluation reviews shall be the basis for merit salary increases.
  7. For benefits administration and emergency purposes, it is the employee's responsibility to notify their supervisor, payroll, and the County Manager's Office of any change in their home address, telephone number, marital status, number and names of

dependents, or other information required by the County Manager's Office to be able to maintain accurate and current personnel records.

## **5.2 CHAIN OF COMMAND**

In order to maintain open communication between Mora County and its employees and to ensure that employees' concerns are addressed quickly and efficiently, the County will utilize the chain of command protocol. It is required that an employee discuss their concerns first with their immediate supervisor. If the concern cannot be handled at this level, the employee may request a meeting with the next level supervisor, up to the County Manager, Elected Official or Department Head of their department. If it becomes necessary to pursue the issue beyond the Department Head or supervisor level, or if the concern cannot be handled or remedied within the department due to supervisory conflict, the next appropriate step will be a meeting with the County Manager. If the County Manager cannot resolve the conflict, a meeting shall be scheduled with the Mora County Board of County Commissioners.

## **5.3 EMPLOYEE PROBATION**

1. A conditional employment period, which is the initial one-hundred eighty (180) days of continuous County employment, which can be extended based on performance by up to one-hundred eighty (180) days, during which an employee is terminable at will and without cause. Certified Sheriff's deputies' probationary period is a period of one-hundred eighty (180) days. Non-Certified deputies' probation period is a period of three hundred sixty-five (365) calendar days.
2. The probationary period is an integral part of the evaluation process and is utilized for observing the employee's performance and obtaining the most effective adjustment of a new employee to the position. The employee must achieve a satisfactory performance or better by the end of the probationary period before the employee can become a classified employee entitled to all the rights and privileges of that classification. Prior to the

completion of the probationary period, the Elected Official or the Department Head will review with the employee, the employee's job performance during the probationary period. During the review, attention should be given to the employee's strengths and areas of needed improvement. The employee review will be summarized and typed upon completion. The evaluation will be signed by the Elected Official or the Department Head and the employee, a copy will be retained by the Department Head and the employee, and the original will be sent to the County Manager's Office and placed in the employee's personnel file. NOTE: A review during an employee's probationary period does not automatically qualify the employee for a job or a salary increase.

3. If the employee satisfactorily completes the probationary period, the employee will become a classified employee. If the employee does not satisfactorily complete the probationary period, the employee will be dismissed.

### **5.3.1 PROBATIONARY EMPLOYEE**

Employees during the probationary period are:

1. Any employee, regardless of classification who has not yet completed the applicable six (6) month probationary period or one (1) year probationary period; subject to dismissal without cause, at any point during the probationary period at the discretion of the Elected Official or Department Head;
2. Not permitted to grieve disciplinary actions; allowed to use sick leave as soon as it is accrued;
3. Eligible for health insurance and other optional benefits;
4. Eligible to accrue annual leave and sick leave, consistent with provision of the rules upon being hired;
5. Not entitled to any accrued leave or payment for unused annual or sick leave if terminated during their probationary period;

6. Subject to an extended probationary period to complete required or additional training as determined by the Department Head or Elected Official; extensions shall not exceed 180 days (6 months).

#### **5.4 DIRECT AND INDIRECT SUPERVISION**

Direct supervision is the first level that has responsibility for the employees, performance evaluation, disciplinary action, or employment status. The direct supervisor serves in a lead capacity for the employee and has the ongoing responsibility of identifying or influencing work schedules, work assignments and coaching of the employees.

Indirect supervision is the Department Head, Manager, or Elected Official with the principal supervision of their respective department.

#### **5.5 TRAINING**

It is Mora County's objective to provide employee training in support of Mora County's goals. Training shall be available without regard to age, race, religion, color, creed, culture, ethnic identity, national origin, ancestry, sex, sexual orientation, gender identity, mental or physical impairment, serious medical condition or uniformed arm service, Veteran status, political affiliation, or genetics, according to the Equal Opportunity Orders of the State of New Mexico and Federal laws.

This policy applies to all positions, including classified, unclassified, exempt and elected officials, employed by Mora County including part-time or temporary.

Employees may be required to receive training at the discretion of the Department Head, Elected Official, or the County Manager. Training will be offered to all employees if it is deemed beneficial to the operations of Mora County.

Instructional programs or training are designed to improve employee efficiencies and job performance. Employees gain skills and knowledge through instruction and training that may offer future career advancement opportunities.

Employees, at the conclusion of training, will be required to report the worth, value, or significance of the training to their Manager, Department Head, or Elected Official. The report should include the participants' reactions, the accomplishment of program objectives, and performance improvement.

### **5.5.1 Mandatory Training – Sexual Harassment Training**

As part of the County's commitment to maintain a work place that is free from sexual harassment, the County shall provide training for employees, including Supervisor, Managers and Elected Officials to increase knowledge of the workplace harassment policy, state and federal laws and the process for enforcing the policy on at least an annual basis.

### **5.5.2 FAILURE TO ATTEND MANDATORY TRAINING**

Mandatory training scheduled by the County Manager, Department Head or Elected Official is considered to be part of the employee's normal work hours.

Training is a basic job requirement; refusal to attend mandatory training or a pattern of non-attendance of mandatory training is insubordination and shall be subject to the County's progressive disciplinary process.

## **5.6 TRAINING**

Participation in voluntary training is not eligible for compensation.

### **5.6.1 NOTIFICATION PROCEDURES**

Due to the nature of the County services and litigious changes in society, litigation is inevitable; however, how we respond as a

governmental entity will have a significant impact on the outcome. For this reason, the County has a policy that outlines procedures for receiving notice of potential litigation, defines authorized representatives, and prohibits improper release of information.

1. Elected officials or employees receiving a written document from a court of law, attorney or a party to a legal proceeding naming the County, Elected Official or employee of the County as a part in any action resulting from their position or official County duties shall, within 24 hours, inform their supervisor, risk management and the County Manager or the County Attorney.
2. If an employee received a notice from the public or other employee of their intent to sue (written or verbal) the County, Elected Official or an employee of the County, the employee shall immediately, within a 24-hour period, inform their immediate supervisor, risk management and the County Manager or the County Attorney.
3. Periodically, Mora County will retain different law firms to conduct investigations or to provide legal counsel. Personnel should contact their immediate supervisor, risk management and the County manager or the County Attorney to confirm the authority of an investigator or attorney. All affected employees will cooperate with Mora County Risk Management, including outside counsel retained to represent the County, Elected Official or an employee of the County, and designated investigators when investigating civil suits.
4. If a citizen, on-county attorney, or investigator makes an inquiry concerning a civil suit against the county, employees shall refer them to the County Manager or County Attorney.
5. Employees shall not discuss the claim or claims with unauthorized individuals.
6. Discussion concerning any civil suit against the County or its Elected Officials, employees, or agents should be restricted to rendering a reasonable defense. Discussion should be restricted to:



- Affected employees
- Department Heads or Elected Officials
- County Attorney
- County Risk Management or Safety Representative
- County Manager
- NMAC Risk Management
- County designated attorneys and investigators

7. Employees and Elected Officials should NEVER discuss or disclose to anyone else conversations with attorneys representing the County, in order to protect the privileged and confidential nature of such conversations.
8. Elected Officials and Department Heads are responsible for implementation of, and adherence to, this policy within their offices or departments. Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

## **5.7 PAID BREAKS**

Full-time employees will be entitled to one-hour lunch breaks to be scheduled by their supervisors. Full-time employees are entitled to two fifteen-minute breaks per day; employees working four hours or less per day are entitled to one fifteen-minute break per day. Supervisors may limit or delay breaks if continuous work is required because of an emergency or unusual circumstances.

## **SECTION 6 EMPLOYEE DISCIPLINE AND DISMISSAL**

### **6.1 DISCIPLINARY ACTIONS AND PROCEDURES**

Disciplinary actions and procedures for employees are based on cause, in order to promote efficiency and consistency of the services rendered by the County and the operation of its respective departments and offices. Disciplinary action(s) is not

necessarily progressive. In some instances, a specific incident may justify severe disciplinary action up to and including dismissal. An employee shall be progressively disciplined whenever possible. All actions involving substandard work performance, leading up to and including dismissal, require progressive warnings. The County reserves the right to exercise judgment and render disciplinary action as determined appropriate, based on the circumstances of each case. The disciplinary procedures set forth herein are specific to full-time and non-exempt employees only. Full-time exempt, part-time, contract and temporary employees are terminable at will and are not entitled to the procedures hereinafter described. Disciplinary actions shall be consistent with governing laws and regulations, and rules and regulations of the County shall be taken without regard to race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, spousal affiliation, sexual orientation, gender identity or the uniformed armed service. No employee will be disciplined for refusing to perform an unlawful act.

The County Manager, Elected Officials, and Department heads have the authority to discipline an employee under their supervision, including the final authority to demote, suspend or terminate an employee for disciplinary reasons.

Classified employees shall receive a discipline consideration meeting with the Department Head or Elected Official, who may then impose such discipline after that meeting; however, a classified employee only gets to appeal to the County Manager and then possibly a Hearing Officer if there is a notice of intent recommending suspension, demotion, or discharge/termination.

### **6.1.1 VERBAL/ORAL WARNING**

A verbal warning is typically used for minor infractions and shall serve to inform the employee that their behavior, work performance, or conduct require improvement. Supervisors shall keep written notifications of verbal warnings in a confidential file within their control, and the employee shall be informed that the informal record of the incident exists. Verbal warnings

should be administered as soon after the incident occurs or as soon after the supervisor becomes aware that the incident took place as is reasonably achievable. The employee will be given a reasonable amount of time to correct the behavior. If the employee's work improves and no further action is taken within a 12-month period after the infraction, the notation shall be destroyed and the employee will be informed that they are meeting work performance satisfactorily. Verbal warnings are not placed in the employee's permanent personnel file, and are not grievable, and do not require advance notification. Actions which may result in a verbal warning include, but are not limited to:

- a. Substandard or unsatisfactory work performance;
- b. Excessive absences or tardiness;
- c. Misconduct on the job;
- d. Failure to meet or maintain job requirements as set forth in the position specification;
- e. Violation of any personnel policy rule and regulations or department standard operating procedures;
- f. Violation of an employee's professional code of ethics;
- g. Non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of their or another employee's work;
- g. Interrupting other employees and keeping them from completing their work;
- h. Failure to adhere to an established work schedule;
- i. Excessive use of the telephone (including personal cell phones) for personal business;
- j. Conducting excessive personal business while on duty.

### **6.1.2 WRITTEN WARNING**

If the unacceptable performance continues, the next step will be a written warning. The written warning will clearly state the policy that was violated and steps the employee must take to correct the violation. The employee shall be asked to acknowledge having read the comments by placing their signature on the warning statement.

### **6.1.3 WRITTEN REPRIMAND**

If oral and written warnings to improve employee performance have not been effective, written documentation will commence. A written reprimand shall be placed in the employee's personnel file by the Elected Official, Department Head or County Manager. The employee shall receive a copy of the reprimand. The employee shall be asked to acknowledge having read the comments by placing their signature on the statement. If the employee refuses to sign the written reprimand, a witness other than the supervisor presenting the reprimand shall attest, by their signature, that the written reprimand was presented to the employee, and the employee refused to sign. The employee may respond to the reprimand if he does not agree with a written rebuttal, however, written reprimands are not grievable and do not require advance notification

At the employee's request and after 24 months, the reprimand may be removed from the employee's file, provided that the employee has not received another written reprimand or other disciplinary action during the 24-month period. Actions which may result in a written reprimand for a first occurrence include, but are not limited to:

- a. Loafing;
- b. Excessive tardiness;
- c. Excessive absenteeism;
- d. Use of profane, abusive or threatening language;
- e. Absence without authorized leave;
- f. Unauthorized distribution of written or printed material;
- g. Unauthorized solicitations or sales on County premises while on duty;
- h. Substandard quality or quantity of work;
- i. Reporting to work improperly dressed for the job assignment, or unprepared to begin work;
- j. Failure to follow directives from supervisor;
- k. Failure to follow the chain of command;
- l. Violation of the County smoking policy;
- m. Malingering (falsifying illness);
- n. Sleeping on the job;
- o. Failure to follow safety rules;
- p. Failure to follow County Policies and Procedures; and

- q. Conduct by the employee or by the family or significant others of an employee which disturbs, disrupts, or interferes with the normal work functions of an office or department.

#### **6.1.4 SUSPENSION**

Suspensions are used primarily when other attempts have been made to improve an employee's performance, but have failed. Suspension may also be used when strong disciplinary action is needed for a single offense. An employee may be suspended without pay for a period not to exceed thirty (30) working days. A suspension without pay is a disciplinary action and shall be conducted pursuant to the procedures set forth herein. Examples of actions that will likely result in suspension include, but are not limited to:

- a. Sleeping on the job;
- b. Violation of written or statutory policies, procedures or directives;
- c. Unlawful manufacturing, sales, distribution, dispensing, possession or use of a controlled substance or alcohol on County premises, while driving, operating, riding as a passenger in a County owned or leased vehicle or equipment, or while otherwise in an official duty status whether on or off County premises;
- d. Reporting to work under the influence of a controlled substance or alcohol;
- e. Leaving the assigned work station without authorization;
- f. Falsifying of forms, records or timesheets;
- g. Stealing County property or property of a visitor or employee;
- h. Willful violation of rules, regulations, directives, or policy statements;
- i. Unauthorized use of County equipment or property;
- j. Insubordination;
- k. Destruction or abuse of County property or equipment;
- l. Voluntary conduct by the employee on or off the job which tends to bring the County, the employee's co-

- workers, or employee's supervisor into disrepute or disgrace;
- m. Careless, reckless, negligent or deliberate conduct which may or does result in injury to any person or damage to County property;
  - n. Discrimination on the part of an employee against any other employee on the basis of age, race, color, sex, sexual orientation, or gender, national origin, political or religious affiliation or absence thereof, handicap or disability, veteran status, or personal animosity;
  - o. Sexual harassment by an employee of any other employee;
  - p. Unauthorized personal use of County motor vehicles;
  - q. Unauthorized absence without leave;
  - r. Rude, insolent or outraged behavior;
  - s. Failure to report a DWI citation or arrest or any other arrest or citation within two (2) work days of the event, except for minor traffic violations and civil offenses;
  - t. Failure to report an accident in a County vehicle within the prescribed time limits;
  - u. Failure to report loss of driver's license when required as condition of employment; or operation of a County vehicle or private vehicle while on County business without a valid driver's license.

#### **6.1.5 DEMOTION**

An employee may be demoted to a lower classification for a single serious offense or for continued substandard job performance after previous attempts to correct such behavior have failed. A demotion is disciplinary action which shall be concluded pursuant to the formal procedures set forth herein.

#### **6.1.6 DISMISSAL**

An employee may be dismissed for a single offense that is serious in nature and which is unacceptable for any County employee or when

other levels of discipline have failed to improve substandard job performance or unacceptable behavior. Dismissal is a disciplinary action which shall be conducted pursuant to the formal procedures set forth herein.

## **6.2 INTENT TO DISCIPLINE**

### **6.2.1 NOTICE OF INTENT RECOMMENDING SUSPENSION, DEMOTION OR DISCHARGE/TERMINATION**

1. In the event the employee wishes to elect a pre-disciplinary hearing on a Notice of Intent recommending suspension, demotion or discharge/termination, the County manager will schedule the pre-disciplinary hearing to meet with the employee and the employee's representative, if any, at a scheduled time. The County will normally be represented at the pre-disciplinary hearing by the County Manager and the Department Head, or Elected Official. The County Attorney may also attend and the employee may have representation at their own expense. At the pre-disciplinary hearing the employee will have the opportunity to respond to the proposed disciplinary action. If the employee elects not to be present at the pre-disciplinary hearing, the disciplinary action recommended will still be evaluated at that time by the County Manager.
2. After taking the employee's response into consideration, a notice of final action for suspension, demotion or discharge/termination shall be issued to the employee. If it is determined that discipline is warranted the County Manager will make this decision within five (5) working days of the pre-disciplinary hearing. The Notice of Final Action shall specify the actions to be taken and state the time, date, and location of the pre-disciplinary hearing, persons present, the effective date of the final action and the employee's right to appeal the County manager's decision to an independent hearing officer.

### **6.2.2 NOTICE OF FINAL ACTION**

The Notice of Final Action shall:

- a. Specify the final action to be taken;
- b. Specify when the disciplinary action shall be effective;
- c. Inform the employee of their right to appeal the disciplinary action.

The Notice of Final Action shall be either hand delivered to the employee and receipt acknowledged by them or sent to the employee by certified mail, return receipt requested. If, after the employee's response is considered at the pre-disciplinary hearing, the Elected Official, Department Head or Supervisor determines that the discipline is not warranted, the employee shall be notified in writing of this decision.

### **6.2.3 RIGHT TO APPEAL THROUGH POST-DISCIPLINARY HEARINGS AND APPEALS TO THE HEARING OFFICER**

The employee subject to disciplinary action may file an appeal of the action with a Notice of Appeal, within seven (7) calendar days of receipt of the Notice of Final Action. The employee subject to disciplinary action must notify the County of their intent by sending a written request for disciplinary hearing before a hearing officer to the Department Head or the County Manager.

1. Appointment of a Hearing Officer – Within seven (7) calendar days of the employee's notification of intent to pursue a post disciplinary hearing, the County Manager will provide the employee with the name of the hearing officer. Within seven (7) working days of the receipt of the notification of the proposed hearing officer, the employee will notify the hearing officer of any objection to the proposed hearing officer. The hearing officer will respond, either by disqualifying themselves or by denying the objections of the employee. The decision is binding on the parties.
2. Hearing Officer Qualifications – Hearing Officers shall be personnel professionals, be familiar with public and private personnel systems, or have pertinent experience in the fields of management, education, or law. Qualifications for service as a Hearing Officer do not include residing in Mora County.



#### **6.2.4 POST-DICIPLINARY HEARING SCHEDULING**

Within thirty (30) calendar days of the notification that the employee requested a post-disciplinary hearing, the hearing officer shall hold a hearing. The parties must agree in writing to any postponement of the hearing beyond thirty (30) calendar days. At this hearing, the employee shall have an opportunity to present witnesses before a neutral hearing officer. The employee or the County may be represented by legal counsel.

#### **6.2.5 POST-DISCIPLINARY HEARING PROCEDURES**

##### **1. Rules of Procedure**

- a. The Hearing Officer will determine the date and time of the disciplinary hearing and any continuances. Such hearings will be conducted at a time and place which is mutually convenient to all parties concerned, but in any case, no later than thirty (30) calendar days after the employee notifies the County of the employee's request for such a hearing, unless a later time is agreed to in writing by both the employee and the County. Requests for continuances of hearings shall be made at least three (3) working days prior to the scheduled hearing, absent extenuating circumstances. Requests for continuances of hearings shall be made in writing directly to the hearing officer with copies to all parties involved.
- b. If the employee requests, the disciplinary hearing shall be conducted as an open meeting with notice given to the public pursuant to the New Mexico Open Meetings Act.

##### **2. The Hearing Officer shall:**

- a. Notify the County, through the County Manager, and the employee of the date, place, and time of the disciplinary hearing;
- b. Make rulings on procedural and substantive issues prior, during and if necessary, after the hearing;

- c. Determine the admissibility of evidence and testimony;
- d. Follow the evidentiary standard for administrative agencies; and
- e. Issue a written ruling, including findings of fact and conclusions of law;
- f. The following persons are required to be present at all employee disciplinary proceedings unless otherwise excused by the hearing officer or by agreement of the parties: the employee, the employee's representative (if any), the County's designated representative(s) and the charging party.
- g. The parties shall stipulate to the facts and issues to the greatest extent possible prior to the hearing.
- h. Prior to the hearing, the parties or representatives of the party shall prepare copies of all exhibits and evidence which are expected to be presented. The parties shall stipulate to exhibits to the extent possible and bring to the hearing adequate copies for the hearing officer as well as the opposing party.
- i. At least five (5) calendar days prior to the hearing, all parties must present to the Hearing Officer a statement identifying the issues to be heard, a witness list, and a complete list of any documents to be admitted as evidence. In the event of incomplete or late statements, witness lists, or list of documents or exhibits, then such statements and exhibits shall not be introduced or admitted into evidence, and such witness shall not be permitted to testify. The hearing officer may also exercise their discretion in continuing the hearing.
- j. Witnesses in post-disciplinary hearings are not admitted into the hearing room until called upon to testify.

- k. Notice of the hearing will be sent to the Hearing Officer, to the Employee and to the County Manager and postmarked at least ten (10) working days prior to the scheduled hearing. Copies of the hearing notice shall be sent concurrently to all relevant parties.
- l. A tape-recorded record of all post-disciplinary hearings shall be made by the County.

### 3. Conducting the Hearing

#### a. Order of Presentation

1. The County will present its witnesses and evidence to the Hearing Officer first. Witnesses for the County may be called and questioned on their involvement in or knowledge of the case. Following the testimony of each witness, the employee will have the opportunity to cross-examine the witness. The Hearing Officer will then have the opportunity to question the witness on matters related only to witness's testimony. The Hearing Officer shall restrict their questions to those necessary to clarify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the Hearing Officer. The Hearing Officer will make rulings on the admissibility of testimony and other evidence.
2. The employee will then present their witnesses and evidence.
3. Following presentation of the employee's position, the County may offer rebuttal testimony. Such testimony shall be brief, and shall address only issues brought forth in the employee's presentation.
4. The County's closing statement shall be presented, followed by that of the employee. The County shall then have the opportunity to make a final statement.

#### b. Communication of Hearing Officer's Decision

1. The Hearing Officer's signed decision will be issued within twenty (20) calendar days of the post-disciplinary hearing and transmitted to the employee, Elected Official or supervisor, and the County Manager.

c. Hearing Officer's Decision

1. The Hearing Officer may uphold, modify, or reverse the decision of the Elected Official, Department Head or supervisor, and the Hearing Officer may reinstate the employee and award back pay and benefits.

d. Appeal of the Hearing Officer's Decision

1. Either party may appeal the Hearing Officer's decision in accordance with New Mexico Law.
2. The Personnel Ordinance, if certified to be complete and in effect at the material times, may be included in the record on appeal at the request of any one of the respective parties at the time before forwarding the record to District Court.
3. The appeal shall be one of review of the record (transcript) along with all the exhibits as admitted. No trial *de novo* or new evidentiary hearing will be recorded.

e. Records of the Proceedings

1. The record of the proceedings, along with the entirety of the physical evidences admitted by the Hearing Officer, will be retained by the County Manager for an indefinite period following the hearing date. The record shall be transcribed only in the case of appeal to the District Court by one of the respective parties. The party requesting the transcription shall make arrangement to pay for the cost of the transcription.

### **6.3 INFORMAL GRIEVANCE PROCEDURE**

### **6.3.1 GRIEVABLE**

To be grievable, an issue must:

1. Concern matters of dissatisfaction with working conditions, working relationships or specific incidents that have occurred;
2. Result from an act or omission by management regarding aspects of employee-employer relations over which the employee's Supervisor, Elected Official or Department Head has control; and
3. Arise out of a specific situation or act that has resulted in alleged inequity or damage to the employee.

### **6.3.2 NON-GRIEVABLE**

An issue is not grievable if it is a matter subject to management's rights and responsibilities necessary in the course of business to exercise control, discretion and efficiency in the operations of the County and include the following rights:

1. To direct the work of its employees;
2. To hire, promote, evaluate, transfer and assign employees;
3. To reprimand, suspend, demote or dismiss or otherwise discipline employees for just cause;
4. To maintain the efficiency of County government and ensure the continuation of normal management functions;
5. To determine staffing requirements;
6. To take actions as may be necessary to carry out the mission of County government in emergencies; or
7. To manage and exercise judgment on all matters not specifically prohibited by law;

8. Is subject to review under this Personnel Policy or another administrative procedure.

### **6.3.3 GENERAL PROVISIONS**

1. Grievances may be initiated only by the employee concerned and may not be pursued without affective employee's consent.
2. Once a grievance has been investigated and denied, repeated filing of grievances on the same issue will not be permitted.
3. If the grievance involves a group of employees or if several employees file separate grievances on the same matter, the grievances may be handled as a single grievance.
4. Whenever possible, grievances will be handled during regularly scheduled work hours of the parties involved.
5. If the grievant refuses to appear or participate in the grievance resolution procedure, the grievant forfeits the right to use the grievance resolution procedure to resolve that grievance.
6. The Elected Official, Department Head or County Manager shall ensure the grievant experiences no retaliation for having pursued the grievance.
7. The entire grievance resolution process shall operate without discrimination, restraint, coercion, or reprisal on the part of any Elected Official, Department Head, supervisor or employee.
8. The filing of a grievance, or the intention to file, does not relieve any employee in any way of their responsibility to perform any and all of their assigned duties promptly, efficiently and completely.

#### **6.3.4 SUBMITTING THE GRIEVANCE**

An employee wishing to file a grievance as provided herein, shall submit their grievance in writing to the employee's supervisor, in attempt to work out a solution. If the employee is not satisfied with the proposed solution, the employee may address the problem to the Department Head, the appropriate Elected Official, or the County Manager. Unresolved problems shall be considered by the Board of County Commissioners as a whole, whose decision shall be final.

### **SECTION 7 LEAVE AND HOLIDAYS**

#### **7.1 NOTIFICATION OF LEAVE**

Leave reported to the employee's supervisor by the employee or an employee's immediate family member, must be done as soon as possible, but no later than one (1) hour after the beginning of the employee's work shift. If the nature of the illness requires extended leave over three (3) consecutive days, the employee or their immediate family member shall report to the employee's Department Head or Elected Official on a daily basis.

#### **7.2 ANNUAL LEAVE**

1. Annual leave for full-time exempt and non-exempt employees will accrue at the rate of eight (8) hours per month of work completed.
2. Employees requesting to take annual leave must have it approved in advance by the employee's immediate supervisor by submitting a Mora County Request for Leave form. Annual leave will be granted on a first come first serve basis. Reasonable effort will be made to accommodate the employee's request; however, approval will be subject to advance notification and the needs of the department and the County. If annual leave is requested by two or more employees at the exact same time, seniority will rule.
3. An employee does not accrue annual leave for time worked in excess of forty (40) hours per week.

4. If an employee is on unpaid leave or donated leave, the employee will not accrue annual leave.
5. A probationary employee may use annual leave during the probationary period. If a probationary employee does not complete the probationary period, they will not be compensated for accrued leave.
6. Annual Leave will not be granted in advance of accrual.
7. A part-time, casual or temporary employee does not accrue annual leave.
8. Annual leave may be accumulated from year to year up to a maximum of thirty (30) days. All leave accumulated beyond the maximum of thirty (30) days as of December 31 of any calendar year will be lost.
9. The County will pay an employee the full cash equivalent of the accumulated annual leave upon separation from County employment; however, an employee who has been paid for accumulated annual leave cannot take annual leave.
10. An employee transferring between classified positions may not withdraw their accrued annual leave, except that an employee, an appointed Official, or exempt employee transferring into an elected position shall withdraw their annual leave.
11. The employee may elect to have their annual leave compensation paid in a lump sum or pro-rated over their remaining pay periods.
12. Upon death of an employee, the County will pay the estate of the employee or the successor or successors of the employee (legal documentation will be required) the full cash equivalent of the accumulated annual leave.
13. The estate or the successor or successors will be compensated in a lump sum.



14. Lump sum payments shall be made within twenty (20) days from the date of the employees' voluntary or involuntary separation from County employment.

### **7.3 SICK LEAVE**

1. Sick leave for full-time exempt employees and full-time non-exempt employees shall be accrued on a semi-monthly basis (.50 days per pay period), and may be accrued up to a maximum of ninety (90) days.
2. Part-time employees that have more than five (5) consecutive years of employment with the county may accrue sick leave on a pro-rata basis as set forth for classified employees.
3. Casual, temporary, and emergency hires do not accrue sick leave.
4. Sick leave shall not be used before it is accrued. Leave is not accrued until the end of the pay period and cannot be used until after the pay period in which it is earned.
5. When an employee absents themselves from their work without the consent of the employer for any reason other than proven illness or injury, such absence may be grounds for disciplinary action, up to and including dismissal.
6. If an employee is absent by reason of injury or illness for three (3) consecutive days or in the event there is a pattern of abuse (i.e. calling in sick consistently on Mondays and Fridays), the Department Head may request a doctor's certificate of such injury or illness.
7. Any employee taking sick leave shall, upon returning to work, complete a Request for Leave form, indicating sick leave claimed and the days of absence.
8. Employees shall not accrue sick leave while on absence without leave, leave without pay or while on leave as a result of donated leave.

9. Employees may use sick leave for personal medical treatment or illness or for medical treatment or illness of a member of a relation by blood or marriage within the third degree, or person residing in the employees' household. Such leave should be requested for approval at least twenty-four (24) hours in advance whenever possible.
10. Annual leave may be used in lieu of sick leave with appropriate supervisor approval.
11. Employees taking sick leave must use all reasonable efforts to contact their immediate supervisor within one hour of the beginning of the business day, requesting approval of sick leave use. If the employee is at work when they get ill, the employee shall notify their immediate supervisor prior to leaving work and obtain leave approval.
12. Employees employed with Mora County will not be entitled to sick leave payout, in any event, at the time of separation from County employment.
13. Employees terminated from employment for any violation of the Mora County Personnel Ordinance are not entitled to sick leave payout, regardless of employment date.

**7.4 BEREAVEMENT LEAVE**

1. Bereavement leave is leave with pay for which an employee is not charged annual or sick leave due to a death and services of immediate family, an employee upon request may be excused for up to three (3) consecutive working days with pay. Immediate family is to include only the following persons:

Spouse	Mother/Father/Brother/Sister
Grandparent	Step Mother/Father/Brother/Sister
Mother/Father-in-law	Children/biological or legally adopted
Step Children	Step Mother/Father – in-law
Grandchildren	Step Brother/Sister – in-law
Step Grandparent	Step Grandchildren

Brother/Sister-in-law

2. Additional days may be granted by the Elected Official, Department Head or County Manager; however, any additional days will be charged to accrued annual leave or leave without pay.
3. In the event an employee has proved to abuse the Bereavement Leave policy herein granted by Elected Official or Department Head, such employee may be subject to disciplinary action, up to and including dismissal.

## **7.5 CATASTROPHIC LEAVE**

A serious non-work-related health condition of the employee or employee's immediate family or household which creates a financial hardship because the employee has exhausted all available leave credits and is not, or not yet, eligible for temporary disability benefits. Employee sick leave donations are acceptable under this policy.

1. Catastrophic Illness or injury – Unplanned medical event
2. Serious Health Condition – A serious health condition is an illness, injury, impairment or physical or mental condition that involves:
  - a. Any period of incapacity or treatment connected with inpatient care (e.g. an overnight stay) in a hospital, hospice, or residential medical care facility; or
  - b. A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involve continuing treatment by (or under the supervision of) a licensed health care provider; or
  - c. Any period of incapacity or treatment due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or

- d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal disease, etc.) or;
- e. Any absence to receive multiple treatments (including any period of recovery) by, or referral by, a licensed health care provider (e.g., chemotherapy, physical therapy, dialysis, etc.).

## **7.6 VOTING LEAVE**

1. **For purposes** of a national, state, or local election, an employee who is registered to vote will be granted up to two (2) hours paid leave for voting between the time of opening and the time of closing the polls. The employee's Department Head may specify the hours for the leave. This leave will not be granted to any employee whose work day begins more than two (2) hours subsequent to the time of the opening of the polls or ends more than three (3) hours before the closing of the polls. This leave shall be used for no other purpose than to vote and the County may verify if the time was used appropriately. Early voting is not eligible for two hours. The misuse of the leave will be subject to disciplinary action including possible dismissal.

## **7.7 JURY DUTY OR WITNESS DUTY**

Any employee who is subpoenaed as a witness in a legal proceeding or is called to service on a jury in a court of law will be granted jury duty leave. Upon being subpoenaed or called for jury duty, an Employee shall immediately notify their immediate supervisor.

1. Employees serving as jurors or witnesses will be paid at their regular rate of pay by the County.
2. Fees received by an Employee for compensation as a witness or as a juror, excluding reimbursement for mileage, shall be paid over to the County.
3. Time away from work for legal matters in which the employee is litigant such as a petitioner, respondent, plaintiff, or defendant

will be charged to paid time off from the employee's annual leave accrual.

4. If excused from a legal proceeding during a working day, the employee shall return to work or contact their supervisor if it would not be feasible to return to work, i.e., the legal proceeding is not local.
5. Failure to adhere to this policy will be considered unauthorized absence and may result in a corrective disciplinary action.
6. Mora County shall adhere to and comply with NMSA 1978, Section 38-5-18 as the same presently written or as it may be subsequently amended.

## **7.8 DONATED LEAVE**

1. Donation of annual leave is designed to assist classified and unclassified employees who have exhausted all accrued leave and who have no other paid leave options. This may be only granted in the event of serious illness or injury as defined in this section.
2. Eligibility for donated leave (serious illness or injury is defined as):
  - a. A life threatening or catastrophic illness of, or injury to the employee, the employee's spouse, domestic partner, or parent; or
  - b. An illness of, or injury to the employee which renders the employee incapable of performing the essential functions of their job as certified by a medical determination; or
  - c. An illness or injury to the employee, the employee's spouse, domestic partner, child, or parent which requires hospitalization, rehabilitation, or hospice care; or

- d. A period of incapacity that is permanent or long-term due to a condition for which treatment may be effective (e.g. Alzheimer's, stroke, terminal disease, etc.); or
  - e. Any absence to receive multiple treatments (including any period of recovery) by, or referral by, a licensed health care provider (e.g. chemotherapy, physical therapy, dialysis, etc.).
3. When an employee has exhausted all accrued sick leave, vacation leave, and any and all accrued comp time, and still requires additional time off due to an eligible illness or disability as defined above, the County Manager, Department Heads, grant employees, appointees and Chief Deputies may, with County Manager approval, donate up to a total of sixteen (16) hours each of their accrued annual leave time during any fiscal year, to that employee. If an employee requests additional sick leave, the County Personnel Coordinator shall advise all County employees of the request. All donations are to be done on a strictly volunteer basis. All requests for sick leave and all donations must be submitted in writing.

Any employee wishing to donate their annual leave must contact the County Personnel Director. The County Personnel Director will then notify the County Manager of the employee's request for voluntary donations and seek the Manager's approval or disapproval of the same. The donation of annual leave time is contingent upon County Manager approval and any employee aggravated or aggrieved by the Manager's action may request to take the matter before the Mora County Board of Commissioners at their next scheduled Commission meeting. The requesting employee shall be notified within twenty-four (24) hours of Commission action. An employee requesting to draw additional sick leave must have a reasonable expectation of returning to work for the County in order to be eligible.

Maximum time to be transferred to any employee during any one catastrophic illness or disability will not exceed the hours equivalent to three (3) months of that employee's regular annual work schedule. If approved by the County Manager, the information will be forwarded to the Payroll Office which will transfer the donated hours to the employees leave bank. The Payroll Office will provide written notification to each employee of the date said employee's sick leave was deducted. If any contributed unused leave remains, said unused leave will revert back to each/all of the donating employee(s) on a prorated basis.

All information pertaining to requesting employee's health or medical condition shall remain confidential and all HIPPA rules and regulations shall be complied with unless requesting employee has signed a waiver of their HIPPA confidentiality rights. No information regarding the type or nature of the catastrophic illness or disability shall be shared or provided to any third person.

## **7.9 HOLIDAY LEAVE**

The Board of County Commissioners will approve the schedule of holidays to be observed by County employees at the first Commission meeting of each calendar year. The following conditions apply with respect to holidays and holiday pay:

1. All full-time exempt and full-time non-exempt employees will be paid for these scheduled holidays;
2. Part-time and temporary employees will not be paid for these scheduled holidays, unless the part-time employee has been employed with Mora County for five (5) or more consecutive years;
3. When a holiday falls on employee's day off, the employee's personal holiday (birthday) shall be observed on the following

work day, work load permitting, as determined by the Elected Official or Department Head;

4. When a holiday falls during an employee's authorized leave, the day shall be counted as a holiday, and not as a leave day;
5. In order to receive pay for a designated legal holiday, employees shall be in work or paid leave status on the 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 the holiday will not receive pay for that holiday.
6. Employees scheduled to work on a holiday that call in sick will not be paid holiday pay and the time will be charged against their sick leave accrual.
7. An employee who is on leave without pay, absent without leave or on donated leave shall not be paid for the holiday;
8. Holiday pay will be based on the employee's regular hours and rate of pay for that day;
9. Full-time employees who are required to work on a holiday will be paid their regular pay, plus eight (8) hours for holiday pay (double time);
10. Holidays which occur within an employee's annual leave or sick leave will be charged to holiday time.

#### **7.10 MILITARY LEAVE AND EMPLOYMENT RIGHTS FOR MEMBERS OF THE UNIFORMED SERVICES**

1. Employees called to the National Guard or Reserve training shall be granted up to fifteen (15) workdays Military leave with pay annually. Accrued annual leave may be used if the period of training exceeds fifteen (15) work days. If annual leave is exhausted or the employee chooses not to use annual leave, the employee shall be placed on leave without pay. The employee



taking unpaid military leave will not first be required to exhaust accrued annual leave.

2. The returning employee shall have all unused annual and sick leave accrued at the time of their departure for military service restored.
3. The returning employee will be deemed to have seniority and length of service rights; the date of initial employment is not modified.
4. In all instances where military leave is granted, the County Manager shall maintain a copy of the official orders in the employee's personnel folder.
5. In accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L. 103-353, Stat. 3149; 38 USC §43) employees who perform duty, voluntarily or involuntarily, in the "uniformed services" shall be granted leave without pay for up to five years. These services include Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service Commissioned Corps as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also fall under the rights set forth by USERRA.
6. Employees who leave their job to perform military service have the right to elect to continue their existing employment-based health plan coverage (personal and dependent coverage) for up to 24 months while in the military. The employee is responsible for the employee portion of insurance premiums. If an employee is responsible for the coverage during their military service, they have the right to be reinstated in the County's health plan when reemployed, generally without any waiting periods or exclusions except for service connected illnesses or injuries.

## **7.11 OTHER TYPES OF LEAVE**

1. Leave Without Pay – Leave without pay may be granted at the discretion of a Department Head or Elected Official when

circumstances and the interests of the County so indicate; provided that the duration of leave without pay shall not in any event exceed ninety (90) days in duration. The Department Head or Elected Official must take into consideration the workload of others including possible overtime needed while an employee is on leave without pay and, other factors related to the job duties and the business of the department. Leave without pay shall be used only when all other appropriate leave has been exhausted. Mora County shall not pay or contribute to or maintain group health insurance, P.E.R.A. or any other retirement benefit program of the employee while the employee is on leave without pay for reasons other than FMLA Leave or Worker's Compensation. The employee may make both the employee and the county's contributions to keep those programs in effect while the employee is on leave without pay.

2. Administrative Leave with Pay – Employees in classified service positions and unclassified service position other than intermittent, seasonal or temporary employees are eligible for administrative leave with pay under certain conditions and with approval of the Department Head or Elected Official and the County Manager.
3. Unauthorized Leave –
  - a. An employee who fails to appear for work or fails to notify their direct supervisor is not on authorized leave, or an employee who appears for work but is in violation of County or department policy governing their readiness for work shall be considered to be on unauthorized leave without pay. It is understood that there may be extenuating circumstances for the unauthorized absence and due consideration shall be given to each case as to the type of leave to be retroactively approved or any other action deemed appropriate. Each case is unique and does not set a precedent. Failure of the employee to return to work at the date and time specified by the Elected Official or Department Head, or to request an extension, if warranted, shall be considered to be on unauthorized leave, and after three (3) consecutive workdays, the

employee is considered to have abandoned their position with the County.

- b. An employee on unauthorized leave shall not be paid for any period of unauthorized leave and shall not accrue annual or sick leave. Mora County shall not pay or contribute or maintain group health insurance, P.E.R.A., or any other retirement or benefit program of the employee while the employee is on unauthorized leave.
- c. Employees on unauthorized leave of three (3) consecutive work days shall be considered to have abandoned their position and to have submitted voluntary resignations.

#### 4. Inclement Weather

- a. This policy is required for the efficient operation of the county offices and for the safety of county employees.
- b. Therefore, the policy for the closure for all county offices, with the exception of the Mora County Road Department, Mora County Emergency Medical Services, and the Mora County Sheriff's Office shall be as follows:
- c. The closure of county offices, as referred to above, due to inclement weather shall be tied to the delayed opening or complete closure announcement of the local school district where the courthouse is located when the school is in session. If the local school district has determined that a delayed opening or complete closure is necessary, the county offices shall follow the same delay or closure. The local school district where the courthouse is located shall be the controlling actor in determining delay or closure, not the school district where the employee resides.
- d. When the schools are not in session, county employees with the exception of the Mora County Road Department, Mora County Emergency Medical Services, and the Mora County Sheriff's Office shall follow any delay or closure announcements aired on any local television or radio

stations. The closure announcement is the responsibility of the County Manager. The County Manager, prior to making the announcement shall first contact the Department Heads including the County Road Department and the Mora County Sheriff's Office advising them of the closure or non-closure decision. It will be the responsibility of each department head to contact their employees and advise them of the closure decision. If the decision is made to keep the courthouse open and if inclement weather in the area of the employee's residence prevents the employee from getting to their place of duty, administrative leave will not be granted, however, the Department Head, at their discretion may grant the employee vacation leave.

1. In situations not covered above, closure shall be made at the discretion of the County Manager.
  
5. Fire Suppression Leave – An employee requesting special leave for the purpose of fire suppression can do so for a period of two weeks only and would be considered as leave without pay, unless that employee has accrued sick leave or annual leave.

## **SECTION 8: E-MAIL AND INTERNET ACCEPTABLE USE POLICY**

### **8.1 SOCIAL MEDIA**

Social media is a means of communication on the internet that is accomplished by posting information or content for others to read, comment on, or respond to. It includes, but is not limited to, communicating with other on a web log or blog, an electronic journal or diary, a personal internet website, communicating through a social networking or affinity website (e.g. Facebook, Myspace, LinkedIn, BEBO, Yammer), a web bulletin board, chat room, instant messaging site, video or photo sharing site (e.g. Flickr, YouTube), forums, discussion boards and groups (e.g. Google groups, Whirlpool, instant messaging (including SMS), a wiki or online collaboration site (e.g. Wikipedia), a blog hosted by a media outlet, geo-spatial tagging

(foursquare), vod and podcasting, micro blog (e.g. Twitter), gaming platforms (e.g. World of Warcraft, Second Life), or chat rooms.

## **8.2 SOCIAL MEDIA AT WORK**

In an effort to reach a broader audience of Mora County residents for a variety of reasons, the County participates in social media. The use of social media allows Mora County to disseminate time sensitive information as quickly as possible (e.g. emergency information). The County Manager, Elected Official and Department Head shall determine which social media outlets are suitable for use, and which employees are authorized to use any given social media outlets and the permissible content that may be communicated through social media. Employees shall not use social media at work unless specifically authorized to do so by the County Manager, Elected Official and Department Head. When an employee is so authorized, the employee shall use social media consistent with the terms of the authorization and this Policy Manual.

Unless specifically authorized to use social media at work by the preceding paragraph, use of social media at work is strictly prohibited. Likewise, unless authorized as provided, use of County property, including computers, wireless technology, cellular phones, smart phones or internet networks for social media use is prohibited. Employees are advised that County computers, wireless technology, cellular phones, smart phones, internet networks and other County property are monitored and use of County equipment for an improper purpose will be detected and employment consequences will result.

## **8.3 PERSONAL USE OF SOCIAL MEDIA**

Mora County does not prohibit employees from participating in social media while not at work, nor is the content posted any concern of the County. However, if an employee uses social media to harm the County, County constituents, or fellow employees, participation in social media while not at work can have employment consequences. Employees shall not use social media to harm the County, county constituents or fellow employees. Employees shall not use social media to impair the work of any County employee; or to harass, bully demean or create a hostile work environment for any County employee. Nor

shall an employee use social media to violate County policies, a County ordinance, or state or federal law. To make the distinction between private activity and work activity as clear as possible, in cases where confusion might be created, each employee should identify a social media posting as a personal opinion rather than the opinion of the County. Bullying means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or pattern thereof, that is intended to cause distress upon one or more County employees whether or not at work or during work hours. Bullying includes, but is not limited to hazing, harassment, intimidation or menacing acts of another County employee which may, but need not be based on the employee's race, color, sex ethnicity, national origin, religion, disability, age or sexual orientation.

#### **8.4 IDENTIFICATION OF INAPPROPRIATE USE**

If any Mora County employee becomes aware of inappropriate use of social media in violation of this policy, they have the responsibility of immediately reporting the conduct to their immediate supervisor. Violations of this policy may result in disciplinary action up to and including termination.

The purpose is to provide guidance on the proper usage of the Internet. Use of the Internet is a privilege and intended to be used as a tool for conducting Mora County business.

The policy applied to all County employees, contractors, and third-party users accessing the internet via the Mora County network.

This policy establishes guidelines and responsibilities for all authorized users when using the Internet and ensures that the Internet is used in a business, legal and ethical manner. Misuse of the Internet can jeopardize Mora County's information assets, and can place the County at risk, and possibly damage the County's reputation.

1. Mora County authorized user must not use the Internet to:
  - a. Visit Internet sites whose content is deemed offensive, obscene, hateful, pornographic, or illegal.

- b. Conduct personal business, play computer games, accesses gambling sites, run a part-time business, take part in any prohibited or illegal activity.
  - c. Access social networking sites, discussion groups, chat rooms, or other public electronic forums (Facebook, Yahoo IM, Gmail IM, etc.)
  - d. Disclose Mora County confidential or sensitive information unless encrypted and approved by management.
2. **YOU DO NOT HAVE AN EXPECTATION OF PERSONAL PRIVACY** with respect to Internet usage at Mora County. The County reserves the right to monitor Internet access, activities, or usage at any time. News feeds and other means for retrieving information over the Internet must be limited to business activities only.
3. Violations of this policy, misuse or other unauthorized use of the Internet may result in disciplinary action, up to an including dismissal of employment.

## **SECTION 9: DRUG AND ALCOHOL POLICY**

### **9.1 DRUG AND ALCOHOL ABUSE POLICY**

Mora County is committed to the goal of a drug free workplace in compliance with the Drug Free Work Place of 1988.

*We recognize that employees suffering from alcohol or drug dependence can be treated. We encourage any employee to seek professional care and counseling prior to any violation of this policy.*

The problem of alcohol and drug abuse throughout county entities is a serious one. It has affected the economic health of county entities as well as the personal safety and health of our employees and general public. The damaging effects of alcohol or drug abuse in the nation's work places are well documented:

Increased Safety Risks – Impaired ability to work and think clearly endangers the lives of the user as well as the lives of others in the same work environment (employees as well as general public exposure). Statistics show that drug abusers have three to four times more on-the-job accidents and are more likely to file a Workers’ Compensation Claim than are non-abusers. The abuser also commits more mistakes than employees who are able to concentrate on their work. The relationship between drug abuse and safety can be found in increased on-the-job accidents, higher liability insurance costs, increased Worker’s Compensation Claims, and increased disregard for safety rules, etc.

Loss of Productivity – Alcohol and drug abuse reduces productivity while the employee is under the influence. Factors contributing to decreased productivity include increased absenteeism, tardiness, poor workmanship, etc. Employees with drug abuse problems do not function at their normal potential. The drug abuser is absent more often and requests early departures from work twice as often as the non-abuser.

Increased Medical and Health Expenses – Alcohol and drug abuse is a health hazard, and therefore a medical problem that results in higher group insurance medial costs, sick leave, and excessive general health care expenses. National statistics show that medical problems associated with drug abuse cost our nation billions of dollars annually. Drug abusers use health benefits two to three times more than non-abusers.

Mora County has a responsibility to all its employees to provide a safe work place, and also has the responsibility to the public to ensure that its safety and trust in Mora County is protected. Therefore, Mora County prohibits the use of alcohol, illegal drugs, or any controlled drug that has not been prescribed or recommended by a doctor for an employee’s specific use on County time or on County property (including use of County vehicles outside working hours) and work areas.

Possession of or being in a condition where job performance or ability to work safely is limited in any way by the previous use of any of the



above are grounds for immediate disciplinary action, including dismissal.

In order to assist Mora County in the enforcement of this policy regarding testing for the presences of alcohol and illegal drugs, this policy is being implemented effective with the adoption and recording of this ordinance in the office of the Mora County Clerk.

### **9.1.1 ADMINISTRATION OF POLICY**

1. The Alcohol and Drug Abuse Policy and program have full support of management (Commissioners, County Manager, and Elected Officials). Compliance with this policy and program is a condition of employment for all current and future employees. Enforcement of this policy is the responsibility of each supervisor within the limitations and guidance outlined in this document. Nothing in this policy is intended or may be used to discriminate against patients legally enrolled in the New Mexico Medical Cannabis Program.
2. The County Manager will administer this program. This person will be a contact for those employees requiring outside assistance to deal with their problem.
3. Department Heads, Elected Officials and supervisory personnel will be responsible for the day-to-day management of this Alcohol and Drug Abuse Policy. The day-to-day control includes all meal breaks as well as any other break periods.

### **9.2 TESTING PROCEDURES**

1. All drug and alcohol testing shall be conducted in a manner to assure a high degree of accuracy and reliability. All County drug and alcohol testing will be conducted using techniques, equipment and through verifiable, certified laboratory facilities.
2. The testing will be performed in a private and confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure and the validity of the test result.

### **9.3 PRE-EMPLOYMENT OR TRANSFER OR POSITION TESTING**

1. All offers of employment shall be conditional upon the applicant passing a substance abuse and alcohol test which shall be administered by an approved laboratory selected by the County. The laboratory will complete the analysis and prove the results to the County Manager's Office. An applicant shall not be hired into a position unless the applicant takes a drug and alcohol test with a verified negative result. An applicant who is a legally enrolled patient in the New Mexico Medical Cannabis Program at the time of application shall not be disqualified from employment for testing positive for tetrahydrocannabinol (THC) or its metabolites.
2. A non-safety-sensitive employee shall not be placed, transferred, or promoted into safety-sensitive position until the employee takes a drug test with a verified negative result. If the verified result is positive, the employee shall be subject to disciplinary action in accordance with the Mora County Personnel Policy.
3. If the applicant fails the pre-employment drug-test, the conditional offer of employment will be rescinded. Failure of a pre-employment drug test will disqualify an applicant for employment with Mora County for a period of one (1) year.
4. If a pre-employment, pre-transfer, or promotion test is cancelled and is rescheduled more than three (3) times, the County will not give further consideration for employment, transfer, or promotion.
5. In instances where a safety-sensitive employee is on extended leave for a period of ninety (90) days or more, regardless of reason, the employee will be required to take a drug test and have a negative test result prior to resuming safety-sensitive job functions. A verified positive test shall be subject to disciplinary action in accordance with the Mora County Personnel Policy.
6. The costs of pre-employment, pre-transfer, or promotion drug and alcohol testing will be paid for by the County.

## **9.4 REASONABLE SUSPICION TESTING**

1. Any Mora County Employee shall be tested for alcohol or illegal or controlled substances if an Elected Official, Department Head or Supervisor has reason to suspect that the employee is engaging in the use of alcohol or drugs on the job, or is reporting to work under the influence of alcohol or illegal or controlled substances.
2. Reasonable suspicion shall mean that there is objective evidence, based upon known specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that would lead a reasonable person to believe that the employee: (1) is under the influence of alcohol or drugs while on duty; or, (2) is in possession, using, transferring, selling or purchasing alcohol or drugs during work hours including lunch break while on County property, or in a County vehicle.
3. When there is reasonable suspicion that an employee has violated the above policy, Mora County reserves the right, under this policy, to require any employee to go to a designated testing facility to determine the presence of alcohol or drugs in their system. This screening will be done on County time and at County expense, and shall be mandatory.
4. When there is reasonable suspicion that an employee has reported to work, is conducting work and has been involved in an accident, is representing the County, or is on county premises while under the influence of alcohol or other substances, the respective Elected Official, Department Head or Supervisor shall contact the County Manager. The County Manager should be consulted regarding the circumstances and evidence as to whether or not testing is appropriate to the specific situation. If a decision is made to proceed with testing, the laboratory or medical office will be notified and will schedule the employee for immediate testing.
5. The County is responsible for transport of the employee to the testing site and the employee will be accompanied by a supervisor or an employee in a supervisory capacity of the same

gender to ensure the accuracy and validity of the test; this will ensure that erroneousness testing is minimized. The clinic must be notified in advance of the supervisor and employee arriving at the clinic.

## **9.5 ALL EMPLOYEE INJURIES ADDRESSED PRIOR TO TESTING**

1. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.
2. In the event the County is unable to complete drug and alcohol testing (i.e. employee is unconscious, employee is detained by law enforcement agency), the County may use drug and alcohol post-accident test results administered by the state or local law enforcement officials or hospital personnel in lieu of the County test.
3. The appropriate supervisor shall ensure that an employee required to be tested under this section is tested as soon as practicable and within eight (8) hours of the accident.
4. An employee who is subject to post-accident testing who failed to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
5. The impacted employee shall be placed on administrative leave with pay status in accordance with the Personnel Policy Ordinance.
6. All testing results shall be reported to the County Manager. If the results are negative, the County Manager will notify both the employee and their Elected Official, Department Head or Supervisor and the employee shall be returned to work at the

inception of the employee's next regularly scheduled work shift unless other disciplinary action is pending.

7. If the results are positive, the County manager shall consult with the impacted employee and their supervisor, Department Head or Elected Official and inquire as to any factors that might affect the validity of the results.
8. An employee involved in a motor vehicle accident while driving a County vehicle is subject to immediate mandatory drug and alcohol testing, in accordance with the procedure set forth herein.
9. A written record of observations which led to a drug and alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation within 24 hours of the observation or prior to the release of the test results. This written record shall be submitted to the County Manager and shall be attached to the forms reporting the test results.

## **9.6 SAFETY SENSITIVE POSITION**

1. For purposes of this Policy, all public safety employees, employees required to have a commercial driver's license, and employees who have access to controlled drugs or reports associated with these drugs shall be classified as holding safety sensitive positions. It shall be the responsibility of the County Manager to determine additional positions, if any, which shall be classified as safety sensitive.
2. The following criteria shall be used as a guide for determining additional positions to be classified as safety sensitive:
  - a. The extent to which the job responsibilities impact upon the safety of the public;
  - b. The extent to which the job responsibilities expose the employee or co-workers to hazardous conditions;
  - c. The extent to which the job responsibilities require responsibility for the physical safety of others.

3. Alcohol and illegal or controlled substances testing for employees employed in safety sensitive positions shall be done in accordance with Department of Transportation Regulation Federal Motor Carrier Regulations.

## **9.7 POSITIVE TEST RESULTS**

The guideline established by the National Institute of Drug Abuse will be used to determine whether an employee tests positive.

If an employee tests positive for alcohol or illegal or controlled substances, the employee will be placed on administrative leave with pay until a pre-disciplinary hearing is held.

## **9.8 EMPLOYEE ADMISSION**

Employee admission of abuse of alcohol or use of prohibited drugs to an Elected Official, Department Head or Supervisor, an Employee Assistance Program (EAP) counselor or a medical provider, shall constitute reasonable suspicion. When the employee is not already participating in a drug or alcohol treatment program, the Elected Official, Department Head, or Supervisor shall encourage the employee to seek treatment. The employee shall be required to submit to random substance abuse tests for a period of one (1) year. Employees in safety sensitive positions shall be tested in accordance with Department of Transportation Regulation Federal Motor Carrier Regulations. If the employee tests positive during the one (1) year testing period, the employee shall be subject to disciplinary action up to and including dismissal from employment.

## **9.9 REFUSAL TO SUBMIT TO ALCOHOL OR SUBSTANCE TESTING**

1. An uninjured employee who is unable to submit a testing sample within three hours of the request for testing will be treated the same as an employee who refuses to comply with the requirement of drug or alcohol testing.

2. If an employee refuses to submit to testing, the employee will be immediately suspended from work, pending further disciplinary action.

## **9.10 PROPER APPLICATION OF THE POLICY**

The County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, Department Heads, or Supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Department Heads or Supervisors who knowingly disregard the requirements of this policy or are found to have deliberately misused the policy in regard to subordinates shall be subject to disciplinary action, up to and including dismissal.

## **SECTION 10: SEXUAL HARASSMENT POLICY**

The policy of the Board of County Commission of Mora County prohibits sexual harassment based on any protected category. Harassment based on other protected categories will not be tolerated including: harassment or discrimination sexually related or otherwise. Any employee, manager, or non-manager, male or female, who engages in any form of harassment, shall be subject to disciplinary action which may include reprimand, suspension, demotion, or dismissal.

### **10.1 DEFINITIONS OF SEXUAL HARASSMENT**

1. Sexual harassment is any unwelcome sexually oriented behavior, demand, comment or physical contact initiated by an individual at the work place when:
  - a. Submission to such attention or conduct is made, either explicit or implicitly, a term or condition of an individual's employment or continued employment.
  - b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions or opportunities affecting such individual.

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

### **10.1.1 EXAMPLES OF SEXUAL HARASSMENT**

1. Sexual harassment can occur in a variety of forms. 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 any other work-related setting. The following may be construed as sexual harassment; these examples include, but are not limited to:
  - a. Verbal or physical sexual advances;
  - b. Crude or vulgar language;
  - c. Unwelcome nicknames;
  - d. Subtle pressure, request or demands for sexual activity;
  - e. Oral or written sexual statements, comments, jokes, questions or innuendos, including text messages or social media posts;
  - f. Display of sexually oriented visual items such as magazines, books, calendars, cartoons, photos or posters;
  - g. Assault, molestation, or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against or hugging;
  - h. Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behavior;
  - i. Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention, or sexual behavior;



- j. Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures, and sexually suggestive materials;
- k. Any conduct that ridicules, or is malicious or abusive to an individual because of the individual's gender or sexual orientation;
- l. Comments regarding physical or personality characteristics of a sexual nature;
- m. Sexually oriented "kidding", "teasing", double-entendres, or jokes;
- n. Pressuring, requesting or demanding an employee go out on a date;
- o. Asking an employee questions of a sexual nature; or
- p. Any and all other harassing conduct to which an employee would otherwise not subject but for such employee's sex or sexual orientation.

## **10.2 SEXUAL HARASSMENT POLICY**

Mora County is committed to taking reasonable steps and enforcing a policy that strictly prohibits sexual harassment. County Employees and members of the public have the right to be free from harassment from employees on official duty for the County. Any employee who engages in sexual harassment in any form will be subject to discipline, up to and including dismissal and appropriate corrective action will be taken to prevent its reoccurrence. Mora County is committed to:

1. Providing a work environment free from all forms of sexual harassment and forbids sexual harassment of any type in the workplace; in any work-related setting, or at any work-related social events;
2. Applying this policy to all County Elected Officials, Department Heads, appointees, employees, contract employees, temporary

employees, volunteers and independent contractors subject to the County's control and authority;

3. Enforcing a complaint process and procedure that is fair, equitable and confidential to the extent possible and protects against retaliation for filing or testifying as a witness to a complaint;
4. Ensuring all complaints are investigated promptly, thoroughly, and fairly;
5. Ensuring that all County Elected Officials, Department Heads, appointees, employees, contract employees, temporary employees, volunteers, and independent contractors subject to the County's control and authority are fully trained in their rights and responsibilities under this policy;
6. Ensuring that appropriate corrective action shall be taken if the County's Sexual Harassment Policy, or any of its provisions, have been violated; and,
7. Ensuring that employees who knowingly make false allegations of sexual harassment shall be subject to disciplinary action, up to and including dismissal.

### **10.3 PROTECTION AGAINST RETALIATION**

Mora 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 dismissal without prior progressive discipline. Retaliation is a serious violation of this policy and should be reported immediately.

Individuals found to have known of sexual harassment but who failed to bring the misconduct to the attention of the County shall also be subject to disciplinary action, up to and including dismissal.

### **10.4 CONFIDENTIALITY OF SEXUAL HARASSMENT COMPLAINT**

All information pertaining to a sexual harassment complaint or investigation shall be maintained by the County Manager in a confidential and secure file.

While conducting the investigation, the County manager, or in appropriate cases, the County Clerk shall take particular care to protect the privacy and confidentiality of the individuals involved in the complaint and in the investigation of the complaint. All persons bringing sexual harassment complaints and involved in the investigation of sexual harassment complaint shall maintain confidentiality of the complaint and investigation process, unless directed by an appropriate court order or official County directive.

#### **10.4.1 COMPLAINT PROCEDURES**

1. Any employee who becomes aware of an occurrence of sexual harassment is required to report the matter through the most confidential and direct means possible to preserve morale by:
  - a. Making a statement of known facts in writing to the County Manager, and
  - b. Avoiding discussing the matter with co-workers and persons not directly responsible for investigating the matter.

If the County Manager is the alleged offender, then the report shall be made to the County Clerk.

2. Any employee(s) can often stop or prevent sexual harassment by immediately and directly expressing their disapproval of an employee or person's attention or conduct that gives the impression of being unwelcomed sexual behavior.
3. The County Manager shall assist the employee who has been harassed, i.e. "complainant" in completing a complaint report. To ensure the prompt and thorough investigation of a sexual harassment complaint, the

complainant should provide as much of the following information as possible.

4. The name, department, and position of the employee(s) or person(s) allegedly causing the harassment;
5. An accurate description of the offensive behavior or misconduct, including the date(s), location(s), and the names of witnesses;
6. The alleged effect of the offensive behavior or misconduct on the complainant, including if their position, salary, benefits, promotional opportunities, or other terms or conditions of employment are or have been affected;
7. The name(s) of other employee(s) who may have been subjected to the same or similar harassment;
8. The steps the complainant has taken to try to stop the harassment; and how they would like the offensive behavior to be addressed; and
9. Any other information the complainant believes to be relevant to the harassment complaint.

#### **10.4.2 INVESTIGATION**

1. The County Manager, or, when appropriate, the County Clerk shall be responsible for ensuring that a confidential and impartial investigation begins within ten (10) working days after a complaint has been filed.
2. In all cases, the investigation will be conducted by two investigators, consisting of a combination of the County Manager, County Clerk or a Law Enforcement Representative. There shall be two representatives present during all interviews with the complainant, respondent, and witnesses so that information obtained during the interviews can be corroborated.

3. Investigators shall contact the respondent and give them a copy of the complaint and solicit the respondent's account of the alleged incidents. The investigator shall inform the respondent and a report will be prepared at the close of the investigation, and shall advise the respondent of their right to be represented by legal counsel.
4. Confidentiality shall be maintained throughout the investigatory process by the county, respondent, and the complainant, to the extent practical and appropriate under circumstances.
5. The Mora County Manager shall inform the Mora County Attorney of alleged harassment and shall maintain contact with the County Attorney throughout the investigation process.
6. All interviews with the complainant, respondent and witnesses shall be recorded if possible.
7. The accused employee and the accusing employee may be placed on administrative leave with pay during the investigation.

#### **10.4.3 INVESTIGATION PROCESS – EMPLOYEE**

1. In investigating a report or complaint of sexual harassment, the County shall consider the suggestions and request of the complainant, but shall investigate the matter independently as it sees fit, keeping the complainant informed of the status of the investigation as the county deems appropriate. Steps to be taken in the investigation shall be determined based upon the particular facts and circumstances of any given complaint, and may include but are not limited to the following:
2. Confirm the name and position of the complainant and respondent.

3. Gather as many relevant facts as possible in a non-judgmental manner about the alleged harassment.
4. If a pattern of alleged harassment is uncovered, determine the frequency and type of alleged harassment and, if possible, the dates and locations where the alleged harassment occurred and investigate whether other employee(s) may have been allegedly harassed by the respondent.
5. Determine if there are witnesses who observed the alleged harassment and interview any witnesses.
6. Ask the complainant how they responded to the alleged harassment.
7. Determine whether the complainant informed or consulted with anyone else about the alleged harassment, and if so, with whom and what was the outcome.
8. Develop a thorough understanding of the relationship, degree of control and amount of interaction between the respondent and the complainant.
9. Determine whether the respondent has made or carried out any threats or promises directed at the complainant.
10. Review complainant's recommended corrective action suggestion with them to better understand what action they would like the County to take to satisfactorily address their concerns to resolve the alleged harassment.
11. When first interviewing the respondent, remind them of the County's policy against retaliation for making a complaint of sexual harassment.

#### **10.4.4 INVESTIGATION PROCESS – NON-EMPLOYEE**

Although the County's ability to discipline a non-employee harasser is limited by the degree of control, if any, the County

shall investigate allegations of sexual harassment raised by its employees that has occurred while the employee is on County related business or during normal working hours. The County will take appropriate action under the circumstances, to include but not limited to contacting local law enforcement.

#### **10.4.5 INVESTIGATION REPORT**

1. The County Manager or the County Clerk shall prepare a written report immediately following the completion of the investigation; the report shall include the following:
  - a. A summary of the complaint.
  - b. A summary of the respondent's response.
  - c. A summary of statements and evidence obtained during the investigation.
  - d. A finding of whether a violation of this policy occurred and an explanation supporting the finding. If a violation occurred, the finding must include a statement about the severity of the violation. Policy violations can include prohibited sexual harassment as well as a reckless, false or frivolous filing or filing a complaint without grounds of a sexual harassment complaint.
  - e. A summary of any prior settlement or substantiated complaints against the respondent.
  - f. An appendix containing the complaint, statements of the complainant and the respondent, witness statements, and other tangible evidence obtained during the investigation.

#### **10.4.6 RESOLUTION OF COMPLAINT**

If the complaint is substantiated, the respondent shall be subject to appropriate disciplinary action as determined by policy. The

Complainant shall be informed of the disciplinary action taken. If the County determines that no sexual harassment occurred or if its findings are inconclusive, such findings shall be communicated to the complainant and the respondent. A written report shall be reviewed by both parties, and acknowledged. The report will be included in the employee's personnel file.

## **SECTION 11: CODE OF ETHICS AND CONDUCT**

### **11.1 OVERVIEW**

This policy describes the code of ethics and conduct expected of all Mora County employees, Elected Officials and Department Heads. It is general and not intended to be all inclusive. All employees of Mora County are required to read this policy and are expected to abide by it.

### **11.2 POLICY**

Mora County is committed to being an ethical and responsible steward of public funds and trust. In order to ensure the highest standards of ethics, honesty, governance, and integrity are maintained, Mora County has adopted this Code of Ethics and Conduct Policy.

It is the policy of Mora County that all employees, Elected Officials, and Department Heads shall abide by and comply with the code of Ethics and Conduct.

### **11.3 APPLICABLE LAWS**

The conduct and ethical based decision making of the representatives of the County, including the Elected Officials, Department Heads, and its employees are to comply with the laws of the State of New Mexico and regulations relating to the County.

Any Elected Official, Department Head, or employee involved in court or other similar proceedings arising out of their employment with, or service to, the County is expected to abide



by the rules, cooperate with the orders of, and not in any way commit perjury or obstruction of justice. All County representatives must comply with all applicable laws that relate to the conduct of government in the State of New Mexico, including all applicable provisions of the Government Conduct Act, New Mexico Statutes Annotated 1978, Section 10-16.

## **11.4 MORAL AND ETHICAL STANDARDS**

All County representatives and employees are expected to adhere to sound moral and ethical standards. Principle-based ethics can increase trust. Trust leads to increased commitment in professional relationships, increased cooperation, reduced uncertainty (and associated costs), reduced conflict and likelihood of leaving the relationship. Examples of behaviors for building trust are:

Listen first	Extend trust
Demonstrate respect	Be straightforward in communications
Clarify expectations	Deliver results
Keep commitments	Right your wrongs
Create transparency	Show loyalty
Practice accountability	Get better
Confront Reality	

Through sound principal-based ethics and practices in the decision-making process, the County can fortify its reputation and improve its working relationships more effectively, and can be more likely to avoid lawsuits or complaints that cost time, money and energy. Examples of ethical principles are as follows:

1. Tell the truth/avoid deception
2. Avoid conflicts of interest
3. Be impartial
4. Treat others justly
5. Maintain your integrity
6. Respect the rights of others
7. Continually improve your abilities
8. Share your knowledge, expertise, and values

9. Be transparent/disclose information that others ought to know
10. Take responsibility for your actions and those of your subordinates

#### **11.5 TIMELINESS**

All employees are expected to carry out their assigned duties in a timely manner.

#### **11.6 LOYALTY**

All employees, elected officials, and department heads have a duty of loyalty to the County and the people of Mora County. Employees shall not take personal advantage of any opportunity that might produce personal gain due to their position with Mora County.

#### **11.7 KICKBACKS AND GRATUITIES**

The County considers it to be unethical and illegal for any employee to accept or offer payment, gift, gratuity, or employment to or from citizens, vendors, contractors, or governmental officials as an inducement for preferential treatment. All offers for kickback(s) and gratuity(s) shall be reported to the Department Head or Elected Official, County Manager, Board of Commissioners or law enforcement agency.

#### **11.8 CONFLICTS OF INTEREST**

1. The best interests of the County are expected to be foremost in the minds of the County's employees, Elected Officials, and Department Heads as they perform their duties. No employee shall be, potentially be, or appear to be, subject to influences, interest, or relationships in conflict with the best interests of the County.
2. Employees, without prior approval of the Board of County Commission, may not serve as an officer, director, manager,

employee, or agent of any company or organization which may appear to cause a conflict of interest.

3. Employees shall not engage in outside interests that divert time and attention from properly attending to County affairs.
4. The County does not make loans to or guarantee obligations of any employee or other person, organization, or company.
5. Members of the Mora County Board of Commissioners shall disclose any actual or apparent conflicts of interest and shall recuse themselves from voting on any matter in which a conflict of interest may exist.

## **11.9           GENERALLY ACCEPTED ACCOUNTING PRINCIPALS (GAAP)**

Generally Accepted Accounting Principles are accounting principles that are considered to have substantial authoritative support. Pronouncements made by the Financial Accounting Standards Board (FASB) are considered GAAP. More information about GAAP and FASB can be found at <http://www.fasb.org>. All County records are to comply with Generally Accepted Accounting Principles.

Employees are expected to maintain accurate and reliable governmental records with GAAP, FASB, and County policies and procedures.

The Mora County Board of Commissioners, County Manager, County Treasurer and all others involved in financial control and accounting have specific legal obligations to ensure the County provides full, fair, accurate, timely, and understandable financial reports and internal controls.

## **11.10   Improper Influence on Conduct of Audits**

No elected Official, Department Head, employee, or any other person acting under the direction thereof, shall take any action to fraudulently influence, coerce, manipulate, or mislead any

independent public or certified accountant engaged in the performance of an audit of the financial statements of the County for the purpose of rendering such financial statements materially misleading. Examples of such behavior include, but are not limited to:

1. Offering or paying bribes or other financial incentives, including offering future employment or contracts for non-audit services;
2. Providing an auditor with an inaccurate or misleading legal analysis;
3. Threatening to cancel or canceling existing non-audit or audit engagement if the auditor objects to the County's accounting;
4. Blackmailing and making physical threats.

#### **11.11 Safety and the Environment**

The County is committed to full compliance with all safety and environmental laws and regulations. All employees are expected to comply with these laws, regulations and County policies.

#### **11.12 Employee Privacy**

Subject to requirements of the New Mexico Inspection of Public Records Act the County is committed to protecting the privacy of its employees. This includes employee data maintained by the County. Employee data will primarily be used to support County operations, provide employees benefits, and comply with laws and regulations. The County and all employees are expected to comply with all data protections laws, regulations, and County policies pertaining to confidentiality.

#### **11.13 Compliance Procedures**

Reporting may be anonymous. No employee will be subject to retaliation, discrimination, or other adverse treatment for reporting known or suspected violations of this and other policies and procedure.

Mora County discloses this Code of Ethics and Conduct on its website in addition to all other filing requirements.

## **SECTION 12: USE OF COUNTY VEHICLES**

### **12.1 Definitions Applicable to Use of County Vehicles**

#### **12.1.1 Authorized Driver**

1. A County employee from any department holding a valid New Mexico driver's license, or approved out of state driver's license, and an approved defensive driving certificate may be permitted to use a county vehicle in the furtherance of official County business. A valid New Mexico driver's license or an approved out of state driver's license does not include provisional, limited, restricted or administrative permits. All County employees must also comply with and satisfy any and all requirements of the Mora County Safety Manual, as may be adopted/amended from time to time, which is incorporated herein which apply to or may apply to the type of vehicle or type of driving that is being done. For those candidates employed full-time, part-time or temporarily with Mora County that live out-of-state the following process is required.
  
2. Once gainfully employed by the County, the out-of-state employee must provide a copy of their driving record to the County Manager on an annual basis to assure employees driver's license is in good standing. Any person gainfully employed within the boundaries of the State of New Mexico for a period of thirty (30) days or more within a sixty-day (60) period shall be presumed to be a resident of this State. Therefore, any County employee previously living out-of-state who is gainfully employed by Mora County and resides within the State of New Mexico for more than thirty (30) days must have a valid driver's license from the State of New Mexico and a

current approved defensive driving certificate prior to operating a County Vehicle.

### **12.1.2 Authorized Passenger**

1. An authorized passenger is an individual who is permitted to occupy a County vehicle in furtherance of official County business, including a person who has received prior authorization from the County Manager to occupy a County vehicle, or a person who is transported as where the transport is part of the daily operations of the department. Non-employees on County business include, but are not limited to: consultants, architects, attorneys, engineers, etc.
2. Family members, visitors, and non-County employees that are not conducting County business are not permitted to travel in a County Vehicle.
3. Only authorized passengers may occupy a county vehicle. A person who is not a County employee must obtain authorization from the County Manager before occupying a County vehicle. Failure to comply may result in suspension of driving privileges.
4. The County Manager may suspend or revoke the authorized driver privileges of any County employee who permits a person who is not an authorized driver to operate a County vehicle or who transports, or permits the transportation of a person who is not an authorized passenger. In addition, such County employee may be held liable to the extent permitted by law for any liability for personal injury, death or property damage arising out of the unauthorized use or occupancy of the County vehicle.
5. Nothing in this section shall be construed to prohibit the use or occupancy of a County vehicle to render emergency aid or assistance to any person.

### **12.1.3 Required Documents in County Vehicles**

All authorized County Drivers shall ensure that current copies of the following documents are kept in the glove compartment of all County vehicles:

1. Accident reports. These are forms and instructions that are included in the packet on how accidents in County vehicles are to be dealt with by the authorized driver.
2. Emergency repair forms. Written instructions and procedures for emergency repairs of mechanical breakdowns during normal and after normal business hours.
3. Financial responsibility document. Each County vehicle shall have the County's official proof of insurance in the glove compartment.
4. Vehicle maintenance manual.
5. Vehicle registration. This is official proof of vehicle ownership and registration document issued by the County MVD. This document shall remain with the vehicle until ownership is transferred or the vehicle is sold.

#### **12.1.4 Defensive Driving Course**

1. Defensive Driving Course. It is the responsibility of the County to incorporate all State of New Mexico requirements into the defensive driving curriculum. Online courses are required to be reviewed and permission to utilize these courses must be obtained from the State of New Mexico PRIOR to commencing use.
2. Driver certification required. Four- or six-hour certificates are valid for four years. All authorized drivers of County Vehicles must have a current approved defensive driving certification. New employees must successfully take and pass the prescribed defensive driving class with 80% or better to become an authorized driver. If the new employee provides proof of certification within two years

previous to the date of employment, at the discretion of the County Manager, the employee may operate a County Vehicle. Renewal of certificate will be required on or before expiration date stated on certificate.

3. If the County employee's certification has expired, the employee shall be required to successfully complete a re-certification class taught by an approved instructor.
4. Driver re-certification. Each County employee is required to take the defensive driving refresher course every four years. If the County employee cannot provide proof of taking an authorized defensive driving certification course, the employee must take the defensive driving course.
5. List of Certified County Employees. The County shall maintain a list of certified County employees, employed by the County, including a current copy of the employees' valid NM drivers' license.
6. Lost Certificates. If a County employee loses their defensive driving certificate, the County will request a replacement certificate from the issuing instructor or agency. The employee shall be responsible for the cost of the replacement certificate.

#### **12.1.5 Traffic Laws and Operator Conduct**

1. Authorized drivers shall obey all applicable traffic laws while operating a County vehicle.
2. Authorized drivers must exercise appropriate caution and prudence while operating a County vehicle.
3. Authorized drivers shall not engage in discourteous behavior or inappropriate conduct while operating a County vehicle.



4. Authorized drivers shall not use County vehicles for inappropriate or illegal activities including personal use.
5. Authorized drivers shall only utilize a cell phone while safely parked with the engine turned off. At no time will the authorized driver be allowed to text type on any device(s) such as a smartphone or laptop computer while driving. At no time is reading from any electronic device or paper source permissible while operating a County vehicle.
6. Authorized drivers shall minimize distractions while operating County vehicles.
7. Authorized drivers shall operate County vehicles at or below posted speed limits.
8. An authorized driver who receives a traffic citation or parking ticket while using a County vehicle must notify their supervisor, Department Head, or Elected Official who then will notify the County Manager. This process will ensure that the employee will promptly clear the citation or ticket.
9. The driver shall be personally responsible for any cost (cost of ticket, late fees, court fees, or administrative fees) associated with the citation or ticket.
10. Authorized drivers involved in a traffic accident while operating a County vehicle who are found at fault are required to immediately register for an approved certification class.
11. County employees shall carpool to meetings and conferences whenever feasible.

#### **12.1.6 Suspension of County Vehicle Operator Privileges**

1. The County Manager shall automatically suspend a County employee's authorization to operate a County

vehicle if the County employee's New Mexico driver's license or an approved out-of-state driver's license is expired, revoked or suspended.

2. To determine that County authorized drivers have a valid driver's license, the County Manger's Office shall at random review the driving record of County authorized drivers. The County Manager will review the status of the driving record of any County authorized driver upon receipt of any request for waiver, constituent complaint, traffic citation, parking ticket, accident, police report, or vehicle abuse.
3. The County Manager shall review all complaints of alleged fraud, waste, and abuse involving County vehicles, and shall forward them to the appropriate County Elected Official or Department Head.
4. The County Manager may suspend or revoke driving privileges of an authorized driver for failure to comply with any provision of this policy.

## **12.2 Reporting Requirements**

### **12.2.1 Alcohol, Controlled Substance, Drug and Tobacco Use Prohibited**

1. No authorized driver shall operate a County vehicle while under the influence of intoxicating alcohol, controlled substances, or drugs, nor shall any authorized driver transport an individual who has consumed alcohol, controlled substances, or drugs. County law enforcement officers can transport individuals who have consumed alcohol, controlled substances, or drugs as part of their duties.
2. No authorized driver shall operate a County vehicle when they are impaired by a legal drug that renders them incapable of operating a motor vehicle in a safe and responsible manner.

3. No authorized driver or passenger shall smoke or use smokeless tobacco products of any type in any County vehicle.
4. The driving privileges of an authorized driver that is convicted of a DUI citation while operating a County vehicle are immediately and permanently revoked.
5. It is the sole responsibility of the County employee to report all current convictions of driving while intoxicated to their immediate supervisor. Failure to comply with this section shall cause immediate revocation of their driving privileges of County vehicles.
6. The County authorized driver privileges shall be suspended while the employee goes through the DUI court and administrative process. If convicted, the authorized driver's county vehicle driving privileges shall be revoked. If not convicted, the employee shall notify the County Manager in writing requesting that driving privileges be reinstated along with evidence of the dismissal of charges. The County Manager will review the request and provide to the employee a decision regarding reinstatement of driving privileges.
7. Revocation of County vehicle driving privileges for a DUI conviction extends to the utilization of the employee's personal vehicle if it is to be used to conduct County business.

### **12.2.2 Weapons and Pets Prohibited**

1. No authorized driver or passenger shall possess a weapon while operating a County motor vehicle unless the authorized driver or passenger is a certified law enforcement officer. This includes individuals with concealed weapons licenses.
2. No pets are allowed at any time in County Vehicles.

### **12.2.3 Seat Belt Use**

1. All authorized drivers and passengers of County Vehicles shall wear seat belts.
2. Violation of this law may result in loss of County authorized driver privileges.

### **12.2.4 Use of Fuel Credit Cards**

1. All County departments and authorized drivers are required to use the contracted fuel credit card for authorized purchases.
2. The County shall assign a single fuel credit card to each authorized driver.
3. The credit card shall be kept with the driver.
4. If a problem is encountered at the time of purchase, the driver should contact the County Manager for help.
5. Lost, damaged, or stolen credit cards must be reported to the County Manager within one working day of the discovery. The card will be suspended and a new card ordered at that time.
6. A personal identification number (PIN) will be assigned to each authorized driver.
7. Authorized drivers shall not share the PIN with anyone else or let someone else use the PIN.
8. The County Manager is responsible for terminating personal identification numbers for employees who are no longer with the County.

9. Under no circumstance shall the County fuel credit cards be used for personal vehicles, even if using a personal vehicle to conduct County business.
10. The fuel credit card may be used for road-side service, or emergency service or repairs not to exceed \$250 per occurrence.
11. Misuse of County vehicle fuel credit cards will result in disciplinary actions, including dismissal, and may result in criminal action by the County.

#### **12.2.5 Care and Maintenance**

1. County authorized drivers are responsible for assuring that County vehicles in their care are parked in secure areas minimizing exposure to vandalism, damage, destruction, or harm. After multiple occurrences of vandalism, damage or destruction, wreckage, defacement or harm occur, the County may suspend use of the County vehicle by any authorized driver.
2. The County Manager or designee must ensure that the subscribed manufacture's preventative maintenance service is done on all County vehicles at regular mileage, or time intervals, in accordance with the manufacture's specification.
3. Authorized drivers are responsible for the cleanliness of County vehicles inside and out while in their use.

#### **12.2.6 Emergency Repairs and Mechanical Breakdown**

1. An authorized driver shall immediately take steps to correct any mechanical or operating problem that occurs while a County vehicle is in operation. An authorized driver shall, in no case, continue to operate a County vehicle if continued operation could endanger any person or property. Furthermore, the authorized driver is

responsible for immediately notifying the County Manager of any unsafe vehicle condition.

### **12.2.7 Accidents and Accident Reporting**

1. An authorized driver involved in an accident shall file a police accident report for any auto accident in a County Vehicle within 24 hours or the next business day regardless of the severity of the accident. The police report and the automobile loss notice are required with or without property damage or bodily injury, whether the authorized driver is at fault or not.
2. If the authorized driver did not file a police report, the County Manger must complete the automobile loss notice and include the authorized driver's name and driver's license number, and any witnesses, written and notarized affidavits(s) describing the accident in detail, with distribution of the documents to the County Manager and the driver's Department Head or Elected Official.
3. If the authorized driver is found to be at fault, the driver will be temporarily suspended and is required to take an approved driver certification course.
4. The Risk Coordinator will maintain accident reports and filing insurance claims for all County Vehicles.

### **12.2.8 County Vehicle Use Encouraged**

1. County Vehicle Use Encouraged. All Mora County employees who are required to travel in a motor vehicle in performing their duties and responsibilities as County employees are encouraged to travel in a County insured vehicle.
2. Responsibility. Employees are encouraged to use County vehicles when they are available. Factors to be considered when deciding between the appropriate use of a County vehicle vs. personal vehicle include:

- a. Availability of County vehicles, cost of a County vehicle vs. mileage reimbursement,
- b. the appropriateness of the vehicle for the required use and best use of employees' time and operational efficiency.
- c. Departments are responsible for determining which option best meets the needs of the County.

### **12.2.9 Use of Private Vehicle**

1. **Use of Private Vehicle.** The County Manager may authorize a public official or employee of Mora County to use a personal or other private vehicle for official Mora County business if the officer or employee has a current, valid license to operate that vehicle in this state. Mileage accrued in the use of a private vehicle shall be paid in accordance with Mora County's Travel Policy.
2. **Insurance Requirements:** Employees who drive a privately-owned vehicle on County business must maintain automobile insurance that complies with the State of New Mexico minimum requirements for bodily injury and property damage. The employee shall insure that their level of insurance is appropriate for use of the vehicle for business.
3. **Primary Insurance Coverage:** If an employee is involved in a collision or incident in a privately-owned vehicle, while on authorized County business, the employee's automobile insurance is primary to any other coverage.
4. **Deductible Expense:** When an employee is involved in a vehicle collision in their personal vehicle while on County business and it is determined, by the appropriate Law Enforcement Agency, that the employee is not at fault, the County will reimburse any insurance deductible expense up to a maximum of \$500.

5. Exclusive Use: No employee shall travel on County business exclusively in a privately-owned vehicle without the written approval of their department head.
6. Reimbursement Claims: When County employees use a privately-owned vehicle on County business, they shall be reimbursed at the current County rate. Claims for mileage reimbursement shall be submitted on County claim forms and processed in accordance with the County Finance procedures.
7. Motorcycles: No employee shall operate a motorcycle on County business without specific authorization of the department head or County Manager.

#### **12.2.10 Inclement Weather Use**

1. No employee will be expected to travel if they feel unsafe due to inclement weather. The employee should inform their supervisor and request that the trip be delayed until the inclement weather hazard has been cleared.

### **SECTION 13 DRESS CODE**

#### **13.1 Personal Appearance**

1. Due to the nature of our business, as public service employees and representatives of Mora County, appropriate standards of appearance and image are required to gain the acceptance and respect of County residents and members of the public. Dress, grooming, personal cleanliness, and professional behavioral standards contribute to the professional image of employees present to the public and Mora County Constituents.

##### **13.1.1 Guidelines**

1. Due to the nature of business in public service, it is expected that Mora County employees will present themselves in a professional and appropriate manner.
2. Employees may dress according to the requirement of their position; however, employees should keep their day's schedule



in mind. As a general rule, when meeting with constituents, government agencies, or outside visitors, traditional business attire should always be worn. Any exception should be approved by your immediate supervisor.

3. All employees should judge their business attire for meetings and contacts outside of the office by the type of function they will be attending.
4. Professional appearance and attire are important to Mora County. However, the County respects individual preferences in dress and appearance and is confident that employees will use their best judgment in following the dress and attire guidelines.

### **13.1.2 Inappropriate Attire or Appearance**

1. Any clothing item displaying an offensive comment or graphic illustration.
2. Dirty, ragged, or sexually proactive, revealing, or see-through clothing or appearance.
3. Personal cleanliness that results in noticeable body odor or inordinate fragrance from perfumes, cologne, body-wash etc.
4. If an employee is unclear about the dress and personal appearance guidelines, they are encouraged to consult with their Department Head, Elected Official, or the County Manager.
5. If an employee reports to work in questionable attire or appearance, they will be sent home and directed to return to work in proper attire. Under such circumstances, any work time lost will be unpaid or charged against annual leave.
6. Any violation of this policy will not be permitted. Employees who appear for work inappropriately dress or groomed may be subject to discipline.

## **SECTION 14: WEAPONS IN THE WORK PLACE**

### **14.1 Weapons in the Workplace**

Possession of firearms or other weapons are prohibited except by sworn law enforcement officers on Mora County property, or any other place while on duty. NMSA 1978, Section 29-19-11 provides that a concealed permit is not valid in a courthouse or court facility; to include by virtue the Probate Judge's Office and the Mora County Building is deemed a courthouse.

**\*\* Left Blank Intentionally \*\***

MORA COUNTY ORDINANCE No. \_\_\_\_\_ ORDINANCE  
ESTABLISHING THE MORA COUNTY EMPLOYEE PERSONNEL  
POLICY AND PROCEDURES.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the Mora  
County Board of County Commission:

\_\_\_\_\_  
Paula A. Garcia, Chair

\_\_\_\_\_  
George A. Trujillo, Vice Chair

\_\_\_\_\_  
Alfonso J. Griego, Member

Attest: \_\_\_\_\_  
Carlos J. Arellano, County Clerk

\_\_\_\_\_  
Michael A. Aragon, Mora County Attorney

\_\_\_\_\_  
Brett J. Phelps, Mora County Attorney

**APPENDIX A**

Elected Official, Department Head, appointee, employee, contract employee, temporary employee, volunteer or independent contractor subject to control and authority of Mora County shall be provided a copy of the Mora County Personnel Manual to include the Sexual Harassment Policy. The above referenced individuals shall read and become familiar with these policies and shall receive training on the policies, and shall acknowledge such by signing the following statement:

I, \_\_\_\_\_ acknowledge that I have received a copy of the Mora County Personnel Manual to include the Sexual Harassment Policy. I further acknowledge that I have received training on these policies. I have been advised to read the policies and become familiar with its content. I have been provided with the name(s) of the employee(s) designated by the County to answer questions about the policy.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Manager/ County  
Administration Signature

\_\_\_\_\_  
Date