

RESOLUTION NO. 2012-164

**A RESOLUTION ADOPTING
THE 2012 SANTA FE COUNTY HUMAN RESOURCES HANDBOOK
TO REPLACE THE 2008 SANTA FE COUNTY HUMAN RESOURCES HANDBOOK**

WHEREAS, on October 11, 2008 the Board of County Commissioners of Santa Fe County ("the BCC") approved a Santa Fe County Human Resources Handbook ("the Handbook") that contained the terms of the employment relationship between Santa Fe County and its employees;

WHEREAS, it is in the best interest of Santa Fe County to update its Human Resources Handbook periodically to ensure that it conforms to state and federal law;

WHEREAS, the Human Resources Director has identified elements of the Handbook that needed clarification and updating, as well as provisions beneficial to Santa Fe County and its employees not currently included in the handbook;

WHEREAS, the BCC has carefully reviewed the 2012 Santa Fe County Human Resources Handbook attached hereto as Exhibit A;

WHEREAS, the Human Resources Director scheduled meetings with County employees to describe the proposed revisions to the Handbook; and

WHEREAS, the BCC now desires to adopt a revised and updated Santa Fe County Human Resources Handbook.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

The 2012 Santa Fe County Human Resources Handbook, attached hereto as Exhibit A, is hereby adopted as the Santa Fe County Human Resources Handbook, replacing the 2008 Santa Fe County Human Resources Handbook.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2012.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of December, 2012 at 02:50:43 PM
And Was Duly Recorded as Instrument # 1691519
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marcella Pallas Valerie Espinoza
County Clerk, Santa Fe, NM

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

By: *Liz Stefanics*
Liz Stefanics, Chair

12/11/12
Date

Attest

By: *Valerie Espinoza*
Valerie Espinoza, County Clerk

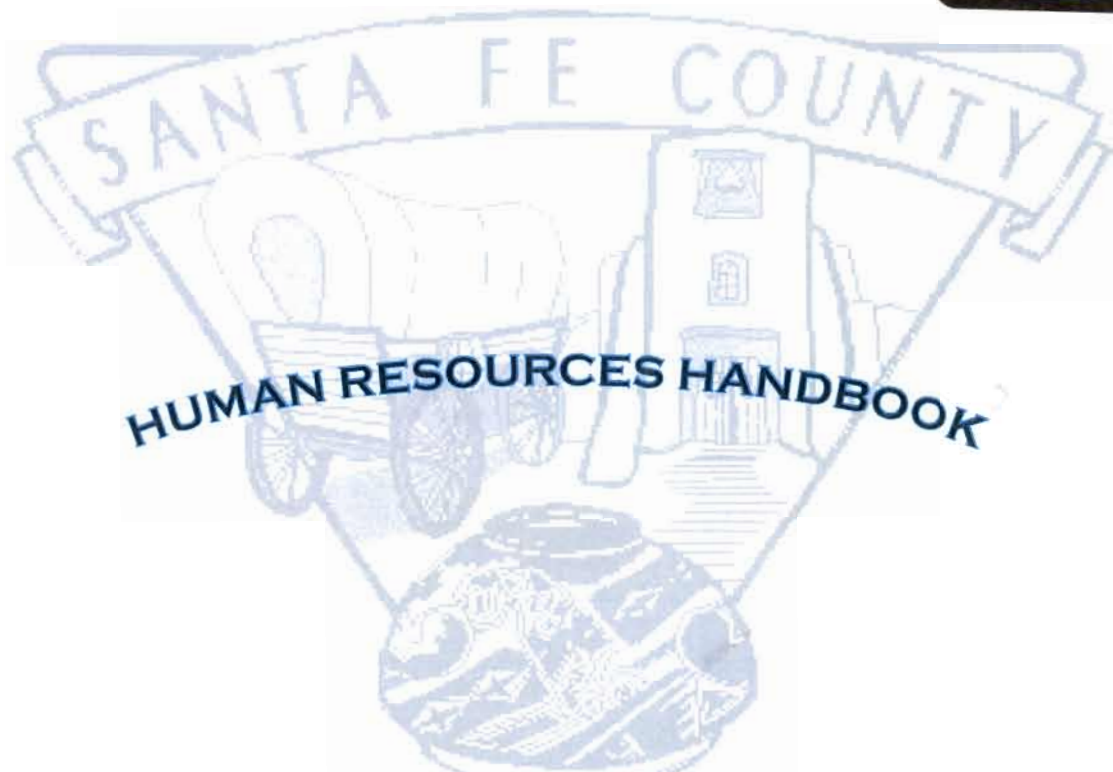
12-12-12
Date

Approved as to Form

By: *[Signature]*
Stephen C. Ross, County Attorney



SFC CLERK RECORDED 12/21/2012



**SANTA FE COUNTY HUMAN RESOURCES DIVISION
P.O. BOX 276
SANTA FE, NEW MEXICO 87501-0276
(505) 992-9880**

December 11, 2012

SECTION 1 GENERAL PROVISION

1.1 SHORT TITLE This document may be cited as the *Santa Fe County Human Resources Handbook*.

1.2 APPLICABILITY This *Human Resources Handbook* contains the terms of the employment relationship between Santa Fe County (hereinafter "the County"), and its employees. The terms of this *Handbook* apply to all employment classifications, except Elected Officials, unless otherwise specified. A provision of a collective bargaining agreement that contradicts a provision in this *Human Resources Handbook* shall supersede the specific provision in this Handbook only to the extent that the collective

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SECTION 2 EMPLOYMENT CLASSIFICATIONS

2.1 CLASSIFIED EMPLOYEE A classified employee is an employee who has completed the probationary period.

2.2 ELECTED OFFICIAL An Elected Official is a County Commissioner, County Sheriff, County Clerk, County Treasurer, County Assessor, County Surveyor, or County Probate Judge. Elected Officials are not classified employees and their employment with the County is generally not governed by this *Human Resources Handbook*. Elected Officials are eligible to receive certain benefits from the County, but only as specifically set forth herein.

2.3 FULL-TIME EMPLOYEE A full-time employee is a person who is scheduled to work 40 hours or more each week unless otherwise specified by a different schedule.

2.4 PART-TIME EMPLOYEE A part-time employee is a person who is scheduled to work fewer than forty (40) hours each week on a consistent basis. Part-time employees filling classified positions may receive benefits on a pro-rata basis pursuant to policies and procedures of the administering agency.

2.5 PROBATIONARY PERIOD A person offered employment and who is eligible to become a classified employee begins employment as an at-will employee and must serve a one-year probationary period. During the probationary period, the employment

relationship may be terminated without cause or advance notice at any time. Probationary employees cannot grieve or appeal disciplinary actions. Probationary employees accrue annual and sick leave, and receive benefits.

2.5.1 The probationary period is used to evaluate the new employee's capabilities, work habits, and overall performance. The probationary period shall commence when the employee begins County employment. Any absence, of thirty (30) consecutive days or more, during the probationary period shall automatically extend the probationary period by the length of the absence.

2.5.2 If the probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for up to an additional ninety (90) days. The extension must be approved by the Human Resources Director.

2.5.3 An employee who fills a temporary or casual position and is subsequently hired to fill a classified position shall serve the required probationary period beginning the date the employee changes from temporary or casual to probationary status.

2.6 TERM POSITION A term position is a position created for a special project or for a program that is not usually funded by the general fund of the County and that has a term longer than three (3) months. Employees filling a term position shall serve a twelve (12) month probationary period upon hire and may be extended pursuant to this section. Employees in term status who complete the one year probationary period required by Section 2.5 shall have all the rights of employees in classified status except that a term position may be terminated with a minimum of fourteen (14) days written notice to the employee. The termination of a term employee is not a dismissal or layoff and may not be appealed or subject of a grievance.

2.7 TEMPORARY POSITION A temporary position is a position created for services needed on a temporary or seasonal basis. A classified position may be filled by a temporary employee due to a temporary absence of an employee or other circumstances. A temporary position shall not exceed nine months in length. Temporary employees are terminable at-will, do not accrue leave, do not receive benefits and are not paid for holidays. Termination of a temporary position may not be appealed or subject of a grievance.

2.8 CASUAL POSITION A casual position is a position created for services on an as needed basis or services that usually requires 19 hours or less per week. Casual employees are terminable at-will, do not accrue leave, do not receive benefits and are not paid for holidays. Termination of a casual position may not be appealed or subject of a grievance.

2.9 UNCLASSIFIED AT-WILL EMPLOYEE An unclassified, at-will employee is an

employee who may be terminated at any time, with or without cause. Therefore, unclassified at-will employees are not protected by the grievance procedures set out herein and may not appeal disciplinary actions. The County Manager's approval is required for the termination of an unclassified at-will employee who is not the Undersheriff, the Chief Deputy Treasurer, the Chief Deputy Assessor, the Chief Deputy Bureau of Elections, or the Chief Deputy Clerk.

2.9.1 Only the Board of County Commissioners may change the status of a position from unclassified at-will to classified and only if the position is not made unclassified at-will by statute. If the Board of County Commissioners approves a change of status of a position from unclassified at-will to classified, and the employee affected has not completed twelve (12) months of service with the County, the employee shall serve the remaining time up to twelve (12) months on probation. The probationary status may be extended pursuant to the applicable section of this handbook. The County Manager is appointed by and serves at the pleasure of the Board of County Commissioners.

SECTION 3 RECRUITMENT AND SELECTION

3.1 HIRING PROCEDURES Certain procedures are required in the solicitation of employees by the County and employment of persons with the County. The Human Resources Division shall administer and coordinate the hiring process according to these procedures. These procedures may be waived if necessary, but only by the County Manager. The positions of Undersheriff, the Chief Deputy Clerk, the Chief Deputy Bureau of Elections, the Chief Deputy Treasurer, and the Chief Deputy Assessor, temporary, and casual positions are exempt from the advertising process. While advertising is not required for persons considered for temporary or casual positions, they must still meet the qualifications for the position and satisfy all other employment requirements including pre-employment medical examinations and drug and alcohol screening.

3.2 REQUEST TO ADVERTISE A Department Director/Elected Official shall notify the Human Resources Division of its need to hire an employee by completing and forwarding a Human Resources *Requisition to Fill a Position Form* to the Human Resources Division. The *Requisition to Fill a Position Form* must be submitted at least two working days prior to the expected posting date. Exceptions to advertising a job are if a qualified applicant for the position is already on a valid *List of Qualified Applicants Form* for the same position, or if the County Manager determines that it is in the best interest of the County not to advertise. Each job announcement shall state the job title, department, salary range, position classification, Fair Labor Standards Act status, closing date, qualifications required to be considered for the position, and a brief description of the contemplated duties.

3.2.1 The Human Resources Division shall open the position for applications by forwarding copies of the job announcement to each County department and posting the job announcement on County bulletin boards for a minimum of three (3) working days. The job announcement may also be posted on the Web, or other areas to attract

qualified applicants. A job announcement may be published in a local newspaper or other publications at the request of the Department Director/Elected Official, budget permitting. A position may be advertised internally and externally simultaneously, or just internally.

3.3 INITIAL SCREENING Following the closing date, the Human Resources Division will screen the applications submitted. The Human Resources Division will determine whether each applicant possesses the minimum qualifications for the position, whether the applicant has a satisfactory employment history and whether any false or deceptive statements are present on the employment application. All applications must be received by the closing date and must include copies of all necessary transcripts, licenses, and certifications. Resumes shall not be accepted in lieu of the official application. An applicant who does not meet the minimum qualifications of the position shall receive written notification.

3.4 LIST OF QUALIFIED APPLICANTS FORMS: List of Qualified Applicants Forms are developed and maintained by the Human Resources Division for the convenience of the County in obtaining qualified applicants for positions. Each person placed on such an eligibility list must be qualified for the position. Placement on an eligibility list shall in no way guarantee appointment to any position, nor shall it guarantee that any applicant will obtain a position or that the application will even be considered. It is the obligation of a person seeking employment to keep the County informed at all times of his or her interest in openings and make timely application for each position. List of Qualified Applicant Forms are valid for ninety (90) days from the date of creation. The List of Qualified Applicant Forms may be extended for a period not to exceed six (6) months from the date of creation but only by written approval of the HR Director. Persons on an eligibility list may be offered a position when one becomes available without the need to submit another application, if the position is offered within ninety (90) days of the creation of the List of Qualified Applicants Form.

3.5 INTERVIEWS The hiring department/office shall submit proposed interview questions and interview panel members to the Human Resources Division. The Human Resources Division will disapprove any questions that are not relevant to the position or that are otherwise improper. The Human Resources Division shall not release the *List of Qualified Applicants Form* to the hiring department/office until it has authorized the interview questions. The hiring department/office shall schedule and conduct interviews. The Human Resources Division may assist with the interview process at the request of the hiring department/office, or if deemed necessary by the Human Resources Director. All currently-employed County employees who are on the List of Qualified Applicants Form shall be granted an interview.

3.6 ADMINISTER TESTING Appropriate employment testing may be administered to applicants for employment. The Human Resources Division shall assist the hiring department/office in developing and administering such employment tests. Testing may include completion of a structured questionnaire, practical test, written test, in-basket exercise, keyboard test, computer skills test, assessment battery or other job-

related assessment of ability. Test scores shall become a part of the employee's Human Resources file.

3.7 PREVIOUS EMPLOYMENT AND REFERENCE CHECKS All applicants shall sign an authorization form allowing Santa Fe County to research their background, contact previous employers and references. Following completion of above steps, if the hiring department/office desires to hire an applicant, it shall contact former employers and references prior to making an offer of employment, then make a recommendation to the Human Resources Division. The Human Resources Division must authorize any offer of employment.

3.8 OFFERS OF EMPLOYMENT Any offer of employment shall be made by the hiring department/office or HR liaison. Any offer of employment shall be made contingent upon successful completion of all required pre-employment medical examinations and drug and alcohol screenings, satisfactory background checks and compliance with immigration law requirements. Any offer of employment that does not comply with the requirements of this section is invalid. If an applicant declines an offer of employment at any stage in the hiring process, he or she will receive no further consideration for the applied-for position.

3.9 PRE-EMPLOYMENT MEDICAL EXAMINATION AND DRUG AND ALCOHOL SCREENING Each person who is offered employment must successfully undergo a pre-employment medical examination and drug and alcohol screening as a condition prior to obtaining employment. Additionally, any employee who is transferred or promoted to a new position and who did not undergo a pre-employment medical examination and a drug and alcohol screening as a condition prior to obtaining employment with the County must successfully undergo a medical examination and drug and alcohol screening as a condition prior to the transfer. The medical examination and drug and alcohol screening shall be performed by a health professional of the County's choice, at the County's expense. If the medical examination and/or drug and alcohol screening shows the employee is not in fact qualified for the position sought or discloses a disability which cannot be reasonably accommodated in the position sought, the offer of employment will be withdrawn.

3.9.1 Applicants must appear for drug and alcohol testing on the date and at the time directed by the County and may be denied employment if they fail to do so. If the person administering the test believes that the applicant's sample is tainted for any reason, the applicant shall remain at the testing site and submit another sample. If the second sample is also tainted, the job offer shall be rescinded. Applicants who receive a positive drug or alcohol test result shall be denied employment and shall not be considered for employment for a County position for twelve (12) months. An applicant receiving a positive drug test may be given the opportunity to demonstrate a positive test was indicative of legal use of a drug. For purposes of this section, the word "drug" refers to substances whose use is illegal under the laws of the State of New Mexico, or whose use is legal, but which is misused or used illegally.

3.10 BACKGROUND CHECKS Santa Fe County will conduct a criminal background check for all employees once a conditional offer of employment has been extended by the County. If the background check discloses criminal convictions, the conditional offer of employment may be revoked, but does not automatically disqualify an applicant from consideration for employment with Santa Fe County. Where there is a conviction, hiring decisions will be made consistent with the Criminal Offender Employment Act including any appellate interpretations of the Act.

3.11 IMMIGRATION LAW COMPLIANCE Each person offered employment shall complete an *Employment Eligibility Verification Form I-9* and present appropriate documentation establishing identity and employment eligibility as a condition precedent to obtaining employment. Former County employees shall not be required to re-establish eligibility if they have completed a Form I-9 and established identity and eligibility within the past three (3) years.

3.12 INELIGIBILITY FOR HIRE AND REHIRE An applicant may be considered ineligible for hire or rehire by the county if the applicant has:

- A. knowingly made any false statement or fraudulent omission on the employment application;
- B. not met the requirements of the position;
- C. been convicted of a felony or misdemeanor;
- D. failed pre-employment examinations or screenings or other requirements as directed by the County;
- E. not met the criteria for bonding as required by Santa Fe County or State law;
- F. not been certified by a physician that he or she can perform the physical requirements or essential requirements of the position; or
- G. a person who has been dismissed from County employment as a result of disciplinary action

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

3.13 NOTE ON EMPLOYMENT APPLICATIONS Santa Fe County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Santa Fe County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3.14 NEPOTISM No person shall be considered for employment in a position in which they would be subject to supervision by a person related by consanguinity (blood) or affinity (marriage), by domestic partnership, or by a step relation within the third degree. The employment of immediate relatives in the same department or office is strongly discouraged, so as to avoid interpersonal conflicts and favoritism.

SECTION 4 EMPLOYEE TRAINING

4.1 GENERAL TRAINING Employees will be required to attend training deemed necessary by their supervisor. Supervisors may also approve additional training pertinent to assisting the employee with his or her duties or for further knowledge of work related duties. When the County invests in training and/or travel, the County expects to benefit from the investment. With this, Santa Fe County employees who receive funding for travel and/or training in the amount of \$1,500.00 or more per occasion will be required to reimburse the County through a deduction from the employee's final paycheck should the employee voluntarily terminate their employment with Santa Fe County within twelve (12) months according to the schedule set forth by the County. The items for which reimbursement will be required include, but are not limited to registration fees, transportation fares, lodging and meals. Employees may also apply for tuition assistance as set forth in this handbook. Employees who desire to utilize funding for travel and/or training of \$1,500.00 or more shall prior to commencement of training and/or travel execute a written agreement authorizing deduction of the travel and/or training funds from their final pay check in the event they voluntarily terminate their employment within twelve months of completion of the training.

4.2 NEW EMPLOYEE ORIENTATION Each new employee is required to attend New Employee Orientation as scheduled by the Human Resources Division within thirty (30) days of the hire date. The Human Resources Division shall explain county government, policies, benefits, and the employment relationship, and shall distribute benefit enrollment forms. The employee shall receive a copy of the *Human Resources Handbook*, and shall review and abide by it. New employees shall complete all necessary forms. Next, the employee shall receive orientation at the hiring department. A representative of the hiring department shall explain the employee's duties, what the employee will be evaluated on, the department's work standards, the department's internal policies, the hours of work, lunch and break schedule, when and whom to report absence from work, methods of recording time worked, and the department's safety rules and procedures. The hiring department shall also provide a tour of the department, show the employee where applicable safety or protective equipment is located and introduce the employee to co-workers.

4.3 TUITION ASSISTANCE Tuition assistance is financial assistance for eligible employees of the County to take college credit-granting courses pursuant to the rules set forth herein. While tuition assistance is expected to enhance employees' performance and professional abilities, the County makes no representation herein that gaining additional education will entitle the employee to automatic advancement, a different job assignment, or a pay increase. Tuition assistance shall be paid to the employee on a reimbursement basis. Such reimbursement will be taxed as a taxable fringe benefit pursuant to the Internal Revenue Code and applicable regulations.

4.3.1 ELIGIBILITY All full-time and part-time classified employees, term employees who have completed the probationary period, and all unclassified at-will employees who

have maintained satisfactory job performance may receive tuition assistance up to \$2,500.00 per fiscal year to pursue formal education, through college credit-granting courses, provided the courses are directly applicable to the employee's work at the County and subject to the availability of funds. The Human Resources Office will determine the maximum amount available to employees per fiscal year based on budget and projected requests. Education that is required for the employee to perform his or her job tasks is not covered by this Section.

4.3.2 REIMBURSEMENTS Reimbursement is limited to tuition and associated fees. Reimbursement will not be made for books, travel, meals or any other expenses related to the education. The County has the sole discretion to approve or deny or partially approve or deny requests for tuition assistance. If an employee submits an application to attend a course that is offered at another institution for a less expensive rate, the County may approve tuition assistance at the lesser rate. To be eligible for tuition assistance, the employee must first submit an application to the employee's immediate supervisor, the Division Director, and the Department Director prior to the start date of the class or classes for consideration of approval. If the application has been approved by the immediate supervisor, Division Director, and Department Director, the employee shall submit the application to the Human Resources Division for approval. Reimbursement will be made upon successful completion of the class, so long as a grade of "C" or equivalent is obtained in the course for which reimbursement is sought. In the event that a course is only offered as pass or fail, a grade of pass will be acceptable for reimbursement, whereas a fail grade will not be reimbursed. Any late fees incurred by the employee registering late shall be paid by the employee.

4.3.3 CHANGES THAT AFFECT TUITION REQUESTS If an employee changes the class (es) or withdraws from the class (es) after applying for tuition assistance, the employee shall immediately notify the Human Resources Division. If an employee separates from Santa Fe County prior to completing the class (es), the County shall not reimburse the employee for tuition of the class (es). If an employee transfers from one department, division, or office to another while attending the class (es), the Human Resources Director may decide not to reimburse the employee for tuition if the classes (es) are not relevant to

the employee's new position. If an employee voluntarily terminates employment within one (1) year of receiving reimbursement pursuant to this section, the employee may be required to reimburse the County for the total amount of educational assistance received.

SECTION 5 HOURS OF WORK

5.1 Full-time employees are expected to work at least forty (40) hours per week unless otherwise specified by a different schedule or part-time status.

5.2 BREAKS Lunch breaks are without pay and are normally one (1) hour, except for

departments with established alternative schedules. In addition, each employee may be granted two (2) breaks per day, one in the morning and one in the afternoon, each for a period of fifteen (15) minutes. Supervisors may limit or delay breaks if continuous work is required, and the entire break or remainder of a break may be taken at a later time on the same day as determined by the supervisor. Breaks will not be accumulated. Breaks shall not be taken in conjunction with lunch breaks, at the end, or beginning of a work shift unless authorized by the employee's immediate supervisor.

5.3 ATTENDANCE AND ABSENTEEISM Employees are expected to report for work promptly. Employees will be paid for time actually worked, unless absences are for authorized leave. If an employee expects to be absent from work for any reason, the employee shall submit a leave slip for the proposed absence to the employee's immediate supervisor prior to the time the employee is to report to work consistent with the time requested off. In cases of excessive absenteeism or when the supervisor believes that an employee is abusing sick leave, the employee may be required to submit a medical certification. Unauthorized absences (those not approved by the immediate supervisor) will be grounds for disciplinary action up to and including termination and the employee shall not receive pay for the period of the absences. Unauthorized absence from work for two (2) consecutive work days or more will be considered abandonment of the job and automatic resignation without notice shall result without the right of appeal or grievance. Where circumstances beyond an employee's control prevent that employee from contacting their immediate supervisor to request time off, the County Manager may elect not to treat an unexcused absence as a voluntary resignation.

SECTION 6 EMPLOYEE RELATIONS

6.1 CHAIN OF COMMAND The County urges employees to follow the chain of command concept. Employees should address issues first with their immediate supervisor. If the issue is not resolved at this level, employees may request a meeting with the next level supervisor up to the Department Director/Elected Official. If the concern is still not resolved at the Department Director/elected official level, the employee may request a meeting with the Human Resources Director. If the concern is not resolved at the Human Resources Director level, the employee may request a meeting with the County Manager as the last step in the chain of command. Pursuant to the Whistleblower Protection Act {10-16-C3, NMSA 1978} the County shall not take any retaliatory action against an employee for communicating to any person or entity information about an action or a failure to act that the employee believes in good faith constitutes an unlawful or improper act. An employee may bypass the chain of command, without reprisal, at any time if necessary.

6.2 UNIFORMS Employees who are required to wear a uniform must wear the uniform while on duty as a condition of employment, and shall not wear the uniform while off duty. Some uniforms are taxable as a taxable fringe benefit under the Internal Revenue Code and applicable regulations of the Internal Revenue Service. Clothing that is adaptable to street wear is taxable such as, but not limited to clothing bearing a County

logo, or non-safety shoes or boots. The supervisor will inform the employee what constitutes the required uniform. Employees improperly wearing or failing to wear uniforms may be disciplined up to and including termination.

6.3 DRESS AND PERSONAL APPEARANCE Employees must present the best possible image to the public and should always be as clean and neatly dressed as the work assignment allows. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty. Failure to follow a Department/Office dress code while on duty shall be considered insubordination. Santa Fe County strives to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is not acceptable in the office: gym clothing; sexually provocative clothing; clothing that contains inappropriate material including profanity; observable lack of undergarments; exposed undergarments; clothing that exposes the midriff; tank tops; halter tops and beachwear. Employees who appear for work inappropriately dressed shall be sent home and directed to return to work in proper attire, and shall not be compensated for time spent changing to appropriate work attire.

6.4 GRATUITIES Employees are prohibited from accepting gifts and/or other consideration from any person or entity doing business with or soliciting business from Santa Fe County.

6.5 SOLICITATION Solicitors shall not be allowed to consult with employees during work hours or in working areas other than through the prescribed Santa Fe County purchasing process for the purposes of membership or support of social, financial, labor or other organizations.

6.5.1 Employees are prohibited from soliciting or providing information to any person in any County facility during work hours concerning products, services, campaign information or membership unrelated to the employee's direct work responsibilities.

6.5.2 Requests for donations for charitable causes shall not be considered a violation of this rule, provided that it is approved by the Human Resources Director or designee.

6.5.3 Solicitation materials are prohibited from being distributed in County buildings.

6.6 OUTSIDE EMPLOYMENT Employees may obtain part-time outside employment if there is no conflict in working hours, the employee's efficiency is not reduced, and outside employment does not cause a conflict of interest. If an employee's outside work interferes with the performance of his or her position with the County, the employee will be required to terminate the outside employment immediately. Interference with the employee's performance includes, but is not limited to: attendance, work performance and accuracy, and timeliness. Before beginning any outside employment, an employee shall complete a Notification of Outside Employment Form and forward it to the Department Director and Human Resources Director.

6.7 CONFIDENTIAL INFORMATION Employees in positions that are exposed to or have access to confidential information must take appropriate measures to safeguard such information. Confidential information includes but is not limited to information not subject to inspection under Inspection of Public Records Act (IPRA) or protected by the Health Insurance Portability and Accountability Act (HIPPA), attorney/client privileged information, or attorney work product. Sharing this information or allowing this information to be released without prior approval of the Department Director or Elected Official or their designees and compliance with applicable laws may subject an employee to disciplinary action up to and including termination.

6.8 SMOKE-FREE WORKPLACE The purpose of this policy is to provide a safe and healthy work and living environment for our employees and the citizens of Santa Fe County.

6.8.1 The County prohibits smoking, carrying a lighted or smoldering smoking device, into or lighting a smoking device into any Santa Fe County Facility. This includes facilities owned, leased or rented by Santa Fe County.

6.8.2 This Policy applies to all employees and officials of the County, all visitors of Santa Fe County, any person conducting business with the County, and anyone driving a County-owned or County-leased vehicle.

6.8.3 Smoking is prohibited within twenty five (25) feet of an opening of any area where smoking is prohibited.

6.8.4 When smoking outside, do not dispose of cigarette butts on the ground or anywhere else other than the receptacles provided for that purpose. Failure to comply may lead to disciplinary action up to and including termination.

6.9 POLITICAL PARTICIPATION

6.9.1 CAMPAIGNING Santa Fe County employees shall not campaign for political office during scheduled work hours. In addition, material and literature regarding candidates shall not be dispensed on County premises through County equipment, or out of County vehicles and shall not be created using County property. Employees are also prohibited from campaigning in County facilities while off-duty. Employees working in offices administered by an Elected Official shall not be coerced into campaigning for the Elected Official to ensure continued employment with the County.

6.9.2 RUNNING FOR POLITICAL OFFICE All County employees, except an Elected Official, who becomes a candidate for an elected state, federal, or county office, must, upon filing a declaration of candidacy or accepting a nomination, take a leave of absence from his or her County position. Such leave of absence shall be for thirty (30)

calendar days before the primary and general elections. The leave may be charged to accrued annual leave or compensatory leave if available, and if no paid leave is available, the time will be leave without pay. This provision shall not apply to a candidate who is running unopposed.

6.9.3 County employees may not hold an elected political office during employment by the County. Serving as a member of a local school board or an elected board member of any post-secondary educational institution shall not be construed as holding a political office for purposes of this section.

6.10 VOTING RIGHTS Nothing in this *Human Resources Handbook* shall deny employees the right to vote as they choose.

6.11 CARE OF COUNTY EQUIPMENT Each employee who is entrusted with the use of County equipment shall exercise reasonable care in its use, perform regular maintenance, and follow all operating instructions, safety standards, and guidelines. Any improper, careless, negligent, destructive, or unsafe use or operation of equipment may be considered to be unsatisfactory performance of duties and result in disciplinary action. Each employee must notify the supervisor if any equipment, machine or tool appears to be damaged, defective, or in need of repair. This is essential to prevent the deterioration of equipment and possible injury to the employee or others. If County equipment is damaged as a result of an employee's neglect of his or her responsibilities, the repair or replacement may be deducted from the employee's net pay.

6.12 PERSONAL USE OF COUNTY PROPERTY Except as otherwise allowed by this *Human Resources Handbook*, an employee shall not use County property for personal use, for profit, or as part of secondary employment.

6.13 MAINTENANCE OF MINIMUM QUALIFICATIONS All employees in positions that require certification, licensure, continuing education units (CEU's), etc., are required to maintain such certification, license, CEU's, etc., as a condition of employment. Failure to maintain the required minimum qualification may result in termination of employment.

6.14 PROCUREMENT Individuals found to have violated the New Mexico Procurement Code, NMSA 1978, Sections 13-1-1 through 13-1-191.1, or the Santa Fe County Procurement Policy, *Resolution No. 2006-60 (as amended from time to time)*, in the acquisition of goods or services shall be subject to disciplinary action up to and including termination. Violators may be required to reimburse the County for those goods or services acquired in violation of the aforementioned statutes and policies.

6.15 PERSONAL RELATIONSHIPS IN THE WORKPLACE Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception is romantic or sexual relationships between supervisors and subordinates. It is strictly prohibited for an employee in a supervisory

position to supervise another employee with whom he or she is romantically or sexually involved. A supervisor who becomes sexually or romantically involved with an employee whom he or she supervises must immediately disclose the existence of the relationship to his or her immediate supervisor and the Human Resources Director. One of the employees may be transferred to another position or department, which may result in a reduction in pay. The employee with the more senior position will be considered for transfer first to avoid any perception of retaliation against the less senior employee. If no opportunity for a transfer exists, the senior employee will be required to resign. Failure to resign will result in termination. Failure of an employee to disclose that they are involved in a romantic or sexual relationship with their supervisor or their subordinate shall result in disciplinary action up to and including termination. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

6.16 CONFLICTS OF INTEREST Each employee must perform his or her assigned tasks without actual, potential or apparent conflicts of interest, particularly with vendors of the County. Employees must abide by the Code of Conduct set forth in Ordinance 2010-12, its amendment in Ordinance 2011-9 and any future amendments thereto. Violation of this policy may include disciplinary action up to and including termination.

6.16.1 Examples of potential conflicts of interest include, but are not limited to, the following: (1) a direct or indirect financial interest in any sale or lease to the County of goods or services; (2) accepting of a gift, gratuity, or favor from a vendor; (3) a close, personal relationship with a vendor which influences a transaction; (4) outside employment with a vendor; (5) influencing a decision of the County for personal gain of the employee or any family member; or (6) disclosure of confidential information to a private interest. Pursuant to *Resolution 1995-79*, all County employees shall complete the *Conflict of Interest Form* upon beginning employment with the County and annually thereafter. Failure to accurately complete the *Conflict of Interest Form* may result in disciplinary action, up to and including termination.

6.17 CRIMINAL ACTIVITY All complaints or allegations of criminal conduct on the part of any employee will be referred to the Sheriff's Office or other appropriate outside agency for investigation. Any employee who engages in criminal activity may be subject to termination. An employee shall immediately inform his or her supervisor if the employee is charged with a crime. Santa Fe County Corrections employees responsible for the intake and custody of inmates are required to notify the Human Resources Division upon becoming aware of employees who are held at the Santa Fe County Adult Detention Facility. All employees are required to cooperate and participate in investigative and/or disciplinary matters but are not required to give up their Miranda rights where they have been or might be charged with or arrested for a criminal offense. Failure to comply may result in disciplinary action up to and including termination.

6.18 PRESS CONTACTS Inquiries from the news media are given a high priority by the County and should be responded to as quickly and efficiently as possible. In order to

ensure the dissemination of consistent, accurate and timely information, the Media Production and Public Relations Specialist or other person designated by the County Manager shall be responsible for County media relations. County employees shall immediately notify the Media Production and Public Relations Specialist, or the designated person about media inquiries. Employees shall not make comments to the Media on behalf of the County.

6.19 SERVICE ON BOARDS/COMMISSIONS/COMMITTEES/GROUPS An employee must receive prior County approval to serve on a board, commission, committee or group for which membership is not a required duty of the employee's position, and which interferes with the employee's regular work schedule. To request approval, an employee shall complete and submit an *Intention to Serve/Participate on a Board, Commission, Committee, or Group Form*. The form shall be submitted to the Human Resources Division prior to the intended start date. The request must be approved by the immediate supervisor, Division Director, Department Director, the Human Resources Director, and the County Manager prior to the employee's participation. If the request is approved, the employee may attend meetings or transact business during the employee's regular working hours only when on approved leave. If being a member conflicts with the employee's position, the request will be disapproved.

6.20 FIREARMS AND PROHIBITED WEAPONS Santa Fe County prohibits all people who enter County property or employees conducting County business on or off County property from carrying a handgun, firearm, or other prohibited weapons regardless of the employee's possession of a license to carry a weapon, including having a prohibited weapon in a vehicle on County property. A prohibited weapon includes any weapon or explosive prohibited by state and federal law. It is the responsibility of the individual to be aware of what is prohibited by law.

6.20.1 Certified law enforcement officer or employees of the County who are deputized for purposes of their job with the County may possess a firearm or weapon on County property or on County business from their department director or elected official.

6.20.2 Failure to comply with this policy may lead to disciplinary action up to and including termination.

6.21 SEARCH AND SEIZURE

Employees are advised that the work area is subject to reasonable search by the County. Employees are further advised that they do not have an expectation of privacy in the work area in most cases, and should therefore refrain from keeping personal items or property in the work area. Purses, backpacks and suitcases are generally not subject to search. County-owned vehicles, equipment, lockers, desks, cubicles, file cabinets, computers or telephones, even though used by a single employee, may be searched upon reasonable suspicion that a violation of this Handbook or a collective bargaining agreement exists. Nothing in this paragraph shall prohibit the County from

searching the work area for work-related, non-investigatory reasons.

6.22 USE OF COUNTY VEHICLES

6.22.1 DRIVER SELECTION/QUALIFICATIONS The County may identify and select certain employees to drive County vehicles based on the nature of duties of the position. Driver selection and qualification shall be analyzed during the hiring process. All drivers (current and prospective) shall possess a valid license for the type of vehicle(s) operated on the job. Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. Drivers shall successfully complete the County's Defensive Driver's Training Program within six months of hire. Refresher training shall be provided to all drivers at least every three years. There shall be no expectation of privacy of a County vehicle for employees who use a County vehicle. All traffic violations involving a county vehicle must be reported to the Santa Fe County Risk Management Division immediately. All traffic violations involving a personal vehicle utilized for county business where an employee risks loss or suspension of driving privileges or where there is damage to property or person(s) must be reported to the Santa Fe County Risk Management Division immediately. Failure to notify may result in disciplinary action up to and including termination.

6.22.2 MAINTENANCE AND REPAIRS Employees assigned to a County-issued vehicle are responsible for the routine maintenance and repairs of County vehicles and shall be conducted in a regular and timely fashion at County facilities. County vehicles shall be maintained in accordance with the manufacturer's recommendations at a minimum.

6.22.3 VEHICLE ACCIDENTS If a County employee is involved in a motor vehicle accident while driving a County vehicle or while performing official duties in a private vehicle, the employee shall contact law enforcement immediately. The employee shall also request that the parties and properties involved remain at the scene of the accident until a law enforcement officer has released them. The employee's supervisor and Risk Management must be notified of the accident immediately. The employee shall refrain from making statements regarding the accident to anyone other than the investigating officer(s), County Attorneys, County Risk Manager, or representative of his or her own insurance company, if the employee's privately owned vehicle is involved. Drivers involved in the following types of accidents shall be immediately tested for use of drugs or alcohol:

- A. Where an individual dies;
- B. Where an individual suffers bodily injury and receives medical treatment at or away from the scene of the accident;
- C. Where a citation is issued;
- D. Where one or more vehicles incur substantial property damage; or
- E. Where the Risk Manager or HR Director deems appropriate

6.22.4 OPERATION OF COUNTY VEHICLE Only a County employee, or other person

authorized through a Joint Powers Agreement or Memorandum of Understanding, may operate a County vehicle.

6.22.5 PASSENGERS The transport of a non-County employee in a County vehicle is prohibited except in an emergency or when approved by the employee's supervisor.

6.22.6 USE OF CELLULAR PHONES WHILE DRIVING Use of cellular phones is prohibited while operating County vehicles and other vehicles while on County business, unless a hands-free system is used. Employees shall use due caution when using cellular telephones while the vehicle is in motion. The primary responsibility of employees using County vehicles is the safe operation of the vehicle. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in a cellular telephone conversation. Text messaging or electronic mail communication is prohibited while operating County vehicles and other vehicles while on County business. Violation of this policy may result in disciplinary action up to and including termination.

6.22.7 USE OF TOBACCO PRODUCTS Smoking and other uses of tobacco products are prohibited in County vehicles.

6.22.8 VEHICLE TAKE-HOME POLICY An employee may be assigned a County vehicle to take home if the County deems it necessary. An employee assigned a take-home vehicle shall comply with *Resolution No. 1998-122, A Resolution Establishing a Vehicle Take-Home Policy for Santa Fe County Employees* and use of the vehicle may be taxable as set forth in *Resolution No. 2007-100, A Resolution Establishing and Implementing a Taxable Fringe Benefits Policy*. In no event shall a County employee who has had a positive drug or alcohol test or who has been convicted of driving under the influence of alcohol or drugs be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of the positive test and/or conviction.

6.23 FREEDOM FROM DISCRIMINATION AND HARASSMENT All employees should be able to enjoy a work environment free of unlawful discrimination and harassment. Santa Fe County will not tolerate unlawful discrimination or harassment of any kind. All employees are covered by and are expected to comply with this policy, and to take appropriate measures to ensure prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy, up to and including termination. Harassment includes: verbal or physical conduct intended to threaten, intimidate or coerce; verbal or physical conduct that has the purpose or effect of unreasonably interfering with work performance or that creates an intimidating, hostile or offensive working environment; and the uttering of words, or the display or circulation of written materials or pictures that are degrading to individuals of a particular sex, race, age, national origin, disability, religion, sexual orientation or political affiliation. Sexual harassment includes but is not limited to: unwelcome sexual advances; requests for sexual favors; making jokes of a sexual nature; displaying photographs, picture messages or posters that show nudity; displaying words of a

sexual nature; commenting about a person's appearance or dress; or other verbal or physical conduct that is sexual in nature.

6.23.1 Any discrimination or harassment of any employee by any other employee will not be permitted, regardless of the working relationship between the participants. Any employee found to have engaged in any type of harassment shall be subject to disciplinary action, up to and including termination. Department Directors, Division Directors, or supervisory personnel shall immediately take action regarding any harassment which they observe or become aware of, by disciplinary action if necessary. In addition, each Division Director, Department Director, manager or supervisor is required to report any incident of harassment or discrimination to the Human Resources Director.

6.23.2 MAKING A FORMAL CHARGE Any employee who believes he or she has been subjected to discrimination or harassment by an employee of Santa Fe County or a person doing business with Santa Fe County shall file a formal charge of harassment with the Human Resources Director. The employee will be required at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed will be immediately investigated by the Human Resources Division.

6.23.3 Santa Fe County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

6.24 PROHIBITION OF VIOLENCE IN THE WORKPLACE Employees shall not exhibit violent, hostile or aggressive behavior while in the workplace or while conducting County business. Prohibited activity includes, but is not limited to, making threatening remarks, causing physical injury, engaging in hostile aggressive behavior that creates a reasonable fear of injury or causes another employee emotional distress, or intentionally damaging County property or harming a co-worker or the property of a co-worker. Violation of this policy may result in disciplinary action, up to and including termination.

6.24.1 MAKING A FORMAL CHARGE Any employee who believes that he or she is a victim of or who observes workplace violence shall file a formal charge with the Human Resources Director. The employee will be required at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed will be immediately investigated by the Human Resources Division.

6.24.2 Santa Fe County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

6.25 REPORTING IMPROPER ACTIVITIES Santa Fe County employees shall immediately report information about an action or a failure to act that the employee believes in good faith constitutes an unlawful or improper act. Such action or failure to act includes, but is not limited to, waste, fraud, abuse of authority, violations of laws or

other improper government activity. Employees providing such reports shall be free from harassment, discrimination, or retaliation. Any such activity shall be reported immediately to the Human Resources Director, and any employee who harasses, intimidates, or retaliates against an employee reporting pursuant to this Section may be disciplined up to and including termination.

6.26 INFORMATION TECHNOLOGY RESOURCES The County provides information technology resources ("IT resources") to designated employees. These resources include, but are not limited to County owned or leased computers, copiers, printers, all other computer equipment, telephones, cellular phones, personal digital assistants, software, data, network devices, accessories, email, voicemail, the County Intranet, the Internet, and electronic files.

6.26.1 USAGE Use of IT resources are intended for business-related purposes, such as communicating with vendors, suppliers and consultants, researching relevant topics related to County business, and acquiring information of use to the County. Limited, occasional use of the County email and/or the County Internet services for personal purposes is allowed provided that it does not negatively affect the employee's performance, discredit the County, or violate any County policy or state or federal law. Personal use shall occur only during non-working time unless otherwise specified. There shall be no expectation of privacy when using IT resources, and the County reserves the right to audit, monitor and inspect IT resources and any related documents or material with or without notice and with or without permission from the employee. Users shall not assume electronic communication is private.

6.26.2 MISUSE IT resources shall not be used to reveal confidential or sensitive information, client data, or any other information covered by existing state or federal privacy or confidentiality laws, policies, procedures, or contract terms. IT resources may not be used to create, access, download or upload information to include text or images, print, display, archive, store, distribute, edit, or record information that is considered to be discriminatory based on particular sex, race, age, national origin, disability, religion, sexual orientation or political affiliation, harassing, obscene, abusive, fraudulent, indecent, sexual content, orientated, harassing, or threatening. An employee may not use IT resources to engage in any business or for personal gain or profit. Employees are prohibited from accessing private, non-County e-mail accounts from County owned or leased equipment within the County's network. An employee shall not share his or her user name or password and is responsible for all activity occurring under his or her user name and password.

6.26.3 USE OF COUNTY TELEPHONES The use of County telephones is restricted to County business and necessary brief personal telephone calls. Examples of necessary brief personal calls are calls to alert household members about schedule changes, make alternative child care arrangements, talk with medical providers, reach businesses or government agencies that can only be contacted during working hours, and arrange emergency repairs. To the extent possible, such personal calls shall occur during non-working hours. An employee shall reimburse the County for all long-

distance personal calls.

6.26.4 USE OF COUNTY CELLULAR PHONES The County may provide cellular telephones for employees whose duties require wireless access to telephone service. The use of County cellular telephones is restricted to County business and necessary brief personal telephone calls. An employee shall reimburse the County for all overage charges whether the overage is due to personal calls or business calls. If an employee exceeds the plan due to business calls, it is the responsibility of the employee to meet with his or her immediate supervisor to evaluate whether the plan is sufficient for the duties required. Cellular telephones should be turned off or set to silent or vibrate mode during meetings and in other situations where incoming calls may disrupt the workflow.

6.26.5 USE OF PERSONAL CELLULAR TELEPHONES The use of personal cellular telephones while an employee is working, including text messaging and email communication is restricted to necessary brief personal telephone calls. An employee shall not use his or her personal cellular phone during working hours to send information or materials that are defamatory, discriminatory, or inappropriate for the workplace, including information or materials of a sexual nature or that show nudity.

6.26.6 COMPUTER PROGRAMS OR SOFTWARE No software licensed to the County nor data owned or licensed by the County shall be uploaded or transferred out of the County's control without explicit authorization from the Information Technology Director except through the Inspection of Public Records process. Users shall not download executable software, including freeware and shareware, unless approved by the Information Technology Director. Users shall not use information technology resources to download or distribute pirated software or data. Unauthorized dial-up access to the Internet is prohibited from any device that is attached to any part of the County's network. The County's IT resources shall not be used to establish connections to non-County Internet service providers without prior authorization by the Information Technology Director. No program or software which must be purchased may be downloaded until the program is properly purchased under the New Mexico Procurement Code and the County's purchasing procedures. Use of any program or software which is downloaded pursuant to these provisions must be strictly used within the terms of any license or registration.

6.26.7 SOCIAL MEDIA

6.26.7.1 DEFINITION OF SOCIAL MEDIA Social media is a means of communication on the internet that is accomplished by positing information or content for others to read, comment on, or respond to. It includes, but is not limited to, communicating with others 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.

6.26.7.2 SOCIAL MEDIA AT WORK

A. In an effort to reach a broader audience of Santa Fe County residents for a variety of reasons, the County participates in social media. The use of social media allows Santa Fe County to disseminate time-sensitive information as quickly as possible (e.g. emergency information). The Media Production and Public Relations Specialist and the County Manager shall determine which social media outlets are suitable for use, and which employees are authorized to use any given social media outlet, 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 Media Production and Public Relations Specialist, the County Manager or the County Manager's designee. When an employee is so authorized, the employee shall use the social media consistent with the terms of the authorization and this Handbook.

B. Unless specially 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.

6.26.7.3 PERSONAL USE OF SOCIAL MEDIA Santa Fe 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; 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 a 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.

6.26.7.4 IDENTIFICATION OF INAPPROPRIATE USE If any Santa Fe County

employee becomes aware of inappropriate use of social media in violation of this policy, he or she is to immediately report the conduct to the HR Division. Violations of this policy may result in disciplinary action up to and including termination.

SECTION 7 DISCIPLINE

7.1 AUTHORITY TO TAKE DISCIPLINARY ACTION Supervisory and managerial personnel have the responsibility and obligation to take disciplinary action deemed necessary, in the best interests of the County.

7.2 PROGRESSIVE DISCIPLINE The primary purpose of discipline is to correct performance or behavior that is below acceptable standards, or contrary to the County's legitimate interests, in a constructive manner that promotes employee responsibility. It is the County's policy that, as a general rule, discipline is progressive in nature, beginning with less severe action necessary to correct the undesirable conduct or behavior, and increasing in severity if the conduct or behavior is not corrected. There are instances when a disciplinary action, including dismissal, is appropriate without first having imposed a less severe form of discipline. The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred, as well as any previous counseling, and the employee's disciplinary history, will be factors considered in determining the action to be taken. The conduct at issue in a prior discipline need not be similar to the conduct involved in a subsequent discipline to serve as the basis for progressive discipline.

7.3 FORMS OF DISCIPLINARY ACTION

7.3.1 ORAL REPRIMAND An oral reprimand is generally used for minor offenses or to correct minor faults in an employee's performance. An oral reprimand is not grievable and not subject to the notice and hearing requirements of this section.

7.3.2 WRITTEN REPRIMAND A written reprimand may be issued by a supervisor for an offense of a more serious nature which requires more formal action than an oral reprimand. The written reprimand shall become a part of the employee's Human Resources file. A written reprimand is not grievable and not subject to the notice and hearing requirements of the applicable section of this handbook.

7.3.3 SUSPENSION A suspension may be ordered for an offense of a more serious nature or for repeat of a minor offense. An employee may be suspended for a period not to exceed thirty (30) working days. During a suspension, an employee will not be paid or accrue leave. Each suspension shall be recorded and filed in the employee's Human Resources file.

7.3.4 DEMOTION An employee may be demoted for an offense of a more serious nature or for repeat of a minor offense. The employee may be demoted to a lesser position for which the employee is otherwise qualified. When demoted, the employee will receive a decrease in compensation commensurate with the new position. Each demotion will be recorded and filed in the employees Human Resources file.

7.3.5 DISMISSAL An employee may be terminated for an offense of a more serious nature or for repeat of a minor offense.

7.4 GROUNDS FOR DISCIPLINARY ACTION A classified employee or a term employee, if the probationary period has been served, may only be suspended, demoted, or dismissed for just cause which is any behavior relating to the employee's work that is inconsistent with the employee's obligation to the County. Just cause includes, but is not limited to, the following:

7.4.1 UNSATISFACTORY PERFORMANCE

This conduct consists of:

- Unsatisfactory performance of duties
- Insubordination
- Continued violation of safety practices
- Failure to cooperate with fellow employees
- Failure to adhere to the established work schedule
- Failure to obtain prior authorization to work overtime
- Failure to meet or maintain job qualifications, as set forth in the job description, including failure to maintain a valid driver's license
- Sleeping on duty (except for approved sleep time for Fire personnel)
- Any other behavior that justifies discipline under this category

7.4.2 TARDINESS/ABSENTEEISM

This conduct consists of:

- Abuse of sick leave
- Unauthorized absence from work
- Tardiness shall include being late for work, returning late from lunch, or late to scheduled meetings or other work-related events for which attendance is required
- Failure to abide by time frames for sick calls
- Any other behavior that justifies discipline under this category

7.4.3 CARELESS, NEGLIGENT, OR IMPROPER USE OF COUNTY PROPERTY, EQUIPMENT OR FUNDS

This conduct consists of:

- Falsifying official documents or records
- Theft or vandalism of County property
- Unauthorized use or possession of County property or equipment

- Operating a County vehicle or equipment in a negligent, reckless or tortious manner
- Unauthorized disclosure of confidential information from County records or documents
- Falsification, destruction, or unauthorized use of County records, reports, or other data belonging to the County
- Unauthorized or fraudulent manipulation of time records or other County records
- Operation of a County vehicle or equipment while under the influence of a controlled substance or intoxicant
- Inappropriate use of IT resources
- Any other behavior that justifies discipline under this category

7.4.4 IMPROPER CONDUCT

This conduct consists of:

- On the job conduct toward the public or employees that causes discredit to the County
- Personal conduct which impairs the employee's ability to perform the employee's duties or causes discredit to the County
- Conflict of interest which results in private gain to the employee or detriment to the County
Threatening or harassing an employee, an Elected Official or anyone doing business with Santa Fe County
- Consumption, possession, or distribution of alcohol or drugs on the job, or reporting to work under the influence of alcohol or drugs
- Accepting a bribe or consideration given with the intent to influence the performance of duty
- Use of official position or authority for personal profit or advantage
- Bribery or coercion of, or attempting to bribe or coerce an employee or Elected Official
- Influencing, or attempting to influence, a Hearing Officer, other than through established hearing procedures
- Failure to cooperate in an investigation
- Distributing of literature, vending, soliciting, or collecting contributions while on the job and on County premises, or assisting with the same, without prior authorization of the County Manager
- Unauthorized possession of a weapon on the job site
- Fighting or other disruptive behavior in the workplace
- Gambling during work hours
- Any other behavior that justifies discipline under this category

7.4.5 Violation of any federal or state law including all civil right statutes.

7.4.6 Conviction of a misdemeanor or felony.

7.4.7 Violation of this *County of Santa Fe Human Resources Handbook*, department-specific procedures, or a professional code of ethics followed by those in the same profession as the employee.

7.5 PERSONS INELIGIBLE TO GRIEVE OR APPEAL A DISCIPLINARY ACTION A probationary employee, at-will employee, or employee in a casual or temporary position, or an employee in a term position who has not completed the probationary period may be disciplined at any time without a right to file a grievance.

7.6 ADMINISTRATIVE LEAVE The County Manager may approve administrative leave for an employee pending an investigation or disciplinary action.

7.7 DISCIPLINARY PROCESS The following procedures apply when a supervisor proposes to suspend, demote, or dismiss a classified employee or an employee in a term position who has completed the probationary period.

7.7.1 DELIVERY OF CORRESPONDENCE The County will make an effort to hand-deliver correspondence related to the disciplinary process including but not limited to disciplinary action forms, memos, or documents, and such correspondence will be considered served upon delivery. When hand delivery is not practical, such correspondence will be mailed by priority mail, certified return receipt requested and will be considered served on the first date of attempted delivery by the U.S. Postal Service to the last and usual place of residence indicated in the employee's Human Resources file. Employees are required to maintain a current address with the Human Resources Division and to notify the Human Resources Division in writing when that address changes. For the purpose of this Section, days mean workdays to include Monday through Friday and not to include holidays or time when the County Administrative Offices are closed.

7.7.2 NOTIFICATION OF PROPOSED DISCIPLINARY ACTION To initiate the suspension, demotion, or dismissal of a classified employee or an employee in term status who has completed the probationary period, the employee's Department Director or Elected Official or designee will serve a Notice of Proposed Disciplinary Action to the employee within (15) fifteen working days of becoming aware of the incident that describes the basis for the proposed action, or within fifteen (15) working days of completion of an investigation. A copy of the notification of proposed disciplinary action shall be submitted simultaneously to the Human Resources Division. The Notice of Proposed Disciplinary Action will describe the conduct, actions, or omissions that form the basis for the proposed disciplinary action, give a general explanation of what evidence the County has, and will include the date, time and place of the pre-determination hearing.

7.7.3 PRE-DETERMINATION HEARING The employee shall be given an opportunity to respond to the proposed discipline at a pre-determination hearing. The pre-determination hearing shall be recorded by the use of electronic recorder. The employee's immediate supervisor, Division Director, and Department Director/Elected

Official or designee, and a representative from the Human Resources Division shall be present at the pre-determination hearing. A representative of the County Attorney's Office may be present at the pre-determination hearing. The employee has the right to have a representative of his or her choice present during the hearing. Pre-determination hearings will be held within five (5) working days from the date of hand delivery or certified mailing of the proposed discipline. The pre-determination hearing is not an evidentiary hearing, but is an opportunity for the employee to present his or her version of events. It is a check against mistaken decision, a determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed discipline.

7.7.4 DECISION ON DISCIPLINARY ACTION Regardless of whether an employee attends the pre-determination hearing, the HR Director or designee shall issue a Notice of Final Action within ten (10) work days following the pre-determination hearing. The Notice of Final Action shall specify the final action to be taken, which may be upholding the proposed disciplinary action, modifying the disciplinary action, or reversing the disciplinary action, and shall describe the conduct that forms the basis for the disciplinary action, give a general explanation of the evidence the County has, and specify when the disciplinary action will become effective. The Notice of Final Action shall also advise the employee of the appeal rights set forth in Section 7.7.5 below.

7.7.5 APPEAL OF DISCIPLINARY ACTION If the employee or past employee wishes to appeal the disciplinary action; he or she shall submit a written appeal to the County Manager within five (5) working days from the date he or she was served with the decision on the disciplinary action. The County Manager will review all pertinent information and will either confirm, modify, or reject the disciplinary action. The County Manager may request additional information or documentation before rendering a decision. The County Manager will render a written decision by issuing a Notice of Final Action within ten (10) working days from the date of receipt of the appeal.

7.8 FILING AN APPEAL

7.8.1 An employee or previous employee must exhaust the administrative remedies described in Section 7.7 prior to filing an appeal as set forth in this Section.

7.8.2 A request for a post-determination hearing must be made in writing and filed with the Human Resources Director no later than ten (10) calendar days from service of the written decision of the County Manager. A copy of the Notice of Final Action and a statement of the specific grounds for the appeal must accompany the request.

7.8.3 Failure to file an appeal within ten (10) calendar days shall constitute forfeiture of the right to appeal.

7.8.4 HEARING OFFICER-The County will select a hearing officer deemed capable of providing a fair and impartial hearing to the person or employee.

7.8.5 The Hearing Officer shall set a hearing date no more than one-hundred-twenty

(120) days from the receipt of the request for a post-determination hearing. The hearing shall be recorded. This timeline can be extended by the hearing officer for cause or by written agreement of the employee and the County.

7.8.6 The employee may represent him or herself or designate a person who is not an employee of the County to represent him or her. The department director or Elected Official initiating the disciplinary action must be represented at the hearing. The employee and the County or Elected Official may each choose to have an attorney as a representative at the hearing.

7.8.7 Oral evidence shall be taken only under oath or affirmation. The Hearing Officer has the power to administer oaths, issue subpoenas, witnesses and compel either party to produce documents pertinent to the hearing.

7.8.8 As a condition of employment, employees may be required to appear as witnesses in hearings. Refusal by an employee to testify in an appeal hearing is grounds for disciplinary action. The hearing shall be conducted in an orderly and informal manner without strict adherence to the rules of evidence that govern proceedings in the courts of the State of New Mexico. However, in order to support a decision, there must be a residuum of legally competent evidence to support a verdict in a court of law. Irrelevant immaterial or unduly repetitious evidence shall be excluded.

7.8.9 The hearing examiner shall control the conduct of all parties and all other persons present at the hearing. The hearing examiner may, under the appropriate circumstance; (1) remove any person from the hearing room; (2) close the hearing to the general public; (3) exclude all witnesses until they are called to testify; (4) continue the hearing to a later time and date; and (5) take any other action the Hearing Officer determines is necessary to insure orderly proceedings and conduct a fair and impartial hearing.

7.8.10 The County or Elected Official's representative will present its evidence first.

7.8.11 Each party shall have the right to:

- a. make opening and closing statements;
- b. call and examine witnesses and introduce exhibits;
- c. cross-examine witnesses;
- d. impeach any witnesses; and
- e. rebut any relevant evidence

7.8.12 The hearing officer may take administrative notice of those matters of which courts of this state may take judicial notice.

7.8.13 An employee or person who files a request for a hearing and fails to appear or participate in the appeal process forfeits the right to continue the appeal. The record of the hearing shall reflect and take into consideration the employee's failure to appear or

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(A) **Written Grievance Required.** If the matter cannot be resolved informally in Step 1, the employee shall submit a written grievance to the Department Director/Elected Official. If a Department Director/Elected Official is also the employee's immediate supervisor with whom the Step 1 grievance had previously been addressed, the employee shall present the written grievance to that person.

(B) **Time to File Written Grievance.** A written grievance must be submitted within five (5) working days of the Step 1 discussion.

(C) **Content of Written Grievance.** Written grievances will be submitted on the established Santa Fe County *Report of Grievance Form*. The grievant will provide a short and concise statement of the action complained of, brief additional facts as appropriate, the relief requested, and the date when the Step 1 discussion occurred. *Report of Grievance Forms* will be made available in each County Department/Office, and will also be available at the Human Resources Division.

(D) **Response to the Written Grievance.** The Department Director/Elected Official or designee shall promptly respond in writing to the written grievance, but in any event, within ten (10) working days of the receipt of the written grievance.

(E) **Review by Human Resources Director.** If the matter cannot be resolved at the Department Director/Elected Official level, the grievant may file the grievance with the Human Resources Director and request a meeting with the Human Resource Director or designee. The meeting shall be scheduled within five (5) working days of the Human Resource Director's receipt of the grievance. The Human Resources Director shall respond to the grievant within ten (10) working days following the grievance meeting or if a grievance meeting is not conducted, within ten (10) working days from receipt of the grievance by the Human Resources Director.

(F) **Finality.** The grievance process concludes with Step 2.

SECTION 9 HUMAN RESOURCES RECORDS

9.1 REQUESTS FOR RECORDS All written requests by the public to inspect documents shall be forwarded immediately upon receipt to the County's Records Custodian.

9.2 HUMAN RESOURCES FILE The Human Resources file is considered to be the official employment file. A Human Resources file shall be maintained on each employee. The

Human Resources file shall be maintained by the Human Resources Division in a

secure location.

9.3 INSPECTION OF HUMAN RESOURCES FILE Each employee shall be permitted to review his or her Human Resources file. The employee may be required to present identification. The review of the file shall take place with a Human Resources representative present. The review shall occur as soon as possible, but no later than within one working day following the request. The employee shall not be permitted to remove anything from the file.

9.4 ACCESS TO HUMAN RESOURCES FILES Human Resources files are the property of Santa Fe County, and access to the information they contain is strictly restricted by law. Accordingly, access to an employee's Human Resources file shall be limited to persons with a legal right to examine the file. A supervisor shall be permitted to examine the Human Resources file of an employee under his or her direct supervision, but only if there is a legitimate business reason to do so. A supervisor who is considering hiring a County employee or a previous County employee shall be permitted to examine the Human Resources file of the applicant.

9.5 INQUIRIES CONCERNING PRESENT AND FORMER COUNTY EMPLOYEES

Only the Human Resources Division is authorized to respond to inquiries regarding present and former County employees. Responses to such inquiries will confirm dates of employment, wage rates, and position(s) held only. No further information will be released without a written authorization and a notarized release signed by the individual who is the subject of the inquiry.

9.6 MEDICAL FILES Medical information on each employee and dependents which is obtained by the County will be maintained in a separate medical file. The medical file is a confidential file and may be inspected only by those with a legal right to do so pursuant to the Federal Health Insurance Portability and Accountability Act. Any employee who is permitted to inspect such a file has a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately inspecting a medical file, or disclosing its contents, is subject to disciplinary action, up to and including termination of employment.

9.7 HUMAN RESOURCES DATA CHANGES Each employee shall promptly notify the Human Resources Division of any changes in the employee's name, mailing address, telephone number, marital status, number and names of dependents, individual(s) to be contacted in the event of emergency, educational accomplishments, and other relevant information. Any information affecting an employee's pay or record must be submitted as soon as it is known, but no later than the effective date.

SECTION 10 LEAVE

10.1 ANNUAL LEAVE

10.1.1 ELIGIBILITY Each full-time and part-time classified employee, probationary

employee, term employee and unclassified at-will employee is eligible to accrue annual leave beginning the date the employee becomes a County employee. Annual leave may be used after it has been accrued upon the approval of the employee's supervisor.

10.1.2 ACCRUAL Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee accrues annual leave for each hour actually worked, excluding overtime, and for each paid hour according to the schedule below. Full-time and part-time classified, term and probationary employees are authorized a maximum of two hundred and forty (240) hours of annual leave to be carried forward to the next calendar year. At-will employees are authorized a maximum of three hundred and twenty (320) hours of annual leave to be carried forward to the next calendar year. Annual leave shall not be granted in advance of accrual.

Annual Leave Accrual Schedule for Probationary, Term, At-Will, and Classified Employees

<u>Years of Eligible Service</u>	<u>Annual Hours Accrued Per Hour of Work</u>
0 thru 1 year inclusive	.0385
1 thru 5 years inclusive	.0578
5 years thru 10 years inclusive	.0767
More than 10 years	.0808

Annual Leave Accrual Schedule for Law Enforcement Non-Union Employees

<u>Years of Eligible Service</u>	<u>Annual Hours Accrued Per Hour of Work</u>
0 thru 1 year inclusive	.0385
1 thru 5 years inclusive	.0577
5 thru 10 years inclusive	.0766
10 thru 15 years inclusive	.0807
15 years or more	.0885

10.1.3 REQUESTING ANNUAL LEAVE An employee seeking to take annual leave must submit a *Request for Leave Form* to his or her supervisor with notice consistent with annual leave requested. For example, if one day is requested, one day notice is required.

The supervisor shall grant any reasonable request, but shall also consider the Department's workload, present staffing levels and other job-related factors when deciding whether to grant the request.

10.1.4 ANNUAL LEAVE COMPENSATION During the period of annual leave, an employee shall receive the employee's hourly base rate of pay, multiplied by the number of regular hours the employee would have worked during the annual leave. An employee on annual leave shall not be compensated for overtime that might have accrued had he or she not been on annual leave nor shall the employee receive shift differential pay while on annual leave.

10.1.5 DONATION OF ANNUAL LEAVE Employees may donate annual leave to another employee due to medical circumstances for which the recipient employee would be entitled to a leave of absence pursuant to the applicable section in this handbook.

10.1.6 REQUEST FOR ANNUAL LEAVE DONATIONS. An employee may request donations of annual leave from other employees upon the approval of the Division Director, Department Director/Elected Official, the Human Resources Director and County Manager if the employee has less than 20 accrued hours including sick leave, annual leave, or compensatory leave. An employee seeking donations of annual leave shall submit a *Request for Annual Leave Donations Form* to his or her supervisor. Upon all appropriate approvals, the Human Resources Division will announce the request of annual leave donations. Upon receipt of donations, the Human Resources Division will transfer the donated annual leave from the donating employee to the sick leave balance of the recipient employee, converting the dollar value of the donor's leave, based on the donor's hourly rate of pay, to hours of leave based on the recipient employee's hourly rate of pay. The recipient employee shall not use donated leave until exhausting all accrued annual and sick leave, compensatory time, and personal leave day. When the recipient employee returns to work, any remaining donated leave shall revert to the donor employees on a prorated basis. Leave donated to an employee shall not exceed 480 hours.

10.2 SICK LEAVE

10.2.1 ELIGIBILITY Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is eligible to accrue sick leave with pay to be used to attend medical appointments, for illness or injury, or to care for an ill or injured immediate family member beginning the date of hire. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law, brother and sister-in-law, domestic partner, domestic partner's child, and domestic partner's parent.

10.2.2 ACCRUAL Each full-time, part-time, classified, probationary, term and at-will employee accrues sick leave for each hour actually worked excluding overtime and for each hour paid at 0.0385 per hour worked.

10.2.3 REQUESTING SICK LEAVE Employees who are unable to report to work due to illness or injury are required to speak to their supervisor at least 30 minutes before the

scheduled start of the shift, unless otherwise specified by the Division Director, Department Director/Elected Official. If an employee has a planned doctor's appointment, the employee shall request the time off at least two days prior to the appointment.

10.2.4 PHYSICIAN'S STATEMENT If an employee is absent from work for three or more consecutive days due to illness or injury, a physician's statement may be required to verify the illness or injury, estimate its duration or certify that the employee may safely return to work.

10.2.5 COMPENSATION WHILE ON SICK LEAVE While on sick leave, each employee shall receive the employee's hourly base pay rate at the time of the illness, physician's appointment, or injury multiplied by the number of regular hours the employee would have worked had he or she not needed to use sick leave. An employee on sick leave shall not be compensated for overtime which might have accrued, nor shall the employee receive any shift differential pay while on sick leave. Paid sick leave may only be used in minimum increments of one-half (1/2) hour.

10.2.6 TRANSFERABILITY Sick leave is not transferrable.

10.2.7 ABUSE OF SICK LEAVE Employees may use sick leave only for the reasons set forth in the applicable section of this handbook. Use of sick leave for other reasons is not permitted. In the event the County has reason to believe that an employee is using sick leave for other reasons, the employee may be required to provide a statement from a physician for each day sick leave is claimed. Abuse of sick leave may be grounds for disciplinary action, up to and including termination.

10.3 HOLIDAYS

10.3.1 ELIGIBILITY Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is entitled to time off from work with pay during holidays. Holidays are approved annually by the Board of County Commissioners. Departments who have twenty-four hour shifts may, with the approval of the Human Resources Director, observe holidays on the actual holiday for the calendar year.

10.3.2 COMPENSATION DURING THE HOLIDAY During a holiday, each employee who works the holiday will receive holiday pay at straight time at the employee's base rate of pay and time and one half for all hours actually worked. Employees who do not work the holiday will receive holiday pay at straight time at the employee's regular hourly rate of pay for the normal regular scheduled hours. An employee on holiday pay shall not be compensated for overtime which might have accrued had he or she worked. An employee must be in a work or paid leave status on their scheduled work day immediately preceding and following the holiday.

10.3.3 HOLIDAY ON DAY OFF If a holiday falls on an employee's day off, the employee may take another day off during the same week to compensate for the

missed holiday or be paid holiday reimbursement for that day as approved by the supervisor.

10.4 PERSONAL LEAVE Each full-time and part-time classified employee, term employee and unclassified at will employee shall receive one personal leave day with pay each calendar year. An employee shall accrue one personal leave day on their one (1) year anniversary date. Each year after that, each employee will accrue a personal day in January. A personal leave day must be scheduled in the same manner as annual leave. Personal leave must be taken by the last full pay period in December of the year of accrual and may not be carried over into the following calendar year. Personal leave cannot be taken in separate blocks of time.

10.5 BEREAVEMENT LEAVE Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee shall be eligible to use up to three (3) days of bereavement leave with pay in the event of the death of an immediate family member. For purposes of this section, an “immediate family member” is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law, and brother and sister-in-law, domestic partner, domestic partner’s child and domestic partner’s parent.

10.6 MILITARY LEAVE Each full-time and part-time classified employee, probationary employee, term and unclassified at-will employee who is a member or reserve member of the U.S. Armed Forces or a state militia group may obtain military leave with pay when ordered to duty with the armed forces. An employee shall provide the County with the orders. The duration of the paid leave is limited to that required by federal law, but the County Manager may approve additional leave. If the period of duty exceeds that required by federal law, the employee may use accrued annual leave, accrued compensation time, the employee's personal leave day or leave without pay for the duration of the employee's duty period. Upon return from military leave, an eligible employee is entitled to rights under the federal Uniformed Services Employment and Reemployment Rights Act of 1994.

10.7 COURT DUTY Each full-time and part-time classified employee, probationary employee, and unclassified at-will employee may take court leave with pay when required to serve as a juror or as a witness in any state or federal court at a time when the employee would normally be working, except in a matter unrelated to the performance of the employee's duties in which the employee is a litigant. An employee may not take court leave to litigate against the County. If excused from duty by the court when work hours remain in the employee's work day, the employee shall return to work. If an employee elects to receive compensation for jury service from a court together with their ordinary pay, any compensation paid by the court to the employee less any mileage paid to them must be paid to the County. Employees shall be entitled to administrative leave when appearing during regularly scheduled work hours in obedience to a subpoena as a witness before a grand jury or court or before a federal or state agency. Fees received as a witness, excluding reimbursement for travel, shall

be paid to the County.

10.8 ADMINISTRATIVE LEAVE Any employee may be placed on administrative leave with pay when it is in the best interests of the County to do so. The County Manager or designee must authorize administrative leave for all employees prior to the leave being taken.

10.9 LEAVE WITHOUT PAY Any employee may be placed on leave without pay when the circumstances and best interests of the County dictate that unpaid leave is appropriate. Leave without pay greater than one full pay period may only be authorized by the Department Director upon approval of the Human Resources Director. During unpaid leave, an employee shall not accrue any of the benefits described in this *Human Resources Handbook*. An employee shall not accrue leave while on leave without pay. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, insurance or benefit program during unpaid leave. Failure of an employee to report to work as required following the expiration of his or her approved leave without pay shall be considered a voluntary resignation.

10.10 FAMILY AND MEDICAL LEAVE The Federal Family Medical Leave Act (FMLA) provides for a leave of absence for a serious health condition, to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child, or to care for a child, spouse, or parent with a serious health condition, or "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation." It also is to permit a spouse, son, daughter, parent, or next of kin to take up to twenty-six (26) workweeks to care for a "member of the Armed Forces including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

10.10.1 An employee must request Family and Medical Leave on a form provided by the Human Resources Division. Each eligible employee is entitled to take up to twelve (12) weeks unless otherwise stated, of Family and Medical Leave during a twelve month period. Eligibility is determined by reference to Federal law. If an employee has questions concerning eligibility, he or she should consult the Human Resources Division. Employees requesting family leave are required to provide a statement from a health care provider, on a designated Human Resources form, concerning the need for such leave.

10.10.2 Family and medical leave is unpaid leave. Employees are required to use accrued annual leave, sick leave, personal holiday, and compensatory time. Family Medical Leave is concurrent with all other leave. During Family Medical Leave, the County will continue to pay its portion of the cost of any medical benefits that the employee had at the time the

leave began. The employee shall pay to the County or appropriate company the portion of the premium the employee would have had to pay had he or she been working. Intermittent leave shall be granted in accordance with the FMLA.

10.10.3 Employees are prohibited from engaging in any employment elsewhere while on Family Medical Leave with Santa Fe County.

10.11 LEAVE FOR INCLEMENT WEATHER/EMERGENCY SITUATIONS The County expects to remain open and in full operation regardless of weather conditions, transportation disruptions or other emergencies. Therefore, all employees are expected to report to work during such conditions. On rare occasions, the County Manager may close offices, send non-essential employees home, and grant administrative leave with pay provided an employee was originally scheduled to work or did not call in sick during the closing due to inclement weather or an emergency situation. Essential employees are employees who have responsibility for public health, safety, and welfare. Essential employees are required to remain at or report to work as scheduled unless otherwise notified by their immediate supervisor. Failure of essential employees to remain at or to report to work may result in disciplinary action up to and including termination.

10.12 MENTORSHIP/VOLUNTEER LEAVE The County Manager may grant a full-time or part-time classified employee, a non-classified at-will employee, or a term employee one and one-half hours per week of paid administrative leave to participate in a County approved mentorship/volunteer program. Employees must have completed their probationary period to be eligible for this leave. A *Request for Mentorship/Volunteer Leave Form* must be complete and approved by the employee's immediate supervisor, Division Director, Department Director, and Human Resources Director prior to the scheduled leave.

10.12.1 Mentorship/Volunteer leave shall be documented appropriately on timesheets.

10.13 EDUCATIONAL LEAVE Educational leave may be granted at the discretion of the immediate supervisor, Division Director, Department Director or Elected Official and the Human Resources Director. Full-time employees may request educational leave up to four (4) hours per work week, to attend classes for courses during the normal business hours of 8:00 a.m. to 5:00 p.m. and that are directly related to the employee's job or for a degree program that is directly related to the employee's job.

10.13.1 Educational leave is to be used for actual class attendance and travel time to the institution. It will not be used for study or homework time. Educational leave may be disapproved on any given day because of an emergency or unusual work condition. Educational leave must be requested prior to the intended time of the requested leave.

SECTION 11 EMPLOYEE BENEFITS

11.1 MEDICAL, DENTAL, VISION, LIFE, DISABILITY Each eligible classified employee, probationary employee, term employee, unclassified at-will employee, Elected Official, term employee, and eligible dependents may obtain group medical, dental and vision benefits, life and short and long-term disability insurance benefits through the County's plans, most of which are plans offered to County employees through arrangement with the State of New Mexico. The employee's contribution to the cost of coverage shall be made by payroll deduction. The specific details of the plans are set out in pamphlets available from the Human Resources Division. Coverage, if elected, will remain in effect under rules promulgated by the State of New Mexico Risk Management Division., or if the County makes any changes or as otherwise provided in this *Human Resources Handbook*.

11.2 EMPLOYEE ASSISTANCE PROGRAM Any employee of Santa Fe County may contact the Employee Assistance Program (EAP) to receive counseling for various reasons including but not limited to marriage problems, parenting skills, addictions, drug and alcohol problems, relationship issues and depression. The service is confidential, unless the employee is referred by a supervisor, in which case the supervisor will be informed only whether or not the employee has participated in and completed the counseling. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to disciplinary action.

11.3 WORKERS' COMPENSATION PROGRAM Each employee is covered by Santa Fe County's Workers' Compensation Program pursuant to the New Mexico Workers' Compensation Act. The workers' compensation program provides benefits to an eligible employee who suffers a job-related injury. Any employee placed on workers' compensation as a result of a work-related injury shall receive his or her regular pay or salary during the first full week of disability. Compensation for work-related injuries beyond the first week of disability is strictly limited by the Workers' Compensation Act, and nothing herein shall be construed as extending benefits under the County program not explicitly required by the Act. Any employee placed on workers' compensation who cannot return to work within six months of the date of the accident or injury which results in the disability shall be terminated, but shall be eligible to re-apply for a position with the County pursuant to the terms of the Workers' Compensation Act. Questions concerning workers' compensation should be directed to the County Risk Manager.

11.4 RETIREMENT BENEFITS Each eligible employee must participate in the County's mandatory retirement program, administered by the Public Employees Retirement Association ("P.E.R.A."), unless otherwise specified by P.E.R.A. Mandatory employee contributions to the plan are made by payroll deduction and forwarded to P.E.R.A. Details concerning eligibility and other details of the retirement program are set forth in New Mexico Statutes and the publications of the P.E.R.A., which are provided to the employee directly by the P.E.R.A.

SECTION 12 PERFORMANCE EVALUATIONS

12.1 A performance evaluation of each employee may be conducted at least annually to provide the supervisor and the employee an opportunity to discuss job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Upon hire, each new employee should be provided a copy of the evaluation criteria. This section may not apply to at-will employees.

12.1.1 EVALUATION FORM When a performance evaluation is initiated, the supervisor shall complete the form provided by the Human Resources Division for that purpose. The *Performance Evaluation Form* is used to record performance criteria, dates of periodic reviews and results of the performance evaluations. Each completed *Performance Evaluation Form* is part of the employee's Human Resources file.

12.1.2 The performance evaluation shall be conducted in person by the employee's immediate supervisor, at which time the completed evaluation form shall be presented to the employee. Before the evaluation becomes final, it shall be reviewed and approved by the Division Director, Department Direct/Elected Official and the Human Resources Division.

12.1.3 OBJECTING TO A PERFORMANCE EVALUATION If an employee wishes to object to the performance evaluation; the employee may complete a rebuttal statement and attach the statement to the evaluation form. An employee who does not agree with the performance evaluation may also request a review of the performance evaluation by the Department Director/Elected Official or further review by the Human Resources Director. Neither the Department Director/Elected Official nor the Human Resources Director is obligated to take any action when asked to undertake such a review. An employee's objection to a performance evaluation is not subject to the grievance process in Section 8 of this handbook.

SECTION 13 COMPENSATION

13.1 CLASSIFICATION AND COMPENSATION SYSTEM Santa Fe County utilizes a classification and compensation system that classifies each position and establishes a range of compensation for each position. The range establishes a minimum and maximum amount of compensation for each position.

13.1.1 MAINTENANCE OF THE CLASSIFICATION AND COMPENSATION SYSTEM The HR Director shall be responsible for the continuous maintenance and administration of the Classification and Compensation System and has the authority to make changes to job classifications, job titles, and ranges in the best interest of the County. To accomplish this, the HR Director will analyze rates of pay in comparable

labor markets, collect information on the prevailing cost of living, and analyze the County's budget. Changes may be made based on budget availability in coordination with the Finance Director.

13.2 NEW POSITIONS The creation of any new position, other than a temporary position or casual position must be approved by the Board of County Commissioners.

13.3 COST-OF-LIVING ADJUSTMENT Upon approval of the Board of County Commissioners, compensation may be periodically adjusted to account for changes in the cost of living.

13.4 NEW HIRE COMPENSATION The compensation of a new employee should reflect the employee's qualifications for the position. The compensation of a new employee should typically be the minimum compensation for the range of the employee's position. A higher compensation may be established if it is documented that the employee's qualifications or other considerations warrant a higher compensation. Human Resources Director approval is required for any entrance compensation more than five percent (5%) above the minimum compensation of the range.

13.5 EMERGENCY RETENTION COMPENSATION INCREASES The County Manager may, in his or her discretion, authorize a compensation increase to an employee's existing compensation to retain an employee who is critical to the efficient operation of the County. The employee's Department Director/Elected Official must provide the Human Resources Director with a written copy of the employee's employment offer including the offered compensation.

13.6 COMPENSATION UPON RANGE CHANGE The Human Resources Director may change the compensation range for a classification. As a result of such a change, no employee's compensation shall be reduced, even if the employee's compensation is above the maximum compensation of the new range. Unless otherwise approved by the County Manager, an employee whose range is adjusted upward shall retain his or her same compensation after the range change or his or her compensation shall be increased if the existing compensation is lower than the minimum compensation of the new range.

13.7 COMPENSATION FOR TEMPORARY EMPLOYEES Compensation for temporary employees may fall below the minimum of the range for the job classification, but must comply with federal and state laws.

13.8 MERIT INCREASES A merit increase is an increase to an employee's base salary. It is based on sustained superior performance which supports an expectation of future exemplary performance related to assigned duties and the current job classification. A merit increase shall be recommended by the Division Director, Department Director/Elected Official and must be approved by the Human Resources Director, the Finance Director and the County Manager. Eligibility will be determined by the Human

Resources Division. A denial of a request for a merit increase is not grievable or appealable.

13.9 SALARY ADJUSTMENTS The County Manager may approve an increase in compensation for a classification, other than a cost-of-living increase or a merit increase, if

in the best interests of the County. However, the resulting compensation shall not exceed the compensation for the range for the classification.

13.10 TEMPORARY COMPENSATION FOR PERFORMANCE OF ADDITIONAL DUTIES Occasionally, an employee will be asked to temporarily assume additional duties. In such cases, the employee's compensation may be temporarily adjusted to reflect the added responsibility. After the employee assumes the additional responsibilities of the higher position for a full pay period, the employee's compensation may be increased up to fifteen (15%) above the employee's present compensation. When the temporary assignment is completed, the employee's compensation will be readjusted to its previous level. A temporary compensation increase pursuant to this section shall not exceed nine (9) months.

13.11 OVERTIME All overtime work must be approved before it is performed. Employees are expected to report to duty for mandatory overtime. Failure to report for mandatory overtime may result in disciplinary action. All overtime, for both Fair Labor Standards Act ("FLSA") covered employees and FLSA Section 7 (k) exempt employees shall be paid through compensatory time unless otherwise determined in advance by the Department Director/Elected Official or designee.

13.11.1 FLSA-COVERED EMPLOYEES Approved overtime pay for employees covered by the FLSA shall be at the rate of one and one-half times the employee's regular hourly rate, applied to the actual hours worked in excess of forty (40) hours per week. Annual leave, sick leave and all other leave excluding holiday leave shall not be considered as actual time worked.

13.11.2 FLSA 7K EXEMPT EMPLOYEES The work period for eligible fire protection employees is twenty-eight (28) days. Accordingly, overtime or compensatory time earned is paid for all actual hours worked in excess of two-hundred twelve (212) hours in a 28-day work period. The work period for eligible security employees in a correctional institution is fourteen (14) days. Accordingly, overtime or compensatory time earned is paid for all actual hours worked in excess of eighty-four (84) hours in a 14-day work period. Annual leave, sick leave and all other leave with the exception of holiday leave shall not be considered as actual time worked.

13.11.3 COMPENSATORY TIME Compensatory time is time worked in excess of forty (40) hours per week and for which the employee receives time off from work in lieu of overtime pay. Compensatory time for FLSA covered employees is compensated at the rate of one and one-half hours of time off from work for each hour actually worked in

excess of forty (40) hours per week. FLSA covered employees may accrue compensatory time up to eighty (80) hours.

13.11.4 Compensatory time for FLSA exempt employees, except Division Directors, Deputy Directors, Department Directors, the Undersheriff, Attorneys, the Fire Chief, the Warden, and Doctors, is compensated at the rate of one hour of time off from work for each hour actually worked in excess of forty (40) hours per week. Department Directors, Division Directors, Deputy Directors, the Undersheriff, Attorneys, and Doctors are not eligible for compensatory time. Compensatory time off may be accrued, but only to a maximum of eighty (80) hours.

13.11.5 FLSA exempt employees who work over forty (40) hours per week and have eighty (80) hours of accrued compensatory time will not be compensated unless approved by the County Manager. FLSA exempt employees are not eligible for overtime pay unless approved by the County Manager at straight time. Questions concerning compensatory time should be directed to the Human Resources Division.

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

13.13 ON-CALL PAY On-call pay is compensation for certain employees who are specifically designated and required by their Department Director, Elected Official or designee to be available and ready to report for duty or to respond to a work related call during their time off for a minimum of twenty-four (24) consecutive hours to perform emergency or needed duties occurring outside of standard working hours.

13.13.1 ON-CALL COMPENSATION On-call compensation will be one (1) hour of compensatory time for each twenty-four (24) hours on-call, and two (2) hours of compensatory time for each twenty-four hours on-call during approved County holidays.

13.13.2 Employees will be considered on duty for the County from the time they leave home or when they receive a call until the work is complete. This time is considered actual worked time.

13.13.3 REQUIREMENTS FOR ON-CALL PAY An employee who is on-call is not required to remain at any particular location, and is free to engage in his or her own chosen activities so long as the following criteria are met:

- The employee on-call shall ensure the pager, cell phone or other means of communication between the County and the employee is working properly
- Must call back within ten (10) minutes of receiving a call, and report to work in thirty (30) minutes if needed.
- Arrive in "fit" condition.

On-call pay cannot be paid when an employee is on any type of leave.

13.13.4 Each job classification that is FLSA exempt will not be eligible to receive on-call pay unless otherwise approved in advance by the Department Director or Elected Official and the Human Resources Director.

13.13.5 Employees shall be considered to be on-call only when designated in writing and in advance by the employee's Department Director, Elected Official or designee.

SECTION 14 PAY PERIODS, PAYCHECKS AND TIMEKEEPING.

14.1 PAY PERIOD A "pay period" is a two-week period beginning Saturday at 12:01 a.m. and ending Friday at midnight. This method of payment results in twenty-six (26) pay periods per year in most years; in some years, twenty-seven (27) pay periods will result.

14.2 PAYCHECKS will be issued every other Friday at a time and place determined by the Department Director/Elected Official. If a holiday falls on Friday, checks will be issued on Thursday. Paychecks may be issued early, but only in cases of emergency, and only after approval of the Department Director and the Payroll Supervisor. Paychecks may be released to a designee of the employee upon presentation of written authorization.

14.3 TIME SHEETS/TIME RECORDS Timesheets/time records shall be completed and signed by the employee, approved by the employee's immediate supervisor, and the Division Director or Department Director/Elected Official. At the completion of each pay period, after approvals the time sheets will be forwarded to the Finance Division. Failure to comply with payroll deadlines may result in a delay of the issuance of a paycheck. Employees may be required to document time worked and time off through an electronic time-keeping system.

14.3.1 ACCURACY OF TIME SHEETS It is the responsibility of each employee to accurately record the time spent on the job performing assigned duties. Each employee must sign the time sheet thereby certifying the accuracy of all time recorded. If the employee makes any corrections or modifications to the time sheet, the supervisor must verify the accuracy of the changes by initialing beside the change. Any adjustments required because of an employee error on a timesheet shall be made in the next full pay period. Supervisors are prohibited from knowingly approving falsified timesheets. Failure to provide accurate timesheets may be grounds for disciplinary action up to and including termination.

SECTION 15 EMPLOYEE HEALTH, SAFETY, AND ACCIDENT PREVENTION

15.1 WORKING SAFELY Each employee must be informed of and observe established safety practices as determined by the supervisor and Safety Manager. Each employee is to take all possible precautions to avoid exposure to injury or illness. Each employee must utilize appropriate personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats. No employee is permitted to remove guards or other protective devices from machinery and equipment. Employees shall refrain from operating, modifying, adjusting or using equipment in an unauthorized manner or working alone. Employees are prohibited from engaging in "horseplay."

15.2 DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS Each employee has the duty to report each unsafe working practice or hazardous condition that he or she observes to the supervisor or Safety Manager so that the problem can be immediately corrected.

15.3 SUPERVISION Each supervisor has the duty to ensure that each employee is acquainted with proper safety practices and applicable safety rules, that safe practices and safety rules are uniformly followed, and that employees are properly outfitted with the proper safety equipment. In the event an accident occurs, the supervisor is required to immediately complete and forward to the County Risk Manager a *Notice of Claim Form*.

15.4 SAFETY TRAINING Each employee shall attend safety training sessions as required by the County.

15.5 INJURIES ON THE JOB Each employee is required to report all job-related injuries or illnesses to his or her supervisor immediately, and assist in any resulting investigation. The supervisor shall report all job-related injuries or illnesses to the County Risk Manager immediately.

15.6 ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT When an accident occurs that raises the possibility of defective equipment, the employee should immediately attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the County Safety Coordinator and Risk Manager.

15.7 SAFETY COMMITTEE The County maintains a Safety Committee composed of County employees appointed by the County Manager. The Safety Committee meets at least quarterly to identify safety hazards, review accidents that have occurred, discuss recommendations for improved safety and formulate safety rules and procedures. Each County employee is required to cooperate with inquiries made by the Safety Committee.

15.8 DRUG- AND ALCOHOL-FREE WORKPLACE Santa Fe County is committed to protecting the safety, health, and well-being of all employees and other individuals in our workplace. Santa Fe County is a drug- and alcohol-free workplace. As a condition

of employment, Santa Fe County requires that employees adhere to policy regarding the use and possession of drugs and alcohol. Failure to comply may result in disciplinary action up to and including termination. Such violations may also have legal consequences.

15.9 APPLICABILITY This section is applicable to each employee, including but not limited to, classified, probationary, at-will, exempt, term, temp and casual employees and

volunteers. This section applies during working hours, while on-call, while on paid standby, while on break during the work day, while on county property, while attending training, while occupying a county vehicle, and while utilizing county equipment.

15.10 PROHIBITED BEHAVIOR It is a violation of our drug and alcohol-free workplace policy to use, possess, sell, buy, trade, be under the influence of, be impaired by, or offer for sale, alcohol, drugs or intoxicants as set forth herein.

15.11 PRESCRIPTION AND OVER-THE-COUNTER MEDICATION Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may impair job performance or interfere with the safe performance of his/her job. A physician's note may be required that verifies that use of the medication as prescribed will not impair or affect the employee's performance. Appropriate discipline may be taken if job performance deterioration or accidents occur. It is the employee's responsibility to report to his or her supervisor the use of prescription medication or over-the-counter medication that may impair job performance or compromise the safety of the employee, fellow employees or the public. If the employee cannot perform his or her duties while taking a prescription medication or over-the-counter medication, the employee may be required to perform other duties or take sick leave until the course of treatment is concluded. If leave is unavailable, the leave will be without pay. Employees are not required to disclose confidential health information as part of this process. The illegal or unauthorized possession or use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Any illegal or unauthorized use or possession of prescription drugs may result in disciplinary action up to and including termination. The use of over-the-counter drugs contrary to the directions on the package may result in discipline up to and including termination.

15.12 DRUG AND ALCOHOL TESTING

15.12.1 RANDOM TESTING Each holder of a Commercial Drivers' License (CDL) and each employee in a safety or security related position is subject to random drug and alcohol testing. A safety or security related position is one in which an employee operates equipment that is potentially dangerous to other employees or citizens of the

County, one in which an employee has access to or dispenses drugs, one in which an employee works in a facility that requires the care of individuals, one in which an employee has access to or carries a firearm, or one in which an employee operates or maintains heavy equipment or coordinates, relays, or controls radio communication for law enforcement, fire or emergency medical services personnel.

15.12.2 TESTING ON REASONABLE CAUSE If there is reasonable suspicion to believe that an employee may be impaired by drugs or alcohol on the job, or if the employee is found with drugs or alcohol in the workplace, immediate drug or alcohol testing may be ordered. Reasonable suspicion exists when one's experience and training tends to indicate that a given person is under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to, odor of alcoholic beverage on the breath, slurred or incoherent speech, staggering walk, loss of physical coordination, bloodshot eyes, inability to successfully complete a field sobriety test, erratic behavior, unexplained or uncharacteristic irritability, excessive tardiness, poor work performance, arrest for drug/alcohol charges, or excessive unexplained absences from work.

15.12.3 PROCEDURE FOR TESTING ON REASONABLE CAUSE

15.12.3.1 STEP 1 In the event any County employee has reasonable suspicion to believe an employee may be impaired by drugs or alcohol while on the job, the suspected employee's supervisor must be notified. The supervisor shall notify the Risk Manager and the Human Resources Director. A trained supervisor, County Risk Management personnel or Human Resources personnel shall then directly observe the employee's behavior and document any irregularities. If a test is ordered, the observer must document the specific indicators observed within forty-eight (48) hours and submit to the HR Director.

15.12.3.2 STEP 2 If reasonable suspicion exists, the employee shall be asked to execute a written consent for immediate alcohol or drug testing. Failure to consent to testing may be grounds for discipline, up to and including termination.

15.12.3.3 STEP 3 If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breathalyzer or blood or urine testing. The employee shall be transported by a trained supervisor, the County Risk Personnel or the Human Resources Personnel to the testing location. Analysis of any samples collected will be performed by a laboratory selected by the County.

15.12.3.4 STEP 4 Following completion of testing, the employee will be placed on administrative leave with pay until the test results are available. The County shall transport the employee home.

15.12.3.5 STEP 5 If the testing discloses that the employee was not impaired by alcohol or drugs at the time of the test, the employee shall return to work. If the test

discloses that the employee was not impaired at the time of the test but does disclose trace amounts of alcohol or drugs, or the test discloses that the employee was impaired by alcohol or drugs at the time of the test, the employee may be placed on unpaid leave until a decision on continued employment is made by the Department Director and Human Resources Director.

15.12.3.6 PARTICIPATION IN A TREATMENT PROGRAM An employee who is not terminated after a positive test result may be required to participate in an alcohol or drug treatment program through the Employee Assistance Program or another program, and comply with other conditions specified by the County as a condition of continued employment. Any employee who participates in such a program may, in addition to disciplinary action, be subject to other conditions of continued employment and shall be placed on leave without pay while participating in the program. However, an employee may be permitted to use accrued sick leave, annual leave, or compensatory time in lieu of unpaid leave while participating in the program. Upon successful completion of an agreed-upon treatment program, the employee shall be permitted to return to his or her position.

15.12.3.7 LOSS OF DRIVING PRIVILEGES If the results of a drug or alcohol test is positive, indicates that the employee was impaired, or that the employee was under the influence while at work, the employee shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business), for a period of three (3) years, subject only to the exception below. If the loss of driving privileges makes the employee unable to perform his or her job, the employee may be terminated.

15.12.3.8 RESTORATION OF DRIVING PRIVILEGES An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of a positive test if the employee: (1) has not been convicted of any traffic violation since the date of the positive test; (2) has a valid driver's license; (3) has performed satisfactorily in his or her position; (4) has completed a drug/alcohol use assessment by an agency of the County's choice; (5) has followed each recommendation made as a result of the drug use assessment; and (6) otherwise satisfies the County of the employee's sobriety and responsibility. The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable.

15.12.3.9 RANDOM TESTING If an employee has had a positive drug test and has not been terminated, the employee will be subject to random testing for a subsequent period of two (2) years from the date of the positive test.

15.13 DRUG AND ALCOHOL RELATED CONVICTIONS Any employee who is convicted of a drug or alcohol related criminal offense may be subject to severe disciplinary action up to and including termination. If not terminated, the employee may be required to undergo periodic random drug or alcohol testing, may be required to complete a course of alcohol or drug abuse treatment, or may be required to complete drug and alcohol abuse counseling through the Employee Assistance Program. Employees convicted of the unlawful sale or distribution of drugs in the workplace or

while working will be immediately terminated under the federal Drug-Free Workplace Act. Any employee must notify the Santa Fe County Risk Manager of a criminal conviction for drug related activity occurring in the workplace within five (5) days of the conviction. Any employee who is convicted of an alcohol-related driving offense shall notify his or her supervisor of the conviction within five (5) days of the date of conviction. Failure to report such convictions may be grounds for discipline, up to and including termination.

15.14 SELF-IDENTIFICATION BY EMPLOYEE Any employee who suffers from drug or alcohol dependency should immediately seek the assistance of the Employee Assistance Program or the appropriate resources within the community. The employee may also wish to discuss the matter in confidence with his or her supervisor or the Human Resources Director. Each employee who suffers from drug or alcohol dependency is urged to seek help before being the subject of disciplinary action. An employee who requests referral to a drug or alcohol rehabilitation program prior to being randomly selected for drug or alcohol testing shall be referred to such a program without reprisal or disciplinary action, provided that the self-identification is not made to avoid disciplinary action. The employee shall be randomly tested during the rehabilitation period. A positive test shall be grounds for dismissal.

15.15 MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S Employees who have been charged with a DWI or DUI and who are required to drive to perform their job will be terminated if their driving privileges are suspended or revoked and if no accommodations for other duties can be made.

15.15.1 PERSONS CONVICTED OF DUI MAY NOT DRIVE If an employee is convicted of a DUI, the employee may be placed on unpaid leave until a decision on continued employment is made by the Department Director and Human Resources Director.

15.15.2 It is the policy of Santa Fe County that any employee who is convicted of driving under the influence of an intoxicant such as alcohol or drugs shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business), for a period of three (3) years, subject only to the exception set forth in Section 15.12.3.8. If the loss of driving privileges makes the employee unable to perform his or her job, the employee may be terminated.

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

15.15.4 DEFINITION For purposes of this policy, the word "conviction" includes a guilty

plea, a no-contest plea, or an Alford plea.

SECTION 16 HUMAN RESOURCES ACTIONS

16.1 All Human Resources Actions, excluding disciplinary action, affecting current employees shall have an effective date starting at the beginning of a pay period. The Department Director/Elected Official or designee shall submit requests for Human Resources Actions upon becoming aware of the recommended change and before the effective date of proposed action.

16.2 PROMOTIONS A promotion is the upward mobility to a position in a higher range with a salary increase. An employee must meet the minimum qualifications for the posted vacant position in order to be considered for the position.

16.2.1 COMPENSATION ON PROMOTION Upon promotion, an employee's compensation shall increase not to exceed fifteen percent (15%) unless otherwise approved by the County Manager. No compensation upon promotion shall exceed the maximum compensation of the new position range nor fall below the minimum compensation of the new position.

16.2.2 TEMPORARY PROMOTION An employee may be temporarily promoted for a period not to exceed six (6) months to a vacant position for which he or she meets the minimum qualifications. The Human Resources Director may grant a temporary salary increase to the temporarily promoted employee pursuant to the applicable section of this handbook.

16.3 DEMOTIONS A demotion is the move to a classification with a lower range, which may be voluntary or involuntary and may be tied to a disciplinary action.

16.3.1 COMPENSATION ON DEMOTION Upon demotion, an employee's compensation shall decrease to an amount within the lower compensation range that is not more than a fifteen percent (15%) decrease from the employee's previous compensation, unless the maximum compensation of the new range is greater than a fifteen percent (15%) decrease. No compensation upon demotion shall exceed the maximum compensation of the new range nor fall below the minimum compensation of the new range.

16.4 TRANSFER A transfer occurs when an employee or an employee's position is transferred from one division or department/office to another. An employee or an employee's position may be transferred either voluntarily or involuntarily, if in the best interests of the County. An involuntary transfer is not grievable.

16.4.1 COMPENSATION UPON TRANSFER Compensation of an employee who is transferred shall remain the same unless otherwise approved by the hiring Department Director/Elected Official, the Human Resources Director, the Finance Director, and the County Manager.

16.5 RECLASSIFICATION A reclassification occurs when an employee's position is changed and there is no reduction in salary. An employee may be reclassified either voluntarily or involuntarily, if in the best interests of the County. A reclassification is not grievable.

SECTION 17 SEPARATIONS

17.1 VOLUNTARY SEPARATIONS

17.1.1 RESIGNATION An employee may resign from the County by submitting a written letter of resignation to his or her immediate supervisor at least two weeks prior to the effective date of resignation. The letter of resignation should include the reason for leaving as well as the proposed effective date.

17.1.2 RETIREMENT An employee may retire from County employment through the County's retirement program so long as the employee meets the requirements of the P.E.R.A. An employee desiring to retire should contact the P.E.R.A. and give his or her supervisor as much notice as possible.

17.2 INVOLUNTARY TERMINATION WITHOUT CAUSE

17.2.1 ABOLISHMENT OF POSITION The Board of County Commissioners may abolish a position which is no longer needed within the County work force. If a position is available for which work and funds are available, an employee whose position is abolished may accept a demotion or transfer, but only if the employee is otherwise qualified for the new position and a position exists. If a position is re-established within six months of its abolishment, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment. The grievance or appeal process is not available regarding the abolishment of a position.

17.2.2 FURLOUGH In the event of the need for a furlough, the County Manager shall submit a plan to the Board of County Commissioners that identifies organizational units to be affected by the furlough. The County Manager may order a furlough without submitting a plan to the Board only if a financial emergency exists and there is insufficient time for the Board of County Commissioners to consider a plan. A furlough is the temporary placement of an employee in a reduced work hour schedule, which can either be partial or full-time, for lack of work or funds. The furlough plan shall affect all employees within the organizational unit to the same extent. No furlough may exceed twelve (12) months in duration. A furloughed employee shall be given at least fourteen (14) calendar day's written notice of furlough, unless the time limit is waived by the County Manager. Employees shall be returned from furlough when the reasons for the furlough cease to exist. Where ever possible, all affected employees shall be returned at the same time, to the same extent. The grievance or appeal process is not available regarding a furlough.

17.2.3 LAYOFF The County may lay off an employee only to eliminate positions, as a

result of a shortage of work or funds, or for other reasons unrelated to the performance of an employee. The County Manager may identify organizational units for purposes of a layoff and shall submit a written layoff plan to the Board of County Commissioners. Such organizational units may be recognized on the basis of geographic area, function, funding source, or other factors. The County Manager's written plan must define the classification affected within the organizational unit. Upon approval by the Board of County Commissioners of a layoff plan, the HR Director shall initiate the right of first refusal within the affected organizational unit. All employees affected by the layoff shall be provided the following rights: employees to be affected by the layoff shall be provided the right of first refusal to any position to be filled within the County for which they meet the established requirements, at the same or lower midpoint than the midpoint of the position the employee currently holds, unless multiple candidates exercise a right of first refusal for the same position in which case the most senior employee may exercise the right of first refusal; employees shall have eleven calendar days from the date of an offer to accept the position unless otherwise agreed; employees who do not accept an offer shall not lose the right to exercise a right of first refusal on other vacant positions; and the right of first refusal shall continue until the first effective date of layoff as defined in the plan. The order of layoff due to reduction in force shall be by service date which is determined based upon the hire date. In the event of a tie, the Human Resources Director shall determine an appropriate mechanism for breaking the tie. No employee shall be laid off while there are term, probationary, or temporary employees in the same organizational unit. A laid off employee shall be given at least fourteen (14) calendar days written notice of layoff. Notice of layoff shall be delivered by a method that provides proof of service or attempted service. The grievance or appeal process is not available regarding a layoff.

17.2.4 RETURN TO WORK FROM A LAYOFF Employees at the time of separation by a reduction in force shall have reemployment rights for twelve months after the date served with notice of the layoff, under the following provisions: Employees shall be returned to work in order of highest service date to any position to be filled for which the employee is qualified. The position must contain the same or lower midpoint salary range as that held at the time of the employee's separation; offers of reemployment shall be made in writing. An employee who is offered and accepts employment after layoff shall occupy the position within fourteen (14) calendar days of accepting the offer of employment, or forfeit the right to reemployment; and an employee who refuses an offer of employment or fails to respond to an offer of employment within fourteen (14) calendar days shall not be eligible to receive subsequent offers of reemployment, although the employee will be eligible to apply for any position for which the employee is eligible. Employees returned to work shall have that period of time they were laid off counted as time served in the employment of the County, shall hold the status of the position in accordance with Section 2, and shall not be required to serve a new probationary period.

17.2.5 REEMPLOYMENT AFTER MILITARY SERVICE Any employee who separates from classified service to enter the United States armed forces, National Guard, or an organized reserve unit may be reemployed in accordance with the provisions of 38 U.S.C. Section 2021 and NMSA 1978, Sections 28-15-1 to 28-15-3.

17.3 POST-EMPLOYMENT MATTERS

17.3.1 EXIT INTERVIEW When an employee leaves County employment; the employee may be scheduled for an exit interview prior to the last day of work. The exit interview will be arranged by the Human Resources Division. At the exit interview, the employee may comment on his or her employment and may make suggestions, complaints, and criticisms. The employee will have an opportunity to discuss benefits and benefit conversion privileges.

17.3.2 FINAL PAYCHECK Employees leaving County employment must return all County property in their possession by their final day of employment. If the County discharges an employee, the employee shall receive his or her final paycheck in accordance with NMSA 1978, Section 50-4-4 (1975). If an employee voluntarily leaves County employment, he or she shall receive a final paycheck on the payday following the pay period of the effective separation date. Accrued annual leave and compensatory time shall be paid out in the pay period following the pay period that the final paycheck is issued. Any unpaid obligations of the employee to the County may be deducted from the final paycheck.

17.3.3 CONTINUANCE OF MEDICAL COVERAGE (COBRA) Under the Federal Comprehensive Budget Reconciliation Act (COBRA), eligible employees or dependents may elect to continue employee or dependent medical insurance coverage subject to the conditions and limitations set forth in that Act. Consult the Human Resources Division for details on eligibility and benefits.

17.3.4 COMPENSATION FOR ACCRUED ANNUAL LEAVE UPON SEPARATION Upon separation of employment, each classified and unclassified at will employee will be compensated for accrued annual leave and compensatory time earned through the last day of work, subject to the limitations on annual and compensatory time maximum accrual rates.

17.3.5 SICK LEAVE SELL-BACK Upon retirement, each classified employee, unclassified at-will employee, and term employee who has completed the probationary period may sell back all unused sick leave in excess of 240 hours at one-half (1/2) the employee's hourly rate provided that the employee states in writing his or her intention to retire to the Department Director/Elected Official, and the Human Resources Director, and the employee must submit an officially executed copy of an approved PERA retirement form.

SANTA FE COUNTY HUMAN RESOURCES HANDBOOK ACKNOWLEDGEMENT FORM

I _____, have received the Human Resources Handbook and understand that I am responsible for familiarizing myself with all content described in this Handbook, and I agree to abide by all content explained in this handbook. If I have any questions, I understand I should contact the Human Resources Division. I understand that this employee handbook is not an employment contract, but does provide the organizational employment policies and procedures by which I am governed. I understand that information contained in this handbook is subject to change without notice.

Print Name

Signature

Date