

ROOSEVELT COUNTY PERSONNEL ORDINANCE

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

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

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

REPEAL AND SEVERABILITY. Roosevelt County Ordinance Number 2001-1, adopted the 6th day of March 2001, shall be and hereby is repealed, as are any inconsistent provisions or any other Ordinances.

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

ADOPTED: this 15th day of May, 2007, in open meeting to be effective thirty (30) days after this Ordinance has been recorded in the Book kept by the Roosevelt County Clerk for that purpose.

APPROVED:

Charlene Hardin
Charlene Hardin, Roosevelt County Manager

Randy Knudson
Randy Knudson, Roosevelt County Attorney

ATTEST:

E. Janet Collins
E. Janet Collins, Roosevelt County Clerk

**ROOSEVELT COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS**

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Bill Cathey, Member



Roosevelt County Personnel Policy Manual

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GENERAL PROVISIONS

PURPOSE.

The purpose of this personnel policy manual is to establish consistent, basic policies and practices concerning relations between Roosevelt County and its employees. The provisions of this policy manual shall apply to all county employees, with the exception that the provisions governing merit and the grievance of disciplinary actions do not apply to employees appointed by elected officials who serve at the discretion of the elected official, i.e. chief deputies.

SCOPE.

Definite rules and regulations cannot be readily formulated for every possible problem and situation. This ordinance serves as a general basis and guide for the proper, efficient, and effective administration of personnel matters of the employees of Roosevelt County. The personnel rules contained herein replace and supersede all previously issued personnel rules and regulations applicable to employees of Roosevelt County, including but not limited to the Roosevelt County Personnel Policy Manual, Ordinance 07-03, and all amendments and regulations related thereto.

AMENDMENT OF POLICY.

There shall be no Resolution or other action of the Board of County Commissioners or other county officials that is inconsistent with this policy, except by amendment of this Ordinance as required by law. The Board of County Commissioners reserves the right to amend this personnel policy manual at its discretion. No right or rights conferred under this policy manual shall be vested, unless specifically designated as having vested, or as required by law.

EMPLOYEE KNOWLEDGE AND INFORMATION OF POLICY.

The county personnel office shall provide a copy of this policy to present employees and to all new employees with instructions to read and know of all provisions of these rules. Employees shall sign for the copy upon receipt.

EQUAL EMPLOYMENT OPPORTUNITY POLICY.

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

ADMINISTRATION.

The County Manager or designees shall administer the personnel system and the terms of this personnel policy manual and its amendments, and all future approved personnel policies and operating procedures.


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PRONOUNS.

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



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DEFINITIONS

ADMINISTRATIVE LEAVE WITH OR WITHOUT PAY.

Leave with or without pay granted at the department head or elected official's discretion for good cause with the County Manager's approval.

ANNIVERSARY DATE.

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

ANNUAL LEAVE.

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

APPEAL.

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

APPEALS BOARD.

The Appeals Board will be made up of a member chosen by each department (excluding a member from the grievant's department) and a member chosen from the County Commission assigned to hear post-disciplinary grievances relating to demotion, suspension and termination.

APPLICANT.

A person who has made formal application on an official county personnel application form for a vacant, advertised position with the county.

APPOINTED EMPLOYEE.

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

CASUAL EMPLOYEE.

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

CHIEF DEPUTY.

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

CLASSIFICATION PLAN.

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

COMPENSATORY TIME.

Those hours granted in lieu of overtime, on the basis of one and one-half (1 1/2) hours compensatory time for each hour of overtime for employees covered by the Fair Labor Standards Act.

CONTRACT PERSONNEL.

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

COUNTY BUSINESS.

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

COUNTY MANAGER.

Shall refer to the Roosevelt County Manager and/or Roosevelt County Administrator or his designee, who shall act as the Personnel Director and Enforcement Officer for the Roosevelt County Personnel Ordinance.

DEMOTION.

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

DEPARTMENT HEAD

The elected official or appointee of the County Commission who has responsibility for supervising, administering, and managing a department of County government as determined and designated by the County Commission.

DISABILITY TERMINATION.

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



DISMISSAL.

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

DUE PROCESS.

The right granted to a full-time or part-time regular employee who has completed the probationary period to pre- and post- disciplinary hearings, for actions of suspension, demotion or dismissal. The right to due process does not apply to appointed employees who serve at the discretion of elected officials or Department Heads; or to probationary, temporary, casual, part-time or term employees.

ELECTED OFFICIALS.

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

EXEMPT EMPLOYEES.

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

FULL-TIME EMPLOYEES.

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

GRIEVANCE.

A complaint of an employee concerning actions taken by management which result in loss of pay to the employee, or which results from dissatisfaction with the working conditions or relationships.

LAYOFFS.

(Reduction in force.) The involuntary separation of an employee from county service without fault on the part of the employee, due to reorganization, lack of work, lack of funds, or lack of appropriation of funds.

NON-EXEMPT EMPLOYEES.

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

PART-TIME EMPLOYEE.


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A position in which the employee regularly works between twenty-one (21) and thirty-nine (39) hours per week. Permanent part-time employees will receive their benefits on a pro-rata basis.

PERFORMANCE EVALUATION

The written objective assessment of the quality of the employee's work made by the supervisor.

POST-DISCIPLINARY HEARING.

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

PRE-DISCIPLINARY HEARING.

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

PROBATIONARY EMPLOYEE.

All full-time or permanent part-time employees hired to fill a regular position who has not yet completed the six (6) month (twelve (12) for law enforcement) probationary period of employment during which time the employee is terminable-at-will.

PROMOTION.

Transfer to a position with a higher classification and pay grade, with resulting increase in salary.

RE-EMPLOYMENT

Hiring of a former County employee.

RESIGNATION.

Voluntary separation of employment by an employee prior to retirement.

RETIREMENT.

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

SAFETY SENSITIVE POSITION.

All law enforcement officers, detention officers, transport officers, employees required to have a commercial driver license, and employees who have control or access to controlled drugs or reports associated with these drugs.

SICK LEAVE.

Leave with pay granted to a regular full-time or permanent part-time employee, after accrual and approval when personal illness or quarantine keeps the employee from performing the duties of the position, or when the employee's immediate family is ill.

STUDENT EMPLOYEE.

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

SUBSTANCE ABUSE.

The habitual lack of self-control as to the use of alcoholic beverages or controlled substances to the extent that the employee's health is substantially impaired or endangered, or the employee's work performance is impaired.

SUSPENSION.

An involuntary leave of absence without pay for disciplinary reasons.

TEMPORARY POSITION.

The employment or assignment of an employee to temporarily fill a position vacant due to the temporary absence of an employee or other requirements, and for a period not to exceed nine (9) months. Temporary positions also include seasonal employees. All temporary employees are terminable-at-will, and have no right of appeal to the District Court.

TERMINABLE-AT-WILL.

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

TRANSFER.

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

UNCLASSIFIED EMPLOYEE.

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



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EMPLOYMENT STATUS

A. TYPES OF EMPLOYMENT

1. Classified Positions.

a. Full-time classified employees.

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

b. Part-time classified employees.

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

2. **Unclassified Positions.** The County Manager, Road Superintendent, the Adult Detention Center Administrator, student employees, temporary and casual employees, probationary employees, the chief deputy of each elected official, the executive secretary to the sheriff and the under-sheriff. Unclassified employees are terminable-at-will, are and cannot grieve disciplinary actions. Unclassified employees are subject to all other provisions contained herein, unless specifically excluded.

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

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



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5. **Casual Employees.** An employee paid by the hour who may be called on short notice and/or on an occasional basis or, who generally works twenty-four (24) or less hours per week. Casual employees are terminable-at-will, are not eligible for County benefits, and do not accrue vacation, sick leave, or holiday pay.
6. **Student Employees.** An employee who during at least eight (8) months in any calendar year, or during the period of employment, is enrolled at an educational institution whose academic credits would be accepted by a state educational institution or a public school district and carrying at least twelve (12) credit hours. Student employees are terminable-at-will and have no grievance rights. Student employees are not eligible for County benefits, and do not accrue vacation, sick leave or holiday pay. Student employees are exempt from PERA membership.



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RECRUITMENT AND SELECTION

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

A. APPLICATION.

- a. Receipt of Application.** Each applicant for employment with the County shall complete an application form and submit it to Personnel in the Administration Department. An application will be filled out for each position the applicant wishes to apply for. Applications will be good for only one posting. Any false statement made on the application shall be grounds for rejection or subsequent termination.
- b. General Requirements.** All applicants must be a minimum of 18 years of age. Evidence of job performance and capability, experience, education, training, skills and other abilities are carefully considered in reviewing individual qualifications. Applicant must furnish proof of qualifications or possession of degree when such is stated on the posting. Proof of identification and right to work in accordance with the *Immigration Reform Act of 1986* is also required.

The application shall not be worded as to elicit information concerning the age, race, color, national origin, religion, sex, medical condition, physical and mental handicap, or political affiliations of any applicant, except information which is required to assist with equal employment opportunity efforts.

Applications shall be signed, dated, and the truth of all statements contained therein certified by the applicants signature.

APPLICATIONS WILL BE TAKEN ONLY WHEN A POSITION IS POSTED.

B. RECRUITING POSTING PROCEDURE.

- 1. Posting and Advertising.** A job announcement will be prepared listing the position, locations, and basic qualifications, for each entry level classified vacancy within the County when the position is not filled from within the department or county. All job announcements shall be posted for at least five (5) working days on designated bulletin boards in the County Courthouse and other County sites when applicable. These announcements will be advertised in the local newspaper for at least one (1) publishing notice. Job announcements shall indicate a closing date, after which applications will not be accepted. However, depending upon the position and area of recruitment, job announcements may be posted longer than the stated five (5) days. The County Manager in his/her discretion may rescind a posting, or may accept applications after the closing date.

2. **Public Job Announcement Exception.** Vacant positions may be filled without public announcement by temporary employees on a temporary basis to replace regular employee on leave, and pending the selection of a regular employee for the position. Posting may be waived with the County Manager's approval for emergency hires for a period not to exceed sixty (60) working days and for temporary hires when the anticipated term of employment does not exceed four (4) months. If a seasonal employee successfully performs at that position, they may be used each year without public announcement.

Unclassified positions appointed by the County Manager or Elected Officials need not be posted.

C. PROMOTION

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

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

2. **Re-employment of Former Employees.** Re-employment preferences will be given in the following order: Employees returning from an approved leave of absence, including military leave, medical leave or reduction-in-force in this order followed by former qualified full-time and part-time employees, and temporary employees who left the County in good standing. Previous work performance will be considered. Nothing set forth in this section shall require such re-employment, but only consideration of the same by the employing authority. Re-employment of military personnel is governed by Section 10, J-3.
3. **Basic Qualifications.** Basic qualifications, together with references and desirable attributes, will be contained in the job description for each classified position within the County and include educational levels and skills which relate particularly to that specific job. Waivers may be granted on basic qualifications by the County Manager. If waivers are requested by a Department Head or Elected Official, they shall be in writing and shall contain the reason for such

waiver request. If the waiver is granted, the position will be re-posted and the pay may be adjusted accordingly.

D. SELECTION PROCEDURES

1. Testing.

- a. Performance Tests.** Performance tests may be conducted for typing, shorthand, and spelling for clerical/secretarial employees. Performance tests may also be given by appropriate Department Head or Elected Official for positions requiring operation of certain equipment to test the applicant's ability to operate equipment or vehicles.

A physical agility test will be given to applicants for the positions of deputy sheriff.

- b. Physical Examinations.** The County shall require the applicant selected to fill the vacant position to take a pre-employment drug test to assure that the employee is free from illegal substances that would inhibit their performance of the position. All drug testing will be done pursuant to County policies provided for in Section 12 of this manual. A confirmed positive test for drugs or alcohol shall result in rejection of the applicant. Annual physical examinations may be required for individuals who operate County equipment. Fees for the County required physical examination shall be paid by the County.

- (1) All applicants selected to fill a position shall complete a preexisting condition form pursuant to the Worker's Compensation Statute, *NMSA 1978, 52-1-1 et. seq.*

- c. Background information.** Applicants will execute necessary authorizations for disclosure of background information. References provided by the applicant will be fully processed for the top five (5) candidates. All applicants selected for review by the Sheriff's Department, Detention Center or positions that require a valid driver's license will have a Motor Vehicle Report and background check. A position that requires Commercial Drivers License will have a Motor Vehicle Report Check.

2. Interview.

Interviews shall be conducted in compliance with Title VII and Equal Employment Opportunity Regulations.

3. Final Selection.

- a. Basis for Final Selection.** Final selection shall be based on the applicant's qualifications in relationship to the requirements of the position. Final selection for a position will be made by the Department Head or Elected Official and will be based upon the following criteria:

- (1) Physician's certification that the applicant can perform the duties of the position.
- (2) Psychological examination, if conducted.
- (3) Skills and/or proficiency test as required.
- (4) Education, background and experience.
- (5) Personal interview.

4. **Notification of Interview Results.** Applicants who have been interviewed shall be notified in writing by Personnel in the Administration Department of their applicant status within fifteen (15) working days of the interview.

E. INELIGIBILITY. Applicants or employees will be considered ineligible for hire or rehire by Roosevelt County if the employee has:

1. Made any false statement or omitted any relevant information on his application.
2. Not met the requirements of the position.
3. Failed to complete the pre-employment medical examination, psychological examination, or other requirements as directed by the employing authority.
4. Not been certified by a physician that the applicant can perform the physical requirements of the position.
5. Been dismissed from County service as a result of a disciplinary matter or failure to successfully complete the probationary period.
6. Not a legal resident of the United States.
7. Failed to fulfill the statutory requirement of Section 4-41-8 NMSA (1978) (1987 Comm. Supp.) if applying for position of deputy sheriff.
8. Been convicted of a felony or misdemeanor under the provisions of the Criminal Offender Employment Act NMSA 1978, or convicted of a felony or infamous crime as defined in NMSA 1978, ^ 10-1-3 (1987 Repl. Pam.).
9. Not met the criteria for insurance bonding as required by County or State law where applicable.
10. Has had a DWI conviction within the past five (5) years, if applicable.


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

F. REASONABLE ACCOMMODATIONS POLICY

- 1. STATEMENT OF PURPOSE.** It is the policy of the County of Roosevelt to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. The County of Roosevelt will adhere to all applicable federal, state and local laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal opportunity to qualified persons with disabilities. Reasonable accommodations as required by law will be provided upon request for accommodation.
- 2. DEFINITIONS OF DISABILITIES** Any person who has or who acquired a physical or mental impairment, or who has a record of such an impairment or who is regarded as having an impairment which limits one or more major life activities, such as self care, performing manual tasks, seeing, hearing, speaking and working on a temporary or permanent basis.
 - a. Physical or Mental Impairment:** Any physiological disorder, disfigurement or anatomical loss or limitations, or any mental or psychological disorder acquired as a result of illness, accident or birth.
 - b. Qualified Person with Disability:** A person with a disability whose experience, education and/or training enables the person with a disability, with reasonable accommodations, to perform the essential functions of the job.
 - c. Reasonable Accommodations:** Adjustments made for the known disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with a disability to perform the essential functions of a job. Reasonable Accommodation includes, but is not limited to, modifying written or oral examinations; making facilities accessible; adjusting work schedules; restructuring jobs; the purchase of assistive devices; and the acquisition of interpreter services for hearing impaired employees.
 - d. Reasonable Accommodations Committee:** A committee to review and monitor the provision of reasonable accommodations to employees or applicants. The committee shall be composed of the County Manager or his/her designee and representatives of the operating department involved.
- 3. PRACTICES.** Department Heads or Elected Officials and supervisors shall prepare an analysis of jobs within their units, which includes defining the essential functions, elements and tasks; as well as the environment in which job activities occur. Such documentation shall be developed with the assistance of personnel in the Administration Office and be updated and reviewed periodically.



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

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

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

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

"Business necessity" includes reasonable consideration of productivity, safety and efficiency in the operation of County business.

If an employee wishes to challenge an action related to reasonable accommodation, they can appeal it through the existing Grievance Procedure as outlined in the Personnel Policy.

4. **REQUEST PROCESS, APPLICANTS.** An applicant with a known disability needing an accommodation in the examination or interview process shall request this accommodation from the County Manager or his/her designee in a timely fashion (no less than 48 hours prior to an exam or interview). The County Manager or his/her designee will provide the requested reasonable accommodation or schedule a meeting of the Reasonable Accommodations Committee to determine if the accommodation can be provided.
5. **REQUEST PROCESS, EMPLOYEE.** An employee with a known disability shall request an accommodation from their immediate supervisor. The immediate supervisor, the Department Head or Elected Official, and the County Manager or his/her designee, in cooperation with the employee, shall determine if the accommodation is reasonable and, if so, provide the accommodation. Under certain circumstances, i.e., disability is not visible, a request for medical verification of the disability is appropriate. If medical examination is necessary and the County requires a medical examination to be conducted, the County will pay for such examination. If a reasonable accommodation is agreed upon, the

accommodation will be provided. If a reasonable accommodation cannot be agreed upon, the matter will be referred to the Reasonable Accommodations Committee whose decision concerning the requested accommodation shall be final.



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CHANGES IN EMPLOYMENT STATUS

- A. DEMOTION.** An employee may be demoted to a lower position for which he is qualified when the employee would otherwise be terminated because his position is being abolished due to a lack of funds or lack of work or when the employee does not possess the necessary ability to render satisfactory performance in the position presently held; or when the employee voluntarily requests such a demotion in writing. Demoted employees will receive a reduction in pay commensurate with the new position. Demotion is not a required step in progressive discipline. An employee who is demoted will serve a probationary period for the new position for a period of twelve (12) months.
- B. PROMOTION.** Roosevelt County encourages the professional growth of its employees and rewards the initiative, creativity, effort, commitment, and diligence of its employees through the promotional process. County employees are encouraged to take advantage of promotional opportunities and apply for higher paying positions for which they qualify. Promoted employees will receive an increase in pay which is commensurate with the new position. An employee who is promoted may be required to serve a trial period. A promotion is a movement to a higher classified position within the County's classification plan.
- C. TRANSFER.** An employee may be transferred, voluntarily or involuntarily, to a vacant position for which he is qualified if the employee meets the qualification requirements, if it is in the best interest of the County, if further training and development of an employee in another position would be beneficial to future staffing potential of the County, or if it meets a personal need of the employee. There shall be no pay adjustment for employees transferred from one position to another of comparable responsibility. An employee cannot grieve involuntary transfers. An employee who is transferred will serve a trial period for the new position for a period of six (6) months. Sheriff deputies who are required to be certified must serve a twelve (12) month period.
- D. RESIGNATION.** A County employee who wishes to resign in good standing must submit a letter to the immediate supervisor at least five (5) days and preferably ten (10) working days before leaving. If it is impossible to give five (5) days notice, the letter should explain what circumstances prevent it. All County equipment, uniforms, and other County property shall be turned into the department upon termination or the employee's final paycheck may be reduced by the value of the unreturned items. Application for refund of retirement will not be forwarded to PERA until after termination of the employee. The letter of resignation must be promptly delivered to Personnel in the Administration Department. Failure to give at least ten (10) days notice is grounds for denial for rehire.

An employee who fails to report to work for three (3) consecutive workdays without authorization is considered to have abandoned his position and resigned his County employment and is not eligible for rehire. Absence without authorization is defined as

the failure of any employee to report to work without contacting his Supervisor within the first hour of scheduled work or in accordance with Department Policy. Failure to contact an employee's supervisor within twenty-four hours will automatically constitute assumed resignation (job abandonment) and the employee shall be removed from the work force. Calling in does not necessarily constitute an excused absence. Employees who are absent without authorized leave for less than three (3) days will be subjected to disciplinary action which could include dismissal.

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

- E. EXIT INTERVIEW.** Prior to the last day of work, each employee who resigns and has completed the probationary period must schedule an exit interview with the Personnel Director at the convenience of his/her supervisor. Supervisors, Department Heads, or Elected Officials shall make arrangements for the employee to attend the exit interview. The interview is to assess information about the employee's job, work environment, supervisor, and the County organization in general which can be used to improve the organization. Exit interviews will not be made a part of the employee's personnel files.
- F. REDUCTION-IN-FORCE.** If it is necessary for the County to reduce the number of County employees because of reorganization, lack of funds, or lack of work, the Department Head or Elected Official shall make the determination of the job classification to be affected. The reduction will occur in the following manner:
1. Lay-offs will be determined by department within job classification. Casual, temporary, and probationary employees within a Department will be laid-off before full-or part-time classified employees with the same classifications within the given Department unless specific skills and knowledge must be retained.
 2. Lay-offs of classified employees shall be done in reverse order of seniority. For the purpose of this section, seniority shall mean total of years of continuous, uninterrupted service as a classified employee of the County applied to the current classification held.
 3. Employees to be laid-off shall be notified in writing by the Department Head or Elected Official.
 4. Classified employees who are laid-off will be considered for recall on a seniority basis within the classification subject to recall. For a period of six (6) months from the date of lay-off, qualified individuals on the lay-off status will be given preference on positions to be filled in the classification that the employee held prior to lay-off. To be considered for other vacancies, the laid-off employee must reapply.



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

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

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

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

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



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CONDITIONS OF EMPLOYMENT

A. PROBATIONARY PERIOD

1. Probationary Period for New Hires.

An employee hired to fill a classified position shall serve a probationary period of six (6) months (twelve (12) months for deputy sheriff), during which time the employee is a terminable-at-will employee. The probationary period is an integral part of the evaluation process and is utilized for observing the employee's performance and obtaining the most effective adjustment of a new employee to the position.

- a. When an employee successfully completes his/her probationary period, a letter must be sent to the County Administrative Office before the employee can become a classified employee entitled to all of the rights and benefits of that status, including coverage by the merit and grievance provisions of this Personnel Policy Manual. If the employee has not satisfactorily completed the appropriate probationary period, the probationary period may be extended for up to sixty (60) days at the Department Head's or Elected Official's discretion. The County Manager will advise payroll of the status change.
- b. A County employee, whether probationary or non-probationary, hired to fill a law enforcement position shall serve a twelve (12) month probationary period, during which time the employee shall obtain the statutorily required certification for the position. Failure to obtain such certification within the twelve (12) month period bars the employee from becoming a classified employee and shall result in the employee's dismissal.
- c. If the employee satisfactorily completes the probationary period, the employee will be placed in the classified County service. If the employee does not satisfactorily complete the probationary period, the employee will be dismissed. A probationary employee may be terminated at anytime during the probationary period and the termination cannot be grieved.
- d. If the employee is hired to a full-time or part-time classified position, the first day of work shall be counted in computing the beginning of the probationary period.

2. **Temporary Employee Hired to a Classified Position.** An employee who fills a temporary position and is subsequently hired to fill a classified position shall serve the required probationary period. The beginning date of the probationary period is the date the employee changes from temporary to full-time or part-time status.

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

B. PERFORMANCE EVALUATION.

1. **Special Evaluations.** An evaluation may be submitted upon the following occasions:
 - a. A change of status.
 - b. A class change.
 - c. Demotion or suspension.
 - d. Any other time that a Department Head or Elected Official or immediate supervisor wishes to make the particularly good or bad performance of an employee matter on record.
2. **Contents of Evaluations.** Performance evaluations will be in writing and will contain an overall appraisal of the employee's performance such as satisfactory, outstanding, or unsatisfactory. The employee shall sign the performance evaluation. If the employee refuses to sign, the supervisor or Department head shall write "refused to sign".
3. **Employee Rebuttal.** Employees may submit rebuttal statements to the evaluation and development plan which will be attached to the evaluation and development plan. Such rebuttals must be submitted within ten (10) working days of the evaluation.
4. **Unsatisfactory Evaluation.** In the event a classified employee receives an overall evaluation of unsatisfactory, such employee shall be provided with written information in the evaluation as to specific areas of deficient performance and steps and time limits for improvements. The employee is also not eligible for any pay increase granted by the County to other employees within the next twelve (12) months, and shall be warned that failure to meet reasonable performance standards of the position within a set time period, not to exceed ninety (90) days. If performance remains unsatisfactory, the employee shall be dismissed.

All employee evaluations shall be given to the Administrative Office to be placed in the employee's file.

NO SALARY CHANGES WILL BE MADE PRIOR TO THE RECEIPT OF THE EVALUATION FOR FILE.

C. POLITICAL ACTIVITIES. County Employees Shall Not:

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

3. Campaign on County property or on County time. County employees whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants are required to comply with the provisions of the Hatch Act. (5 U.S.C.^U 7321-7328).

D. NEPOTISM.

1. The practice or appearance of nepotism is prohibited. Nepotism, for purposes of this Personnel Policy Manual, is defined as the practice of giving preferential treatment to near relatives, or to unrelated persons who are cohabiting, in areas of employment including, but not limited to: selection, hiring, appointment, assignment, benefits, pay, promotion and discipline. Any person elected or appointed to public office shall not give employment as clerk, deputy, assistant or other class of departmental employee to any near relative or to an unrelated individual sharing a spousal relationship with an employee when that person's compensation is \$600.00 or more annually NMSA 1978,^U 10-1-10 (1987 Repl. Pamp).

The practice of Nepotism does not apply to casual employees hired to assist in County elections if the compensation for such employees is \$600.00 or less per year.

2. "Near relatives" for purposes of this policy are defined as: employee's spouse or ex-spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, first cousins, and like relations of the employee's spouse. This definition includes any person related to the employee by birth, adoption, or marriage, up to and including those within the third degree of consanguinity or affinity. This includes any person who would fall under the above definition if the persons who are cohabiting were in fact married. No one related to a Department Head or Elected Official will be hired, appointed, or employed in any department during that Department Head's or Elected Official's term of employment.
3. Near relatives, or persons cohabiting, shall not work in the same department.
4. When there is a change in assignment or relative relationships among County employees which leads to both employees sharing the same department, the employee must inform the Department Head or Elected Official in writing within five (5) working days of receipt of the letter. The County Manager will arrange for the transfer of one of the employees in question and will officially notify those involved within ten (10) working days, if a position is available. If no position is available within three (3) months of notice, one employee will be terminated. Any employee not submitting a letter indicating a change of relative or spousal relationship, as specified in this section, will be disciplined.
5. Employees, hired prior to May 15, 2007, who are near relatives of supervisors or employees in the direct chain of command or persons who are cohabiting with a supervisory employee in their direct chain of command are grand-fathered in for their duration as County employees.



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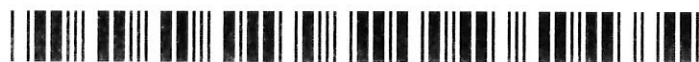
Blood Relationship

Employee Blood Relationship

1 st Level	2 nd Level	3 rd Level
Father	Uncle	Great Uncle
Mother	Aunt	Great Aunt
Son	Nephew	Great Nephew
Daughter	Niece	Great Niece
Brother	Grandfather	Second Cousin
Sister	Grandmother	Great Grandfather
Step-Father or Step-Mother	Grandson or Grand-Daughter	Great Grandmother
Step-Brother or Step-Sister	First Cousin	Great Grandson or Great Grand-Daughter

Employee Relationship By Marriage

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



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

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

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

The Department Head or Elected Official shall determine whether:

1. The duties or services of the proposed supplemental/outside employment will not created a conflict of interest for the employee or the employee's subordinates while serving in an official capacity with the Country.
2. The proposed supplementary/outside employment will not defame, embarrass, or reflect discredit upon the County.
3. The employee is serving the County satisfactorily and will be able to continue to do so if the employee undertakes supplementary/outside employment.
4. The employee's sick leave usage reflects or gives the appearance of abuse. The County Manager will also verify the usage and or abuse of sick leave. If it is determined that sick leave is being abused, the offending employee shall be given a letter of caution, which shall be placed in the employee's personnel file. Continued abuse of sick leave may result in disciplinary action.

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

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

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



EMPLOYEE DISCIPLINE

A. BASIS FOR EMPLOYEE DISCIPLINE

1. **Just Cause Discipline.** Classified employees shall not be disciplined except for just cause. Disciplinary actions will be consistent with governing laws and regulations and will be taken without regard to race, age, religion, color, national origin, sex, physical or mental handicap or medical condition.
2. **Disciplinary Action.** Any Supervisor, Department Head, or Elected Official may take disciplinary action against an employee under their authority, consistent with departmental policies and this Personnel Policy Manual. Copies of any documented disciplinary action must be furnished to the County Manager's office for placement in the employee's file with the signature of the recipient acknowledging receipt of the action.
3. **Consultation with County Manager and County Attorney.** Dismissal, demotion, and suspension require consultation with the County Manager and County Attorney before implementation. Whenever such consultation is not practical because of urgency or other pressing reasons, the Department Head or Elected Official may place the employee on leave with pay pending a review of the situations/circumstances by the County Manager and County Attorney.

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

1. Written Reprimand

- a. An employee shall receive a written reprimand because the deficiency or infraction is of a degree that, in the opinion of the supervisor, it requires documentation. Causes for written reprimands include, but are not limited to:
 - (1) Substandard work performance
 - (2) Repeated absences or tardiness.
 - (3) Insubordination (failure to follow the lawful order of a recognized supervisor).
 - (4) Sleeping on the job.
 - (5) Failure to follow safety rules.
 - (6) Failure to meet prescribed standards of work.

(7) Failure to follow other County rules or regulations.

(8) Non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of his/her or another employee's work.

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

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

- a. The causes listed for written reprimands.
- b. Continued instances of inefficiency in work performance.
- c. Negligent damage to property and/or person(s).

Suspensions of classified employees are grievable to the County Manager.

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

- a. All causes listed for the previous disciplinary actions.
- b. Theft
- c. Conviction of a job related felony or misdemeanor pursuant to the Criminal Offender Employment Act, NMSA 2878, 28-2-1 et. Seq...
- d. Serious acts of negligence causing damage to County property or to persons.
- e. Conduct unbecoming an employee of Roosevelt County.

- f. Deliberate falsification of information on the employee's job application, sick leave reports, work time cards, or other County records.
- g. Substance abuse on the job.
- h. Intentional abuse or destruction of County property or equipment.
- i. Refusal to carry out reasonable orders.
- j. Failure to meet standards of substance abuse rehabilitation programs.
- k. Failure to maintain a drivers license if required by the Job Description for the position or failure to maintain a good driving record.
- l. Fighting on the job or horse-play that results in the injury of an employee.
- m. Sexual or racial harassment of other persons.

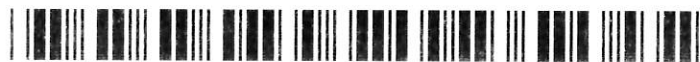
The above examples are typical of the types of infractions sometimes encountered but are not inclusive of all situations which may arise. The County reserves the right to exercise judgment and render disciplinary action or dismissal, as determined appropriate, based on the circumstances of each case. Dismissals of classified employees are grievable to the Grievance Hearing officer.

- 4. **Unlawful Act.** No employee will be disciplined for refusing to perform an unlawful act.
- 5. **Conditions or Actions Not Grievable.** Including but not limited are the following conditions or actions that are not subject to review under the formal grievance procedure:
 - a. Disputes as to whether or not an established County policy or practice is appropriate.
 - b. Matters where a method of review is mandated by law.
 - c. Matters where the County is without authority to act or does not have the ability to provide a remedy.
 - d. Probationary employees disciplined or dismissed prior to the expiration of their probationary period.
 - e. Temporary and casual employees disciplined or dismissed prior to or at the end of their anticipated employment period.
 - f. All unclassified employees disciplined or dismissed at any point during their employment with the County.



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- g.** Employee complaints charging discrimination based on race, color, creed, religion, gender, age, national origin or handicap. Such complaints shall be administered by the County Manager in compliance with the Civil Rights Act of 1964 and the New Mexico Human Rights Act.
- h.** Position desk audits, job evaluations, performance appraisals or preference for employment.
- i.** Transfers, temporary assignments, removal from temporary assignments, and promotions.
- j.** Objections to working conditions.



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GRIEVANCE PROCEDURES

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

1. **Written Notification.** The employee's supervisor shall present the employee with written notification of intent to suspend, demote, or dismiss at least five (5) working days in advance of the proposed action. The written notification must explain the reasons for the proposed action. The employee will be given the opportunity to respond to the charges for the proposed disciplinary action prior to the implementation of any suspension, demotion, or dismissal. The notice of the anticipated action shall be hand-delivered to the employee along with the notice for the predetermination meeting.
2. **Immediate Suspension.** In cases where County property, other employees, or citizens are at risk as a result of the employee's actions, the employee's supervisor shall put the employee on administrative leave with pay while the appropriate action is contemplated and until the pre-determination meeting is held and the decision is rendered.
3. **Pre-determination meeting.** Employees must pursue grievances according to the rules contained herein.
 - a. The County Manager or appropriate Department Head or Elected official shall set the time, place, and date of the predetermination meeting. The employee and the employee's supervisor must be advised of the scheduled hearing in writing.
 - b. The purpose of the pre-determination meeting is to provide the employee with notice of grounds for the employee's proposed termination and the opportunity to respond to the proposed disciplinary action. The hearing will be held prior to implementation of any proposed disciplinary action identified in this section. The employee may be represented by counsel. The hearing shall be informal, and there shall not be evidence presented.
 - c. The County Manager or appropriate Department Head or Elected Official will issue a decision in writing within five (5) days of the pre-determination meeting. The written decision shall include the time, date, and location of the meeting; persons present; and the determination. The written decision shall be delivered directly to the employee.

B. POST-DISCIPLINARY HEARINGS

1. **Employee Notification.** Within ten (10) days of receipt of the written decision, the grieving employees must notify the County Manager of the employee's intent to



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pursue a post-disciplinary hearing by sending a written request for a grievance hearing to the County Manager's office.

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

3. **Personnel Hearing Officer.**

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

4. **Personnel Hearing Officer's Duties and Responsibilities.**

- a. The personnel hearing officer may conduct pre-hearing conferences in order to obtain information necessary to the issuance of a pre-hearing order.
- b. The personnel hearing officer may consolidate cases in which two (2) or more grieving employees have cases containing identical or similar issues or to expedite final resolution of the cases provided that such consolidation would not adversely affect the interest of the parties.
- c. The personnel hearing officer shall operate the hearings in accordance with common law evidentiary standards applicable to administrative hearings. The hearings shall be conducted in an orderly and informal manner with adherence to the technical rules of evidence required in judicial proceedings.
- d. In the hearing of grievances, the personnel hearing officer may admit any competent evidence, including affidavits. The personnel hearing officer, in his or her discretion, shall exclude incompetent, immaterial, irrelevant, or unduly cumulative testimony. Documentary evidence may be received in the form of copies or excerpts unless the source of the information or other circumstances indicates lack of trustworthiness.



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The hearing shall not be open to the public unless a written request for public hearing is made by the grieving employee.

- e. The personnel hearing officer may bar from the hearing room any person who is disruptive and either party may invoke the rule of sequestration. Upon written notice by the personnel hearing officer and for good cause shown, a disruptive person may be prohibited from appearing before a County personnel hearing officer for a period of up to twelve (12) months.
- f. The personnel hearing officer shall not participate in any adjudicatory proceedings if, for any reason, the personnel hearing officer cannot afford a fair and impartial hearing to either party.
- g. The hearing shall be recorded in a fashion to allow for a review by a Court or competent jurisdiction. All evidence received shall be marked, identified, and preserved. A responsible person shall be designated to monitor the recording of the proceeding on a periodic and/or regular basis.
- h. The hearing officer's decision is binding on the parties.

C. POST-DISCIPLINARY HEARING PROCEDURES

1. Rules of Procedure.

- a. The decision of the Hearing Officer may be reviewed in District Court:
 - (1) Where the decision is arbitrary or capricious and is supported by substantial evidence;
 - (2) Where the decision is made in violation of applicable constitutional provisions or is otherwise illegal; or
 - (3) Where the decision is in excess of the statutory authority or jurisdiction of the Hearing Officer.
- b. Appeal of the decision of the Hearing Officer to District Court shall be filed in the District Court within thirty (30) days of the final adverse decision of the Hearing Officer.

- D. PROCEDURE FOR GRIEVING WORKING CONDITIONS AND OTHER WORK RELATED PROBLEMS.** An employee may discuss any action that is grievable, such as written reprimands or working conditions with the employee's supervisor (Department Head or Elected Official) in an attempt to work out a solution. If the employee is not satisfied with the proposed solution, the employee must address the problem to the County Manager. The County Manager's decision will be final.



COMPENSATION AND BENEFIT PROGRAM

- A. HOURS OF WORK.** All employees shall work their scheduled hour pursuant to work schedules established by their department supervisors. Except as otherwise provided, employees shall not be paid for travel time from home to their work site within Roosevelt County, or from the work site to their home. Actual division work periods may fluctuate at the discretion of the Department Head or Elected Official.

Employees who report to their designated work station at the start of the working day, but who are required to travel to other county sites to perform their job, may leave the site in time to return to the designated work station by the end of the days work period. Under no circumstances shall an employee be entitled to claim reimbursement for the cost of travel from home to the designated work station without specific advance supervisor approval. The value of the use of the county take-home vehicle shall be treated as taxable income in accordance with the Internal Revenue Code.

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

- C. PAY PERIODS/WORK WEEK.** A "pay period/work week" is a two-week period beginning on Tuesday at 12:01 a.m. and ending fourteen (14) days later on Monday at midnight. The method of payment results in twenty-six (26) pay periods per year. Checks will be issued every other Friday by the Department Head or Elected Official. If a holiday falls on Friday, checks will be issued on Thursday. Checks may be issued early, but only in case of emergency, and only after clearance by the County Manager.

- D. OVERTIME PAY AND COMPENSATORY TIME.** Overtime is actual time worked in excess of forty (40) hours for non-public safety employees, in a work period of seven (7) days, and in excess of eighty-six (86) hours for public safety employees, in a pay period. In computing the number of hours worked during the week for overtime purposes, time absent from work, such as for holidays, sick leave, annual leave, or compensatory time, shall not be computed as hours worked. Employees covered by the Fair Labor Standards Act who are required to work more than the standard regular hour work week shall be compensated for such overtime work by the award of compensatory time off at the rate of one and one-half (1 ½) hours for each hour of overtime worked. Compensatory time shall not exceed a total of sixty (60) hours (forty (40) hours straight time) and should be taken within thirty (30) days from which the compensatory time was earned. Overtime shall be kept to a minimum and authorized only under special circumstances. Employees working overtime without proper authorization may be



subject to disciplinary action. The working of **any** overtime can only be authorized by management or the department head. Compensatory time off will be approved at the discretion of the department head, and is subject to be denied if the request conflicts with work schedules.

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

- E. FINAL PAY CHECK.** An employee who resigns shall receive a pay check for hours worked during the pay period of resignation on the first regularly scheduled payday following the employee's effective date of resignation. A pay check for any remaining annual leave, banked holiday(s), compensatory time, and one-sixth (1/6th) of sick leave will be issued on the second regularly scheduled payday following the employee's date of resignation.

An employee that is dismissed shall receive a final pay check for hours worked up to termination, any annual leave, banked holiday(s), compensatory time, and one-sixth (1/6th) of sick leave, no later than 5:00 p.m. on the fifth (5th) working day following dismissal or as required by law. In the case of death, final salary and compensation for unused annual leave shall be paid to the employee's named beneficiary, or if unnamed, to the employee's estate, on the next scheduled payday.

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

- F. CLOTHING.** County employees are constantly in the public eye. Consequently, it is important that the employees should present the best possible image to the public and should always be clean and as neatly dressed as work assignments allow. An employee in a designated job with the county may be required to wear special clothing to perform the job function. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty and at no other time unless authorized by a Department Head or Elected Official. Failure to wear designated uniforms while on duty will be considered insubordination, unless otherwise authorized by the Department Head or Elected Official. Required uniforms will be provided by the county and will be issued at the time of employment for positions that require them.
- G. GRATUITIES.** County employees shall be prohibited from accepting gifts or other considerations of an significant monetary value from vendors given with the intent of modifying the employee's performance of his/her duties or encouraging the employee to make purchases of material or services from the vendor involved. County employees should at all times maintain the highest moral standards and any attempt to influence an



employee's performance of his/her duties by a vendor or other person should be reported to the Department Head, Elected Official, or County Manager.

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

1. Payment of mileage for use of private vehicle; use of County vehicles

- a. Rate and Basis for Entitlement.** All County personnel shall receive reimbursement per mile for each mile traveled in a privately owned vehicle subject to the approval of the Department Head or Elected Official. Payment of mileage is to be done by way of reimbursement, after travel has been undertaken. Reimbursement amount is determined by the County Commission and is regulated by the State of New Mexico.
- b. No Multiple Reimbursements.** Only one (1) person shall receive mileage for each mile traveled in a single privately owned vehicle.
- c. Use of County Vehicles.** All County personnel shall use county vehicles for travel on county business whenever practicable. County vehicles shall not be used for personal use, except incidental use such as stopping for lunch between two activities on behalf of the County. Most employees who regularly use county vehicles will be assigned specific vehicles. Use of a county vehicle other than working hours is prohibited unless approved in writing by the County Manager. Supervisors, Department Heads, or Elected Officials shall be responsible for assuring that vehicle usage is not abused. County vehicles shall not be used as a private vehicle for personal use or driven by anyone other than county employees.
- d. Pooling.** Whenever reasonably convenient, County personnel traveling to the same destination, at approximately the same time, and on approximately the same schedule should endeavor to car pool.
- e. County Gasoline Credit Cards.** All County vehicles, with the exception of the Road Department, have fuel cards assigned to them. No card shall be used to fuel any other vehicle. County employees that are eligible to fuel County vehicles are issued a driver number which must be entered in order to purchase fuel.

2. Personal Travel Expenses

- a. In-County Travel.** No personal travel expense shall be paid for travel within Roosevelt County. Only mileage shall be eligible to be paid, pending prior



approval. As used herein, "personal travel expense" shall refer to expenses associated with meals and lodging.

- b. **Out-of-County Travel.** Reimbursement for out-of-county travel is paid on a flat rate schedule, referred as per diem. Per diem rates may vary depending the city traveled to and whether travel is in-state or out-of-state. All per diem rates are determined by the State statute at § 10-8-1, et. Seq., NMSA, 1978. Rates are available from the County Administrative Office.
- c. **Actual Reimbursements.** If an employee chooses to have his/her motel room covered by the county by direct bill, any reimbursement requested for meal will require the presentation of meal tickets and will be reimbursed only up to the maximum approved by the County Commission and State of New Mexico. This maximum may be confirmed through the County Administrative Office. Mileage for use of personal vehicle will be paid as allowed by law.
- d. **Commercial Carriers.** The County may arrange and directly pay for all tickets for approved travel on commercial carriers. The County will only provide for the most economical fare available.
- e. **Travel Voucher.** Travel vouchers for the reimbursement of public officers and employees must be completely filled out and presented to the Accounts Payable office. These vouchers must be signed by the employee, the employee's Department Head or Elected Official and must have the proper General Ledger Account listed. Any incomplete vouchers will be returned for completion and will delay the processing of the reimbursement.
- f. **Administration of Policy.**
 - (1) **Suspension and Alteration of Policy.** For good cause shown, the Board of Commissioners may suspend the travel procedures requirements and limitations set forth herein on a case-by case basis, or make exceptions thereto, so that the needs of the County may be met. This policy may be altered by the Board of Commissioners from time to time as needed, premised on advance notice to employees.
 - (2) **Interpretation of Policy.** The County Manager shall administer the travel policies enunciated herein. In cases where the provisions of this policy may be vague, unclear, or subject to multiple interpretations, the County Manager shall provide the interpretation and clarification.
 - (3) **Violation of Policy.** Violation of this policy shall subject the offending employee to disciplinary action in accordance with this policy. Travel expenses incurred for unauthorized travel or travel in violation of this Policy will not be paid. Chronic violation of this policy by a Department Head or Elected Official's office may result in appropriate budget restrictions.



- I. TIME SHEETS.** Time sheets are furnished to each department by the County Administrative Office or designee and must be filled out each pay period. At the completion of such pay period and after approval by the supervisor, Department Head, or Elected Official, the time sheets are to be forwarded to the Human Resource Manager for processing. In addition to time worked each day, holidays, time spent on vacation, sick leave, or other leave during the pay period **must** be recorded on the time sheet. Any special pay considerations should be noted on the time sheet and initialed by the supervisor. Time sheets **must** be signed by the employee and by the Department Head or Elected Official or their designee. If a time sheet lacks a required signature, is incomplete, or is not submitted prior to the deadline established by the Human Resource Manager, the time sheet will be held for proper completion and will be processed with the next scheduled payroll.
- J. PERA BENEFITS.** All Roosevelt County Employees, with the exception of student, seasonal or temporary employees, are required to join and contribute to the Public Employees Retirement Association of New Mexico (PERA). Copies of the latest PERA rules and provisions may be obtained in the County Administrative Office. Elected Officials are the only employee that membership with PERA is optional.
- K. OPTIONAL MEDICAL AND OTHER INSURANCE BENEFITS.** Roosevelt County offers optional medical, dental, vision, life and disability through the State of New Mexico Risk Management Division, and other insurance benefits to all employees except temporary employees and those working less than twenty four (24) hours per week. Part-time employees are eligible for insurance benefits pro-rated for the number of hours worked. The county pays 60% of the premiums for full time employees. All employee premiums are deducted prior to taxes being figured (pre-tax). Due to IRS regulations, it prevents an employee, once enrolled in the plan, from dropping coverage or making any changes to their plans.
- L. CLASSIFICATION AND COMPENSATION PLAN.** The Roosevelt County Classification Plan shall establish a salary and wage schedule containing a minimum and maximum wage or salary for each non-appointed and for select appointed personnel position. These pay ranges are intended to furnish administrative flexibility. All wages and salaries are approved by the Roosevelt County Commission in the first scheduled Commission meeting of each year. Wage and salary increases, when authorized will be merit based and are dependent upon the financial condition of the County. Copies of this plan may be obtained from the Roosevelt County Administrative Office.
- M. ELECTED OFFICIAL SALARY INCREASES.** Elected Official salary increases shall be governed by New Mexico State Statutes. Elected Officials are not eligible for any pay increase during their term in office.



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LEAVE AND HOLIDAY

- A. **AUTHORIZED LEAVE.** Leave is any authorized absence with or without pay, during regularly scheduled work hours, which is approved by the department head. The department head is responsible for the maintenance and transmittal of leave records to the County Administrative Office.

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

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

- C. **HOLIDAYS.** Legal holidays will be designated by the Board of County Commissioners at the first commission meeting in January of each year. The following conditions will apply with respect to holidays and holiday pay:

1. Temporary and casual employees are not entitled to holiday pay.
2. In order to receive pay for a designated legal holiday, employees shall be in a work or paid leave status on their scheduled work day immediately preceding and following the holiday, or must have worked on the stated holiday. An employee absent without approved leave on their scheduled work day before or after a holiday will not receive pay for that holiday.
3. When a holiday falls on an employee's day off, the employee's holiday may be observed on the following work day, work load permitting, and as approved by the department head.
4. When a holiday falls during an employee's vacation, the day shall be counted as a **holiday**, not a vacation day.
5. When a holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday, unless the Roosevelt County Commissioners chooses to designate otherwise.
6. If an employee is required to work on a holiday, he or she will be permitted another day off at a later time. Every effort will be made to allow the employee to take the accrued holiday within ninety (90) days of it being earned. Holidays must be taken within six (6) months of being earned or shall be forfeited.
7. Holiday pay in lieu of time off may be granted by the County Commission.



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D. SICK LEAVE WITH PAY

Accrued sick leave with pay may be granted to a regular or appointed full time employee when a medical reason, such as described below, keeps the employee from performing the duties of the position.

Sick leave benefits are accrued at the rate of 3.69 hours for each complete pay period if the entire numbers of required hours are worked.

- a. Unused sick leave shall accumulate from year to year up to a maximum of 1,040 hours. At the time of retirement or termination from the county, the employee will be reimbursed for one-sixth (1/6) of the total sick leave accumulated. In no event shall the employee be reimbursed for more than 174 hours, which is one-sixth of the maximum accumulation allowed.
- b. Part-time employees will accrue sick leave on a pro-rata basis.
- c. Casual or temporary employees do not accrue sick leave.
- d. Probationary employee's use of sick leave is subject to the approval of the employee's supervisor

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

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

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

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



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

Exhaustion of Sick Leave. When an employee has exhausted all accrued sick leave and vacation leave and still requires additional time off due to an extended illness, other regular full-time employees of the County may, with prior County Commission approval, donate up to a total of 16 hours each of their accrued vacation time during a fiscal year period of July 1st through June 30th. This donation is to be done strictly on a volunteer basis and is contingent upon County Commission approval for each request.

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

- a. During the first two (2) years of employment, leave shall accrue at the rate of 1.5 hours per pay period.
- b. After two (2) years of continuous employment – 3.08 hours per pay period
- c. After seven (7) years of continuous employment – 4.62 hours per pay period
- d. After fifteen (15) years of continuous employment – 6.15 hours per pay period
 1. An employee does not accrue annual leave for time worked in excess of forty (40) hours per week
 2. An employee may accumulate no more than thirty (30) days or two hundred forty (240) hours of accrued annual leave. If annual leave is not taken after an employee accrues two hundred forty (240) hours, it will be forfeited on a bi-weekly basis, **unless approved by the County Commission.**
 3. Annual leave shall not be granted in advance of accrual.
 4. Upon termination from county employment, an employee shall be paid for the employee's unused accrued annual leave, up to a maximum of two hundred forty (240) hours or thirty (30) days.
 5. An employee may take annual leave, subject to the approval of their immediate supervisor, just prior to resignation.



6. Vacations should be scheduled with the Department Head or Elected Official as early in the year as possible. All reasonable effort will be made to accommodate the employee's request, though approval will be subject to advance notification and the needs of the department.
7. A probationary employee shall not be able to use accrued annual leave until the successful completion of their probationary period, unless it is approved by the Department Head or Elected Official **and** the County Manager.
8. Permanent part-time employees will accrue annual leave on a pro-rata basis.
9. Casual or temporary employees do not accrue annual leave.

F. MATERNITY LEAVE. Maternity leave may be granted to permanent employees. The employee shall be granted maternity leave without pay; however, the employee may elect to utilize any accrued sick leave or vacation leave prior to leave without pay. In this situation, the employee shall declare the use of such paid leave as FMLA in advance of the utilization of the leave. All privileges and benefits shall apply in the case of maternity leave, without pay, as with any other employee on sick leave or other leave without pay. An employee must submit a physician's written statement indicating the approximate date of birth and the recommended time to take maternity leave before leave will be considered. An employee will be expected to return to work within four (4) weeks following termination of the pregnancy, except when complications develop, in which case return to work shall be as soon as permitted by a signed release from the employee's physician. If after six (6) months, the employee is still unable to return to work, she shall be terminated without prejudice.

G. BEREAVEMENT LEAVE. In the event of a death of a member of an employee's immediate family, the employee will be entitled to a bereavement leave with pay not to exceed three (3) days. Bereavement leave may be extended by the Department Head or Elected Official for a total of five (5) days. If needed, employees may use his accrued annual leave as additional bereavement leave. An employee shall notify his supervisor prior to taking bereavement leave.

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

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

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



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1. **Jury Duty.** Employees will be granted leave with pay for the purpose of serving as a juror in federal court or the state court of a political subdivision of the State of New Mexico. Pay while serving as a juror shall be authorized only for those days that the employee was scheduled to work. If excused by the Court during a working day, the employee is expected to return to duty if at least one (1) hour of County duty can be served in the work day. If the excused employee does not return to work, the balance of the day will be charged to annual leave or leave without pay. Employees receiving Court leave with pay shall turn any fees received for such Court service to the County.
2. **Court Appearances.** If an employee is required to testify in court, at a personnel hearing, public body or commission hearing as a requirement of his job description, the employee will receive pay. If an employee is called to testify on behalf of the County on his scheduled day off, the employee will be paid or will be given compensatory time off upon proof of said Court appearance, and at the discretion of the Department Head or Elected Official. In no case shall the County pay an employee to appear in court as a witness against the County.
3. **Voting Time.** For purposes of a national, state, or local election, an employee who is registered to vote will be granted up to two (2) hours paid leave for voting between the time of opening and the time of closing the polls. The employee's supervisor may specify the hours for the leave. This leave will not be granted to any employee whose work day begins more than two (2) hours subsequent to the time of the opening of the polls or ends more than three (3) hours before the closing time of the polls. This leave shall be used for no other purpose than to vote and the County may verify if the time was used appropriately. The misuse of the leave will be subject to disciplinary action including possible dismissal.

J. MILITARY LEAVE FOR RESERVE OR NATIONAL GUARD DUTIES

1. **Paid Military Leave.** Paid leave is granted for authorized reserve or national guard activities for a maximum of fifteen (15) working days during a one (1) year (fiscal year) period, or as required by state or federal law. Military leave must be requested twenty (20) days in advance, except in emergency situations. The employee must furnish proof of duty orders or other documentation prior to leave being granted unless the leave is for emergency purposes.
2. **Unpaid Military Leave.** Employees voluntarily or involuntarily serving on active duty for more than fifteen (15) day shall be placed on leave without pay. The employee taking additional, unpaid military leave may be allowed to use annual leave.
3. **Employees Returning from Unpaid Military Leave.** Any employee who leaves a position, other than a temporary position, to enter the armed forces of the United States, national guard, or organized reserve, and who serves on active duty and is



honorably discharged or released from active duty to complete his remaining service in a reserve component, and who is still qualified to perform the duties of the county position previously held, shall be reemployed in such position or to a position of like seniority, status, and pay. To be reemployed in such position, the employee must make application for reemployment within ninety (90) days after he is relieved from training or duty, or from hospitalization continuing after discharge for a period of not more than one (1) year.

- a. The returning employee will be deemed to have accrued seniority and length of service rights as though the employment with the county had been continuous since the date of the initial employment.
- b. The returning employee shall have all annual and sick leave accrued at the time of his departure for military service restored.

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

1. **Position Upon Return.** If an employee returns to work within twelve (12) weeks, the employee will be returned to the same position. If the employee is on leave without pay for more than twelve weeks, the County will attempt to return an employee to the same or similar position for which the employee is qualified. The position of an employee on leave without pay for more than twelve (12) weeks shall not be guaranteed.
2. **Use of All Leave.** Prior to going on leave without pay, an employee requesting leave without pay shall use all available annual leave and sick leave if the employee is seeking leave without pay for medical or post-natal care purposes. If taken in conjunction with an FMLA covered situation, all paid and unpaid leave shall apply to the FMLA coverage requirement.
3. **Physician's Certificate.** Leave without pay requested because of medical reasons or pregnancy related purposes must be accompanied by a physician's written statement indicating the estimated time of disability or recommended time for post-natal leave. Employees returning to work from leave without pay due to medical or pregnancy related reasons must be released by their physician to return to work.

Proof of release must be presented to the employee's Department Head or Elected Official.



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4. **Vacancies may be Filled by Temporary Employees.** Temporary personnel may be hired throughout the County to fill vacancies created by an employee who is on leave without pay (LWOP).
5. **Benefits at Employee's Expense.** Employees on leave without pay do not accrue leave, nor do they receive County benefits. Employees wishing to continue their insurance benefits may do so at their own expense by submitting the employee's and the County's share of the premium to the Administration Department on the regular pay day.

L. FAMILY AND MEDICAL LEAVE ACT (FMLA)

1. Roosevelt County will under the Family and Medical Leave Act provide up to twelve (12) weeks of leave during any twelve (12) month period for eligible employees. The eligible employee will be returned to the same or similar position to the one held prior to the leave. Roosevelt County will maintain group health insurance coverage during the leave period. The employee must submit in to the County Administration Office the employee's portion of the insurance premium every pay day. The leave may be taken for one or more of the following reasons:
 - a. the birth of a child, the adoption of a child;
 - b. the placement of a foster child
 - c. the care of a sick spouse, child, or parent if that individual has a serious health condition; or
 - d. due to the employee's own serious health condition
2. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential care facility or continuing treatment by a health care provider.
3. To be eligible for family or medical leave under the Act, the employee must have been employed by Roosevelt County for at least twelve (12) months and for at least 1,250 hours during that twelve (12) month period. Additional leave does not become available under FMLA until a date twelve (12) month after the leave period begins. Roosevelt County will grant leave to only one (1) spouse when two (2) parents are working for the County.
4. Roosevelt County requires that any of the employee's available accrued paid vacation, sick leave, or any accumulated comp time be substituted for any of the twelve (12) week leave period. Once paid leave is used, the remainder of the twelve (12) weeks leave will be unpaid.
5. Where leave is to be taken for the birth or placement of a child for adoption or foster care, the leave may not be taken intermittently or on a reduced leave schedule.


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6. Where the leave to be taken is to care for a sick family member with a serious health condition or due to the employee's own serious health condition, the leave may be taken intermittently or on a reduced schedule when medically necessary.
7. When the necessity for the leave is foreseeable, the employee must provide at least thirty (30) days notice of the employee's intention to take leave. If the date of leave is not foreseeable, the employee must provide notice as soon as practicable.
8. Roosevelt County requires that a leave request based on a family member's illness or the employee's own serious health condition be supported by a certification of a health care provider. The certification must contain:
 - a. The date the serious health condition began, the probably duration of the condition, and the appropriate medical facts regarding the condition.
 - b. If the leave is based on care of a spouse, child or parent, a statement that the employee is needed to care for the individual and the estimated amount of time needed for that care.
 - c. If leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job.
 - d. In the case of intermittent leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the duration of the treatment.
 - e. Roosevelt County requires each employee taking leave due to the employee's serious health condition to obtain certification that the employee is able to return to work.
9. Any employee who takes leave is entitled to be restored to his/her old position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. No employee benefits accrued before the date leave began will be lost. An employee is not entitled to an accrual of seniority or benefits for the leave period. The term benefits means all benefits provided or made available by the County including group life, health, disability insurance and retirement.
10. Roosevelt County may deny job restoration to certain highly compensated employees who are among the highest paid 10% of the employees of the County who work within seventy-five (75) miles of the facility where the employee works.
11. This exception only applies if:
 - a. The denial of job restoration is necessary to prevent substantial and grievous economic injury to Roosevelt County's operation.
 - b. Roosevelt County notifies the employee of the County's intent to deny restoration when the County first determines such economic injury would occur.
 - c. The employee has begun leave and, after receiving such notice elects not to return to work.



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

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

1. **Reporting Procedure:** All work-related injuries requiring medical attention must be reported to the employee's supervisor immediately, but in no event later than 24 hours after the injury occurs. A Notice of Accident and First Report of Injury Form must be filled out and filed with the Administrative Office within twenty four (24) hours of the injury. The report shall be signed by the employee. In circumstances of medical emergency, the employee shall seek medical treatment. The employee shall, as soon as possible after the emergency, fill out the Notice of Accident and First Report of Injury Form. In addition, the Supervisor's Accident Investigation Report must be filed on the following work day. **All accidents, however minor, shall be reported.**
2. **Injury Leave Pay:** An employee injured on the job may use accrued sick leave for the first seven (7) scheduled working days after the injury occurs. If the employee is off of work because of a work-related injury for more than seven (7) days and receives Workers' Compensation benefits for the first seven (7) days, the employee **will** reimburse the County for that amount which he received in Workers' Compensation benefits for the first seven (7) days. Upon receipt of the reimbursement by the county, the sick leave used by the employee will be re-credited to the employee.

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

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



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3. **Injury Care.** An employee who incurs a work-related injury/illness shall be allowed to choose the physician for initial evaluation and treatment. If determined that the employee will require ongoing care, Workers' Compensation will then direct the employee to a contracted physician. In circumstances of medical emergency, the employee should go to the nearest urgent-care center. Treatment subsequent to the emergency treatment will be coordinated by Workers' Compensation.
4. **Return to Work.** An employee shall return to his former position or be reassigned to a comparable position if the employee's physician certifies that the employee can return to work within six (6) months. If an employee is unable to perform the essential functions of his job with reasonable accommodations within six (6) months, the employee shall be medically terminated.

a. Modified Work Schedule

If the employee's physician certifies that the employee can return to light duty, the employee may be offered light duty if such a position is available. Light duty is defined as performing the same job as the employee held before the injury for fewer than eight (8) hours each day; as performing the duties of another position for which the employee is qualified; or having reduced physical requirements for the full day or less than the full day. The times and conditions of light duty shall be determined by the employee's division supervisor in conjunction with the County Manager. All light duty assignments are temporary and shall not exceed 60 days.

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

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

If the County is hiring, the County may offer to rehire an employee who applies for any position that pays less than the pre-injury position and who has stopped working due to an injury for which the employee has received, or is due benefits under the Workers' Compensation Statute, provided that the employee is qualified for the position, and provided that the employee's treating health care provider certifies that the employee is fit to carry out the position offered. Compensation benefits of an employee rehired prior to reaching maximum medical improvement shall be reduced as provided in the Workers' Compensation Statute.



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USE OF COUNTY OWNED COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS

A. PURPOSE

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

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

B. POLICY

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

The Internet has sites containing pornographic or other offensive material and employees who access these sites at work may expose the County to liability for sexual harassment or other unlawful discrimination if other employees are offended by the display. In addition, access of such information is not for business purposes and is not necessary for the performance of legitimate job duties and responsibilities. The e-mail system and the use of the Internet are not to be used to create, send, receive, or otherwise access any offensive or disruptive information. Discrimination or harassment utilizing computerized communication systems will not be tolerated. This prohibition includes information which includes sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. Violation of this provision will result in disciplinary action up to and including termination. When the violation involves sexually-related material, it will also be considered a violation of the County's policy against sexual harassment.

Employees **will not load** software programs or download files to their County-owned computers either directly from the Internet or from discs or other devices without the written authorization of the Department Heads, Elected Officials, the County Manager, or the IT Technician. Such activity may result in interference with proper and appropriate



use of business equipment and interfere with the County's business, and it may also result in the corruption, through the influx of virus or otherwise, of County equipment.

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

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

C. RESPONSIBILITY FOR ENFORCEMENT

The County Manager shall have the responsibility for interpreting this policy. Department Heads or Elected Officials are responsible for implementing this policy.



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ROOSEVELT COUNTY DRUG AND ALCOHOL ABUSE POLICY

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

I. PROHIBITIONS

1. The manufacture, distribution, dispensation, possession or use of a "controlled" substance" by employees is prohibited while on duty, in a County vehicle, or on County premises. A "controlled substance" means any substance, possession of which is a crime under New Mexico Controlled Substances Act.
2. The consumption or possession of alcohol by an employee is prohibited while on duty, in a County vehicle, or on County premises.
3. No employee will report to work, attempt to perform assigned duties or drive County vehicles or operate County equipment if they are under the influence of alcohol or a controlled substance.
4. No supervisor shall allow an employee who is reasonably suspected of being under the influence of alcohol or a controlled substance, to perform assigned duties, drive County vehicles, or operate any County equipment.
5. Before performing duties, it is the responsibility of the employee to report to their supervisor any use of a prescription drug or over-the-counter drug that may impair their job performance. Supervisors shall send the employee home on sick leave in such cases or provide a job which the employee can safely perform.

II. PRE-EMPLOYMENT DRUG SCREENING

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



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III. EVENTS THAT WILL INITIATE A DRUG AND ALCOHOL SCREEN

1. An accident which involves a County vehicle or equipment:
 - a. in which medical attention is required;
 - b. a citation is issued to the employee; or
 - c. one of the vehicles must be towed.
2. If an employee's actions result in the injury of another individual/ employee, the employee causing the injury will be tested.
3. When a supervisor has reasonable suspicion to believe an employee is under the influence of a controlled substance or alcohol, or such are in the employee's possession, the employee shall immediately submit to a breathalyzer exam or substance screening.

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

- i. odor of alcohol on the breath
- ii. slurred or incoherent speech
- iii. staggering walk or other loss of physical coordination
- iv. bloodshot eyes
- v. results of any appropriate field sobriety test

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

4. Employees in safety sensitive and security-related positions and road department employees shall be subject to random testing throughout the year. A safety sensitive position is one in which the employee, who in the line of duty, operates equipment that is potentially dangerous to other employees or citizens of the County and includes any employee who has access to or carries a firearm. These employees include Sheriff's deputies and detention personnel. The selection of employees for any random testing shall be conducted by the testing facility. Arrangements and times scheduled for testing shall be kept strictly confidential. Employees subject to random testing are also subject to reasonable suspicion testing for any other event specified in Section III of this policy.



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

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

IV. DRUGS FOR WHICH AN EMPLOYEE MAY BE TESTED

Alcohol

Amphetamines

Barbiturates

Benzodiazepines

Cocaine

Methadone

Methaqualone

Opiates

Phencyclidine

Propoxyphene

Cannabinoids

Any other drug or substance which the possession of is prohibited by State or Federal law

V. BREATHALYZER EXAM AND SUBSTANCE SCREENING

1. The Breathalyzer exam will be arranged through the County Manager. Arrangements for transportation to the evaluation site shall be coordinated with the Department Head/Elected Official by the County Manager. If a positive breathalyzer test is received, the supervisor will arrange for the employee to be transported home. The employee will be instructed to contact the Personnel Office for further instructions with regard to leave time, treatment program assistance, etc.
2. A test result of a blood alcohol content (BAC) level of .02 or more will be deemed positive for alcohol.
3. The substance screening test will be arranged by the County Manager and will be conducted by a County approved independent laboratory that meets applicable provisions of any State licensure requirement and is certified by the Nation Institute on Drug Abuse or the college of American Pathologist on Forensic Urine Drug Testing. The laboratory shall have the capability, on the same premises, of performing initial and confirmatory tests for each drug or metabolite for which service is offered



4. The cut off levels which shall be used when screening specimens on the initial drug tests to determine whether they are negative shall be those levels which are standard at the time of the testing.
5. All specimens identified as positive on the initial drug test shall be confirmed by the laboratory at the cutoff values established as standard at the time of testing.
6. The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens reported as positive on the confirmatory test shall be reported positive for the specific drug.
7. The laboratory shall retain and place in properly secured long-term frozen storage for at least 365 days those specimens confirmed positive. The County may request the laboratory to retain the specimen for an additional period of time. If the laboratory does not receive a request to retain the specimen during the initial 365 day period, the specimen may be discarded.
8. In the case of a "reasonable suspicion" test, the employee shall be transported by the supervisor or his designee to the laboratory. Analysis of the collected sample will be performed by a certified laboratory selected by the County.

VI. REPORTING OF TEST RESULTS

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

VII. EXPLANATION OF POSITIVE TEST RESULTS

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



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retesting of the sample and consents to rejection of the applicant's application for employment.

- B.** The Medical Review Officer shall examine any proffered or possible explanations concerning the validity of the confirmed positive test results. This action may include conducting a medical interview, review of the medical history, review of the chain-of-custody, and discussions with the collection or laboratory personnel. The Medical Review Officer shall review all medical records made available by the prescribed medications and/or medical or dental treatment. The Medical Review Officer shall also review the results of any retest done according to the provisions of this section.
- C.** Should any questions arise as to the accuracy or validity of a confirmed positive test result, only the Medical Review Officer is authorized on behalf of the County to order a reanalysis of the original sample and such retests are authorized to be performed only at an independent laboratory that meets applicable provisions of any state licensure requirements and is certified by the National Institute on Drug Abuse or the College of American Pathologists in Forensic Urine Drug Testing.
- D.** Prior to making a final decision to verify a positive test result, the Medical Review Officer shall give the applicant or employee an opportunity to discuss the test results.
- E.** The Medical Review Officer shall notify the County Manager of his or her medical conclusions from the review of the test results. If there are conflicting factual statements, the Medical Review Officer shall not attempt to resolve the factual conflict, but shall report it along with his medical conclusions to the County Manager. Similarly, the Medical Review Officer shall not attempt to ascertain the factual correctness of any claim by the applicant or employee of involuntary ingestion of drugs or alcohol, but shall simply report such claims to the County Manager with his medical opinion as to the possibility that such occurrence could have affected the test results.
- 2.** Based upon the Medical Review Officer's report and such inquiries or facts as the County Manager may consider, the Manager shall determine whether the applicant's or employee's explanations or challenges of the confirmed positive test results are satisfactory.

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

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



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- ii. Such records shall be kept confidential by the County Manager and shall be retained for one (1) year.
- B. If the applicant's or employee's explanations or challenges of the positive test results are satisfactory to the County Manager:
 - i. The County Manager shall notify the applicant or employee of the County Manager's determination within ten (10) calendar days of the determination; and
 - ii. Such records shall be kept confidential.

VIII. IMPAIRED PERFORMANCE DUE TO LAWFUL USE OF DRUGS

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

IX. EMPLOYEE ASSISTANCE

1. Roosevelt County will provide assistance in accessing a drug and alcohol abuse program for all employees who self refer or for those who have a positive drug or breathalyzer test on the first offense. The purpose of these programs are to provide professional assessment, evaluation, counseling and prescribed treatment for the employee to assist them in becoming drug and alcohol-free. Any and all costs associated with these programs will be the employee's sole responsibility. Some insurance companies, including those offered by Roosevelt County, offer substance abuse coverage.
2. The County Manager or his/her designee will coordinate all assistance referrals. All cases regarding positive drug/alcohol tests will be kept strictly confidential by the County Manager, his/her designee, and the employees Department Head/Elected Official. The County Manager will be responsible for providing treatment facility options to employees with positive test results.
3. After an employee is involuntarily referred to a treatment program, or after an employee self refers, all information shall remain confidential to the County Manager and/or other personnel having a legitimate business or legal need to know.
4. Employees convicted of illegal distribution or sale of drugs are not entitled to treatment program referral and are immediately subject to a pre-disciplinary hearing to consider termination. Conviction of illegal distribution or sale of drugs shall be grounds for termination.



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X. ENFORCEMENT

1. Refusal to undergo either a breathalyzer test or a substance screening test will subject the employee to a pre-disciplinary hearing to consider termination. Refusal to submit to a breathalyzer or substance screening is sufficient grounds for termination.
2. Refusal to enter or failure to successfully complete a treatment program will result in a pre-disciplinary hearing to consider termination of the employee. Refusal to enter a treatment program or the failure to complete the program is sufficient grounds for termination.
3. All second offenses of positive drug/alcohol test shall result in immediate termination.
4. All violations of this policy shall be subject to disciplinary action in accordance with the Roosevelt County Personnel Policy.
5. Any Sheriff's Deputy, Detention Officer, or Road Department Employee who tests positive for a controlled substance will be subject to immediate termination.

XI. LEAVE

1. Employees shall be paid for the time required to complete any breathalyzer exam or substance screening. Employees shall be allowed to use sick, vacation or comp time during their rehabilitation or treatment program. When paid leave is exhausted, the employee must go on leave without pay status until the completion of such treatment. The employee will be allowed to return to his/her previous position upon successful completion of the treatment program. The employee shall be subject to unannounced follow-up testing for a period of two years following treatment completion.

XII. TRAINING AND INFORMATION

1. A copy of this policy will be distributed to and signed for by all employees.
2. Supervisors will be provided training on the use of this policy.

XIII. INTERPRETATION

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

XIV. AMENDMENTS

Amendments of this policy shall require prior notice to employees.

ROOSEVELT COUNTY WORKPLACE HARASSMENT POLICY**A. PURPOSE**

This Workplace Harassment policy is intended to promote a safe and harmonious work environment free from all forms of unlawful harassment. All employees are responsible for knowing and following this policy.

B. POLICY

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

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

C. DEFINITION OF SEXUAL HARASSMENT

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

- a) Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual, or
- c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.



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D. EXAMPLES OF SEXUAL HARASSMENT

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

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

E. RESPONSIBILITY TO REPORT HARASSMENT

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

F. INVESTIGATION OF COMPLAINTS

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

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

G. APPEAL

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

G. PROTECTION AGAINST RETALIATION

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

H. DISCIPLINE

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

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

I. MANDATORY TRAINING

Periodic mandatory training for all employees, including supervisors, managers and elected officials, will be provided by the County to increase knowledge of the workplace harassment policy, state and federal laws and the process for enforcing the policy.


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J. VENDORS AND CUSTOMERS

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



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MISCELLANEOUS

- A. **DESIGNATED WORK AREAS.** All employees are to be at their designated work areas on time and ready to work. They shall work until the scheduled quitting time, unless permission of the supervisor has been obtained for different work hours. Employees shall not litter work areas and will keep them neat and clean.
- B. **PERSONAL BUSINESS.** Personal business shall not be conducted during work hours or on County premises.
- C. **SOLICITATION.** No solicitation will be allowed in a County-owned building or on County property. All legitimate proposals should be directed to Department Head or Elected Officials or persons responsible for purchasing. Salesmen should not consult directly with employees.
- D. **SAFETY.** The county will develop, implement, and enforce such safety standards and rules as are deemed necessary for safe operations. Employees will be expected to abide by County safety rules and procedures and any violation will result in disciplinary action.
1. **Occupational Safety and Health Act.** The New Mexico Environmental Improvement Division, Occupational Safety and Health Unit, is responsible for enforcing the provisions of the Occupational Safety and Health Act of 1970 (OSHA) upon units of local government. This agency has the power to inspect County operations and assure compliance with the Act and will promulgate such rules and procedures for employees as to establish and maintain compliance.
 2. **Unsafe Conditions.** Unsafe conditions existing in the work environment shall be reported immediately to the supervisor in order that corrective action can be taken. Machinery and/or equipment which is unsafe to operate as labeled by the supervisor will not be used until necessary repairs have been made.
 3. **Personal Protective Equipment.** Protective equipment for certain jobs will be prescribed by supervisors and must be worn by employees during the duration of the job which requires protective equipment. Failure to do so when it has been prescribed will be grounds for disciplinary action. On jobs requiring personal protective equipment, the required equipment shall be issued to the individual employee and he shall be responsible for it until it is returned at the completion of the job.
 4. **Safety Committee.** A safety committee will consist of the County Clerk, County Treasurer, County Assessor, County Sheriff, One Commissioner appointed by the County Commission, all Department Heads and the Loss Prevention Coordinator. They will meet quarterly to discuss any injuries or accidents. The Loss Prevention Coordinator will be required to check for hazards and to make a report to the committee when it meets.



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

F. DRESS AND APPEARANCE. County employees are constantly in the public eye. Consequently, it is important that the employees should present the best possible image to the public and should always be clean and as neatly dressed as work assignments allow.

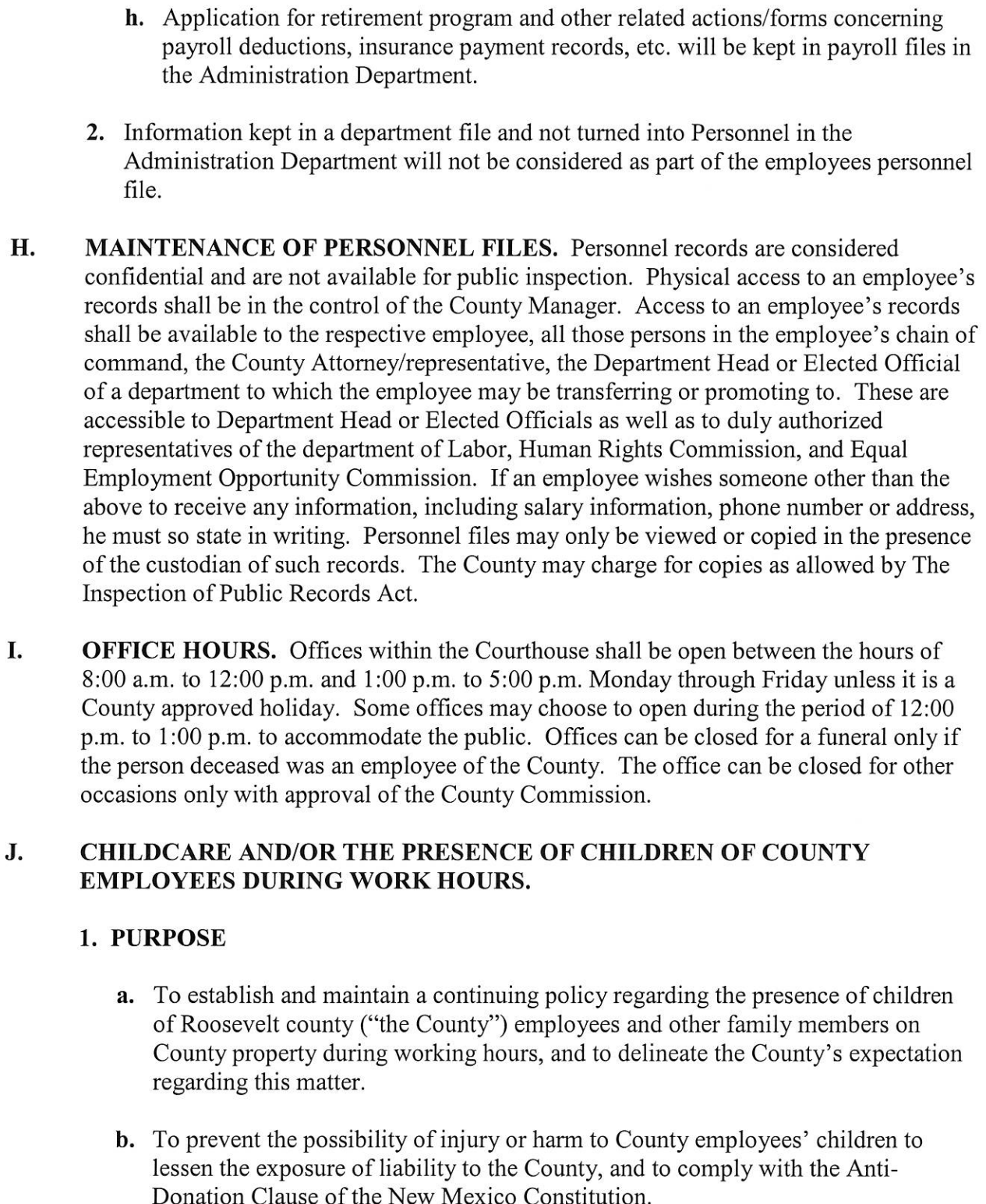
1. Uniforms. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty and at no other time unless authorized by a Department Head or Elected Official. Failure to wear designated uniforms while on duty will be considered insubordination, unless otherwise authorized by the Department Head or Elected Official. Uniforms will be issued at the time of employment for positions that require them.

G. CONTENTS OF PERSONNEL FILE. Subsequent to hiring, a separate record file will be prepared and maintained for each employee. These records shall be kept in the County Manager's office. It is the responsibility of each Department Head or Elected Official to insure that the records of the employees are complete and up to date.

1. The file shall contain at least the following records:

- a.** The original application form.
- b.** The originating personnel action showing occupation, date of beginning employment and salary.
- c.** Pre-employment drug testing results and any subsequent substance testing results. This should be in a separate confidential file along with all other testing results.
- d.** Copies of performance evaluations.
- e.** Letters or memorandums pertaining to the employee's performance and other job related personnel action.
- f.** Records or certificated of educational training or orientation achievements and completion.
- g.** Records of disciplinary actions, such as a reprimand, suspension, and termination.





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2. POLICY

- a. The County does not and cannot provide day care services for its employees' children. This service is not available and is not a benefit available to County Employees.
- b. Children of County employees shall not accompany their parent(s) to work under any circumstances. If an employee cannot arrange for care of his or her child(ren), he or she must contact their supervisor and arrange for their absence from work.
- c. This policy should not be construed as forbidding the occasional visit of family members or the children of County employees as long as the visit is not disruptive to the work environment and the child is not left in the care of the County employee while on duty.
- d. Any violation of this policy may result in disciplinary action up to and including termination.

K. ADULT FAMILY MEMBERS OF ROOSEVELT COUNTY EMPLOYEES.

Adult family members of County employees are prohibited from accompanying the employee to work. This does not include the occasional visit of family members as long as the visit is not disruptive to the work environment and is not an extended amount of time.

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

M. RESPONSIBILITY FOR INTERPRETATION AND ENFORCEMENT.

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



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