

QUAY COUNTY
PERSONNEL ORDINANCE NO. 11

ADOPTED BY QUAY COUNTY BOARD OF COMMISSIONERS
January 1991



STATE OF NEW MEXICO } SS
COUNTY OF QUAY }

I hereby certify that this instrument was
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Jacqueline Maddox County Clerk
By: *Alice Jones* Deputy

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AN ORDINANCE ESTABLISHING A
QUAY COUNTY PERSONNEL POLICY

ORDINANCE NO. 11

ADOPTED BY QUAY COUNTY BOARD OF COMMISSIONERS

January 14, 1991

AN ORDINANCE RESCINDING AND ABOLISHING ALL EXISTING ORDINANCES
PERTAINING TO PUBLIC EMPLOYEES: ESTABLISHING EMPLOYMENT POLICY AND
PROCEDURE FOR EMPLOYEES OF QUAY COUNTY, NEW MEXICO.

FINDINGS AND RECITALS

WHEREAS, the citizens of Quay County are entitled to and expect the
highest quality of county governmental service; and

WHEREAS, the Quay Board of County Commissioners and appointed and
elected County officials are dedicated to making the County a model
Equal Opportunity Employer; and

WHEREAS, the Quay Board of County Commissioners resolves that fair
and equitable rates of pay shall be provided to employees of Quay
County with due consideration of both employees and the taxpayers
and in observance of equal pay for equal work and appropriate dif-
ferences in pay for differences in work; and

WHEREAS, the Quay Board of County Commissioners has determined that
as far as practicable, the public service in Quay County shall be made
an attractive career and incentives shall be provided to public
employees to maintain and promote efficiency, economy and productiveness
in the operation of the County of Quay.

NOW, THEREFORE, BE IT ORDAINED by the Quay Board of County
Commissioners, New Mexico;

that pursuant to its statutory power, the Quay Board of County
Commissioners hereby exercises its expressed authority to establish
by ordinance, policy, and procedure, regulations regarding employ-
ment of all County employees, reserving to the individual County
elected officers the authority to hire, to recommend salaries, and
to terminate employees to carry out their statutory duties. Where
the requirements as set forth in this ordinance conflict with
policies or procedures adopted by elected officials or department
heads insofar as they relate to employment with Quay County, this
ordinance shall control.

This ordinance shall be known as the Quay County Personnel Ordinance. All the previous policies, rules, and regulations of the Quay County Personnel Ordinance No. 7 are hereby rescinded and abolished. It is the express intent of the Board of County Commissioners to have the provisions of this ordinance and personnel rules and regulations herein adopted to be entirely binding on the personnel operation, with exceptions only as provided herein.

The following provisions of the personnel rules and regulations adopted hereunder shall be deemed continuously in effect from the date of adoptions, except as amended, altered, or repealed by the direct action of the Board of County Commissioners. This ordinance and the personnel rules and regulations are subject to unilateral change by the Board of County Commissioners, including changes to benefits provided. The changes will apply to all employees of the county at the time of change as well as future employees.

Should any section, subsection, paragraph, sentence or part herein be declared unconstitutional or invalid, the same shall not invalidate any other part or portion of this ordinance, it being the intent of the Board of County Commissioners to enact each section, subsection, paragraph, sentence, and part hereof independently of every other part.

Department heads, as stated in this ordinance, cover both elected and non-elected supervisory heads of each department, office, or other division of County government.

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SECTION 1

COVERAGE OF SERVICE

A. All employees holding positions in County service shall be covered by the Personnel Ordinance and the Personnel Rules and Regulations. All the previous policies, rules, and regulations of the Quay County Personnel Ordinance No. 7 are hereby rescinded and abolished.

B. Organizational Activity

No employee shall be intimidated, coerced, threatened, or pressured into joining or not joining any organization. No organization or its representatives may interrupt or interfere with the normal conduct of County business.

SECTION 2

RECRUITMENT

Quay 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 procedure shall apply.

A. Application Procedures

Each applicant for employment with the County shall fill out an application form, which will be kept active for a period of six (6) months. Applications will then be considered inactive for an additional ninety (90) days. During the inactive period, an application can be made active at the request of the applicant.

If an applicant desires to apply for more than one position at a time, the applicant will request the application be considered for other positions.

All applications shall be signed, dated, and the truth of all statements contained therein certified by the applicant's signature.

Any false statement of fact made on the application shall be grounds for rejection or dismissal from employment. All applicants will be required to sign a release of information form which will be sent to past employers.

For each vacancy within the County, all applicants must make application to the elected official or department head, who will determine which candidate best meets the basic requirements of the position. The applications and other new hire forms shall be placed in the employee's personnel file which is kept in the County Manager's office. All employees seeking promotion and applicants for job openings shall be expected to meet the basic qualifications for the position for which they are applying, including physical examination, and/or other tests when deemed necessary by the appropriate elected official, department head, or the Board of Commissioners.

B. General Requirements

Evidence of job performance and capability, experience, education, training, skills, and other abilities are carefully considered in reviewing individual qualifications. Applicants may be required to submit documented proof of the possession of any license, certificate, degree, or any other documentation of qualifications stated in the job description. Applicants must meet all State and County employment requirements. County employees are considered for promotion or transfer before new applicants are reviewed.

C. Information Requested

No questions on the application shall be worded to elicit information concerning the race, national, or ethnic origin of the applicant or his political or religious opinions or affiliations, except that information required to assist with Equal Employment Opportunity efforts. Nor shall inquiry be made concerning such origin, opinions, or affiliation during any interview. All such disclosures shall be disregarded.

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SECTION 3

SELECTION PROCEDURES

A. Testing

1. Performance Tests

Applicants for secretarial/clerical positions may be required to take a typing, shorthand, and spelling test. Performance tests may also be given by appropriate department heads or elected officials for positions requiring operation of certain equipment to test the applicant's ability to operate equipment or vehicles.

2. Physical examinations

Before offering employment, the county may require that an applicant have a physical examination to determine fitness for employment. Prior to employment, employees considered for any type of physical labor duties will be required to take a physical, this includes departments such as road department, sheriff's office, fairbarn, courthouse maintenance, and any other positions so determined by the commission. Physical examination shall be performed by a licensed physician chosen by the County. X-ray examinations may be required for those employees from whom physical labor is expected. Applicants must successfully qualify on physical examinations before being certified as eligible for appointment. Fees for the required physical examination shall be paid by the County.

An applicant who has a prior disability will be required to furnish a doctor's report before employment stating that he is able to perform the position for which he has applied.

B. Interview

All applicants for a position will be interviewed by the hiring authority, including County employees seeking a transfer or promotion.

C. Final Selection

1. Basis for Final Selection

Final selection for a position will be made by the department head or elected official and will be based upon the following: skills and/or proficiency tests; educational background and experience; personal interview; physical examination if requested.

2. Discrimination

The County, unless based on a bona fide occupational qualification, will not hire, discharge, transfer, promote or demote, or take any action with respect to compensation, terms, conditions, or privileges of employment because of an individual's race, age, handicap, color, sex, religion, political affiliation, or marital status.

3. Ineligibility

Applicants will be considered ineligible for employment by the County if the applicant:

- a. has made any false statement on the application.
- b. has failed to complete the medical examination, or other requirements as directed by the employing authority.
- c. has failed to fulfill the statutory requirement of Section 4-41-8, NMSA, 1978, if applying for a position of deputy sheriff.
- d. has not met criteria for insurance or bonding as required by county or state law.
- e. has been dismissed from County service as a disciplinary measure.
- f. has a physical or mental disability as to be incapable of proper performance of the required duties based upon a physician's statement.
- g. has been found guilty of a felony or misdemeanor under the provisions of the Criminal Offender Employment Act NMSA 1978, Section 28-2-1.

D. Nepotism Policy

No person elected or appointed to any public office or position under the laws of this state or by virtue of the Quay County Personnel Ordinance, will employ as clerk, deputy, or assistant, whose compensation is to be paid out of public funds, and persons related by consanguinity (of the same blood; related by birth) or affinity (relationship by marriage, i.e., father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, including nieces and nephews) within the third degree to the person giving such employment, unless such employment shall first be approved by the Board of County Commissioners. This provision shall not apply where the compensation of such clerk, deputy, or assistant shall be \$600.00 or less per year (NMSA 1978, Section 10-1-10, 1987 Repl. Pam.)

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Reemployment consideration will be given in the following order provided that the applicant meets the basic qualifications: employees returning from military service, employees on an approved leave of absence or medical leave, employees laid off as a result of a reduction in force, former full-time and part-time employees who left County employment in good standing, and temporary employees.

SECTION 4

EMPLOYMENT

A. Job Description

A position is the aggregate of the duties and responsibilities requiring the services of one individual. A job description is a listing of these duties and responsibilities, along with other factors affecting the position, such as pay range, line of authority, and qualifications. The purpose of the job description is to allow the individual holding a particular position to know what is required of him by his employer. Job descriptions may be frequently updated and revised as the duties and responsibilities of the position change. Due to the size of Quay County and the small number of employees, employees may be called upon to perform varied work assignments. On-the-job training and cross training can be expected in many positions.

B. Salary

All starting salaries and salary increases shall be recommended by the elected officials or department heads to the Board of County Commissioners, who approve all salary requests. In certain circumstances, the hiring authority may request that a new employee start at a higher salary than recommended by the Board of Commissioners because of the employee's extraordinary related work experience. Pay raises will be considered at budget time only, with the exception of certification. Upon certification, a pay raise will be considered from non-certified to certified status. Final approval of wages lies with the Board of County Commissioners.

Note: SEE APPENDIX I FOR SALARY SCALE

C. Types of employment

1. Probationary

All newly-hired nonexempt employees, and those renewing employment after a fully terminated absence of sixty (60) days must serve a probationary period of one hundred eighty (180) days. All newly hired employees or those renewing employment in the Sheriff's Department after a fully terminated absence of sixty (60) days must serve a probationary period of one (1) year. Appointment following the probation period shall be based on satisfactory performance and evaluation by the immediate supervisor. It shall be the responsibility of the immediate supervisor to recommend the employee for nonprobationary status and prepare a written performance evaluation before the completion of the probationary period.

The probationary period may be extended for an additional thirty (30) days upon the recommendation of the immediate supervisor and upon notification to the County Commission. After the thirty (30) day extension, the employee shall either be dismissed or placed on nonprobationary status.

During the probationary period, employees will accrue vacation and sick leave. Vacation time cannot be taken until after the probation period. Probationary employees do not have the right to the grievance appeal procedure provided in Section 7.

Employees may not apply for transfers or promotions until they have completed the probationary period.

2. Full-time and Part-time Nonprobationary Employees

a. A full-time nonprobationary employee is one who works a forty (40) hour week and receives an annual salary.

b. A part-time nonprobationary employee is one who normally works twenty (20) or less hours per week and is compensated on an hourly wage. This type of employee is not eligible for sick leave, medical leave, funeral leave, military leave, jury duty or court leave, administrative leave, occupational injury leave, leave without pay, vacation leave, or PERA benefits.

Other employees working 21 or more hours per week, but less than 40, are eligible for benefits listed above on a prorata basis.

Any nonprobationary employee who works twenty (20) hours or more within a normal work week is required to become a member of the Public Employees Retirement Association (PERA).

3. Temporary Employees

A temporary employee may be either full-time or part-time depending on the nature of the employment, but is considered a temporary employee if the work being performed has a specified duration, or if the employee is hired to fill a position on an as-needed basis, such as employment during peak periods of work in various departments, summer employment, and employment of students under government programs. Temporary employment may not exceed eight (8) months of steady employment. Temporary employees are not eligible for any County benefits, with the exception of Worker's Compensation, nor do they have the right to the grievance appeal procedure as set forth in Section 7. Temporary employees are paid either on an hourly rate or a set amount for a specified job. Temporary employees are terminable at will.

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4. Exempt Employees

A exempt employee is described as a full-time employee, who is required to have special training, experience, or knowledge of duties in their respective departments, appointed by elected official or supervisor of the department with the approval of the commission. Exempt employees shall also include all first deputies under the elected official. Exempt employees are not entitled to earn over-time pay nor comp time accumulation. In cases where a full-time employee is promoted to exempt position, his/her accumulated comp time shall remain on record and with the approval of the authoritative figure, the time off be granted in order to use balance remaining. Each and all department heads, elected officials, first line deputies, or assistant foreman shall be exempt. All elected officials are required to have an first line deputy.

SECTION 5 CONDITIONS OF EMPLOYMENT

A. Hours of Work

Full-time nonprobationary employees work forty (40) hours per week, except Sheriff's Deputies, who shall work hours as set by the Sheriff. Working hours may fluctuate at the discretion of department heads or elected officials. Road Department hours will change with job schedule, set out by the department head. Road Department, unless otherwise instructed will work four ten hour days when the job site is over 20 miles from the road barn, and five eight hour days when the job site is within 20 miles of the road barn.

1. Breaks

Lunch breaks are normally one (1) hour, except for departments with established thirty (30) minute lunch breaks. 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 determined by the supervisor. There will be no accrual of break time.

The provisions of this section are minimum requirements and any additional departmental policies not inconsistent with these provisions are allowable.

B. Attendance and Absenteeism

Employees are expected to report for work promptly and consistently. Absence should be reported to the employee's immediate supervisor prior to the time the employee is to report to work, or as soon thereafter as is practical. Unauthorized absences from work for three (3) consecutive work shifts will be considered an automatic resignation. Unauthorized absences are those not approved by the department head, elected official, or immediate supervisor. Any unauthorized absences will be grounds for disciplinary procedures, including dismissal. Excused absences require supervisor approval. Supervisors shall maintain a written record of tardiness and absences. These records shall be kept on employee's personnel time sheet folder in the County Manager's files.

1. Custodial Department Hours

The custodial department will work a minimum of eight (8) hours, divided between a morning and evening shift. The road department will work a minimum of eight (8) hours, with the beginning and ending times to be set by department head with approval of the Board of Commissioners.

C. Dress and Personal Appearance

County employees are constantly in the public eye. It is important that the employees present the best possible image to the public and should always be dressed cleanly and as neatly as work assignments allow.

D. Certification of Payroll and Issuance of Paychecks

1. Time Sheets

Time sheets should be turned in by 9:00 a.m. on the Monday which follow the end of the pay period. Time sheets should indicate the department, employee's name, social security number, job position, hours worked, approved and nonapproved absences and other types of leave. The employee and immediate supervisor shall sign the time sheet.

2. Payroll Records

Individual payroll records shall be maintained showing the information provided on the time sheets.

3. Adjustments on Payroll checks

All adjustments on the payroll check will be reflected in the following pay period in which they occurred, except in the case of termination.

4. Inspection by Board of County Commissioners

Inspection of time sheets and payroll records may be made periodically by the Board of County Commissioners.

5. Symbols

- a. "V" - Vacation Leave
- b. "H" - Holiday
- c. "S" - Sick Leave
- d. "M" - Medical Leave
- e. "F" - Funeral Leave
- f. "Mil" Military Leav
- g. "JDOC" Jury Duty or Court
- h. "A" - Administrative Leave
- i. "O" - Occupational Injury Leave
- j. "LWOP" Leave without pay
- k. "UA" - Unexcused Absence

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6. Date of Issue

Paychecks will be issued every other Thursday. Paychecks may be issued early by order of the Board of County Commissioners.

E. Payroll Deductions

Payroll deductions are mandatory for the following: FICA, Federal Income Tax, State Income Tax, PERA, and a Court Order of Garnishment. If the employee desires to secure group insurance, the employee's premium will be deducted from his paycheck. Other deductions may be arranged with the approval of the County Commission.

F. Overtime Policy

Employees who are covered by the overtime provisions of the Fair Labor Standards Act working more than forty (40) hours per week will be compensated with one and one-half (1 1/2) hours of compensatory time off for each hour of overtime worked. If an employee has accrued more than two hundred forty (240) hours of compensatory time off (160 hours of actual time), the employee will be paid one and one-half (1 1/2) his hourly rate for overtime accrued in excess of 240 hours.

Law enforcement officers who are covered by the Fair Labor Standards Act will not receive overtime compensation unless they work more than 171 hours during a twenty-eight (28) day period. If such an employee works in excess of 171 hours, the employee will receive compensatory time off in lieu of overtime pay. For each hour of actual hours worked, the employee will receive one and one-half (1 1/2) hours of compensatory time off. If an employee has accrued more than 480 hours of compensatory time off (320 hours of actual time), the employee will be paid his hourly rate for time accrued in excess of 480 hours.

Overtime must be authorized by the employee's supervisor, and it must be entered on the employee's time sheet. When computing the number of hours worked during the week for overtime purposes, time absent from work, such as vacation leave, sick leave, funeral leave, jury duty, leave without pay, or other time off, shall not be computed as hours worked. Employees shall be encouraged to utilize and not accumulate compensatory time. It is the responsibility of the elected official or supervisor of their respective department to control and supervise comp time.

G. Pay Plan

The Board of County Commissioners shall set the pay schedule for all County employees on a fiscal year basis at the time of budget preparation. The County Commissioners shall set the pay schedule for the elected officials in accordance with the State Statutes.

H. Performance Evaluations

All probationary employees will be given employee evaluations before the 180-day probationary period ends. Additional evaluations will be conducted annually before adoption of new fiscal year budget.

I. Reduction-in-Force

The Board of County Commissioners may order a reduction in personnel due to lack of work, lack of funds, termination of a program or project, or reorganization. Employees affected by layoffs shall be given two (2) weeks written notice of such action, specifying the reason for layoff.

1. Layoff Procedure

Layoff will be in the following order:

- a. Temporary employees.
- b. Probationary employees.
- c. Part-time nonprobationary employees.
- d. Full-time non-probationary employees based on ability to perform available work and relative job performance. If the performance ratings of such employees are equal, the order of layoff shall be according to seniority.

2. Reductions in work force are not grievable.

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J. Final Paycheck

An employee who resigns will receive his final paycheck on the first regularly-scheduled payday following his termination, and an employee who is discharged will receive the final paycheck within five (5) days of discharge. In case of death, final salary and compensation will be paid to the employee's estate, or as provided by law. Terminated employees shall return all equipment, uniforms, and all other County property to the department upon termination, or employee's final paycheck will be reduced by the value of the unreturned items.

SECTION 6

LEAVE PROVISIONS

A. Authorized Leave

Leave is any authorized absence, with or without pay, during regularly scheduled work hours which is approved by the employee's supervisor.

1. Vacation Leave

Vacation leave allowances shall be provided per anniversary year as follows:

Full-time employees:

After one (1) year of continuous employment - ten (10) working days.

After five (5) years of continuous employment - fifteen (15) working days.

After ten (10) years of continuous employment - twenty (20) working days.

Employees who work between 21 and 40 hours will receive vacation leave on a pro rata basis.

After fifteen (15) years of continuous employment, an employee can accrue up to thirty (30) days of vacation leave which the County will pay upon retirement or resignation, as granted by Commission.

Vacation leave shall not be taken prior to employee's anniversary of one year. Vacation leave shall be requested and approved in advance. Reasonable efforts will be made to accomodate employee requests, though approval will be determined by the needs of the department. Accrued vacation may be taken all at one time or divided into different times. All vacation leave accrued as of the end of a calendar year must be taken within the next calendar year or IT WILL BE FORFEITED, unless permission to the contrary is granted by the County Commission. Paid holidays which occur during vacation leave are not counted as days of vacation. Upon termination, any unused, accrued vacation will be paid.

Vacation leave will not accrue when an employee is on leave without pay. Vacation leave will accrue for probationary employees.

2. Holidays

The Quay Board of County Commissioners designates the official holiday schedule at the beginning of each calendar year. These usually are as follows:

New Years Day	Labor Day
Memorial Day	Columbus Day
Independence Day	Veteran's Day
Christmas Day	Thanksgiving Day
Martin Luther King, Jr. Birthday (taken at Thanksgiving)	
Presidents' Day (taken at Christmas)	

If a holiday falls on Saturday, the preceding Friday will be the designated holiday. If a holiday falls on Sunday, the following Monday will be the designated holiday.

3. Sick Leave

- a. Full-time employees working forty (40) hours per week accrue twelve (12) working days paid sick leave per year for personal illness.
- b. Employees working less than 40 hours, but more than 20 hours will accrue sick leave on pro rata basis.
- c. Sick leave will accrue for probationary employees.
- d. Upon separation from County employment, employees shall not receive payment for accrued sick leave.
- e. Sick leave CANNOT be used for vacation time.
- f. Sick leave shall not accrue when an employee is on leave without pay.
- g. Unused sick leave shall not be accredited to an employee upon reinstatement unless the reinstatement is the result of a reversal of a dismissal action.

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- h. Sick leave should be used only as needed. Abuses of sick leave are grounds for disciplinary action. If an employee has used all accrued sick leave, the employee shall be allowed to use accrued vacation as sick leave. If an employee has used all of his or her sick leave and vacation time, the employee may be granted leave without pay upon approval of the Board of County Commissioners.
- i. Employees using sick leave shall notify their supervisor as soon as possible about the absence. Sick leave of more than five (5) days duration may require certification by a physician as to the nature of the illness. Persons on sick leave for eight (8) working days or more may be required to have a physical examination and be certified to return to work by a physician.
- j. In extenuating circumstances, and with the permission of the employee's supervisor, an employee may use his accrued sick leave to care for members of his/her immediate family. A doctor's certificate may be required stating the family member's condition prior to sick leave being granted for this reason. Immediate family means: spouse, mother, father, children.
- i. Sick leave shall be allowed to accrue, however, pay-off shall not occur under any circumstances. Employee shall be allowed to use such accrual in the event of extended illness with approval of department head.

4. Medical Leave

An employee must use accrued sick and vacation leave to cover those periods of time that an employee is ill and unable to return to work. An employee who is not able to return to work after using accrued sick and vacation leave may be granted medical leave of absence upon application to and approval by the Quay County Commission for illness, accident, or maternity. Medical leave is unpaid time and is limited to the period of actual disability. Medical leave shall not be granted for more than ninety (90) days and after that period of time the employee's position shall not be held. If an employee is unable to return to work within ninety (90) days, the employee shall be terminated. However, the employee will be given consideration for any position for which the employee is qualified when able to return to work. Sick and vacation leave do not accrue while the employee is on medical leave without pay.

An employee requesting medical leave without pay will be required to furnish a written physician's certification that the employee is unable to return to work. If a physician releases the employee to return to his regular position for a least four (4) hours daily, but less than full-time, the county may allow the employee to return to work on a shortened schedule for a time period not to exceed ninety (90) days. Compensation and benefits will be paid on a pro rata basis. Any employee wishing this consideration should submit a written request along with the physician's statement to his supervisor.

5. Funeral Leave

In the event of death of a member of an employee's immediate family, the employee will be entitled to a bereavement leave with pay not to exceed four (4) working days. Immediate family members are defined as follows: spouse, son, daughter, father, mother, sister, brother, or grand parent. One day off will be granted for bereavement leave for grandchildren, aunt, uncle, cousin, niece, or nephew. In extenuating circumstances, an employee may request additional bereavement leave without pay from the Board of County Commissioners.

6. Military Leave

Military leave with pay will be granted in accordance with federal and state law. Any employee who is a member of an organized reserve unit of the United States Armed Forces or who is a member of the New Mexico National Guard will be allowed fifteen (15) work days within a period not to exceed twelve months, military leave with pay if the employee is ordered to active duty. In all cases when military leave with pay is granted, the employee must furnish proof of duty orders prior to leave being granted. Active duty military absence not charged to military leave with pay may be charged to vacation leave or leave without pay.

Employees who volunteer or who are involuntarily ordered to active duty beyond the paid military leave periods shall be granted military leave of absence without pay for the amount of time necessary to complete any emergency period of training program. All benefits, seniority, and County employment status shall be retained up to a period of two (2) years, or in the case of an extension of such military service at the request of the government, for the duration of the extended period of service providing the employee reinstatement within sixty (60) days of discharge.

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7. Court leave or Jury Duty

Employees will be granted Court Leave with pay for the purpose of serving as juror or witness in federal court, state court, or the court of any political subdivision within the state. However, jury fees received (other than meals or travel allowances) shall be returned to the County. Court leave with pay will be authorized only during those days which would otherwise have been an employee's regulary scheduled working day. If excused by the court during a working day, the employee is expected to return to duty if a least four (4) hours of County duty can be served in the work day. If the employee does not return to work, the balance of the day will be charged to vacation leave.

If an employee is required to attend Court as a witness on behalf of the County or because of his/her official capacity, the employee will be given compensation time, upon proof of the Court appearance.

8. Administrative Leave

County employees shall be granted administrative leave with pay to attend meetings of boards and committees, or associations which are in relation to such employee's official duties or when attendance is on behalf of the County and in the County's best interest, subject to the approval of the Board of Commissioners.

Administrative leave with pay shall be granted for up to two (2) hours for voting in national, state, or local elections when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work.

9. Occupational Injury Leave

County employees are covered under the New Mexico Workers' Compensation insurance program. An employee injured on the job must notify his/her immediate supervisor as soon as possible in order to complete a "First Report of Injury" form. Appropriate medical treatment shall be sought immediately.

If the employee's work-related disability lasts for more than seven (7) consecutive days, the employee shall be placed on leave without pay, at which time Worker's Compensation benefits shall commence according to prescribed rates. Should the employee not have sufficient sick leave to cover the first seven (7) day, then the absence shall be charged to Vacation leave, and then to leave without pay.

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10. Leave Without Pay

All absences from duty other than those specified in these rules and regulations shall be considered leave without pay.

All benefits will cease while an employee is on leave without pay. If the the employee wishes to maintain insurance for which a payroll deduction is made, the employee will be required to submit to the County Manager monthly (on regular payday) payment by check made out to the insurance company in order for the insurance to remain in force.

Vacation and sick leave will not accrue while an employee is on leave without pay.

Leave without pay may be granted by the Board of County Commissioners upon written request of the employee or upon written request of the appointing authority.

11. Unavailable Work & Inclement Weather

The County may at its discretion, send an employee home when there is no work available as determined by the department head. County Offices may close and send employees home due to inclement weather when determined by the County Manager. Employees that are not present for or can not make it to work, or are sent home by the County due to the unavailability of work, inclement weather or other similar reasons shall be charged with leave for all normal work hours. Leave may be charged as vacation, comp-time or leave without pay. Emergency, law enforcement, corrections or other employees may be required as needed for work in such cases as determined appropriate by the department head.

SECTION 7

DISCIPLINARY AND GRIEVANCE PROCEDURE

A. Causes for disciplinary action include, but are not limited to:

- a. Negligent or inefficient performance.
- b. Reporting to work under the influence of drugs or alcohol.
- c. Use of drugs or alcohol on the job.
- d. Theft of employer's property or embezzlement of employer's funds.
- e. Misuse of County equipment or use of County equipment for personal advantage.
- f. Insubordination/refusal to accept reasonable and proper assignment from an authorized supervisor.
- g. Conduct tending to interfere with the efficient operation of the department, such as habitual tardiness and absences, abuse of coffee breaks, and inability to work with other County employees and the general public.

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- h. Falsification of County Records.
- i. Commission of Crimes. Any employee who is indicted for a felony or charged with a misdemeanor involving moral turpitude, may be suspended from County employment. If incarcerated, the employee will be placed on leave without pay pending release by virtue of bail, bond, or release on the employee's own recognizance upon judicial review. If the employee is not incarcerated, but the crime for which the employee has been indicted or charged is due to an alleged impropriety against the County government, is of a heinous or repugnant nature, or directly relates to the particular employment with the County, the County reserves the right to suspend the employee without pay until the matter is resolved. An employee charged with theft, fraud, or embezzlement from County government, whether felony, or misdemeanor, shall be suspended until final disposition of the case is made.

If an employee pleads guilty or is convicted of a felony or misdemeanor involving moral turpitude and the criminal conviction directly relates to the particular employment, the employee shall be terminated. If an employee pleads guilty or is convicted of a felony, the employee shall be terminated.

If an employee placed on suspension without pay is found to be not guilty of the criminal charge, or the criminal charge is dismissed, the employee will be reinstated without any loss of seniority or accrued benefits.

B. Exceptions to the above felony procedures:

- a. Any employee arrested for a misdemeanor which involves County property being improperly utilized or used without authorization shall be placed on leave without pay pending resolution of the case.
- b. Any employee accused of using his position with the County for personal gain or to intimidate, coerce, implicate, or defame the character of another citizen shall be placed on leave without pay pending thorough investigation of the allegation.

Quay County employees are terminable and may be terminated or demoted or suspended for the foregoing causes.

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All potential disciplinary actions will be brought to the attention of the County Manager before any action is taken. After the action is discussed with the County Manager, the immediate supervisor will notify the employee in writing of the action. The employee will be given an opportunity to discuss the problem with the immediate supervisor. If the problem cannot be resolved, the employee may request in writing within five (5) days of the meeting with the immediate supervisor that the County Manager review the case.

C. Employee Grievances

If an employee has a problem with his or her supervisor or co-employees, he or she should discuss the problem with his or her supervisor. If no resolution is reached, the employee may ask the County Manager in writing to review the problem.

SECTION 8

SEXUAL HARASSMENT POLICY

Sexual harassment of County employees by a supervisor, co-worker or client is unlawful discrimination under state and federal law, and Quay County is committed to providing a work environment that is free from sexual harassment. In keeping with this commitment, Quay County strictly prohibits any form of sexual harassment whether intentional or not.

As defined by the federal Equal Employment Opportunity Commission: "Unwelcomed sexual advances, request for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any such behavior should be reported immediately to the employee's immediate supervisor. If the immediate supervisor is doing the harassing, the employee should report the incident to the next level of supervision, the County Manager or to the Board of County Commissioners. The County Manager shall promptly investigate the incident, and advise the person against whom the complaint was made of the charges. Management will take appropriate corrective measures, up to and including dismissal. There will be no retaliation for having filed a complaint for sexual harassment.

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SECTION 9

EMPLOYEE PERSONNEL RECORDS

A. Contents of Personnel File

1. The original application for employment.
2. Release of Information request forms for previous employer.
3. The originating personnel action showing occupation, date of beginning employment, and salary.
4. Medical examination form, if requested by County.
5. Copies of all performance evaluations.
6. Copies of all letters or memoranda pertaining to employee's job performance, regardless of origination.
7. Records of certification of educational training or orientation achievements and completion.
8. Records of disciplinary actions, such as a reprimand, suspension, or termination.
9. Application for retirement program.
10. Other related actions/forms concerning payroll deductions, insurance payment records, etc.
11. Oaths of office if applicable.
12. Motor Vehicle Department records.

B. Maintenance of Personnel Files

The above records shall be maintained in a central, safe location by the County Manager's Office. Such records shall be considered confidential and not available for public inspection. No information in an employee's personnel file shall be given to anyone unless a release of information form is received by the County. Only the information approved for release by the employee or ex-employee will be released.

Access to an employee's records shall be available to the employee, his department head or elected official, as well as to a duly authorized representative of the Department of Labor, Human Rights Commission, Equal Employment Opportunity Commission, or the Immigration and Naturalization Service. If an employee wishes someone other than the above to receive any information, he must state so in writing. Personnel files shall only be viewed or copied in the presence of the custodian of such records.

The Finance Clerk will keep records containing name, address, occupation, time sheets, rate of pay, total wages paid each pay period, vacation and sick leave accrual and use, and any other records necessary for computation of pay.

In accordance with the Immigration Reform and Control Act of 1986, Quay County will maintain a separate, permanent file of all I-9 forms completed by employees hired after Nov. 6, 1986. This file is confidential and will be viewed only by the employee, an Immigration and Naturalization Service Officer, or Department of Labor officer upon request.

SECTION 10

SAFETY RULES AND PROCEDURES

A. Safety and Health

The County will set up and enforce such safety standards and rules as are deemed necessary for safe operations. Employees will be expected to abide by department safety rules and procedures, and consistent violation of same will result in disciplinary action.

B. Occupational Safety and Health Act

The County will abide by the New Mexico Environmental Improvement Division, Occupational Safety and Health Unit, which 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 (make known officially) such rules and procedures for employees as to establish and maintain compliance. Willful and/or repeated violations of county safety rules and procedures will be grounds for disciplinary action.

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C. Unsafe Conditions

Unsafe conditions existing in the work environment should be reported immediately to the supervisor in order that corrective action can be taken. Machinery and/or equipment which is unsafe to operate should be labeled in order that it will not be used until necessary repairs have made.

D. Accidents and Injuries

Accidents and injuries should be reported to the supervisor immediately and a "First Report of Injury" form shall be filed within twenty-four (24) hours. This report shall be signed by the employee and his immediate supervisor. All accidents and injuries shall be reported, however minor.

Failure to report an accident shall be grounds for discipline.

E. Personal Protective Equipment

Protective equipment for certain jobs will be required 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 assignments requiring personal protective equipment, the required equipment shall be issued to the individual employee, and he shall be responsible for same until it is returned at the completion of the job.

SECTION 11

MISCELLANEOUS POLICIES

A. Retirement - Public Employees Retirement Association (PERA)

The State of New Mexico provides a retirement association for all state and local government employees, designed to reward career public servants and furnish security during retirement years. Membership in this association is mandatory for most employees. Employees should plan to begin processing for retirement at least 45 to 60 days prior to date of retirement. Disability benefits are available in some cases; inquire prior to termination of employment.

B. Political Participation

County employees who have not taken leave shall be prohibited from campaigning during regular working hours from 8:00 a.m. to 5:00 p.m., or normally scheduled working hours. Political activity is not excluded during lunch hours taken away from the work site. Except during absentee voting, material and literature regarding candidates may be dispensed on County premises so long as all candidates are given equal opportunity to provide such material. Employees may not hold an elected political office with another political entity. Nor shall any elected official or employee of the County hold the position of chairman of the board of any county board.

C. Wrongful Use of Public Property

All County employees are prohibited from using County time and equipment for personal, social, and club activities during normal working hours. Failure to comply will be considered grounds for discipline.

D. Employee Conduct

Relatives or friends of elected officials, department heads and County employees shall not loiter around County offices, shops, or other County property for social or personal purposes. Personal telephone calls are to be limited to emergency or unforeseen circumstances which call for immediate action.

E. Responsibility for 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 an elected official, department head, or supervisor 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 acknowledgment of its' return by the elected official, department head, or supervisor. 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. Conflict of Interest Policy

Conflict of Interest Policy shall be enforced and abided by by all elected officials, appointees, department heads, and all other employees of county according to the State Statues 10-16-1 to 10-16-15 NMSA, 1978 known as the Conflict of Interest Act.

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APPENDIX I

The following starting salary scale shall apply as stated in this Appendix:

Sheriff's Dept:	Non-certified Deputy	\$16,000.
	Certified Deputy	17,000.
Detention Center:	Non-certified Dispatcher	12,357.
	Certified Dispatcher	13,357.
	Non-certified Jailer	12,000.
	Certified Jailer	13,000.
	Full Time Head Cook	11,440.
	Full & Part Time Under Cooks	10,400.
Road Department:	Truck Driver	12,000.
	Truck Driver (Experienced & Heavy Equipment)	\$13,000.
	Blade Operator (less than 5 yrs. Exper.)	13,000.
	Blade Operator (5 yrs or more Exper.)	14,000.

Fairbarn: (Exhibit Center) As ruled by Commission

Courthouse: As ruled by Commission

Note: No first deputy position shall be given a wage rate higher than maximum of 85% of the elected official's salary in his/her department.

ADOPTED in regular session this 14th day of January, 1991 in Tucumcari, Quay County, New Mexico

QUAY BOARD OF COUNTY COMMISSIONERS

Joe Juan Carlos Moya
Charles Moya, Chairman

Robert Thrasher
Robert Thrasher, Member

Brad Hunter
Brad Hunton, Member



ATTEST:

Jeanette Maddaford
Jeanette Maddaford, County Clerk

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 AMENDMENT TO APPENDIX I - PERSONNEL ORDINANCE NO. 11

Resolution of the

The following starting salary scale shall apply as stated in this Appendix:

Sheriff's Dept.:	Non-certified Deputy	\$ 16,500
	Certified Deputy	17,500
Detention Center:	Non-certified Dispatcher	13,000.
	Certified Dispatcher	13,500.
	(Pending 6 mos. Probationary Completion)	14,000.
	Non-certified Jailer	13,000.
	Certified Jailer	13,500.
	(Pending 6 mos. Probationary Completion)	14,000.
Road Department:	Truck Driver	13,000.
	Truck Driver (Experienced & Heavy Equip)	14,000.
	Blade Operator (Less than 5 yrs. Exper.)	14,000.
	Blade Operator (5yrs or more Exper.)	15,500.

Fairbarn (Exhibit Center): Not given - Set as ruled by Commission

Clerical & Courthouse: Not given - Recommended by Elected Officials & Dept Heads - As ruled by Board of Commissioners

All Other Positions: Not given - Recommended by Elected Officials & Dept. Heads - As ruled by Board of Commissioners

Note: No first deputy position shall be given a wage rate higher than maximum of 85% of the Elected Official's salary in his/her department.

ADOPTED in regular session this 13 th day of October 19 92
 in Tucumcari, Quay County, New Mexico.



QUAY COUNTY BOARD OF COMMISSIONERS

STATE OF NEW MEXICO }
 COUNTY OF QUAY } SS

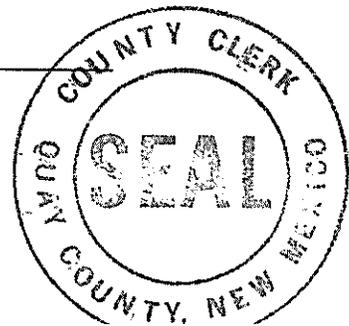
I hereby certify that this instrument was filed for record at 10:35 o'clock A. M. on OCT 15 1992 and was duly recorded in book 330 page of the records of said county.

Jose Leon Carlos Moya
 Charles Moya, Chairman

Robert Thrasher
 Robert Thrasher, Member

Brad Hunton
 Brad Hunton, Member

Jeanette Maddaford County Clerk
 By: _____ Deputy



ATTESTATION:
Jeanette Maddaford
 Jeanette Maddaford, County Clerk

AMENDMENT TO APPENDIX I - PERSONNEL ORDINANCE

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ADOPTED in regular session this 13 th day of October 19 92 in Tucumcari, Quay County, New Mexico.

QUAY COUNTY BOARD OF COMMISSIONERS

Jose Leon Taylor Moya
Charles Moya, Chairman

Robert Thrasher
Robert Thrasher, Member

Brad Hunton
Brad Hunton, Member

ATTESTATION:

Jeannette Maddaford
Jeannette Maddaford, County Clerk