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P. 1223-1243

TORRANCE COUNTY PERSONNEL REGULATIONS

STATE OF NEW MEXICO
County of Torrance

I hereby certify that this instrument was
filed for record on the 7th day
of Sept. A.D., 1989
at 9:41 o'clock A M. and duly
recorded in book 260 at page 1223-1243

Witness my hand and Seal of office

Linda Riley-Warren
County Clerk, Torrance Co., N.M.

Mary Ann C. Araya Deputy

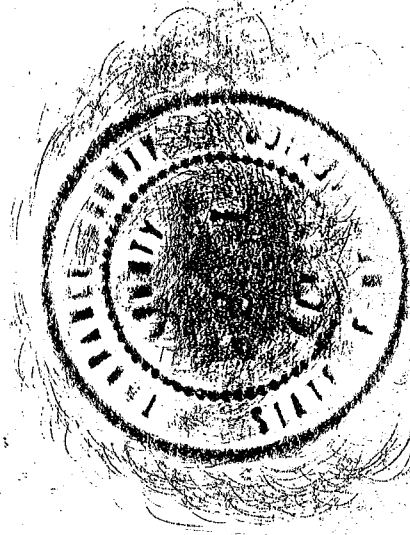


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TORRANCE COUNTY PERSONNEL REGULATIONS

01. TITLE AND AUTHORITY

These regulations may be cited as the "Torrance County Personnel Regulations" and are promulgated and adopted by the County Commission pursuant to Section 7, Torrance County Personnel Ordinance. Anything not covered under these regulations will be covered under applicable state statute.

02. DECLARATION PURPOSE

These regulations set forth the principles, practices, policies, procedures, guidelines and rules for the purpose of assuring uniform and equitable treatment of all county government employees and to guarantee equal employment opportunities to all applicants based solely on merit, qualifications, and abilities without regard to race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

03. COVERAGE OF SERVICE

These regulations cover all county government employees, except for Groups I and II below. Group I is exempted entirely from these regulations.

Group I

- A. Officials elected by popular vote or appointed to fill vacancies in elective offices (i.e. county commissioner, county assessor, county clerk, county sheriff, county surveyor, county treasurer and probate judge).
- B. Members of boards and committees appointed by the county commission and not employed by county.
- C. Those persons holding professional, technical and scientific positions that are temporary in nature and under some form of contract.
- D. One under-sheriff and one executive secretary to the sheriff.

Group II (Group II is exempted from those sections pertaining to employment only.)

- A. Supervisors appointed by the county commission, such as the county manager, public works supervisor, and senior program coordinator.
- B. Not more than one (1) first-in-line assistant from within each county department delegated with the authority to act in the stead of the elected official during that official's administration term.

04. STATUS OF INCUMBENT EMPLOYEES

All classified employees in service under the prior personnel ordinance, shall maintain the same status, as to permanent or temporary, under this ordinance. All annual vacation leave, compensatory leave and sick leave shall be carried over from the prior personnel ordinance to this personnel ordinance.

05. VIOLATIONS

A violation of any of the provisions of these regulations by any classified employee is, in addition to penalties imposed by law, grounds for dismissal, suspension or demotion.

06. RESPONSIBILITY FOR ADMINISTRATION

Pursuant to Sections 4-38-1 and 4-38-19, NMSA 1978 Compilation, the County Commission shall administer the provisions of these regulations, as promulgated hereunder. The personnel administrator will be designated by the county commission and will be the agent for the commission in all personnel matters. Each elected official or supervisor is responsible for assisting the personnel administrator in implementation of these personnel regulations.

07. AMENDMENTS AND REPEALS

These regulations, or any portion thereof, may be amended or repealed by a majority vote of the County Commission. These regulations will be reviewed, and amendments considered, once every year.

08. EFFECTIVE DATE

These regulations, and the entire provisions thereof, as promulgated herein, shall come into full force and effect thirty (30) calendar days after the adoption by the County Commission.

09. PERSONNEL RECORDS KEEPING PROCEDURES

A file on each classified employee in county government shall be maintained by the personnel administrator on a permanent basis, to include the following documents:

- A. Application for Employment - All persons seeking placement under the merit system must complete the official "application for Employment" prescribed and approved by the County Commission.
- B. Personnel Action Report Form - The standard Personnel Action Report form, prescribed and approved by the County Commission, shall be utilized for the purpose of recording any and all personnel transactions involving classified employees. This form shall be used to act on, among other things, transfers, promotions, demotions, pay increases, appointments, re-assignments, placements, terminations and/or reinstatements.
- C. Employee's Performance Evaluation Report Form - The standard Employee's Performance Evaluation Report form, prescribed and approved by the County Commission, shall be utilized for the purpose of evaluating the performance of all employees promoted, demoted, appointed or terminated.
- D. Other Information for Personnel Documentation - Copies of documents provided to classified employee's for instruction of department policies, disciplinary warning, and letters of commendations or awards shall be forwarded to the county personnel administrator for inclusion in the employee's personnel file.
- E. Employee's Payroll and Time Register Form - The standard Employee's Payroll and Time Register form, prescribed and approved by the County Commission, shall be utilized for the purpose of recording the date pertaining to each individual's attendance history. These forms shall be submitted to the personnel administrator on the last day of each pay period. One (1) form shall be used for each classified employee reflecting a constant balance of accrued time under each classification of leave. Part-time employees are responsible for submitting time records to their supervisors in order to be paid for that period. Once received by supervisor it is his/her responsibility to submit to personnel administrator.

10. RECRUITMENT PROCEDURES

Active, coordinated and timely recruitment shall be conducted by the county personnel administrator based upon a plan to meet with all current and projected manpower needs with the department involved.

- A. Recruitment Notices - Written public notice of equal employment opportunities available and positions vacant shall be posted for five (5) days in house, and published at least five (5) calendar days prior to date set as deadline for applying for the particular position.

11. EXAMINATION PROCEDURES

Examinations for entrance and placement shall be conducted on an open and competitive basis, and may be administered in the form of a written test, performance test, experience and educational rating and/or oral interview, or any combination thereof. The examination for a particular position shall not vary from one (1) applicant to the next.

12. SELECTION PROCEDURES

The supervisor shall make a final selection and appoint an applicant, provided that the selected applicant (candidate) has:

- A. completed and signed the application for employment provided for in Section 09.A of these regulations;
- B. Submitted and proven possession of all documents and certificates required for the position;
- C. met all the requirements and qualifications for the position;
- D. scored satisfactory on written and performance test;
- E. been given the preferences commensurate with the Torrance County affirmative action program. See appendix A.

13. REJECTION PROCEDURES

A person whose application for employment has been rejected shall be notified of such action in the form of a letter mailed to his (her) last known address, provided that:

- A. if the applicant is eligible for future considerations, the application shall be placed in the files for a period not to exceed six (6) months;
- B. if the applicant is eligible for appeal, the notification of rejection shall allow sufficient time for applicant to appeal prior to selection of candidate for same position;
- C. applicant shall be notified with five (5) calendar days from date of rejection or selection of alternate candidate, whichever comes first;
- D. an applicant may be rejected for any one (1) of the following reasons:
 1. does not meet the minimum requirements;
 2. has been convicted of a felony crime;
 3. has made false statements of material and relevant fact;
 4. does not meet the criteria for bonding, certification, insurance coverage, or any other criteria set for same position.

14. APPOINTMENTS

- A. Probationary Appointments - All full time classified employees of a permanent status shall be required to serve a six (6) month probationary period, and, as such, shall first be placed on probationary status by a probationary appointment, unless the employee is being reinstated. Employees receiving probationary appointments may be dismissed, or probation is extended six (6) months after review of evaluation, demoted or transferred to a lower classification without the benefit of a hearing or rights to appeal, however, the employee shall be afforded the rights to grievance procedures in the case of discrimination. See the Torrance County Affirmative Action Program. Appendix A.
- B. Reinstatements - A former employee may be reinstated, without recourse to Selection Procedures, Section 12., of these regulations, provided that the former employee:
1. is reinstated to the same position previously held;
 2. had previously held permanent status;
 3. is reinstated within twelve (12) months from separation;
 4. was separated without prejudice.
 5. If the former employee was separated through no fault of his (her) own, he (she) shall not be required to serve a six (6) months probationary period and may be placed under permanent appointment.
- C. Permanent Appointments - An employee, upon satisfactorily completing probationary period, may receive a permanent appointment and be placed under permanent status.
- D. Provisional Appointments - If it becomes urgent for a position to be filled in the interim, while the supervisor is recruiting and soliciting applications for employment, the supervisor may make a provisional appointment, provided that:
1. the vacancy occurred as a result of circumstances not reasonably forecasted;
 2. the provisional appointee shall not be given preference over other applicants for same position;
 3. the provisional appointee shall be allowed to compete for permanent or probationary appointment to same position;
 4. the provisional appointee shall not be required to compete for permanent or probationary appointment;
 5. the provisional appointee shall sign a statement accepting the conditions of a provisional appointment;
 6. the provisional appointment ceases to exist at such time as a probationary or permanent appointment is made; and
 7. in the event that the provisional appointee receives a permanent or probationary appointment, the time spent in the provisional status shall be credited toward total length of service.
- E. Emergency Appointments - A supervisor may make an emergency appointment for a period not to exceed ninety (90) calendar days when an emergency condition exists and there are no applicants available for employment, pursuant to Section 10-9-14, NMSA 1978 Compilation, providing that:

1. the appointee does not hold an emergency appointment over ninety (90) calendar days within any one (1) twelve (12) month period;
 2. the emergency appointee shall sign a statement accepting the conditions of an emergency appointment;
 3. the supervisor makes a reasonable effort to seek out applicants suitable for probationary appointment;
 4. in the event that the emergency appointee receives a probationary or permanent appointment, the time spent in the emergency status shall be credited toward total length of service so long as the probationary or permanent appointment is made immediately subsequent to the expiration of the ninety (90) day emergency appointment.
- F. Temporary Appointments - If an employee is needed to fill a position temporary in nature to meet with the requirements of a special project or duties to be performed of a limited duration, such as a one-time federal pilot program, the supervisor may make a Temporary Appointment for a specified period of time or for the duration of the contract, grant, project or program involved, provided that:
1. the Selection Procedures, Section 12., these regulations, are complied with;
 2. the temporary appointee shall sign a statement accepting the conditions of the temporary appointment;
 3. upon expiration of the temporary position, the temporary appointee shall not have the same rights of reinstatement pursuant to Section 14.B, these regulations;
 4. in the event that the temporary appointee receives a probationary or permanent appointment, the time spent in the temporary status shall be credited toward total length of service so long as the probationary or permanent appointment is made immediately subsequent to the expiration of the temporary appointment.
- G. Part-Time Appointments - An elected official or supervisor may make an appointment on a part-time basis. The conditions for this part-time employment are as follows:
1. they shall be hired at a rate approved by the county manager;
 2. they shall receive no fringe benefits;
 3. they may be a classified county employee working outside of his (her) regular scheduled working hours. The situations which qualify for this type appointment are as follows:
 - a. The appointee is selected for reasons as in 14.E or 14.F and works less than 32 hours/week, or
 - b. the appointee is used to fill in for employee's on leave, or
 - c. the appointee is employed on a sporadic basis and works no more than eight (8) consecutive weeks.

15. STATUS CLASSIFICATIONS

All classified employees in county government shall be placed under certain classifications and status.

- A. Probationary Status - All classified employees shall be placed under probationary status by Probationary Appointment pursuant to Section 14.A, these regulations.

- B. Permanent Status - All classified employees, upon satisfactorily completing probationary status, shall be placed under permanent status. All employees under permanent status shall be afforded all of the rights and privileges under the personnel merit system.
- C. Provisional Status - All provisional appointees, appointed under the provisions of Section 14.D., these regulations, shall be placed under provisional status for the duration.
- D. Emergency Status - All employees appointed under the provisions of Section 14.E., these regulations, shall be placed under emergency status.
- E. Temporary Status - All temporary appointees, appointed under the provisions of Section 14.F., these regulations, shall be placed under the part-time status.
- F. Part-Time Status - All part-time appointees, appointed under the provisions of Section 14.G., these regulations, shall be placed under the part-time status.
- G. Transfers at Employee's Request - A classified employee may request to be transferred from one county department to another county department by submitting such request in writing to the supervisors of both departments. The request must be approved by the receiving supervisor in order for the actual transfer to take place. The supervisor receiving department must either approve or reject the request within five (5) working days from date of request.
- H. Transfers at Supervisors Request - The supervisors of two (2) county departments may transfer a classified employee from one county department to the other county department, provided however, that the employee's present supervisor notifies the employee in writing at least two (2) calendar weeks prior to the effective date of transfer and that the transfer does not lower the pay or classified status of the employee. Employee has the right to refuse the transfer.
- I. Resignations - An employee desiring to voluntarily terminate his (her) employment in county government may, at the discretion of the supervisor, be required to submit his (her) letter of resignation at least two (2) calendar weeks prior to the effective date of resignation. Failure to do so shall be made a permanent part of the employee's individual personnel records along with a performance evaluation report.
- J. Promotions - Only permanent classified employees with more than six (6) months of satisfactory service shall be eligible for promotion. The supervisor shall, at his (her) discretion, fill the vacant higher position either through promotion or under the provisions of Section 12., these regulations, provided that if the supervisor chooses to fill the position through promotion, the employee meets the minimum requirements for the position.
- K. Suspensions - Suspension of classified employees is provided for under Section 21., these regulations, entitled Disciplinary Actions.
- L. Demotions - Demotions of classified employees is provided for under Section 21., these regulations, entitled Disciplinary Actions.
- M. Reclassification of Pay Status - When, by action of the County Commission, the pay grade or salary of classified employees is reclassified to meet with emergency situations, such as, lack of funds, and if the employee accepts the reclassification as an alternative to mandatory layoff, the employee's pay grade shall be adjusted to meet with the new pay scale. Provided that the employee's salary is adjusted similar to all other employees' salaries in same positions.

- N. Layoffs - The county Commission may order reductions in positions and/or pay grades due to lack of work, lack of funds or reorganization, in which event, the supervisor shall notify the affected employee(s) at least two (2) calendar weeks prior to the effective date of layoff. The layoff of classified employees shall be made according to seniority and performance ratings, in order of classification status:
- (1) Provisional Status
 - (2) Emergency Status
 - (3) Temporary Status
 - (4) Probationary Status
 - (5) Permanent Status with unsatisfactory rating
 - (6) Permanent-Status with satisfactory rating
- O. Disciplinary Dismissals of Permanent Employees - An employee with permanent status to be dismissed for disciplinary reasons pursuant to Section 21., these regulations, shall be given either two (2) calendar weeks pay with immediate dismissal, or, notice of such dismissal action at least fourteen (14) calendar days prior to the effective date of such dismissal, at the discretion of the supervisor. Such notice shall be in writing, citing the regulation(s) alleged to have been violated and listing the specific act(s) to support the allegations.
- P. Disciplinary Dismissal of Non-Permanent Employees - An employee with other than permanent status to be dismissed for disciplinary reasons pursuant to Section 21., these regulations, shall be given at least forty-eight (48) hours notice prior to the effective date of dismissal. However, if the employee's action was of such a nature to cause liability to a law suit for the county, they may be dismissed immediately. Such dismissal shall be in writing.
- Q. Mandatory Dismissals - Employee's holding appointments under categories other than of a permanent status, shall be separated or terminated upon the expiration of the prescribed term of employment in accordance with the terms and conditions set forth for the particular position. All personnel under Groups I and II in Section 03., these regulations, are so considered at the expiration of the appropriate elected terms.

16. LEAVE STATUS CLASSIFICATIONS

- A classified employee may request to be placed on leave status, and, the supervisor may approve or reject the employee's request, providing that the employee has accrued, earned and accumulated the amount requested by the effective date leave will start.
- A. Leave of Absence Without Pay - A classified employee may be granted a leave of absence without pay for a period not to exceed six (6) calendar months, provided that the leave does not extend beyond the expiration date of the term of office of the supervisor. Time during the leave shall not be credited toward length of service, sick leave and annual vacation leave shall not accrue during leave without pay and only those employees under permanent status shall be allowed leave of absence without pay.
 - B. Holiday Leave - Holiday leave is provided for under Section 17.E., these regulations, that section entitled Holiday Policy.
 - C. Compensatory Leave (Comp time) - Compensatory leave is provided for under Sections 18.J and 18.K, these regulations, entitled Overtime Compensation and Holiday Work Compensation.
 - D. Annual Vacation - Leave Annual vacation leave is provided for under Section 17.F., these regulations, entitled Vacation Leave Policy.

- E. Leave of Absence - A leave of absence may be taken by any classified employee provided that it is approved by the supervisor and if the leave is with pay, the employee has accumulated sufficient leave time prior to taking it.
- F. Sick Leave - Sick leave allowances shall be provided for all classified employees at the rate of one (1) day per calendar month, with any fraction thereof prorated, of service. Charges against sick leave shall be allowed only when the employee has sufficient sick leave accumulated prior to taking the leave. Sick leave shall accumulate or accrue for an indefinite period of time, so long as the employment is uninterrupted within county government. In the event that an employee transfers from one (1) department to another within county government, the sick leave accrued shall transfer with the employee. Accrued sick leave shall be forfeited upon the separation, termination or dismissal of an employee. Accrued sick leave shall not be credited from prior service upon reinstatement of an employee. The sick leave allowance of any employee may be used to authorize absences necessitated by reason of:
1. Illness or injury* incapacitating the employee to perform his duties. *(Any non-duty connected injury or disability an employee may sustain shall not be covered by Workmen's Compensation.)
 2. Exposure to contagious disease such that his presence on duty would jeopardize the health of fellow workers on the job.
 3. Illness in the employee's immediate family* requiring the employee's personal care or attendance. Up to three (3) days may be granted for an employee to care for members of his immediate family who are critically ill. An additional two (2) days may be authorized for extenuating circumstances. Absence beyond a maximum of five (5) days for this purpose shall be charged against the employee's accrued annual leave. *(Immediate family shall be construed to include the employee's spouse, children, mother, father, mother-in-law, father-in-law, grandparents, brothers, sisters, brother-in-law, sisters-in-law, and any other relative living in the household of the employee.)
 4. Dental, optical or medical examinations or treatments. Sick leave for prearranged dental, optical or medical examinations or treatments shall be applied for and approved in advance.
 5. In the event an employee has a serious illness or injury and has exhausted his accumulated sick leave, such absences may be charged against the employee's accrued annual leave.
 6. In cases where an employee may be suffering from a chronic or recurring illness necessitating lengthy or frequent absences, a certificate from a physician or doctor substantiating the employee's inability to work because of injury or illness may be required in order to preclude the possibility of misuse of sick leave allowances.
- G. Bereavement Leave - Bereavement leave is provided for under Section 17.G, these regulations, that section entitled Bereavement Leave Policy.
- H. Military Leave - All classified employees with permanent status who are members of the New Mexico National Guard or an organized reserve branch of the Armed Forces of the United States, shall, when under official military orders, be entitled to military leave with fifty per cent (50%) pay for a period not to exceed fifteen (15) calendar days in any one (1) calendar year. The pay shall be at the rate of one half (1/2) of the entitled pay grade. In the event that the employee is required more than fifteen (15) calendar days, the supervisor may charge the remaining leave time, in excess of fifteen (15) calendar days, to accrued annual or vacation leave and/or compensatory leave time accumulated.

- I. Maternity - Absence due to maternity reasons shall be treated as either sick leave, annual vacation leave, compensatory leave, leave of absence without pay, or any combination thereof. Failure of the employee to return to work, without prior arrangements, with eight (8) calendar weeks after the date of delivery, shall be considered as submission of voluntary resignation.
- J. Administrative Leave - Administrative leave with pay shall be granted, with approval by the supervisor, to an employee for the purpose of attending meetings, conferences or conventions, when such attendance is on behalf of, or in the best interest of county government.
- K. Civil - Judicial Leave - Civil-judicial leave shall be granted classified employees when they are subpoenaed to appear in court as a witness or juror. The leave shall be with pay providing that the employee reimburses to the county any fees paid by the courts for said services, excluding all expenses, such as, mileage, travel, food and lodging.
- L. Personal Holiday Leave - Personal Holiday Leave Policy is provided for under Section 17.H., these regulations.
- M. Educational Leave - Educational leave with pay may be granted to an employee for the purpose of attending and pursuing bona fide courses of instruction consistent with the employee's position, for a period not to exceed two (2) calendar weeks, subject to approval and extension of time by the County Commission. Unless the County Commission approves an extension of the two (2) calendar week period, all time exceeding the two (2) calendar weeks shall be treated as either annual vacation leave, compensatory leave, leave of absence without pay, or any combination thereof. This section shall not preclude any training required by state statutes.
- N. Employee's Request for Leave - A classified employee, prior to taking leave, shall be required to request such leave in writing at least fifteen (15) calendar days prior to the effective date leave will start. In the event that such leave does not meet with the requirements of the department, the supervisor may reject the request.

17. EMPLOYEE'S BENEFITS

- A. Mileage and Per Diem - Every classified employee required to travel away from his (her) designated duty assignment on official county government business shall be entitled to mileage and per diem allowances in accordance with the Mileage and Per Diem Act, Section 10-8-1 through Section 10-8-7, NMSA 1978 Compilation.
- B. Social Security Coverage - The Social Security Act of Congress of 1935, and all of the benefits thereof, shall be extended to all classified employees pursuant to Section 10-14-1 through 10-14-10, NMSA 1978 Compilation.
- C. Group Insurance Policy - In the even that a classified employee elects to be covered under the group insurance policy provided for county government employees, that portion of the premiums owed by the employee will be deducted from the employee's salary on a periodic basis. All group term life, medical, hospitalization and disability income insurance plans in effect shall be provided for all employees under the provisions of Section 10-7-4 and 10-7-5, NMSA 1978 Compilation.
- D. Retirement Policy - The county government of Torrance County, New Mexico is an affiliated employer under the Public Employee's Retirement Act of New Mexico, pursuant to Sections 10-11-1 through 10-11-21, NMSA 1978 Compilation, therefore, all classified employees shall become contributing members of the Public Employee's Retirement Association of New Mexico as a condition for employment in county government.

- E. Holiday Policy - The official holidays shall be designated by the County Commission, and when a holiday falls on a Saturday, it will be observed on the preceding Friday; whenever it falls on a Sunday, it will be observed on the preceding Friday; whenever it falls on a Sunday, it will be observed on the Monday next following. All Classified employees shall be entitled to holiday pay based on the standard base rate of pay, provided that the employee worked on the duty day immediately prior to the holiday, or, the duty day immediately following the holiday. In the event that the employee is eligible for holiday leave with pay and works on the holiday, he (she) shall also be entitled to compensatory time. Regular scheduled to work earned 1 1/2 comp time; not scheduled and called in 2 1/2 times comp.
- F. Vacation Annual Leave - Vacation annual leave with pay shall be earned or accrued by classified employees based on one and one quarter (1 1/4) days per one hundred twenty eight (128) work hours, one and one half (1 1/2) days per one hundred forty- four (144) work hours, one and three quarter (1 3/4) days per one hundred sixty (160) work hours, with any fraction thereof prorated. No more than thirty (30) calendar days may be carried over to the next year. Upon termination, separation or dismissal, the employee shall be paid all accrued annual vacation leave at the pay rate last held.
- G. Bereavement Leave Policy - In the event of a death of a member of an employee's immediate family, the employee shall be entitled to a maximum of three (3) working days of leave with pay. See Section 16.F.3. for immediate family definition.
- H. Personal Holiday Leave - In addition to all of the officially designated holidays, all classified employees shall be entitled to one (1) personal holiday leave with pay per calendar year. This leave time shall not be accumulative and must be taken within the same calendar year. This leave time is not subject to compensation in the form of cash payment at any time.
- I. Workman's Compensation Policy - All classified employees are covered under the New Mexico Workman's Compensation Act.
- J. Unemployment Insurance Policy - All classified employees are covered under the New Mexico and the Federal Unemployment Security Compensation Acts.

18. SALARIES AND COMPENSATION

A comprehensive compensation plan and pay rate schedule covering all classified employees shall be established and maintained by the County Commission, consisting of a series of pay grades consistent with classifications within all county departments. Additionally a pay rate schedule shall be maintained for part-time employees. All salary increases shall be approved by the commission prior to becoming effective.

- A. Initial Entrance Salary - Initial appointments shall be made at the minimum pay grade established for the particular position, unless the County Commission or Manager approves placement at a higher pay grade due to experience, advanced training or education.
- B. Meritorious Salary Increases - Upon the completion of an Employee's Performance Evaluation Report, the supervisor may recommend a permanent classified employee with over six (6) months of service a meritorious salary increase.
- C. Step Salary Increase - Upon the completion of an Employee's Performance Evaluation Report, the supervisor may recommend a permanent classified employee with over six (6) months of service a step salary increase, based on length of service.
- D. Other Salary Increases - Upon the completion of an Employee's Performance Evaluation Report, subject to approval by the County Manager, the Commission may grant a permanent classified employee with over six (6) months of service a salary increase for cost of living adjustments, certificates of training and advanced training.

- E. Allowances - At the discretion of the commission, the following allowances may be granted dependent on availability of funds: 1) deputy sheriff clothing; 2) jailor/dispatcher clothing; 3) vehicle lease; 4) appraiser certificates; 5) mechanic tool; 6) road crew clothing; 7) and others as may be deemed appropriate.
- F. Salary on Transfers - When a classified employee is transferred under the provisions of Sections 15.G and 15.H., these regulations, the employee shall not forfeit any accumulated or accrued annual vacation leave, sick leave, or compensatory leave time. If the transfer is from a lower position to a higher pay grade position, the salary shall be adjusted accordingly. If the transfer is from a higher position to a lower pay grade position, the salary shall not be reduced unless the employee accepts the reduction in pay as an alternative to a mandatory layoff.
- G. Salary on Promotions - When a classified employee is promoted under the provisions of Section 15.J., these regulations, the employee shall be entitled to a salary increase consistent with the pay grade of the new position.
- H. Salary on Demotions for Disciplinary Reasons - When a classified employee is demoted for disciplinary reasons, and he (she) accepts the demotion as an alternative to dismissal, his (her) salary may be adjusted accordingly without recourse.
- I. Salary on Demotion Without Prejudice - When a classified employee is demoted as the result of reclassification, reorganization or reduction in force, through no fault of his (her) own, the employee's salary shall not be affected, unless the employee accepts the salary decrease as an alternative to mandatory layoff.
- J. Salary on Reinstatement - When a classified employee is reinstated under the provisions of Section 14.B., these regulations, he (she) shall not, in any case, be placed in a pay grade higher than the pay grade previously held.
- K. Overtime Compensation - Compensation for hours worked in excess of thirty-six (36) hours per calendar week set for road department employees and the thirty-two (32) hours per calendar week set for all other classified employees with prior authorization by the supervisor and not in excess of forty (40) hours shall be paid at the standard hourly rate. Compensation for hours actually worked in excess of forty (40) hours per calendar for all classified employees with prior authorization by the supervisor, shall be paid in the form of compensation leave time or actual cash payment for the actual hours worked overtime in excess of the standard hours per any one (1) calendar week at one and one-half (1 1/2) times the standard hourly rate. All compensation for overtime work performed shall be paid either in the form of compensatory leave time or actual cash payment, within twelve (12) months from the date such compensation was earned.
- L. Holiday Work Compensation - Compensation for hours actually worked during an officially designated holiday, when such work does not exceed the standard forty (40) hours per calendar week, with prior authorization from the supervisor shall be paid either in the form of compensation leave time and/or actual cash payment at the standard rate of pay for the actual hours worked during the holiday. All compensation leave time or actual cash payment, within twelve (12) calendar months from the date such compensation was earned.
- M. Salary for Exempt Positions - Salaries for employees holding exempt positions pursuant to Sections 03. Group I.D., these regulations, shall be determined by the appointing authority (supervisor) subject to final approval by the County Commission. Salaries for employees holding positions pursuant to Section 03. Group 1, these regulations, those persons having been elected by popular vote, shall be set by law, Section 4-44-5, NMSA 1978 Compilation.

- N. Certification of Payroll Records - No person shall make or approve payment for personnel services to any employee of county government unless the payroll voucher or statement of account is certified by the supervisor and the person being paid was employed in accordance with the law, personnel ordinance and these personnel regulations, and is entitled to said pay.

19. EMPLOYEE'S STANDARD HOURS, OFFICE HOURS AND INTER-DEPARTMENTAL POLICY

- A. Employee's Standard Hours - All classified full time correctional law enforcement officers shall be assigned standard straight time of forty (40) hours per seven (7) day calendar week. All other classified employees shall be assigned as follows : road department, thirty-six (36) hours per seven (7) day calendar week; county manager's office, county assistance office, county clerk, treasurer and assessor's offices will work a thirty-two (32) hour per seven (7) day calendar week. All full time classified employees shall have at least one (1) calendar day off of rest per calendar week, however, the supervisor at his (her) discretion may allow the employees more than one calendar day per week. The supervisor shall determine the scheduling of all employees within his (her) department.
- B. Office Hours - All County Departments, and divisions thereof, shall remain open for public convenience continuously between the hours of 8:00 A.M. and 5:00 P.M., every day except Saturdays, Sundays and legal holidays.
- C. Inter-Departmental Policy - The supervisor, at his (her) discretion may set policy within his (her) department to cover procedures in the absence of regulations. The policy set by the department supervisor shall be designated as "Inter-Departmental Directives", shall not contradict any provisions of these regulations or the personnel ordinance, and shall become null, void and expire with the term of office of the supervisor adopting said policy.

20. PROHIBITIONS

All classified employees must at all times and in all instances maintain their conduct at the highest standards. All employees are expected to conduct themselves in a manner which will reflect favorable upon county government. The following prohibitions, a partial non-exhaustive list, may be considered by the supervisor and the County Commission as sufficient ground for suspension, demotion or dismissal.

- A. Conflict of Interest - Any employee may engage in outside employment or acquire interest in private business, provided such employment or interest does not conflict or interfere with the efficient performance of his (her) duties, or does not give rise to suspicion of conflict with the interest of county government pursuant to the Conflict of Interest Act of New Mexico, Section 10-16-3, NMSA 1978 Compilation.
- B. Political Activities Permitted - Every classified employee is permitted to express his (her) opinion on political candidates and issues; serve as an election official for the government election bureau; attend rallies, conventions and meetings open to the general public; sign nominating petitions; meet with political candidates in compliance with the State Election Code of New Mexico; wear non-distracting badges, buttons and/or stickers on his (her) person or personal property; and every classified employee is permitted and encouraged to register to vote and to cast his (her) vote for the candidate and referendum of his (her) choice.

- C. Political Activities Prohibited - Every classified employee is prohibited from holding political meetings on county government premises during normal duty hours or while the employee is on official duty; displaying political posters, stickers or other political literature on county government owned vehicles and property; and initiating and/or circulating any form of petitions during normal duty hours or while the employee is on official duty.
- D. Candidacy for Political Elective Office - Any classified employee who becomes a candidate for a political elective office, not to include the school board, is prohibited from campaigning during normal duty hours while on official duty. The supervisor, at his (her) discretion, may grant the employee a leave of absence without pay, or charge such leave time to accrued annual vacation leave and/or compensatory leave time for the duration of the campaign, if the employee so requests. Violation of this section shall constitute sufficient grounds for the supervisor, at his (her) discretion, to place the employee on a leave of absence without pay, or charged to accrued annual vacation leave and/or compensatory leave time.
- E. Nepotism - No elected official or employee of county government shall appoint, employ or promote a person related by consanguinity of affinity within the third (3rd) degree pursuant to Section 10-1-10, NMSA 1978 Compilation. (i.e. by blood or marriage, see definitions)
- F. Bribery, Embezzlement, Fraud and Theft - Every employee is prohibited from willfully committing the criminal act(s) of bribery, embezzlement, fraud and theft, contrary to existing local, state and federal statutes.
- G. Damage to Government Property - All employees are prohibited from willfully and negligently damaging, destroying and/or losing government property.
- H. Employment Discrimination - It is prohibited from discriminating against any person in recruitment, examination, selection, appointment, training, promotion, retention, or discipline because of political affiliation, religious creed, race, color, sex, ethnic alliance, national origin or ancestry.
- I. Misconduct - All classified employees must maintain their conduct at the highest standards and are expected to conduct themselves in a manner which will reflect favorable upon the county government.
- J. Absence Without Authorized Leave - No employee shall absent himself (herself) from his (her) duly assigned position, post or location without authorized leave approved by the supervisor prior to the absence.
- K. Emergency Absence - Any employee who must be absent from work must contact his (her) supervisor on the first day of the absence within one and one-half (1 1/2) hours of the start of work. If possible he (she) will contact the supervisor prior to beginning of work.

21. DISCIPLINARY ACTIONS

Any disciplinary action may be taken against any classified employee by the supervisor for any reason that the supervisor deems appropriate in compliance with the provisions of these regulations and the personnel ordinance.

- A. Letters of Reprimand - A letter of reprimand shall be a written warning, issued to an employee for any infraction by the employee within seven calendar days of the infraction. A supervisor, when issuing a letter of reprimand to an employee, shall state in writing the reason(s), citing the infraction(s), date(s) and time(s) of the infraction(s) and make reference to the section(s) covering said infraction(s), and prohibition thereof. The letter of

reprimand shall be filed in the permanent personnel files of the individual employee and become a permanent part thereof. Three (3) letters of reprimand pertaining to the same infraction, or six (6) letters of reprimand pertaining to infractions not related, within a two year period, shall constitute sufficient grounds for suspension, demotion or dismissal.

B. Suspensions, Demotions and Dismissals

1. Non-permanent classified employee's may be suspended for a period not to exceed thirty (30) calendar days, demoted or dismissed for any reason(s) deemed appropriate by the supervisor, with at least forty-eight (48) hours written notice. However, if the employee's action was of such a nature to cause liability to a law suit for the county, they may be dismissed immediately. The non-permanent classified employee shall not have the right to appeal or hearing, however, he (she) shall be afforded the benefit of grievance procedures as provided for in Section 22.A., these regulations and Section 10-9-13, NMSA 1978 Compilation.
2. Probationary employee's with less than six (6) months of service or placed under extended probationary period shall be treated as non-permanent employees as provided for under Section 21.B.1., these regulations, above.
3. Permanent classified employee's may be suspended for a period not to exceed thirty (30) calendar days, demoted or dismissed for any one (1) or more of the reasons listed below. The employee shall be given either two (2) calendar weeks pay with immediate dismissal, or, notice of such dismissal action at least fourteen (14) calendar days prior to the effective date of such dismissal, at the discretion of the supervisor. Such notice shall be in writing, citing the regulation(s) alleged to have been violated and listing the specific act(s) to support the allegations. The notice must be presented to the employee within 7 calendar days of the alleged allegation. The employee shall have seven (7) calendar days after the date of written notice in which to answer to the allegations and/or appeal the action to the personnel board. A permanent classified employee may be suspended, demoted or dismissed for any one (1) or more of the following reasons: a) violation of one (1) or more of the prohibitions pursuant to these regulations; b) abuse of one (1) or more of the Employee Benefits; c) conviction of a felony crime; d) refusal to accept and/or perform a reasonable and proper assignment from the supervisor; e) maliciousness, carelessness, negligence or gross misconduct.

22. EMPLOYEE'S RIGHTS

- A. Grievance Procedures Definition: A grievance is defined as any matter in which any individual including, but not limited to, employees or applicants, feels he/she has been unfairly treated, or any aspect of his/her working conditions which is outside his/her control.
- B. Purpose: This grievance and appeals procedure is established for the prompt review, impartial consideration and equitable disposition of grievances presented by any individual.

C. General

1. All affected parties will be advised of their rights. They will also be notified through the orientation process, and in writing, of their civil rights and the review process. Employees must be notified, in writing, of any proposed action that would adversely affect their employment. If the action is punitive in nature, the notice must state the

reasons for the action, the type of action to be taken, and the right to appeal the action. No individual covered under these grievance procedures may initiate the U. S. Department of Labor's hearing procedures until all remedies under this procedure of review have been exhausted.

2. All employees are to be treated equally and fairly in all respects. Those who feel that they have been subjected to unfair treatment or discrimination have the right to convey their grievance process.
3. A grievance, as recognized herein, may be defined as any employee's displeasure with the county administration, working condition, or working relationship, which that employee brings to the attention of his/her immediate supervisor. All grievances must be filed in writing and shall be documented from the time of filing through fulfillment of the grievance process. The County Manager will be notified on initiation of the grievance review procedure.
4. Upon filing a complaint, and at each stage thereafter, each complainant shall be notified in writing of the next step in the procedure.
5. The person filing a grievance shall be free from restraint, coercion, discrimination, or reprisal. When grievances arise, they shall not be considered as reflecting unfavorably on anyone but simply as the expression of a contractually assured right to human appeal, and, where necessary, a perfectly acceptable avenue redressive action.
6. The identity of any person furnishing information relating to, or assisting in, any investigation of a possible violation of the Act, shall be kept confidential to the extent possible, consistent with a fair determination of the issues.
7. Complaints, except for complaints of fraud or criminal activities, must be filed within thirty (30) days of the alleged occurrence.
8. All county employees are covered by the grievance procedure which is described in the following paragraphs.

D. Grievance Procedure (Supervisor)

1. a grievance must be presented in writing to the complainant's immediate supervisor(s). In the event the source of grievance is the complainant's supervisor, the complainant may present his/her grievance to the next higher supervisor. The immediate supervisor, or the next higher supervisor, as the case may be, must accept the grievances and provide the complainant with any assistance that may be necessary in preparing his/her written statement of the grievance.
2. The complainant may, if desired, select a representative to represent him/her in the grievance procedure. The aggrieved party must be present at each grievance step.
3. The immediate supervisor, upon receiving such a grievance, must take one of the following actions within three (3) work days:
 - (a) Resolve the grievance informally by discussion.
 - (b) Notify the complainant formally in writing of his decision on the grievance.
 - (c) Refer the grievance to his own supervisor, if it is beyond his own authority, and so notify the complainant.
4. If the complainant does not feel that his/her grievance has been satisfactorily resolved, or if he/she has not received a reply from his/her immediate supervisor, the complainant may present a written grievance to the County Manager.

5. When a grievance has not been resolved informally, a written notice must be sent to the complainant informing him/her of his/her right to a hearing with fifteen (15) days of filing the complaint.

E. Grievance Procedure (County Manager)

1. Upon receiving notice of the grievance, the County Manager may wish to investigate the grievance further before meeting with the aggrieved participant and his/her representative. In any event, the County Manager should arrange to meet with the complainant, his/her attorney and/or representative with two (2) working days after notification of the grievance. The County Manager may desire to have one or more County Commissioners or management representative present at the discussion, although this is not required except in the case where the complainant has not selected a representative.
2. The County Manager's official decision should be conveyed in writing to the employee either at the meeting or within one (1) work day following the conclusion of the meeting. The complainant will be notified of his/her right to appeal that decision to the Personnel Board. If the grievance is settled this step, no further action is taken.

F. Grievance Procedure (Personnel Board)

1. The County Manager, after being notified of the participant appeal, will conduct additional investigations of the complaint, if necessary.
2. After completion of the investigation, the County Manager will present personnel findings and recommendations to the County Personnel Board at their next regularly scheduled meeting.
3. The County Personnel Board shall take appropriate action on the grievance at their next scheduled meeting following receipt of the County Manager's findings and recommendations. When a request for hearing is granted, a written notice stating date, time, place, manner of conduct, and issues to be decided shall be sent to the complainant.
4. The complainant must be given the opportunity to amend his/her complaint prior to the hearing.
5. The complainant must be given the opportunity to withdraw the request for a hearing no less than 24 hours prior to the scheduled meeting. This must be done in writing.
6. The complainant must be given the opportunity to request a re-scheduling of a hearing for good cause.
7. The complainant may present his/her case before the county personnel board in person and/or through an attorney or other representative of the complainant's choice. The presentation may be oral or in writing.
8. The complainant must be given the opportunity to bring witnesses and documentary evidence to the hearing, must have the opportunity to have records and documents produced from respondents and must have the opportunity to question any witness or party.
9. The County Personnel Board may request one additional meeting within seven (7) work days of the initial hearing to consider the matter and call witnesses as required in evaluating the relevant circumstances involved in the grievance.

10. The decision of the County Personnel Board should be put into writing with copies distributed to the complainant. The written decision shall include a synopsis of facts, a statement of reasons for the decision, a statement of remedies to be applied, if any, and notification of the complainant's appeal right.

F. Grievance Procedure (County Commission)

1. The County Manger, after being notified of the participant appeal, will conduct additional investigations of the complaint, if necessary.
2. After completion of the investigation, the County Manager will present finding and recommendations of the County Personnel Board to the county commission at their next regularly scheduled meeting.
3. The County Commission shall take appropriate action on the grievance at their next scheduled meeting following receipt of the County Manager's findings and recommendations. When a request for hearing is granted, a written notice stating date, time, place, manner of conduct, and issues to be decided shall be sent to the complainant.
4. The complainant must be given the opportunity to amend his/her complaint prior to the hearing.
5. The complainant must be given the opportunity to withdraw the request for a hearing. This must be done in writing.
6. The complainant must be given the opportunity to request a re-scheduling of a hearing for good cause.
7. The complainant may present his/her case before the county commission in person and/or through an attorney or other representative of the complainant's choice. The presentation may be oral or in writing.
8. The complainant must be given the opportunity to bring witnesses and documentary evidence to the hearing, must have the opportunity to have records and documents produced from respondents and must have the opportunity to question any witness or party.
9. The county commission may request one additional meeting within seven (7) work days of the initial hearing to consider the matter and call witnesses as required in evaluating the relevant circumstances involved in the grievance.
10. The decision of the county commission should be put into writing with copies distributed to the complainant, and the complainant's personnel folder. This must be done within sixty (60) days of the filing of the complaint. This period may be extended with the written consent of all parties for good cause. The written decision shall include a synopsis of facts, a statement of reasons for the decision, a statement of remedies to be applied, if any, and notification of the complainant's appeal right.

- H. County employees are to be treated equally and fairly in all respects. Those who feel that they have been subjected to unfair treatment or discrimination have the right to convey their grievance process.

23. TERMS AND DEFINITIONS

- Absence Without Leave - an unauthorized absence during which time the employee absents himself (herself) without pay and without prior approval.
- Administrator - The Torrance County Personnel Administrator, (Manager).
- Appeal - a formal request for a hearing.
- Applicant - a person making a formal application for employment and declare himself (herself) a candidate for appointment to a classified position.
- Appointment - the act of hiring an employee.
- Association - the Public Employee's Retirement Association of New Mexico.
- Bereavement Leave - any absence authorized by the supervisor for the purpose of attending to matters pertaining to the funeral of a relative.
- Board - The Torrance County Personnel Board, consisting of three (3) voting members appointed by the County Commission, four (4) non-voting ex-officio members and the County Manager.
- Compensatory Leave - an authorized absence with pay for the purpose of compensating the employee for additional work hours performed without case payment.
- County Commission - the Board of Commissioners of Torrance County, New Mexico.
- Commission - the Board of commissioners of Torrance County, New Mexico.
- Classified Employee - any person holding a position within county government that is covered under the Torrance County Personnel Merit System.
- Department - any department, agency, office or division of Torrance County.
- Examination - any formal method of determining the experience, qualifications and education of an applicant for employment or promotion. An oral interview provided that all applicants are "examined" identically.
- Exempt Employee - Any elected official, appointed supervisor or other employee not covered under the Torrance County Personnel Merit System.
- Full Time - at least forty hours (40) per calendar week for all correctional law enforcement officers, and at least thirty-two (32) hours per calendar week for all other classified employees.
- Grievance - the act of expressing one's own dissatisfaction with regard to working conditions, relationship and/or actions.
- Hearing - a formal hearing before the county commission.
- Incumbent Employee - an employee working prior to a certain time.
- Leave - an authorized leave of absence with or without pay.
- Letter of Reprimand - a written warning of a minor infraction.
- Non-Permanent - all employees who do not hold permanent status.
- Overtime - that time worked in excess of the normal forty (40) hours per week for correctional law enforcement officers, thirty-six (36) hours per week for road department and thirty-two (32) hours per week for all other classified employees.
- Pay Grade - the same meaning as pay rate.
- Pay Rate - that particular rate of pay assigned to a particular group or class of positions.

- Overtime Pay - overtime will be one and one-half (1 1/2) for time worked in excess of forty (40) hours straight.
- Permanent - any employee placed under permanent status; not a probationary employee until he (she) has satisfactorily completed the probationary period.
- Personnel Board - the Torrance County Personnel Board, consisting of two (2) citizens appointed by the County Commission, three (3) members elected by employees, two (2) non-voting elected officials and the County Manager.
- Personnel Administrator - the Torrance County Manager, an employee appointed by the County Commission to enforce all provisions of the personnel ordinance and the personnel regulations and to file complaints with the County Commission against any violators or violations.
- Personal Merit System - the Torrance County Personnel Merit System which is made up of the entire personnel administration, including the personnel ordinance, the personnel regulations, the personnel board, the personnel director and the personnel clerk.
- Personnel Ordinance - the Torrance County Personnel Ordinance.
- Personnel Regulations - the Torrance County Personnel Regulations.
- Personnel Records - the permanent files for all county employees.
- Personnel System - the Torrance County Personnel Merit System.
- Political - pertaining to public political elective offices, but, not to include membership on the non-partisan school board.
- Probationer - an employee placed under probationary status.
- Reinstatement - the act of re-hiring a former employee.
- Regulations - the Torrance County Personnel Regulations.
- Recruitment - the act of searching for applicants for employment.
- Seniority - pertaining to the length of service.
- Supervisor - any county official, elected or appointed, with the authority to appoint, assign, supervise and terminate employees. The head of a county department.
- Suspension - the act of imposing a leave of absence without pay.
- System - the Torrance County Personnel Merit System.
- State - the State of New Mexico
- These Regulations - the term "these regulations" after citing of a section shall refer to the Torrance County Personnel Regulations.
- Third Degree - Child, grandchild, great grandchild, parent, grandparent, great grandparent, aunt, sister, niece, uncle, brother, nephew.
- Transfer - the act of re-assigning an employee.
- Vacation Annual Leave - an authorized leave of absence with pay charged to accrued leave time.