

Town of Bernalillo

"The City of Coronado"



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Employee Rules and Regulations

Adopted February 26, 2001
Amended July 23, 2018
Amended November 25, 2019

Town of Bernalillo

Resolution Number: 11-25-19E

A Resolution to adopt the amended Town of Bernalillo Employee Rules and Regulations.

WHEREAS,

The Governing Body of the Town of Bernalillo, New Mexico seeks to adopt the attached guidelines titled the "Town of Bernalillo Employee Rules and Regulations" effective on November 25, 2019, and which is intended to supersede all prior versions of such rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERNALILLO THAT:


The Governing Body of the Town of Bernalillo, now hereby adopts the attached "Town of Bernalillo Employee Rules and Regulations;" which shall serve as the primary personnel policy by which all existing and new employees shall conduct Town business and manage employer/employee relationships. To the extent necessary and appropriate, these rules and regulations may be supplemented or modified by department operational procedures provided such procedures receive prior approval from the Town Administrator. These Rules and Regulations are not intended to replace guidelines specific to the Town's safety personnel or peace officers, and where there is a conflict between the rules and regulations and such guidelines, the guidelines will govern those employees.

BE IT FURTHER RESOLVED:

These Employee Rules and Regulations supersede all previous versions, may be clarified or interpreted by the directives issued or authorized by the Town Administrator, and may be amended by resolution of the Governing Body, upon written recommendation of the Town Administrator.

PASSED, APPROVED and ADOPTED by the governing body at the meeting of November 25, 2019.

(Seal)



Jack S. Torres, Mayor

ATTEST:



Ida M. Fierro, Town Clerk-Administrator

Contents

RESOLUTION NUMBER: 11-25-19E	2
WELCOME TO THE TOWN OF BERNALILLO	6
TOWN OF BERNALILLO CORE VALUES	7
EMPLOYEE RULES AND REGULATIONS	8
ARTICLE 1: EMPLOYMENT	9
1.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO)	9
1.1.2 REASONABLE ACCOMMODATION	9
1.1.3 WHISTLEBLOWER PROTECTION	9
1.1.4 OPEN DOOR/CHAIN OF COMMAND	10
1.1.5 IMMIGRATION LAW COMPLIANCE	10
ARTICLE 2: HIRING	11
2.1 APPLICATION AND DOCUMENTATION	11
2.2 HIRING PROCESS	11
2.3 BACKGROUND CHECKS	11
2.4 EMPLOYEE REFERRALS	11
2.5 EMPLOYMENT OF RELATIVES/ROMANTIC RELATIONSHIPS	12
2.6 PHYSICAL EXAMINATIONS	12
2.7 NEW EMPLOYEE ORIENTATION	12
2.8 PROBATIONARY PERIOD	12
ARTICLE 3: PAY AND PROGRESS	14
3.1 EMPLOYMENT CLASSIFICATIONS/FAIR LABOR STANDARDS ACT (FLSA) DESIGNATION	14
3.2 PAY PERIODS AND PAYDAYS	14
3.3 WORK HOURS	14
3.4 TIMEKEEPING	15
3.5 OVERTIME	15
3.6 PAYCHECK DEDUCTIONS AND GARNISHMENTS	15
3.7 TELECOMMUTING	16
3.8 WORK RELATED EXPENSES AND TRAVEL/REIMBURSEMENT/PURCHASE AUTHORIZATIONS	16
ARTICLE 4: HEALTH AND SAFETY	17
4.1 SAFETY AND EMERGENCIES	17
4.2 WORKPLACE VIOLENCE	17

4.3 DRUG AND ALCOHOL-FREE WORKPLACE	18
4.4 SMOKING IN THE WORKPLACE	18
ARTICLE 5: CONDUCT	19
<hr/>	
5.1 DRESS CODE/APPEARANCE	19
5.2 CONTACT WITH THE MEDIA	19
5.3 PHONE USE	19
5.4 TECHNOLOGY	19
5.5 SOCIAL MEDIA	19
5.6 MEETINGS	21
5.7 TOWN PROPERTY	21
5.8 DRIVING FOR BUSINESS PURPOSES	21
5.9 CONFLICT OF INTEREST	22
5.10 SOLICITATION	22
5.11 ATTENDANCE AND PUNCTUALITY	22
5.12 SERVICE TO THE PUBLIC AND RESIDENTS	23
5.13 HARASSMENT AND DISCRIMINATION	23
ARTICLE 6: MANAGING PERFORMANCE	25
<hr/>	
6.1 JOB DESCRIPTIONS	25
6.2 PERFORMANCE EVALUATIONS	25
6.3 PROMOTIONS/JOB TRANSFERS	25
6.4 CHANGE IN STATUS	25
6.5 CONFIDENTIAL INFORMATION	26
6.6 INSPECTION OF PUBLIC RECORDS	26
6.7 PATIENT PRIVACY AND CONFIDENTIALITY	26
6.8 EMPLOYEE FILES	26
6.9 CHANGE IN PERSONAL INFORMATION	26
6.10 CORRECTIVE ACTION	26
6.11 LOUDERMILL RIGHTS	28
6.12 GRIEVANCE PROCEDURES	28
6.12.1 INFORMAL GRIEVANCE: LOUDERMILL HEARING	28
6.12.2 FORMAL APPEAL: HEARING	29
6.13 HATCH ACT	31
6.14 POLITICAL ACTIVITIES	31
6.15 EMPLOYEE REFERENCES/EMPLOYMENT VERIFICATIONS	32
ARTICLE 7: PROFESSIONAL DEVELOPMENT	33
<hr/>	
7.1 LICENSES AND CERTIFICATIONS	33
7.2 TRAINING AND DEVELOPMENT	33
ARTICLE 8: TIME OFF	34
<hr/>	
8.1 HOLIDAYS	34
8.2 BIRTHDAY HOLIDAY	34
8.3 RELIGIOUS ACCOMMODATIONS/HOLIDAYS	34

8.4 VACATION LEAVE	34
8.5 SICK LEAVE	36
8.6 COMPENSATORY TIME (COMP TIME)	37
8.7 SEVERE WEATHER/OFFICE CLOSURES	37
8.8 FAMILY MEDICAL LEAVE ACT (FMLA)	38
8.9 BEREAVEMENT LEAVE	39
8.10 PERSONAL LEAVE	39
8.11 JURY DUTY/COURT LEAVE	40
8.12 VOTING TIME OFF	40
8.13 MILITARY LEAVE	40
8.14 DISASTER AND EMERGENCY SERVICES LEAVE	41
8.15 DOMESTIC ABUSE OR SEXUAL VIOLENCE (DASV)	41
8.16 NURSING MOTHERS	42
8.17 SICK AND VACATION LEAVE DONATIONS FOR CATASTROPHIC ILLNESS	42
8.18 ADMINISTRATIVE LEAVE WITH PAY	43
8.19 UNPAID LEAVE	44
ARTICLE 9: BENEFITS	45
9.1 BENEFITS PACKAGE	45
9.2 WORKERS COMPENSATION	45
ARTICLE 10: TERMINATION OF EMPLOYMENT	46
10.1 RESIGNATION	46
10.2 DISCHARGE	46
10.3 TOWN PROPERTY RETURN	46
10.4 PAYMENT OF VACATION AND SICK LEAVE UPON TERMINATION	46
10.5 LAYOFF	46
10.6 EXIT INTERVIEWS	46
10.7 HEALTH INSURANCE CONTINUATION	46
10.8 UNEMPLOYMENT COMPENSATION	47
RECEIPT AND ACKNOWLEDGEMENT OF THE TOWN OF BERNALILLO RULES AND REGULATIONS	48

Welcome to The Town of Bernalillo

I am pleased to welcome you aboard the Town of Bernalillo team. You were chosen for employment because the attributes you display are the qualities we look for in an employee.

The Town of Bernalillo has a rich history dating back hundreds of years. We welcome the future with open arms but strive to strike a balance between our storied past and the opportunities of the future. We are proud of our cultural traditions, such as the Fiestas de San Lorenzo, celebrated with a centuries old religious dance-drama, Los Matachines. If any phrase accurately describes us it is diversity. Many of our families trace their roots to the first Spanish Conquistadores, others to Native Americans who have inhabited the area well before the appearance of Europeans, and others are more recent additions to the wonderful "tossed salad" that is Bernalillo. Regardless of our roots, we share a common love of our community.

Our Town is blessed with an abundance of talent and opportunities. Our employees work hard to serve their community. I urge you to help us become a better place to live by serving the Town of Bernalillo as an exceptional employee.

We have many issues that face our Town as well as many opportunities. With the active participation of every member of our staff, I am confident that we will manage the opportunities before us so that the future for our children and grandchildren will be even brighter than our illustrious past.

Performance expectations for you are high! I am very proud of where we are today and excited about the potential of our Town. You are essential to the growth of the Town of Bernalillo.

The enclosed Employee Rules and Regulations, is designed to serve as an introduction to the Town of Bernalillo and to provide information and resources that will help make your transition into your new job a success.

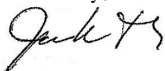
These Employee Rules and Regulations set out policies and standards for our current existing dedicated team of employees, and/or those newly hired; and therefore, supersedes all previous versions. This guideline deals with matters such as expected behavior, dress code, benefits, and many other topics.

I want you to succeed in your new position. Your understanding and adherence to the rules, regulations, and standards described in these Employee Rules and Regulations will help you be successful.

I want to see you grow and develop in your position, and this administration, your supervisor/director, and your co-workers will help you do just that.

Again, welcome to the Town of Bernalillo team. I hope you find your work challenging and rewarding.

Sincerely,



Mayor

Town of Bernalillo Core Values

Integrity – Act in such a manner as to uphold and enhance personal and professional honor, dignity, and good character of yourself and the Town.

Honesty – Demonstrate the highest standards of truthfulness through their words and their actions. Employees shall never participate or tolerate lying, cheating, stealing or deception of any kind.

Accountability – Acknowledgment and assumption of responsibility for one’s own actions and decisions.

Trust – Believe in the dignity and worth of the services rendered by the Town of Bernalillo and responsibilities assumed as a trusted public servant.

Respect – Treat with respect and consideration all persons, regardless of race, color, religion, gender, sex, sexual orientation, maternity, marital or family status, disability, age, or national origin or ancestry, physical or mental disability or handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity, veteran status, or any other protected category.

Cultural Awareness – Respecting the differences while working on common grounds to build our community.

Employee Rules and Regulations

The Employee Rules and Regulations contain information about the employment policies and practices of the Town of Bernalillo (“Town”). Please read the Employee Rules and Regulations carefully, as it is a valuable reference for understanding your job and the Town. Violations of any policy within the Employee Rules and Regulations, work rule, or operating procedure, or other guideline, may result in disciplinary action up to, and including, immediate termination of employment. This version of the Employee Rules and Regulations, supersedes and replaces all prior versions and any verbal or written policy statements regarding the matters set forth herein.

The policies outlined in the Employee Rules and Regulations are not intended to create contractual obligations or a guarantee of employment. The Town retains the right to amend this manual, to change its policies and procedures, and to make decisions involving employment. Any changes to the Town’s policies must be in writing, and approved by the Town Administrator. Employees may not rely on verbal statements or representations to change the Employee Rules and Regulations or any term of their employment.

Nothing in the Employee Rules and Regulations are intended to restrict an employee's right to engage in any of the rights guaranteed by state or federal law, including, but not limited to, the right to engage in concerted protected activity for the purposes of their mutual aid and/or protection. Nothing in the Employee Rules and Regulations should be interpreted, applied, or enforced to interfere with, restrain, or coerce employees in the exercise of their rights under the law.

We hope that the Employee Rules and Regulations works as a reference tool to support you in a positive and meaningful experience at the Town. Please seek the advice of your supervisor/director, Human Resources, or the Town Administrator if you need clarity or support on any issue.

Public safety personnel may also be subject to their departmental policies and procedures as they relate specifically to their department needs and requirements, as well as applicable state statutes.

[Return to Table of Contents](#)

Article 1: Employment

1.1 Equal Employment Opportunity (EEO)

The Town provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type based on sex (including pregnancy), color, race, ancestry, religion, national origin, age, sexual orientation, gender identity or expression, physical or mental handicap, medical condition, disability, genetics, marital status, spousal affiliation, protected veteran status, citizenship status, or any other characteristic protected by federal, state or local laws.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, rehires, transfer, leaves of absence, compensation and training. The Town will respond promptly and investigate all complaints related to this policy and will take corrective action as appropriate to remedy any violations of this policy.

1.1.2 Reasonable Accommodation

In compliance with the Americans with Disabilities Act (ADA) and its amendments (ADAAA), the Town provides qualified applicants and employees with disabilities reasonable accommodations to allow them to perform the essential functions of their jobs, if the accommodations do not impose undue hardship on the Town.

Notify your immediate Supervisor/Director and Human Resources if you would like to request reasonable accommodations. The Town is committed to engaging in a timely, good faith interactive process to determine if effective reasonable accommodations may be made.

1.1.3 Whistleblower Protection

Employees are expected, and in some cases (such as child abuse) required, to report suspected misconduct that comes to their attention. Persons who report suspected misconduct, in good faith, are afforded whistleblower protection for such reporting. "Suspected misconduct" means conduct or actions that a reporter, in good faith, believes to be a substantive violation of laws, regulations, Town policies, ethical or professional standards, or believes to be an act of retaliation. This may include, for example: fraud, theft or embezzlement, billing for services not performed or for goods not delivered, fraudulent financial reporting, or other violations of federal, state or local laws, or Town policies.

If an employee has knowledge or a concern of misconduct, they should contact their supervisor, a director, Human Resources and/or the Town Administrator. In accordance with applicable law, the Town is committed to protecting employees who report suspected misconduct or who cooperate with or participate in an investigation. Anyone who, in good faith, reports suspected misconduct will be protected from retaliation as a result of such reporting, regardless of whether or not an investigation confirms the misconduct. No employee of the Town shall discharge, demote, suspend, threaten, harass, discriminate against, or otherwise sanction or discipline the whistleblower for reporting what the whistleblower sincerely believes to be suspected misconduct. This whistleblower protection extends to individuals who provide information in relation to an investigation.

No Town employee may interfere with or try to interfere with the right of an individual to report suspected misconduct, or cooperate with or participate in an investigation. Any Town employee who interferes with or tries to interfere with the right of another individual reporting suspected misconduct or cooperating with or participating in an investigation may be subject to disciplinary action, up to and including termination or

expulsion. Reporting suspected misconduct does not exempt an employee from legitimate personnel action taken during the normal course of business. If whistleblowers believe that retaliation or interference was threatened, attempted, or occurred, they should immediately report it to a supervisor, director, Human Resources, or the Town Administrator.

Reports of misconduct will be investigated and may or may not result in further action. Any employee who knowingly gives false or materially inaccurate information; knowingly makes a false report of suspected misconduct or a subsequent false report of retaliation; or who knowingly provides false answers or information in response to an ongoing investigation may be subject to disciplinary action, up to and including termination from employment.

1.1.4 Open Door/Chain of Command

The Town recognizes that it is normal for employees to have questions, concerns, or suggestions. In most cases, your direct supervisor/director can assist you. If you want to raise a question or concern and cannot reasonably go through your chain of command, you are welcome to utilize our open-door policy. Please contact Human Resources or the Town Administrator and they will work with you to address your questions, concerns, problems or suggestions. If you still are not satisfied with the outcome, after going through the chain of command, please follow the steps in the Town's Grievance and Whistleblower Policies, or if the matter concerns issues of discrimination or harassment, you may also utilize the steps in the Town's Discrimination and Harassment Policy.

1.1.5 Immigration Law Compliance

The Town is committed to full compliance with the federal immigration laws. These laws require that all new hires provide documents of identity and legal authority to work in the United States. This information is entered on the Federal Form I-9 and is due no later than three (3) business days after beginning work. These documents may need to be updated throughout your employment.

[Return to Table of Contents](#)

Article 2: Hiring

2.1 Application and Documentation

We rely upon the accuracy of information contained in your employment application and the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in your exclusion from further consideration for employment or termination of employment, if currently employed. Applications will be retained in the Human Resources office, as required by law.

2.2 Hiring Process

The Town's hiring process typically follows these steps:

1. All jobs will be posted (internally and/or externally).
2. Applications must be submitted to Human Resources along with required; licensure, certifications, proof of education, knowing that certain positions may require meeting specific state and/or federal certifications, or meeting specific minimum job requirements.
3. Human Resources will identify the most qualified candidates to the hiring supervisor.
4. Human Resources or the hiring supervisor will schedule interviews which will typically be conducted with a committee.
5. Drug tests, skills tests, physical exams and background checks will be conducted, as applicable.
6. The top candidates will be ranked and provided to the Town Administrator or the Mayor who will select a candidate to be presented before the Town Council for ratification to fill the open position.

2.3 Background Checks

To ensure a workforce that reflects our commitment to integrity, and to protect the Town residents and our employees, the Town may require a background check upon hire and throughout employment. All employment offers are made contingent upon successful completion of a background check and, where applicable passing of a pre-employment drug screen. An unfavorable outcome may result in withdrawal of the offer.

A background check may include, but is not limited to, the following:

- Employment verifications and reference checks;
- Multi-state criminal records checks - when these checks are not prohibited by state or local law, statute or regulation;
- Motor vehicle check - if driving is a job requirement;
- Social security and/or work eligibility verification;
- Credit check – if applicable to the job for which you are being hired;
- Verification of degrees, diplomas, licenses and certifications; and
- Other checks as applicable to your specific position and department, or as necessary under the circumstances.

2.4 Employee Referrals

All employee referrals of candidates for employment are greatly appreciated and will be equally considered along with other applicants received from the recruiting process.

2.5 Employment of Relatives/Romantic Relationships

Relatives of an employee will be considered on an equal basis with other applicants who have similar qualifications and all applicants must follow and complete the same employment process. Decisions to hire are based on a candidate's qualifications.

A supervisor/director, including Elected Officials (Mayor, Town Council Members, and Municipal Court Judge), may not hire or supervise an employee if they have a familial or a romantic relationship including, but not limited to; marriage or if that employee is a member of the supervisor/director's immediate family. For purposes of this policy, "immediate family" includes parents, children, sisters, brothers, nieces, nephews, in-laws, or others residing in the same household. If this situation occurs, it must be immediately reported to Human Resources.

It is also against the Government Conduct Act for employees or Elected Officials to contract work to their immediate family.

In some occasions, immediate family/those in relationships, may be hired to work in different departments. These situations must be disclosed in advance and in writing, to Human Resources. These situations must be pre-approved by the Town Administrator.

2.6 Physical Examinations

Many of the Town's jobs require candidates and employees to pass physical examinations, as a condition of employment. These exams may include psychological testing and drug/alcohol, when applicable. Physical exams are conducted at the Town of Bernalillo's expense and must be with a Town approved medical professional.

There are several circumstances where current employees may be required to undergo physical and psychological exams throughout their employment such as; post-accident, job transfers, or promotions, if the employee has any type injury or illness, is returning from a leave of absence, or any purpose as deemed necessary by a Supervisor or Director.

If any employee refuses to take part in or complete a required physical exam, they may be subject to disciplinary action. Employees will be paid at their regular rate, when driving to, and taking part in a physical examination.

2.7 New Employee Orientation

The orientation process introduces new employees to their job requirements, and to the Town's mission, vision, culture, key policies and procedures, as well as benefits and regulations that you are required to abide by. You will undergo on-the-job and other types of training.

2.8 Probationary Period

Every new employee, must complete a one (1) year probationary period during which employment is considered at-will and terminable at any time, for any reason, with or without cause or notice. Nothing in

the Employee Rules and Regulations, or in any document or statement, written or oral, shall limit the right to terminate probationary employment at-will, and no officer, employee, or representative of the Town is authorized to alter the at-will nature of probationary employment and/or enter an express or implied written or verbal employment agreement with any probationary employee unless such an agreement is in a written contract signed by the Town Administrator.

Supervisors/directors will provide probationary employees ongoing feedback about their performance. Such feedback may include a formal documented performance review before six (6) months and again before one (1) year of employment has been completed. The Town may extend or reinstate the probationary period if an employee is not meeting the standards of their position or as otherwise appropriate. Probationary employees do not have the right to appeal their termination.

Although vacation and sick leave accrue during the probationary period, vacation may not be taken until six (6) months of employment has been completed and sick may not be taken until thirty-one (31) days after the employee's start date.

See Section 6.3 for further information regarding the probationary period for newly transferred or promoted employees.

[Return to Table of Contents](#)

Article 3: Pay and Progress

3.1 Employment Classifications/Fair Labor Standards Act (FLSA) Designation

Classification for an employee's payroll, determination of benefits, and other administrative procedures are as follows:

Exempt FLSA/Salaried – are exempt from the minimum wage, overtime, and in general, timesheet provisions of the Fair Labor Standards Act (Wage Hour Law). Exempt employees are expected to complete their work even if it takes more than 40 hours in a workweek.

Non-Exempt FLSA/Hourly – are covered by the minimum wage, overtime, and timesheet provisions of the Fair Labor Standards Act. These employees receive overtime pay, at one and a half times their hourly wage, for hours worked over 40 in a single workweek. Only actual hours worked count toward overtime calculations.

Public Safety – Fire and Law Enforcement - The Town abides by the Wage and Hour Division of the Fair Labor Standards Act (FLSA) section 7(k) regarding overtime wages.

Full-Time - are regularly scheduled to work 40 or more hours on average per workweek on a continuing basis. Employees within this category are eligible for Town benefits.

Part-Time - are regularly scheduled to work less than 40 hours per workweek on a continuing basis. Part-time employees who work 30 hours, or more, are benefits eligible on a pro-rated basis.

Temporary, Seasonal, & Interns - service is intended to be of limited duration. An employee will not change from temporary status to another status unless specifically informed in writing by the Town Administrator. In general, this classification of employees is not eligible for employer-sponsored benefits.

3.2 Pay Periods and Paydays

The workweek runs Monday at 12:00 a.m. through Sunday 11:59 p.m. Employees are paid every other Friday on a bi-weekly basis. Employees may elect to have their paycheck put into their bank account through direct deposit or may choose to receive a paper paycheck. Employees who take part in direct deposit, will still receive a paper copy of their paystub.

3.3 Work Hours

Weekly work schedules are set and changed as necessary to meet Town needs, and advance notice may not always be possible. Unless other arrangements are documented and approved by the supervisor or director, all employees are required to work during their scheduled shift. Non-exempt employees must take a one (1) hour unpaid lunch break and must clock out for this time.

This section does not apply to public safety employees or departments; they are covered by separate Public Safety Standard Operating Procedures.

3.4 Timekeeping

In order to accurately track your time and expedite payroll processing, employees must record all time and attendance on a daily basis. Timesheets must be submitted to your supervisor/director at the end of the workday. Depending on what department you work in, you may utilize a paper timesheet or the Time Entry system. Notify your supervisor/director if there are problems with submitting your time.

Time may not be entered prior to actual work. It is the responsibility of each employee to submit only authorized timesheets to payroll. You and your supervisor/director are responsible for verifying that hours reported are accurate. Supervisors/directors must have all work hours approved and submitted to Payroll by 10:00am on the workday following the last day of the workweek. Both paid absences and unpaid leave must be reported to payroll.

Under no circumstance may you falsify time or record, change, or make notations to another employee's timesheet.

If any timekeeping needs to be corrected, contact your supervisor/director to ensure proper processing. Changes to timekeeping records may only be made by a supervisor/director.

3.5 Overtime

There may be times when you will need to work overtime in order to meet the needs of the workload. Your supervisor/director will generally give you advance notice when workload increases unexpectedly; however, this may not always be possible. If you believe you need to work overtime to complete a task, you must receive advance approval from your supervisor/director before doing so. Although you will be paid in accordance with law for actual time worked, you may be disciplined for working unauthorized overtime. In accordance with the Fair Labor Standards Act, all non-exempt employees will be paid at a rate of time and one-half their regular hourly wage for hours worked in excess of 40 hours in a workweek. Only actual hours worked count toward computing weekly overtime.

When submitting overtime, employees must record the details in the narrative section through the time entry system and explain why they worked overtime and what they did while working overtime.

Exempt employees are expected to complete all required tasks and are not eligible for overtime pay. Some jobs, such as police and fire are covered under FLSA 207(k) exemption and will be paid in accordance with law.

3.6 Paycheck Deductions and Garnishments

The Town is required by law to make certain deductions from your paycheck each pay period. Such deductions typically include federal and state taxes and Social Security (FICA) taxes. There may be additional deductions depending on the benefits you choose.

When an employee's wages are garnished by a court order or the government, the Town is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck.

All deductions and garnishments, along with the amount, are listed on your pay stub. These are totaled each year for you on your Form W-2, Wage and Tax Statement.

3.7 Telecommuting

Telecommuting is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not a Town-wide benefit and it does not change the terms and conditions of employment with the Town. Serious consideration will be given to each telecommuting request and arrangements will be made in the best interest of co-workers and the Town. All policies and work rules apply to employees who telecommute.

If you are working from outside of the office, we expect you to take extra caution in safeguarding Town assets and information. You must utilize a secure server, password protect your computer, and may not take any documents away from the office without notification and approval of your supervisor/director.

3.8 Work Related Expenses and Travel/Reimbursement/Purchase Authorizations

The Town will cover and reimburse employees for reasonable expenses incurred through pre-approved business purposes. Expenses must be itemized and submitted on an expense reimbursement form along with the original receipts. In most cases the Town will attempt to purchase pre-approved expenses, on a Town credit card or issue a check, in advance. Employees must fill out and submit a Purchase Order to Finance in order for the Town to pay for any advance expenses.

Travel vouchers should be filled out and submitted to the Finance Department at least ten (10) days prior to travel. The Town will pay 80% of the per diem rate to the employee, ahead of time. The in-state per diem rate is \$85.00 per day and out of state rate is \$115.00 per day. Exceptions to these rates may be made for high cost areas. Upon completion of the travel, the employee must submit mileage and hotel receipts in order to be paid the other 20% of the per diem.

The following business expenses will be covered by the Town and reimbursed when necessary:

- Travel expenses
- Air/automobile/mileage/ground transportation
- Lodging
- Tips
- Business meal, excluding alcohol (however, the per diem may be used at the employee's discretion as long as they are not under the influence of alcohol at training or work functions)
- Training, conference, and seminars
- Networking events and trade organizations

Expense reports should be submitted no later than thirty (30) days after incurring the expense. Receipts for meals must include the name of the restaurant, the number of people served, the date, and an itemized record of the expense, including tip. Please also reference the Town's Reimbursement Procedures which you may obtain from the Finance Department.

[Return to Table of Contents](#)

Article 4: Health and Safety

4.1 Safety and Emergencies

The Town will comply with federal, state, local, health and safety regulations applicable to the work environment. We offer safety training through the Municipal League every month and employees are required to meet their required, non-duplicated, training hours per year. Failure to meet the minimum required training hours each year will result in disciplinary action.

Expectations are listed below:

- Follow all safety rules and procedures established by law, the Town and any general safe working practice.
- Seek guidance from your supervisor/director if you are unsure about how to safely perform a task.
- Immediately report all safety concerns to your supervisor/director.
- Call 911 for any emergency that may appear to require police, fire department, or paramedic assistance.
- Notify your supervisor/director about any emergency situation.
- Immediately inform your supervisor/director of injuries or sicknesses at work, even if you perceive them as minimal.
- Use, adjust, and repair machines and equipment only if you are trained and qualified.
- Know proper lifting procedures. Get help when lifting or pushing heavy objects.
- Know the locations, contents, and use of first aid and fire extinguishers.
- Know the emergency evacuation plan.
- Wear personal protective equipment (PPE) as required by OSHA for your specific job position: safety glasses, gloves, masks, steel-toe shoes, etc.

4.2 Workplace Violence

It is the policy of the Town to provide each of our employees with a workplace free from violence, including any acts or threats of violence by employees or former employees against any other employee on the Town's property, or elsewhere, at any time.

We are committed to:

- Providing a safe work environment.
- Taking prompt remedial action up to, and including, termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
- Taking appropriate action when dealing with residents, former employees, or visitors to the Town's facilities who engage in violent or threatening behavior. Such action may include notifying law enforcement and prosecuting violators of this policy to the maximum extent of the law.

The Town prohibits the wearing, transporting, storage or presence of firearms or other weapons in the Town's facilities. Possession of a firearm or other weapon while in our facilities or while otherwise fulfilling job responsibilities is NEVER allowed. Anyone who violates this policy may be removed from the premises

and reported to law enforcement authorities. Possession of a valid concealed weapon permit authorized by the State of New Mexico is not an exemption under this policy except for commissioned Law Enforcement Officers.

The Town requires every employee who seeks or obtains a restraining order, or who is the subject of a restraining order, to advise their supervisor/director within 24 hours of seeking or obtaining that order, and to promptly provide a copy of it so that compliance can be monitored. This policy applies to you when you are working off-site.

Employees have an obligation and duty to warn their supervisor/directors or other supervisor/directors of: (1) any suspicious workplace activity, or (2) situations or incidents that they observe, or of which they are aware, that appear to involve violence or the risk of violence. This includes, for example, threats or acts of violence, aggressive behavior, or threatening comments or remarks that may intrude into the workplace.

Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. The Town will not condone any form of retaliation against any employee for making a report under this policy.

4.3 Drug and Alcohol-Free Workplace

The Town of Bernalillo is a drug and alcohol free workplace. Employees are prohibited from using, selling, manufacturing, dispensing, distributing, or possessing illegal drugs or drugs not legally prescribed to them, drug related equipment or drug paraphernalia on the Town's premises and jobsites. Employees are also prohibited from abusing, selling, dispensing, or distributing otherwise legally prescribed drugs. Use of any substance, even if legal, that impairs an employee or creates an unsafe environment may result in discipline. The Town may perform drug and alcohol testing for any reason, at any time, including pre-employment, post-accident, reasonable suspicion, follow up, and random testing.

Workers' compensation benefits may be reduced if an employee's intoxication or influence contributes to a workplace injury. Should an employee refuse to submit to, or intentionally delay post-accident drug and alcohol testing, such refusal or delay may result in a complete denial of benefits pursuant to the New Mexico Worker's Compensation Act, Section 52-1-12.1(E) NMSA 1978. At their own expense, employees may request a second test of the original sample within twelve (12) months of the drug and alcohol test.

4.4 Smoking in the Workplace

Smoking, dipping chewing tobacco, or use of any tobacco products and electronic cigarettes is not permitted in the Town's buildings or vehicles. Employees may not use any tobacco products, electronic cigarettes, or smoke within 200 feet of a primary entrance, exit, or ventilation unit utilized by the general public. Designated outside areas may be used away from the sight of residents. Please ask your supervisor/director regarding the location of designated smoking areas.

[Return to Table of Contents](#)

Article 5: Conduct

5.1 Dress Code/Appearance

The Town maintains a business casual environment. All employees should use discretion in wearing attire that is appropriate for workplace and visitor interaction and the specific job that you do. Employees are expected to maintain proper hygiene at all times.

Whether or not your job responsibilities place you in direct contact with our visitors or members of the community, you represent the Town with your appearance. The properly dressed individual helps to create a favorable image for the Town, as well as to the public and fellow employees. If you do not show up at work dressed appropriately or with sufficient hygiene, you will be sent home on leave without pay.

Supervisors should communicate any department-specific workplace attire, such as Town issued uniform guidelines and grooming guidelines to staff at the beginning of employment and throughout the employment relationship. Employees are expected to comply with department dress code/appearance standards. Any department guidelines for dress code should be discussed with the immediate supervisor.

5.2 Contact with the Media

Employees should refer the media to the Town Administrator in order to make an authorized public statement. Employees are not authorized to make statements on behalf of the Town.

5.3 Phone Use

The Town recognizes that employees have urgent and family issues that they may need to deal with during the work day. The use of personal cell phones and work phones for personal use during work hours must be kept to a minimum. This policy includes all use of phones such as text messaging, social media, internet, games and all other cell phone use. While driving for Town business, employees must follow all laws and regulations and also use hands-free devices when talking on their cell phones.

5.4 Technology

Property and technology, including computers, email, internet, tablets, hotspots, and other technologies, issued by the Town are subject to audits and usage reviews. There should be no expectation of privacy when using Town devices or technology. Employees must receive permission from IT before anything may be downloaded on a Town computer. While computer and internet use should be limited to Town business, employees may utilize the services of the internet during break times, with Management approval, as long as they are not logging onto sites that are inappropriate or illegal. Employees must follow the Town's IT policies and procedures that they were provided and trained on by IT during New Hire Orientation.

5.5 Social Media

Using social media, (e.g., Facebook, Instagram, Twitter, etc.) on Town devices is strictly prohibited unless it is part of your specific job duties and responsibilities to manage social media accounts for the Town. Personal use of social media is restricted to your personal devices and is allowed during break times and meal periods only.

Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication. The same principles and guidelines found in the Town policies apply to your activities online. Before creating online content, keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects community members, customers, suppliers, or other people who work on behalf of the Town or its legitimate business interests may result in disciplinary action up to and including termination.

Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Always be fair and courteous to your co-workers. Also, keep in mind that you are more likely to resolved work-related complaints by speaking directly with your co-workers, your supervisor or director, the Town Administrator, and/or Human Resources, or by utilizing our Open Door Policy than by posting complaints to a social media outlet. However, the Town respects your right to speak with your colleagues about working conditions and other facets of your employment. Nothing in this policy should be interpreted to interfere with employees' rights to engage in concerted activity under the law.

If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage the Town, your co-workers, or the community, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Town policy.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town, your co-workers, or the community. When using social media or other personal online communication tools, it is critical that you respect confidential information belonging to the Town or third parties that we interact with, in the course of doing business.

Express only your personal opinions. Never represent yourself as a spokesperson for the Town. If the Town is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Town, co-workers, or others working on behalf of the Town. If you do publish a blog or post online related to the work you do, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town." Do not use the Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

The Town prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

5.6 Meetings

Employees are required to attend all scheduled meetings even if they fall outside of your regularly scheduled shift. Preapproval for absenteeism is required and can only be given by your supervisor/director. Non-exempt employees are paid work time during all meetings, including overtime, if applicable.

5.7 Town Property

Any Town property that is issued to you, such as uniforms, keys, ID badges, equipment, computers, tools, vehicles, cell phones, credit cards, etc., must be kept and returned in good condition. Employees may be held responsible for any lost or damaged items. The value of the property issued and not returned may be deducted from your paycheck, in accordance with the law. However, it may not reduce the employee's wage below the minimum hourly wage or reduce overtime pay required under the law.

Do not use or take Town property for personal purposes without authorization. Town property and materials may not be used for illegal purposes and you are prohibited from doing anything that involves fraud, theft, or misuse of Town property.

Employees must immediately report any malfunctions that occur while using Town equipment. Employees may not use Town property for personal, illegal, or unethical purposes. Employees will be required to reimburse the Town for any personal use of Town property that incurs a fee.

Employees should not expect a right to privacy while using Town computers, phones, vehicles or while conducting Town business. Employees' desks, workstations, and work areas are also subject to inspection. The Town also reserves the right to search an employee's belongings or vehicle while on Town property, if there is reasonable belief to suspect misconduct, or illegal activity while at work. Law Enforcement may be involved in such instances.

5.8 Driving for Business Purposes

All persons driving a personal or Town vehicle on Town business must possess a valid driver's license, current registration, and current vehicle insurance. Employees whose job duties include driving must immediately notify their supervisor/director and Human Resources of changes in driver license status (i.e. revoked, expired, canceled, suspended, etc.). The Town's insurance provider requires that we conduct periodic motor vehicle checks on all employees whose job duties require driving for Town business.

Town vehicles should be used exclusively for job-related travel and operated by the employee only. Operators of the Town's vehicles are responsible for the safe operation and cleanliness of the vehicle. Using seat belts is mandatory for operators and passengers. Use of any tobacco products and electronic cigarettes is prohibited in the Town's vehicles. Private use of Town vehicles is not permitted without expressed and written permission from your supervisor/director.

When using a personal vehicle for work purposes, your insurance is the primary insurance on the vehicle. Mileage reimbursement is intended to compensate employees for insurance and other costs associated with operating a vehicle.

Whether you are driving a Town vehicle or a privately-owned vehicle, all traffic citations and fines are your responsibility and must be reported to your supervisor/director within 24 hours of occurrence. Accidents while on Town business, or while operating a Town vehicle, must be reported immediately to your

supervisor/director and Human Resources. Please ensure that the appropriate police authority investigates all accidents before vehicles are removed from the scene of an accident, when applicable. Law enforcement must be contacted and conduct an investigation, pursuant to law, anytime an accident, or damage to a Town vehicle occurs.

You are expected to refrain from using your phone while driving (this includes texting, emailing, etc.); except for hands-free phone use, in areas where such use is permitted by law.

5.9 Conflict of Interest

A conflict of interest arises when your personal interests or involvement in a situation impacts your ability to act objectively. Even the appearance of a conflict of interest can hurt your reputation, as well as the reputation of the Town. Our reputation for integrity is its most valuable asset and is directly related to the conduct of its employees.

Employees must conduct their personal affairs so that their duties and responsibilities to the Town are not jeopardized and/or legal questions do not arise regarding their association or work with our organization. If you have concerns about a conflict of interest, please talk to Human Resources.

Employees/Elected officials may not use their positions with the Town or any of its residents for private gain, to advance personal interests, or to obtain favors or benefits for themselves, members of their families, or any other individuals, corporations, or business entities. Nobody may enter into a contract or any business relationship with an immediate family member.

Employees should review and be familiar with the Governmental Conduct Act.

Working at another job, especially working for another government entity or municipality, while working for the Town may pose a conflict of interest. Other outside employment may not impact your job at the Town. Please report all other jobs and business endeavors, in writing to your supervisor/director and Human Resources. This must be done prior to beginning outside additional employment so that the Town can evaluate if a conflict of interest or negative impact could potentially occur.

5.10 Solicitation

Employees may not solicit other employees during working time or distribute literature in work areas at any time, without the written approval of the Department Head and the Town Administrator. Employees may not solicit Town residents at any time or for personal reason during work hours. Sales Representatives are not permitted on-site to solicit employees for reasons other than Town business. The Town employees may solicit donations for a cause agreed to by the Town. Failure to abide by this policy may result in disciplinary action.

5.11 Attendance and Punctuality

Attendance is important, and we expect employees to arrive at work on time. Excessive absences from work, lateness in reporting to work, or leaving early seriously impairs our ability to serve our residents and places an additional burden on fellow employees.

If you are going to be late for work or absent, notify your supervisor/director by telephone as far in advance as feasible, but before the start of your workday. Personal issues requiring time away from your work should be scheduled during non-working hours if possible. However, accrued time off may be used when necessary, for approved reasons. (*See Sick and Vacation Leave provisions*).

If you are absent for three (3) days without notifying your supervisor/director, this will be considered a voluntary resignation due to job abandonment. Other unapproved absences of three (3) or more days, will also be considered voluntary resignations due to job abandonment.

5.12 Service to the Public and Residents

Our purpose to serve our residents and each of us represents the Town to the public. The way we interact inside and outside of the workplace is a direct reflection on the Town. Employees shall at all times conduct themselves in a manner that does not damage or have the likely result of damaging or bringing the public image, integrity, or reputation of the Town into disrepute or reflects discredit upon the individual as a Town employee. Employees are prohibited from conduct which impairs the public image, integrity, operation or efficiency of the Town or any of its employees.

Employees are expected to be courteous and respectful to residents and members of the public. A supervisor/director should be notified in the event that a resident or members of the public become abusive or threatening. Law Enforcement may also be called in these situations.

5.13 Harassment and Discrimination

The Town is committed to providing employees an environment in which employees are treated with dignity and respect. We do not discriminate or permit discrimination or harassment of one employee by another employee, supervisor, or third party for any reason, including harassment based on a person's protected status, such as sex (including pregnancy), color, race, ancestry, religion, national origin, age, sexual orientation or gender identity or expression, physical or mental handicap, medical condition, genetic information, disability, marital status, spousal affiliation, protected veteran status, citizenship status, or any other category protected under federal, state, or local law (known as a "protected class"). While not meeting the legally "protected class" standard, disrespectful treatment related to political views or cultural choices is similarly prohibited.

The term "harassment" as used in this policy includes any of the following activities pertaining to an individual's protected class:

- Offensive remarks, jokes, slurs, threats, or other inappropriate verbal conduct.
- Offensive pictures, drawings, photographs, figurines, writings, or other graphic images, conduct or communications, including text messages, instant messages, web sites, voicemails, social media postings, e-mails, faxes, and copies.
- Offensive and unwelcome sexual remarks, sexual advances, or requests for sexual favors, regardless of the gender of the individuals involved; and
- Offensive and unwelcome physical conduct, including touching and gestures, regardless of the gender of the individuals involved.

Sexual harassment may also consist of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 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.

Sexual harassment may include any hostility directed towards an employee because of gender, even if that hostility is not sexual in nature.

This policy applies to harassment or discrimination by non-employees against our employees in connection with their work. Immediately report any harassing or discriminating behavior by non-employees, including visitors, vendors, contractor or subcontractor employees.

If you have any concern that this policy may have been violated by anyone (including non-employees such as visitors, members of the public, vendors, etc.), no matter how slight the actions may seem, please report the matter immediately to your supervisor or director, or to Human Resources, or the Town Administrator. Such a report will be investigated and, when appropriate, prompt, suitable remedial action will be taken. The Town will protect the confidentiality of employees reporting suspected violations to the extent possible consistent with the investigation. Employees who violate this policy are subject to discipline, up to and including discharge.

Investigations involving commissioned peace officers will adhere to state statutes entitled Peace Officer Employer-Employee Relations Act and may be amended and supersede applicable Town rules and regulations.

You will not be penalized or retaliated against for reporting improper conduct, harassment, discrimination, retaliation, or other actions you believe may violate this policy. Retaliation includes: threatening an employee or taking any adverse action against an employee for (1) reporting a possible violation of this policy or (2) participating in an investigation conducted under this policy. Note that an employee who knowingly provides false information or knowingly makes a false report of suspected misconduct or a subsequent false report of retaliation, or who knowingly provides false answers or information in response to an ongoing investigation will be subject to disciplinary action, up to and including termination of employment.

Any employee who has questions or concerns about these policies should talk with their supervisor/director, Human Resources, or the Town Administrator.

[Return to Table of Contents](#)

Article 6: Managing Performance

6.1 Job Descriptions

The Town maintains a general job description that outlines essential duties and responsibilities for each position within the Town. This description will be reviewed with you during the first week of your employment and if the duties and/or responsibilities of your position change, the job description will be revised to reflect those changes throughout your employment. The job description is one standard of measure for employee evaluations. If you have any questions or want to obtain another copy of your position job description, please see your supervisor/director.

6.2 Performance Evaluations

Your performance is important to the Town. Once each year, your supervisor/director may work with you on a performance evaluation to; celebrate accomplishments, identify opportunities for growth, and effectively set goals for the upcoming year. You may be asked to complete a self-assessment and turn it in to your supervisor/director before your evaluation discussion.

The evaluation process requires supervisor/directors to conduct regular, formal or informal, quarterly check-ins to monitor progress toward goals in order to ensure our commitment to this process. Employees should always know where they stand.

New hires may receive an evaluation six (6) months into their probationary period, annually and should be receiving ongoing feedback about their performance throughout the probationary period.

Our performance evaluation program is designed to provide the basis for better understanding between you and your supervisor/director regarding your job performance, potential, and development within the Town as well as your role in helping to achieve the Town's overall annual goals.

6.3 Promotions/Job Transfers

The Town encourages employees to apply for transfer or promotions to positions for which they are qualified. The employee's qualifications will be evaluated on the same basis as all other applicants. Transferred or promoted employees will enter a new six-month probationary period for the purpose of evaluation of performance in the new job. Although the anniversary date, for review purposes, may change, all previously established benefits shall continue to accrue, and employees will be eligible to use their accrued sick leave and vacation. If performance is not satisfactory, a transferred or promoted employee may be terminated or, if it is available, returned to their previous position.

6.4 Change in Status

Employees moving from part-time to full-time status will be eligible for the Town benefits, following the benefit qualification requirements. The date of eligibility will be based on the date of their change of status. Leave adjustments will begin accruing immediately.

Employees going from full-time to part-time status must work an average of 30 hours per week to continue medical and insurance benefits on a pro-rated basis.

6.5 Confidential Information

Protecting our Town and resident information is the responsibility of every employee. You must ensure that confidential or sensitive information is not improperly or accidentally disclosed. While at work, you may see personal information about residents or employees such as social security numbers or credit card information, and for safety and security purposes, this type of information must remain confidential. Employees must use discretion when discussing Town business matters and sharing confidential resident or employee information.

6.6 Inspection of Public Records

The Town complies with the New Mexico Inspection of Public Records Act (“IPRA”). It is the responsibility of the Town Clerk, as the custodian of all records for the Town, to receive and respond to all formal IPRA requests. Employees will forward all information requests to the Town Clerk. Employees are not permitted to provide any information without a formal written request made by the Town Clerk.

6.7 Patient Privacy and Confidentiality

Some positions may require employees to have access to medical information which may or may not be classified as Protected Health Information (PHI) under state or federal laws. All medical information must be held in the strictest confidence, and a person’s condition, status, or personal information should never be discussed unless it is part of your job requirement and in accordance with your department’s standard operating procedures. Requests for information about an individual’s medical history should not be provided without the express consent of the patient, permission from the Town Administrator, or as required by law. Gossip and careless remarks regarding an individual’s medical information is considered a violation of this policy, and may be a violation of the law resulting in legal consequences.

6.8 Employee Files

Upon request, you may inspect your employee file at the Town’s Human Resources office and in the presence of a Town official. Contact your supervisor/director to arrange a time to view records related to your qualifications for employment, your compensation, performance reviews, or any disciplinary action.

If you disagree with the accuracy of any statement in your file, you may submit a written explanatory statement for consideration and to include in your file.

6.9 Change in Personal Information

It is important to maintain up-to-date information that can aid you and/or your family in case of a personal emergency. It is your responsibility to promptly provide changes in name, address, telephone number, dependents, deductions, and/or beneficiaries to Human Resources. These changes will be retained in your employee file. If you are changing your withholdings or address, you must fill out a new W-4 form. If you are changing your name, you must fill out a new W-4 form, update the I-9 form, and provide government issued documentation of your name change.

6.10 Corrective Action

All Town employees are expected to comply with Town standards, policies, and procedures. The primary purpose of discipline is to correct performance or conduct that is below acceptable standards, or contrary to the Town’s legitimate interests, in a constructive manner that promotes employee responsibility.

The Town reserves the right to exercise discretion in rendering disciplinary action as determined appropriate by the Mayor, Town Administrator, Department Head, and supervisors. However, only the Mayor and Town Administrator have the power to dismiss, suspend, or demote an employee for disciplinary action. Such disciplinary actions will be reported to the Department Head, Human Resources, Town Administrator, and Mayor.

Progressive discipline may be used whenever deemed appropriate by the Town and the Town retains discretion to skip any step in the progressive discipline process set forth below if it deems appropriate.

Because circumstances vary, the Town utilizes various forms of corrective action to address performance or behavior issues. Examples of different types of corrective action they may be taken include, but are not required or limited to:

- Coaching/verbal warning: if a supervisor considers an employee's performance or conduct in need of correction for minor infractions, the supervisor will notify the employee that their work performance needs improvement. A record of the coaching/verbal warning will be documented and placed in the employees personnel file.
- Written warning: a written reprimand provides an employee a written explanation of the events that led up to the written reprimand. Continued or repetitive infractions will invoke progressively severe disciplinary action.
- Performance improvement plan: is a tool provided to an employee with performance deficiencies, the opportunity to improve. The plan addresses unacceptable actions and provides specific job goals or behavior related concerns. The plan may accompany any disciplinary action mentioned in this section.
- Suspension: a suspension is a temporary leave without pay for performance or conduct that has not been satisfactorily corrected through the use of verbal warning(s) or written warnings. Suspension may be used for a serious violation of rules and regulations.
- Termination of employment: a dismissal is a permanent involuntary separation of employment from the Town for disciplinary reasons. An employee may be discharged without prior progressive discipline when warranted by the seriousness of the offense at the recommendation of the Department Head and discretion of the Town Administrator and Mayor, with collaboration with Human Resources.

Each action, with the exception of a verbal warning/coaching, or termination of employment, should provide the employee with the following information:

- Date(s) on which the unacceptable performance occurred and a brief description of the incident(s).
- Reference to the Manual or departmental policies and procedures, and/or the Town values that were violated.
- An outline of specific areas needing improvement.
- Clear expectations/goals for improvement and a time frame for completion.
- A statement informing the employee that failure to improve may result in more serious disciplinary action.

- A statement regarding the employee's right to respond to, and rebut the charges against him/her in writing, within three (3) working days of the notification of disciplinary action. Commissioned peace officers, pursuant to state statutes, may have up to 30 days.
- The employee must sign an acknowledgement of having received the disciplinary action signifying that the employee received and read the action. Should an employee refuse to sign acknowledgement of having received the disciplinary action, an additional member of management will be summoned to sign as a witness that the employee was provided a copy of the disciplinary action.

All disciplinary documentation will be placed in the employee's official personnel file. An employee will be given the opportunity to present a rebuttal concerning the disciplinary action to the department head. The information or documentation will be attached to the disciplinary action, if provided within three (3) working days from the date that written notice is given to the employee. All documentation provided by the employee will be placed in the official personnel file.

Should an employee of the Town be charged with a violation of these Rules and Regulations, or rules, policies, procedures of a department, or some more serious offense or infraction, the employee's immediate supervisor may relieve him/her from duty, with pay, pending disposition of charges by the department head and review by Human Resources (see Administrative Leave).

6.11 Loudermill Rights

In accordance with the Loudermill Rights, as granted to public employees, an employee cannot be dismissed without due process. Employees have a right to a pre-termination hearing that gives them the opportunity to present their side.

Loudermill rights include a written or oral notice regarding why termination has been recommended for the employee. Specific evidence of any charges against the employee will be given to them and a pre-termination hearing will be given where the employee can respond to the charges made against him or her.

6.12 Grievance Procedures

Only regular full-time and part-time employees at the Town have a right to file a grievance for suspension without pay, layoffs due to reorganizations; and terminations if they feel that they have been treated in an unfair manner. It is the sole responsibility of the aggrieved employee to ensure their timely compliance with the following terms and conditions.

Grievances are defined as a written formal complaint alleging a violation, misapplication, or misinterpretation of any Town rule or regulation. Employees should go to Human Resources if they need further clarification on the grievance procedures outlined in this section. Where applicable, the Peace Officers-Employees Relations Act (NMSA 1978 20-14-1-29-14-11) or Hazardous Duty Officers' Employer-Employee Relations (NMSA 1978 10-7F-1-10-7F-9 shall apply to applicable employees.

6.12.1 Informal Grievance: Loudermill Hearing

At the time an employee receives notice, from the Department Head, that a proposed disciplinary action is being taken against them, he/she may request a hearing with Human Resources and the Town Administrator. Such request must be made in writing to Human Resources within three (3) days of the time

the employee receives notice of the proposed action. Should the employee fail to make a timely request for hearing, the proposed disciplinary action will become final.

The purpose of the informal hearing is to afford the employee the opportunity to respond to the proposed action, present his/her version of events and reasons why the proposed action should not be taken.

The informal hearing must be held within three (3) working days of the date of the employee's request unless extended for good cause or by mutual agreement. A copy of the employees' written request and documentation of the matters discussed at the hearing shall be placed in his/her official personnel file.

If the proposed action is upheld at the informal hearing and the grievant is not satisfied with the decision, the aggrieved employee may request a formal hearing before a Hearing Officer. Such appeal must be in writing within 10 days of the informal decision. A date for a hearing will be determined upon the selection of the Hearing Officer.

Neither the Town nor the affected employee shall be entitled to record any informal hearing. The individuals in attendance, and the outcome of the hearing will be drafted by Human Resources and placed in the employee's official personnel file.

If the proposed action is upheld following the informal hearing, the proposed action shall become effective on a date to be determined by the Town Administrator.

6.12.2 Formal Appeal: Hearing

Hearing Officer

The Hearing Officer who shall hear all employee grievances shall be a non-Town employee who is not related within the third degree by marriage or kinship to the aggrieved employee, the employee's supervisor, or the employee's department head. The Town shall pay the cost of the Hearing Officer and the hearing on an employee's grievance.

Setting a Date for the Hearing

The Town shall maintain a list of individuals who have indicated a willingness to serve as a Hearing Officer and whom the Town has determined to be qualified to serve in such capacity. Within ten (10) days of Human Resources' receipt of an employee's written request hearing, Human Resources shall randomly select a Hearing Officer from the list of individuals maintained by the Town, and provide the aggrieved employee, his/her supervisor and department head, the Hearing Officer and the Town's Attorney with notice of who has been selected as Hearing Officer, as well as with a statement of the date, time and place of the Hearing on the aggrieved employee's grievance, the issues to be adjudicated at the hearing, the right of the parties at the hearing, and the need to prepare for the hearing. Hearings on employee grievances must be held within thirty- (30) days of the date of Human Resources' final selection of a Hearing Officer or as soon thereafter as a practicable.

Contact with Hearing Officer

No party or their representative may have ex-parte communication with the Hearing Officer prior to or during a hearing. The parties shall not construe this provision to limit or prohibit Human Resources from

communicating with a Hearing Officer with respect to scheduling a hearing or with respect to advising the Hearing Officer about the nature and submission of requests and motions.

Duties of a Hearing Officer

Hearing Officers selected by the Human Resources Director shall preside over the conduct of all hearings on employee grievances, shall hear all testimony and receive all other evidence submitted by the parties, make rulings on the admissibility of such evidence, and will determine the weight to be given to different types of evidence. The Hearing Officer is also responsible for ensuring that a proper record is made of the proceedings.

Decision of the Hearing Officer

At the conclusion of a hearing, the Hearing Officer shall issue a written decision that sets forth his/her findings of fact, conclusions, and a statement of the relief, if any, that shall be afforded to an aggrieved employee. The decision of the Hearing Officer shall be binding on both the employee and the Town; however, nothing in this section shall be construed to restrict or limit either parties' right to seek judicial review or relief. The Hearing Officer must issue his/her decision within fifteen (15) days of the final date the hearing was held.

A copy of such decision shall be mailed to the employee, the employee's Department Head, the Town Attorney, and Human Resources.

Conduct of Hearings

Hearings are designed to bring out the facts and protect the rights of all parties. The Hearing Officer will explain the issues, the meaning of any technical terms and the order in which parties will speak.

The Hearing Officer may question the parties and their witnesses to obtain facts needed to decide the issues. The Hearing Officer will also decide whether the evidence being offered is competent and related to the issues.

Hearings before a Hearing Officer shall be conducted in a manner that ensures all pertinent facts necessary to the determination of the rights of the parties are obtained. All hearings will be conducted informally and will not be governed by common law or statutory rules pertaining to the admissibility of evidence or by the New Mexico Rules or Civil Procedure; however, the parties shall have the right to call and examine and cross-examine witnesses, introduce evidence, offer rebuttal evidence, object to questions and the introduction of prejudicial or irrelevant testimony or evidence, and to make opening and closing statements. The Hearing Officer shall have exclusive authority over the conduct of the hearing and behavior of the parties and witnesses in order to insure a fair, orderly hearing and an expeditious conclusion of the proceedings, up to, and including; expulsion of parties, witnesses and their agents, and to ensure that all hearings are conducted in accordance with this Ordinance.

No less than seven (7) days prior to a scheduled hearing, the parties shall provide the Hearing Officer and each other with a written statement of the issues to be addressed, a list of witnesses who will be called to testify and copies of all exhibits each party intends to introduce as evidence at the hearing.

Hearings before Hearing Officers shall be conducted in the following manner:

- The Town shall present an opening statement of the issues to be heard and the evidence presented. The grievant shall then present his/her opening statement.
- The Town shall first present its case and shall bear the burden of establishing by a preponderance of the evidence that a good cause did exist for the disciplinary action that is being grieved. All witnesses shall be placed under oath prior to testifying. Following the testimony of each witness called by the Town; the grievant shall be afforded the opportunity to cross-examine the witness. The Hearing Officer may then question the witness on matters related to his/her testimony. Redirect and re-cross examination shall be allowed only with permission of the Hearing Officer.
- After the Town has presented its case, the grievant shall present his/her case. Following the testimony of each witness called by the grievant, The Town shall be afforded the opportunity to cross-examine the witness, and the Hearing Officer may then question each witness on matters related to the testimony. Redirect and re-cross examination shall be allowed only with permission of the Hearing Officer.
- After both the Town and the grievant have finished their presentations, the parties may call rebuttal witnesses if permitted by the Hearing Officer. Such testimony shall be brief and be limited to issues addressed in the parties' previous evidentiary presentations.
- After all testimony had been given, each party may present a closing statement that shall not exceed ten minutes in length without approval of the Hearing Officer, with the grievant proceeding first.
- The Hearing Officer shall tape record the hearing. No one else will be permitted to record the proceedings. Human Resources shall keep the tape recording for thirteen (13) months after the Hearing Officer's decision is issued. Parties may request a copy of the recording from Human Resources. Copies shall be paid for by the requesting party.

Grievance of Disability

This employer is a government contractor subject to Title I of the Americans With Disabilities Act of 1990, which requires government contractors not to discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment

6.13 Hatch Act

Employees may participate in any federal, state, county, or local political campaign, provided such participation is conducted away from any Town office or Town work site and is not conducted during working hours. Any employee whose position is funded by a federal program and/or money are subject to the provisions of 5 United States Code, Section 1501, et seq., as amended, commonly known as the "Hatch Act." Revenue sharing funds are not considered to be federal loans or grants.

6.14 Political Activities

Although employees and officials may express their views on any issue, they may not engage in political activity that could affect the integrity, efficiency or discipline of the Town. All Town employees are prohibited from using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose; directly or indirectly attempting to coerce, commanding, or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose; threatening to deny a promotion or pay increase to an employee who does or does not vote for certain

candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities; engaging in a political activity while on duty; or violating the employee's duty not to use property belonging to a state agency or local government agency, or allow its use, for other than authorized purposes. Employees of the Town must resign before running for Mayor or Town Council.

6.15 Employee References/Employment Verifications

The Town will not honor any verbal requests for employee references and/or verifications. All requests must be in writing and addressed to Human Resources. Generally, we will only confirm dates of employment and job title, unless we have received written permission from the employee to disclose more information, or we are required to do so by law.

If you receive a request for employee reference and/or verification information, you are required to forward it to Human Resources for follow up.

[Return to Table of Contents](#)

Article 7: Professional Development

7.1 Licenses and Certifications

Employees hired to fill a position requiring a particular license or certification (i.e. First Aid and CPR, CPA, RN, driver's license, etc.) must provide proof of documentation prior to commencing employment. Employees are responsible for determining timing of renewal processes and obtaining and renewing licenses and certifications, per state statute, as a condition of employment. Employees must submit copies of renewals to their supervisor/directors *prior* to their expirations. Depending on job requirements, employees may not be allowed to work without a required license or certification.

7.2 Training and Development

Because the Town believes in supporting your individual growth, you may receive professional development reimbursement for job-related seminars, conventions, and training expenses. Employees are encouraged to belong to organizations that will benefit their career and the Town. Approval from your supervisor/director must be received prior to registration for an event. The Town will pay the full cost of approved job-related seminars and trainings along with memberships and subscriptions. Approval is subject to operational needs as well as training budget availability. Proof of attendance/completion of training is required in order to receive reimbursement.

Employees that voluntarily terminate their employment within a year of the training may be required to reimburse the Town for a prorated amount of training expenses.

In some situations, you may choose to attend training that is not required by the Town. Employees will not be paid for time spent at a training that is not required and not approved by the Town. You may be required to use your accrued time off and related expenses may or may not be paid by the Town. You must receive prior approval from your supervisor/director.

[Return to Table of Contents](#)

Article 8: Time Off

Important Note: ALL time away from work must be entered in the timekeeping system or with timesheets, submitted to payroll.

Public safety and welfare of the community is essential; therefore, public safety personnel are exempt from these leave policies; therefore, departmental policies apply to these personnel when taking leave.

8.1 Holidays

The Town will announce paid holidays on an annual basis, as decided upon by the Governing Body.

If a holiday falls on a weekend, it may be observed on a weekday, at the Town's discretion. Unless their absence receives prior approval from their supervisor/director, employees must work their scheduled workday before and after the holiday in order to be paid for the holiday.

Employees whose schedule exceeds 8 hours, may choose to use Vacation leave to make up the difference. Employees who are scheduled to work on a holiday, either get holiday pay or they may take an alternative day off, at their supervisor/director's approval.

8.2 Birthday Holiday

Employees receive eight (8) hours for a paid Birthday holiday which they may use within thirty (30) days before or after the employee's Birthday. This holiday is paid at the employee's base rate of pay. The Birthday holiday must be taken in a full day, increment. If this leave is denied, the employee will be notified in writing. It is not paid out upon separation.

If a Birthday leave request is denied, the employee must be notified in writing within five (5) business days by the department head specifying the reason for the denial. Employees' preferences should be considered, and schedules worked out bearing in mind individual and department needs. The employee will be allowed to request another date.

8.3 Religious Accommodations/Holidays

Employees may take time off to observe religious holidays that are not listed in the Holiday policy. You may use Vacation Leave, if it is available, or take unpaid time off. Please see Human Resources if you would like to request time off or request any other type religious accommodation.

8.4 Vacation Leave

Vacation Leave is granted to employees to use for rest and recuperation. The Town encourages employees to utilize their accrued Vacation Leave. Vacation may be used for vacation, rest and recuperation, personal business, injury or illness, during approved leaves of absence, etc.

These leave policies are for all employees of the Town; however, public safety is exempt from certain policies and must follow their public safety policies and procedures.

Accruals

Vacation will accrue on a monthly basis from the date of the employee's initial hire but, may not be used until the conclusion of six (6) months of employment. Part-time employees, who work a minimum of 20 hours per week, will accrue on a pro-rated basis. Accrual rates are as listed in the following chart:

Years of Continuous Service	Accrual Per Month	Accrual Per Year
0 years - 3 years	9 hours	108 hours
3 years - 8 Years	11 hours	132 hours
8 years -13 Years	13 hours	156 hours
13 years - 18 Years	15 hours	180 hours
Over 18 Years	17 hours	204 hours

Maximum Accruals

Upon reaching December 31st of each year, employees with more than 240 hours of leave will only be able to carry over a maximum of 240 hours to January 1st of the next calendar year. Leave in excess of 240 will be forfeited by the employee.

Scheduling

Vacation leave may only be taken when it is pre-approved by a supervisor/director. Employees must submit a leave request as far in advance as possible for planned leave. Employees may only request vacation of five (5) continuous days or longer, once in a rolling six (6) month period, from the time of request. Time off is at the department director's discretion and will be granted based on staffing and departmental needs. If a leave request is denied, the employee will be notified, in writing within five (5) business days, specifying the reason for the denial. Additional requests will occasionally be accommodated based on business needs and only with the approval of the Town Administrator.

Employees that are scheduled to work on holidays are permitted to request Vacation Leave for one holiday per calendar year. Multiple year requests will not be accepted. Vacation requests will be reviewed in the order they are received. Supervisors will consider requests based on prior requests and the needs of the department.

Leave Charges

Leave shall be charged in units of no less than 15 minutes. Only scheduled work hours shall be charged in calculating the amount of leave taken. For example, Saturdays, Sundays, and/or holidays are charged only if they are scheduled workdays.

Payment Upon Employment Termination

Lump sum payment for-leave is made only at the time of separation up to 240 hours. An employee will be paid in a lump sum for accumulated leave when separating from the Town. An employee is not entitled to any scheduled holiday occurring after the last day of work, except when the last day of work is a holiday and the employee is in pay status through the last available workday. The last day of work is the date of separation.

Payment Upon Retirement

Employees separating from Town service due to service retirement may elect to exhaust (be paid out) Vacation Leave, after the last day of work but, prior to the effective date of retirement. Notification of this change must be submitted to Human Resources department and the Department Director. All benefits accrue while leave is being exhausted. At the date of separation, any unused leave must be paid in a lump sum. If there is no leave, the last day of work is the date of separation.

If an employee separates and is in possession of Town property, the property will need to be returned before this payout will be made.

Conversion of Vacation to Sick Leave

Employees who have accrued at least one hundred (100) hours of Vacation Leave may convert up to (25) hours to sick time at the rate of one (1) to one (1). This conversion may be made every year during the month of December. All requests for conversion must be submitted, to Human Resources, in writing.

Conversion of Vacation to Cash

Any employees who have accrued at least one hundred (100) hours of Vacation Leave may convert up to (25) hours for cash. This conversion may be made every year during the month of December. All requests for conversion must be submitted through Human Resources.

8.5 Sick Leave

Sick Leave is intended for use of injury or illness. Sick Leave may also be used to care for an immediate family member's injury or illness. Immediate family is defined for this policy as; spouse, children (and any dependents), and parents.

Accruals

Full-time employees accrue Sick Leave at a rate of 8 hours per month. Part-time employees, who work a minimum of 20 hours per week, earn sick time on a pro-rated basis, based on average hours worked. Sick Leave accrues indefinitely, subject to *Separation* requirements described below. There is no cap or maximum.

Use

When utilizing Sick Leave, employees must notify their supervisor as soon as possible but, before the start of their shift. Employees must notify their supervisor on each subsequent day of absence. Leave shall be charged in units of no less than 15 minutes. For absences of three (3) or more days, a doctor's certification may be required and must be submitted to Human Resources. Sick Leave may only be used during an employee's regularly scheduled work hours.

Unacceptable Use

Using Sick Leave before or after regularly scheduled days off, vacations, or holidays is not acceptable. Attempting to take Sick Leave on days requested as vacation and denied, is not allowed.

Conversion to Vacation Leave

If an employee has over one hundred (100) hours of Sick Leave, they may convert up to, fifty (50) hours into Vacation Leave. The conversion is at a rate of 50%. Conversions may only be made in December and must be submitted, in writing to Human Resources.

Conversion to Cash

If an employee has over one hundred (100) hours of Sick Leave, they may convert up to, fifty (50) hours of Sick Leave to cash. The conversion is at a rate of 50%. Conversions may only be made in December and must be submitted, in writing to Human Resources.

Payment of Sick Leave Upon Separation

The employee is not permitted to use or be paid for unused Sick Leave upon separation. Please note that the date of separation (for reasons other than retirement) is the employee's actual last day of work.

When an employee retires, unused Sick Leave up to 400 hours may be paid out at a rate of 50% for a maximum payout of 200 hours.

8.6 Compensatory Time (Comp Time)

Non-exempt employees of the Town are eligible to earn Comp Time off in lieu of overtime pay, at their discretion. It is the responsibility of the supervisor/director to ensure the necessity of overtime prior to initiation of the work.

Accrual

Compensatory time is accrued at the rate of one and one half, per hour worked overtime. Compensatory time can be earned for travel time to and from a work site other than the regular work site. It can also be earned for on-call and emergency callback. Compensatory time must be earned before it is taken. All compensatory time earned and taken will be recorded on the employee's timesheet. Comp time will cease accruing once an employee has reached 240 hours and overtime will be paid to the employee, at this time.

Payment Upon Termination of Employment

Compensatory time remaining at the time of employment termination, will be paid out. Compensatory time may be accumulated up to a maximum of 240 hours (160 hours straight time).

Comp Time Before Sick Leave

Employees must use all compensatory time prior to using their accrued Sick Leave.

8.7 Severe Weather/Office Closures

During times of adverse weather conditions when the Town Administrator announces work delays or closures, employees will be allowed to make up time lost when possible. Employees are expected to notify their supervisor/director if additional time is needed. If employees require additional time-off they will be permitted to use accrued Vacation Leave.

At times when weather and road conditions in and around the city in which you work are severe, employees may be dismissed from work. Employees not reporting to work or leaving early must utilize accrued Vacation Leave unless allowable alternate arrangements have been coordinated with the employee's supervisor/director.

8.8 Family Medical Leave Act (FMLA)

Human Resources administers FMLA leave in accordance with applicable laws and regulations. Explicit details on the provisions of this benefit can be obtained from Human Resources. However, in general:

For those employees who have been employed for at least 12 months, the Town allows eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to 12 work weeks of leave in a rolling 12-month period for:

- The birth of a child and to care for the newborn child within one year of birth.
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement (see also section 3.8 on parental leave);
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave). RETURN

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. The Town requires the use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the Town's paid leave policies.

Benefits and Protections

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. This is at full cost to the employee. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee must meet three criteria in order to be eligible for FMLA leave;

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and

- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. This must be submitted in writing, to Human Resources and the employee's supervisor/director. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible. Employees do not have to share a medical diagnosis but must provide enough medically related information to the employer, so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the Town if the need for leave is for a reason for which FMLA leave was previously taken or certified. The Town reserves the right to require a certification or periodic recertification supporting the need for leave. If the Town determines that the certification is incomplete, we will provide a written notice indicating what additional information is required from a medical professional.

Employer Responsibilities

Once the Town becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, we will notify the employee if they are eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, they will be provided with a reason for ineligibility. We will notify employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees must submit all requests, documentation and correspondence related to FMLA to Human Resources. Questions about FMLA procedures and eligibility should also be directed to Human Resources.

8.9 Bereavement Leave

Employees are eligible to take paid bereavement leave for immediate family members. The Town Employees may take two (2) days for local family and three (3) days for out-of-state family. For this policy, members of the immediate family include spouses, parents, brothers, sisters, children, grandchildren, grandparents, or any of the above in the families of spouses. Proof of the need for leave may be required.

8.10 Personal Leave

Paid personal leave is granted to Appointed Officials only. Each eligible employee is granted forty (40) hours for personal leave each calendar year. Personal leave must be used within the calendar year because it does not carry over to the next year. Personal leave is not paid out upon termination of employment.

8.11 Jury Duty/Court Leave

Full-time and part-time regular employees summoned for jury duty are paid their normal rate of pay while serving Jury duty, when on regularly scheduled work days. Jury time served does not count toward overtime.

Please notify your supervisor/director as soon as you receive your summons. We expect you to contact your supervisor and see if you need to return to your job if you are excused from jury duty during regular working hours.

Employees are required to provide Human Resources with a copy of their official court timesheet upon returning to work. Supervisors must submit all court related paperwork to Human Resources for payroll.

Court Leave with regular pay is authorized when an employee is required to testify on behalf of the Town government in a matter that came about as a result of employment. This benefit is not authorized in matters in which the employee is a private litigant.

8.12 Voting Time Off

Every employee has the right to vote in any state or federal election, general primary, or special primary. If your work schedule does not provide you with either two consecutive hours between the opening of the polls and the beginning of your work day, or three consecutive hours between the end of your work day and the close of the polls, you will be granted up to two paid hours off in order to vote, in accordance with New Mexico state law.

Please notify your supervisor/director of the need for voting leave as soon as possible so that excused hours can be arranged.

8.13 Military Leave

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects job rights and benefits for veterans and members of the reserves. The law protects all persons serving in the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service commissioned corps, and the reserve components of these services and the National Guard.

Military orders should be presented to your supervisor/director and arrangements for leave made as early as possible before your departure. You are required to give advance notice of your service obligations to the Town unless military necessity makes this impossible. You must also notify your supervisor/director of your intent to return to employment based on requirements of the law. In accordance with state and federal law, your vacation and sick leave benefits will continue to accrue and other benefits may continue. Additional information regarding military leave may be obtained from Human Resources.

For periods of military service for less than 31 days or for a fitness examination, employees must report back to work at the next regularly scheduled workday after the expiration of eight hours

and after a period allowing for safe transportation from the place of service to the employee's residence.

For periods of military service of more than 30 days, but less than 181 days, employees must apply for reemployment within fourteen (14) days after completing service. If it is impossible or unreasonable to do so, through no fault of his or her own, the employee must apply for reemployment no later than the next full calendar day after it becomes possible to do so.

Following a period of 180 days or more, employees must apply for reemployment within ninety (90) days after completing service.

Paid Military Leave

The Town pays for fifteen (15) paid workdays of military leave per federal fiscal year if an employee is out of work due to actively serving in the military reserves.

Unpaid Military Leave

Employees taking other forms of military leave or after the 15 days of paid military leave for reservists has concluded, the employee may take unpaid military leave, during continued service or use their accrued time off, in order to be compensated.

8.14 Disaster and Emergency Services Leave

Employees who serve as "volunteer emergency responders" are entitled to up to 10 days of unpaid time off each calendar year consistent with state and federal law, Volunteer Emergency Responder Job Protection Act, when they are absent from work in order to respond to an "emergency or disaster" as declared by the Governor of New Mexico or the President of the United States.

For purposes of this leave, "volunteer emergency responder" means a person who is a member in good standing of a volunteer fire department, an emergency medical service, a search and rescue team, law enforcement agency, or who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster.

Employees utilizing this leave must make reasonable efforts to notify The Town of their service and should continue to make reasonable notification efforts over the course of any absence.

The Town may request that an employee provide a written verification, from the Office of Emergency Management or a state or local official managing an emergency or disaster, of the dates and time that the employee served as a volunteer emergency responder. For more information regarding this leave, please see your supervisor/director.

8.15 Domestic Abuse or Sexual Violence (DASV)

The Town will grant up to 14 days of DASV unpaid leave in any calendar year to an employee who is a victim of domestic abuse or sexual violence, or who has a family or household member who has been a victim. Alternatively, the employee may use accrued Vacation and Sick Leave. When possible, please provide the Town with at least 48-hours advance notice of DASV leave.

Verification of the need for DASV leave may be requested. This verification may be a police report, court record, doctor's certification, copy of order of protection, or a written statement from an attorney.

8.16 Nursing Mothers

The Town abides by New Mexico state law that allows for “the use of a breast pump in the workplace” for all nursing mothers. The law states, in order to foster the ability of a nursing mother who is an employee to use a breast pump in the workplace, an employer, including the state and its political subdivisions, shall provide a space for using the breast pump that is:

- Clean and private;
- Near the employee's workspace; and
- Not a bathroom; and
- Provide the employee with flexible break times

The Town is not liable for storage of breast milk or payment for additional breaks beyond the established break time the nursing mother may need to take. Payment is not required for any overtime acquired due to nursing mothers' need to use the breast pump outside of regularly scheduled break times.

As an employer of over 50 employees, the Town also abides by the Federal “Break Time for Nursing Mothers Provision” which requires employers to provide a nursing mother reasonable break time to express breast milk for a nursing child for 1 year after the child's birth and a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public to express milk. This provision does not require the Town to compensate an employee receiving reasonable break time to express milk for any work time spent for such purposes.

8.17 Sick and Vacation Leave Donations for Catastrophic Illness

In rare cases of catastrophic medical conditions that cause an employee to exhaust all accrued leave, employees may assist by volunteering to donate vacation or Sick Leave. Catastrophic medical conditions include any serious injury and illness which preclude an employee from returning to work for an extended period of time. In most cases, donated leave is limited to 480 hours.

Transfer of Donated Leave

Hours of catastrophic leave transferred shall be calculated by multiplying the number of hours donated by the donor's hourly salary and dividing that total by the recipient's hourly salary.

For example: An employee whose hourly salary is \$20.00 donates ten (10) hours of leave to an employee whose hourly salary is \$10.00. To calculate the leave transferred, multiply \$20.00/hour x hours donated = \$200.00 divided by \$10.00 (recipient's hourly salary) = twenty (20) hours of catastrophic leave for the recipient.

Donors

Donation is voluntary. It is unacceptable to pressure any employee to take part in leave donation. An employee may donate, as long as it will not bring their sick or vacation under 40 hours of accrued time respectively. The minimum donation is four (4) hours.

The Recipient

The recipient of donated leave cannot convert the donated leave into cash. Leave donated will be added to the recipient's Sick Leave balance limiting its use for sickness only. The recipient must use all vacation and Sick Leave as they accrue it, before donated leave may be used. Upon return to work, the recipient will be allowed to retain up to forty (40) hours in their Sick Leave account. Banked leave over forty (40) hours will be returned to donors on a pro-rated basis. If the recipient leaves employment with The Town, left over donated leave will be credited back to the donors, on a pro-rated basis.

8.18 Administrative Leave with Pay

Authorization for Administrative Leave with Pay

A Town employee may be placed on Administrative Leave with pay when the supervisor, the Mayor, or Town Administrator determines that it is in the best interest of the Town and/or the Town employee.

Administrative leave is to be used only, as described below, or when there is any other indication that the employee should appropriately be removed from service. In cases where the interest of the safety to the public or other employees precludes prior authorization by the Mayor or Town Administrator, a Department Head shall have the authority to immediately remove a Town employee from duty. In such cases, the Department Head shall promptly prepare a formal request to have the employee placed on administrative leave as described below.

Compensation and Benefits

Town employees placed on Administrative Leave shall receive regular pay and other benefits they would normally be entitled to.

Appropriate Reasons for Paid Administrative Leave

Appropriate reasons to request the use of Administrative Leave include:

- Cases involving violence, disruptive behavior, and or potentially criminal conduct which affects or is connected with the employee's position or duties, or serious medical or psychological problems which render the employee unable to perform assigned duties.
- When there are questions regarding the employee's integrity and/or conduct that are sufficiently serious that the Mayor or Town Administrator deems it appropriate and is in the best interest of the Town to remove the employee from work; until, the issue is resolved.
- When an employee is, or is potentially, a danger to himself/herself or disruptive in the workplace and immediate removal from the workplace is warranted.

8.19 Unpaid Leave

Available Vacation and Sick leave must be utilized for absences. Unpaid time off for non-protected leave situations will not be approved without express permission, in writing, to Human Resources and must be approved by the Town Administrator. Unpaid time off will be approved for protected leave in accordance with the law, such as; Jury Duty, Military Leave, FMLA, Disaster and Emergency Services Leave and/or Domestic Abuse/Sexual Violence Leave.

Unpaid Leave may be required, at the Town's discretion, for other extenuating circumstances such as; suspensions, during investigation, for disciplinary issues, and health/safety concerns.

[Return To Table of Contents](#)

Article 9: Benefits

9.1 Benefits Package

The Town offers a competitive package to eligible employees. The summary plan descriptions, eligibility, applications and other benefits information can be obtained in the Human Resources office. The benefits are subject to change, at any time, for any reason, at the discretion of the Town. In most cases, employees will be responsible for paying a portion of the premium along with the premiums of dependents. These deductions will typically be made by payroll deduction.

Some of the benefits that the Town offers to eligible employees are as follows:

- Health Insurance
- Employee Assistance Program
- Dental Insurance
- Life Insurance
- Retirement Plan
- Voluntary Benefits
 - Short Term Disability
 - Long Term Disability
 - Life Insurance
 - Vision Plan
 - Payroll deductions for *True Connect* Employee Loan Program

9.2 Workers Compensation

On-the-job injuries are covered by our Workers' Compensation insurance policy. This insurance is provided at no cost to the employee. If you are injured on the job, no matter how slightly, report the incident immediately to your supervisor/director. The supervisor/director must notify Human Resources immediately so that the required paperwork can be filled out and submitted. Any employee who receives treatment for a work-related injury may be subject to post-accident drug and alcohol screening, if required by the Town's insurance or if reasonable suspicion exists. Workers Compensation benefits may be reduced if the use of drugs or alcohol contributed to a workplace injury.

If an accident requires medical treatment, the injured employee may select their own healthcare provider. In the event of a serious accident, you should always call 911 and/or go to the nearest hospital. The Town requires a formal written doctor's certification authorizing the employee's return to work.

[Return to Table of Contents](#)

Article 10: Termination of Employment

10.1 Resignation

We ask that employees provide 2 weeks' notice of resignation. If you resign, you will receive your final paycheck on your next scheduled payday.

10.2 Discharge

In the case of an involuntary termination, you will be paid as specified by law. In New Mexico, you will receive your final paycheck within 5 days and commissions within 10 days of termination.

10.3 Town Property Return

You must return all Town equipment, such as: keys, badges, town records, credit cards, laptops, vehicles and any other property belonging to the Town on your last day of employment. The cost of any property not returned, or returned in poor condition, will be deducted from your final paycheck.

10.4 Payment of Vacation and Sick Leave upon Termination

Please see the Vacation and Sick Leave policies for details about leave payout upon termination.

10.5 Layoff

A layoff occurs when employment is involuntarily terminated due to; lack of work, position elimination or lack of funds. The Mayor, Town Administrator, supervisor/director and Human Resources will all give prior approval regarding any layoffs. This policy only applies to full time employees who have concluded their probationary period. The Town will make every effort to transfer the employee to another position, if there is one available that they are qualified for. An employee who has been laid off will be terminated one year from the effective layoff, if they have not been reemployed. While in layoff status, the employee may continue health insurance coverage, at full cost to themselves.

Layoff will be made in the following order:

- 1.) Job performance
- 2.) Seniority (department, position, Town) may also be taken into consideration

Employees will receive written notice of layoff, in accordance with the law.

Employees will be reemployed in reverse order, those who were let go last, will be rehired first.

10.6 Exit Interviews

Upon separation of employment, the Town will conduct an exit interview in order to discuss your employment experience at the Town. This interview provides a valuable opportunity to communicate important information to the Town about any Town strengths, problems encountered, and suggestions for future operations. The exit interviews are conducted by Human Resources and the results of the exit interview will be shared with the Town's Management.

10.7 Health Insurance Continuation

In accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), upon termination of employment, or other loss of eligibility to remain covered under our health insurance

program, you and your eligible dependents may have the right to continue coverage under our group health insurance plan. This continuation is for a limited period of time and at full expense to the employee. If eligible, you will be contacted by our administrator.

10.8 Unemployment Compensation

Upon separation from employment, you may be entitled to unemployment insurance benefits if your employment is terminated due to ***no*** fault of your own. Information about unemployment insurance can be obtained from the New Mexico Workforce Solutions office or your local unemployment agency.

[Return to Table of Contents](#)

Receipt and Acknowledgement of the Town of Bernalillo Rules and Regulations

The Town of Bernalillo Rules and Regulations are an important document to help you become acquainted with employment at the Town of Bernalillo. The contents of these rules and regulations may be changed at any time at the discretion of the Governing Body and/or Town Administrator.

Please read the following statements and sign below to indicate your receipt and acknowledgement of the Town of Bernalillo Rules and Regulations.

- I have accessed, online or by hard copy, and read the Town of Bernalillo Rules and Regulations. I understand that the rules and regulations described in it are subject to change at the sole discretion of the Governing Board and/or the Town Administrator.
- I further understand that if I am considered an at-will employee, my employment is terminable at will either by myself or by the Town of Bernalillo and that the continuation of my employment is discretionary with the Town of Bernalillo.
- I have read and understand the Leave Policy in these Employee Rules and Regulations.
- I understand that I am responsible for ensuring that I am aware of any changes to these Employee Rules and Regulation by referring to its contents and keeping abreast of the most up to date version.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Employee Rules and Regulations, **amended November 25, 2019** and that supersede any previous versions. I agree to abide by all the contents therein.

Print Employee's Name

Employee Signature

Date

cc: Official Personnel File