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COLFAX COUNTY

PERSONNEL ORDINANCE # 92-1

Management of Colfax County

These personnel regulations are adopted as an ordinance of Colfax County under Section 4-37-1, NMSA 1978. Colfax County, and or its Department Heads, reserves exclusive right over hiring and discharge of employees of the County, under the regulations herein provided.

Approved this 4 day of February, 1992


OK Bernard
Chairman

Joe M. Gallegos
Member

Arvil B. Hunter
Member

Stella M. Lopez
Clerk of the Board

COLFAX COUNTY, COLFAX COUNTY

New Mexico

Personnel Policy & Procedures

INTRODUCTION: The purpose of the policy and procedure contained herein is to establish consistent, basic policy and procedure concerning relations between the County of Colfax, its' Elected Officials, and its' employees.

Formulation of definite policy and procedure cannot be readily applied to every possible problem and or situation. Nevertheless, it is believed that the policy and procedure contained herein will serve as a general basis and guide for the proper, efficient, and effective administration of personnel matters relating to the employees and Elected Officials of Colfax County, New Mexico.

The personnel policy and procedure contained herein replaces and supercedes all previously issued personnel policy and procedure applicable to the employees and Elected Officials of Colfax County, New Mexico.

The ordinance will become effective on the date the ordinance is approved, in open meeting, by the Colfax County Board of County Commissioners'. The ordinance will remain in effect until such time, the ordinance is amended or revised in open meeting by the Colfax County Board of County Commissioners.

Affirmative Action and Equal Employment Opportunity

Colfax County will provide increased opportunity participation in Colfax County affairs regardless of age, color, religion, creed, culture, philosophy, ethnic identity, national origin, sex, or economic status. Special efforts will be made to encourage participation on the part of youth, senior citizens, poor, minorities, women, native Americans and other traditional under-represented groups.

All persons having the authority to hire, discharge, transfer, or promote personnel shall support, without reservations, a non-discriminatory policy of hiring or transferring to any vacancy, any qualified applicant without regard to race, color, religion, national origin, age, sex, disadvantaged status, or handicap.

Colfax County will offer equal opportunity for employment or advancement of all qualified applicants and employees.

Severability

Declaration that any section, part or portion of the Ordinance is unconstitutional, in excess of authority, or otherwise void or ineffective shall not affect the remainder of the Ordinance.

Review Procedures

- I. A review committee, consisting of all elected officials affected by the policy, their First Deputies, and the County Manager, will review the ordinance annually. The review committee will, prior to the end of each calendar year, review the ordinance and make recommendations, for Revision to the Colfax County Board of County Commissioners at their first meeting to be held the first month of the following calendar year.

Definitions

EMPLOYER: Colfax County of the State of New Mexico.

EMPLOYEE: Any person employed by Colfax County.

- I. **Full Time Staff Employees:** A full time staff employee for the purpose of determining the applicable Personnel Policy and Procedure, will be defined as any person employed in a full time position and the position is included in the list below.

All Elected County Officials
First Deputy of All Elected County Official
Superintendent of County Roads and Road Foreman
County Manager
County Detention Center Administrator

- II. **Full Time Non-Staff Employee:** A full time non-staff employee for the purpose of determining the applicable Personnel Policy and Procedure, will be defined as any person employed in a position which requires 40 hours per week and the position is not included in the list of Full Time Staff Employees. Overtime pay will be paid to full time Non-Staff Employees. Overtime pay will be paid to full time Non-Staff Employees in accordance with wage and hour regulations.

- III. **Part Time Employee:** A person employed in a position which normally requires less than 35 hours per week.

- IV. **Temporary Employee:** A person employed by a department head, with the approval of the Colfax County Board of County Commissioners, for a full time position, which has been established for a specific project or group of assignments. Such assignments or project will be of a duration of one year or less.

- V. **Personal Date:** The date that the employee was employed by the County on a full time basis, this date will be used to compile all benefits.
- VI. **Exempt Positions:** First Deputies shall serve at the pleasure of the Elected Official. The Road Superintendent, the Road Foreman, Detention Center Administrator, and the County Manager shall serve at the pleasure of the County Commission. These employees are exempt from the personnel policy, with the exception of the policies relating to vacation, sick leave, jury duty, bereavement leave and paid holidays.

Personnel Records

- I. Colfax County Shall establish and maintain in the office of the County Manager, a personnel file of all active and inactive employees of Colfax County. The personnel file shall include but not be limited to the following.
 - A. Employment Application
 - B. Completed and signed W-4
 - C. Completed and signed authorizations for payroll deductions
 - D. Completed and signed waivers for insurance benefits
 - E. A Signed statement that the employee has been given a copy of the County Policy and Procedure Manual
 - F. Disciplinary reports
 - G. Pay increase or decrease authorizations signed by the appropriate department head
 - H. Completed medical history if required
 - I. Personnel performance and review forms
 - J. Proof of Citizenship

- II. Privacy of personnel files shall be respected under any and all applicable State or Federal Laws.

- III. Colfax County shall establish and maintain a performance system as part of the employees personnel file. The system will include but not be limited to: an annual employee conference and written review, as detailed in the Colfax County Personnel Review Procedure. Performance review and seniority shall be the basis for salary increases.

Employee Probation

- I. The probationary period for full time non-staff employees shall be six (6) months from the employees' personal date.
- II. Full time non-staff during the probationary period may be terminated for just cause at the discretion of the department head and without the right of the grievance or appeal.

- III. There is no probationary period for part-time or temporary employees. Part-time and temporary employees may be terminated without cause at any time.
- IV. Upon completion of the probationary period the department head will review with the employee, the employees job performance during the probationary period. Attention, during the interview, should be given to the employees strengths and areas of needed improvement. The employee review, upon completion, will be summarized and typed. The typed summary will be signed by the department head and the employee, a copy will be sent to the County Manager and placed in the employees personnel file. A review at the end of the probationary or a rating does not automatically qualify the employee for a salary increase.
- V. The probationary period shall be extended for any employees not meeting statutory requirements for employment, until such time as these requirements are met. e.g. New Mexico Law Enforcement Academy course qualification for Sheriff's Officers.

Employee Salaries

- I. By resolution, at the first meeting of each calendar year, the Colfax County Board of County Commissioners shall establish starting salaries for each department.
- II. First Deputy salaries shall be a minimum of 50% and a maximum of 85% of the elected officials salary. The starting salary of the First Deputy will depend on experience, ie., First Deputy, no experience, could start at 50% of the elected official salary.
- III. On implementation of this Personnel Policy each department head must submit a detailed job description, to the County Manager, for each position in their respective department. The job description should also indicate the individual currently holding the position. The job description will be part of the individual currently holding the position. The job description will be part of the individuals personnel file and incorporated into the performance review system.
- IV. Elected Official's salary increases shall be governed by New Mexico State Statutes.
- V. Office hours for all departments will be 40 working hours per week.
- VI. All benefits are for full time staff and non-staff employees only. Except the Workman's Compensation benefit shall be provided part-time and temporary employees.

Annual Leave

- I. Annual leave for full time Staff employees and full time non-staff employees will accrue at the rate indicated in the following table.

Length of Service	Accrued Day per Month
One year but less than 5 Yr.....	1 day per month
5 years but less than 10 Yr.....	1 1/4 days per month
10 years but less than 15 Yr.....	1 1/2 days per month
15 year or more.....	1 2/3 days per month

- II. Accrued annual leave may not be taken until the employee has successfully completed the probationary period.
- III. Annual leave may be accumulated from year to year up to a maximum thirty (30) days. Annual leave balances in excess of thirty days (30) as of December 31 of any calendar year will be lost. The employee or the employees estate will be paid for each day of unused annual leave at the time of the employees voluntary or involuntary termination, retirement, death, or total disability up to a maximum of thirty days (30) plus the number of days accrued and unused during the current calendar year. The employee or the employees estate will be compensated at the highest hourly rate of pay attained during their entire number of years of continuous service. The employee may elect to have his/her vacation pay paid in in a lump sum or pro-rated over the appropriate number of pay periods. The estate will be compensated in a lump sum. Lump sum payments will be paid in a manner to provide maximum net pay to the employee or the employees estate. The highest hourly rate will be determined by dividing the highest attained annual salary by 2,080 hours. Lump sum payments shall be made within ten (10) days from the date of the employees voluntary or involuntary termination, retirement, death or total disability.
- IV. An elected official of Colfax County will not forfeit and may carry forward any accrued annual leave that the official earned as a county employee prior to the assumption of office. However, the maximum amount of accrued vacation that may be carried forward is limited to thirty (30) days. An elected official will not accrue additional vacation during his or her term of office.
- V. An employee of the County who becomes an elected official of the County will have the option of carrying over their accrued annual leave, not to exceed 30 days, or being paid for their accrued annual leave. The employee or the employees estate will be compensated at the highest hourly rate of pay attained prior to becoming an elected official. The employee may elect to have his/her vacation pay paid in a lump sum or pro-rated over the appropriate number of pay periods. The estate will be compensated in a lump sum. Lump sum payments will be paid in a manner to provide maximum net pay to the employee or the employees estate. The highest hourly rate will be determined by dividing the highest attained annual salary by 2,080 hours. Lump sum payments shall be

made within ten (10) days from the date of the employees voluntary or involuntary termination, retirement, death or total disability.

Sick Leave

- I. Sick leave for full time staff employees and full time non-staff employees will accrue at the rate of one (1) day per month, and may be accrued up to a maximum of ninety (90) days.
- II. Absences in excess of the employees accrued sick leave will be charged against, first the employees accrued annual leave and secondly to leave of absence without pay.
- III. When an employee absents himself or herself from his or her work for a period of two (2) days without the consent of the employer for any reason other than proven illness or accident, may be discharged. If an employee is absent by reason of accident or illness the department head may request a doctor's slip.
- IV. The employee or employees estate will be paid for each day of unused sick leave at the time of the employees voluntary or involuntary termination, retirement, death, or total disability, up to a maximum of ninety (90) days. The employee may elect to have his/her sick pay paid in a lump sum or pro-rated over the appropriate number of pay periods. The estate will be compensated in a lump sum. Lump sum payments will be paid in a manner to provide maximum net pay to the employee or the employees estate. The employee or the employees estate will be compensated at the highest hourly rate of pay attained during their entire number of years of continuous service. The highest hourly rate will be determined by dividing the highest attained annual salary be 2,080 hours. Lump sum payments shall be made within ten (10) days from the date of the employees voluntary or involuntary termination, retirement, death or total disability.
- V. The employee will be charged for sick leave on the basis of the following schedule:
 - A. Absence from work up to 4 hours will be charged as one-half day.
 - B. Absence from work over 4 hours will be charged one full day.
- VI. An elected official of Colfax County will not forfeit and may carry forward any accrued sick leave, that the official earned as a county employee prior to the assumption of office. However, the maximum amount of accrued sick leave that may be carried forward is limited to ninety (90) days. An elected official will not accrue additional sick leave during his or her term of office.

Maternity Leave

- I. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement.
- II. The Employee on maternity leave will be paid to the extent of their accrued sick leave and accrued annual leave. Upon the expiration of the accrued sick and annual leave benefits, additional maternity leave without pay, may be granted by the department head, up to sixty (60) days, without prior permission of the Colfax County Commission.
- III. Pregnancy shall be reported by the employee to the employees department head as soon as the pregnancy is known, in order that the necessary staffing adjustments may be made.
- IV. After the sixth complete month of pregnancy the employee must provide the employees' department head with a medical certificate each month authorizing continuing work and type of work employee may perform.
- V. An employee that fails to return to work, on a full-time basis, at the end of the approved maternity leave/absence, will be considered to have voluntarily resigned, unless an additional leave of absence without pay has been approved by the employees' department head.
- VI. Maternity leave can not be granted by the department head in excess of sixty (60) days, without prior permission of the Colfax County Commissioners.

Bereavement Leave

- I. When death occurs in an employee's immediate family an employee upon request may be excused for up to five consecutive working days with pay. Immediate family to include only the following.
 Spouse
 Mother (Step-Mother)
 Father (Step-Father)
 Brother (Step-Brother)
 Sister (Step-Sister)
 Grandparent (Step-Grandparent)
 Children (Step-Children)
 Mother-In-Law (Step-Mother-In-Law)
 Father-In-Law (Step-Father-In-Law)
 Grandchild (Step-Grandchild)
- II. When death occurs to any member of an employees family, not listed above, the employee upon request, may be excused for up to three consecutive working days with pay; with written approval of the Employees Department Head.

III. At the discretion of the employees department head, an employee, in the case of the death of a friend, may be excused for one day with pay, with written approval of the employees department head.

Holidays

I. At the first meeting of each calendar year, the Board of Colfax County Commissioners will approve the schedule of holidays to be observed by the employees of Colfax County for that Calendar Year.

II. All full-time staff and full-time non-staff employees will be paid for these scheduled holidays. Part-time and temporary employees will not be paid for these holidays.

III. Additional holidays are at the discretion of the Colfax County Board of County Commissioners.

IV. If a holiday falls during an employees' annual leave or sick leave, the holiday will not count as a day of annual leave or sick leave.

V. All full-time staff and all full-time non-staff employees will be granted one personal day per year, to be taken by the employee on their birthday, or another day as agreed upon by the employee and his or her department head. Personal days may not be carried forward from year to year.

Leave of Absence

I. Leaves of absence may be approved by the employees department head up to sixty (60) days without Board of County Commissioners approval.

II. All leaves of absence will be without pay.

Jury Duty

I. An employee, when called for jury duty, and while serving on jury duty, will continue to be paid their normal wage.

II. Payments received by the employee from the Court for jury duty will be signed over to the County for deposit in the County General Fund.

Lay Off

An employee may be laid off, if the working force must be reduced or because of budget limitations. When this occurs, the employer must notify the affected employee as soon as possible in writing, and state the reason he or she was laid off. Seniority for the purpose of calculating and accruing employee benefits will be considered to be the total years service that the employee has with the County. Seniority for the purpose of a lay-off will be the employees years service within the department and not the employees years with the County.

County Business Travel

- I. County Business Travel must be approved by the employees department head.
- II. County Business Travel defined as, any travel required by the employee outside of the normal performance of the day to day requirements of the employees job description.
- III. County Business Travel shall be compensated in accordance with the Per Diem and Mileage Act of the State of New Mexico or as approved and adopted by the Board of Colfax County Commissioners.

Termination

Notice of termination must be in writing, and the notice of termination must clearly state the grounds or reasons for the employees dismissal. The dismissed employee must acknowledge the receipt of the notice of termination by signing and dating the original notice. A copy of the acknowledged notice of termination will be placed in the employees personnel file. In the event the terminated employee refuses to sign the notice of termination, the Department Head should ask a witness to sign the notice of termination in a manner that will verify that the terminated employee refused to sign the notice.

Full time staff or full time non-staff employees' covered by this Personnel Policy may be disciplined or discharged without just cause. The burden shall be on the employer or the department head to establish grounds for discharge.

An employee terminated may file a grievance in accordance with "Grievance Procedure" detailed in this Personnel Manual.

Employees who voluntarily resign their position will be expected two weeks advance notice of their intent to do so and to give the reason for their resignation.

Department heads or supervisors should counsel employees, and use letters of reprimand in dealing with unsatisfactory work performance. Letters of reprimand should be signed by the employee being reprimanded and a copy of the signed reprimand be placed in the employees personnel file. As an example the following statement could be typed at the bottom of the letter of reprimand.

"I Name: _____ acknowledge the above reprimand, and acknowledge that all matters were discussed with me by my department head. I further understand that this letter will become part of my personnel record.

Employee Signature

Witness

Date

However, in cases of flagrant violations an employee may be discharged immediately, and forfeit all accrued benefits. These cases of flagrant violations shall be decided by the affected department head in his discretion. Letters of reprimand may be given at anytime.

Military Leave

Leave for required military duty shall be governed by all applicable Federal Law and State Statutes. Extended active duty requested beyond that covered by Federal and State Statutes must have the approval of the Colfax County Board of County Commissioners.

Grievance Procedure

The terminated employee must file a notice of grievance by certified mail return receipt requested with the County Manager or the Chairman of the Board of County Commissioners, and the affected department head. The notice of grievance must be in writing and must be filed within five (5) working days of the notice of termination. Failure of the terminated employee to file a notice of grievance within the above prescribed procedure will result in the employee forfeiting his or her right to appeal the notice of termination, and the termination becomes final.

Upon the proper filing of a notice of grievance the County Manager or the Chairman of the Board of County Commissioners, will initiate the action necessary to select a Grievance Panel. The Grievance Panel will consist of three members as follows.

One County Commissioners not affected by the complaint selected by the Board of County Commissioners.

One Elected Department Head, not affected by the complaint, selected by the affected Department Head. Department Head defined as, the County Clerk, County Assessor, County Sheriff and the County Treasurer.

One full time County employee, not affected by the complaint, elected by secret ballot, by all full time County employees, at an employee meeting call for that purpose. The elected county employee, will serve for one year, unless affected by the complaint. If affected the alternate will serve for that panel only. The alternate, will be selected at the same time and the same manner as the elected employee. The employee election will take place the first month of each calander year.

The Grievance Panel will be chaired by the selected County Commissioner and meet within ten (10) working days of the filing of the written notice of grievance by the terminated employee and conduct a hearing on the termination and grievance. The terminated employee and the affected Department Head may be represented by counsel, may cross examine witnesses against them, and may introduce evidence and call witnesses in their behalf. The hearing may be continued or adjourned from time to time, however, final determination of the action to be taken to resolve the grievance must be made within thirty (30) working days from the date on which the grievance was filed. A termination shall be reversed only if entirely based upon arbitrary and capricious reasons, or if not sufficiently supported by evidence offered by the supervisor or Department Head in support of the termination. The panel shall decide by majority vote whether the termination be upheld, reversed, or lesser sanctions recommended. the panel decision shall be final.

Conflict of Interest

Willful or knowing violation of the Conflict of Interest statutes and nepotism statutes applicable to county employees shall be grounds for immediate dismissal.

RETIREE GROUP BASIC MEDICAL INSURANCE PROGRAM

This program was developed by the Colfax County Commission in an effort to improve benefits, promote longevity of employment and keep internal control of the program. Also, this program allows the County not to participate in the State Program which would cost each of you half percent (1/2%) of your annual income.

~~A~~ An outline of the qualifications, requirements, and regulations are detailed below.

- A. Definition of Retiree: An employee who retires after 25 or more years of service with Colfax County or who is retiring pursuant to the guidelines established by PERA and who has contributed to the Group Basic Medical Insurance Program for a minimum of three (3) years prior to retirement; This three (3) year period must be consecutive and consist of at least the last thirty-six (36) months immediately preceding retirement. The Group Medical Insurance Program participation clause will become effective July 1, 1995; Therefore, those employees retiring within the next three years, and those already retired and eligible to participate in the Group under Cobra regulations are excluded from the 3 year participation requirement.
- B. Group Basic Medical Insurance Program is defined as Basic Medical and shall not include life or dental programs. Participation in life only, voluntary life, dental only or life and dental does not constitute participation in the Group Basic Medical Insurance Program.
- C. Dependents of deceased retirees will be allowed to continue the basic medical coverage for up to thirty-six (36) months. The surviving dependents will be required to pay 100% of the premium. The decision to continue coverage by the surviving dependents must be made within thirty (30) days. After thirty-six (36) months or any time prior to the end of the thirty-six (36) months period the dependents may convert this plan into an individual plan with the Countys' insurance company or another company of their choice. This clause is in accordance with Federal Cobra Regulations.

D. Basic medical Premium contributions to the Basic Group Medical Program by Colfax County will be based on a two percent (2%) contribution for each year of service with Colfax County to a maximum not to exceed sixty (60) percent.

Example:

Employee A: 25 yrs. x 2 = 50% County Contribution

Employee B: 20 yrs. x 2 = 40% County Contribution

Rounding up or down will occur at the half year interval.

For Example:

Employee A worked 23 yrs. 5 months rounded down to 23 yrs.

Employee B worked 23 yrs. 6 months rounded up to 24 yrs.

The County contributions towards the Basic Medical Insurance Program will continue until the retiree reaches the age of sixty-five (65) or is deceased whichever is sooner. The retiree will reimburse Colfax County his/her portion of the contribution towards the Basic Medical Insurance Premium no later than the tenth (10th) of each month. If the retiree is deceased and the surviving dependent elects to continue the coverage, the dependent will reimburse Colfax County his/her portion of the premium no later than the tenth (10th) of each month. Failure of the retiree or the dependent to reimburse Colfax County for a period of two (2) consecutive months will result in the immediate cancellation of the Basic Medical Coverage.

All current Basic Medical Insurance coverage will remain the same as under the present plan booklet. Employees and retirees will be advised of any plan change.