

**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
PERSONNEL RULES AND REGULATIONS**

**ORDINANCE NO. 176
PERSONNEL ORDINANCE**

John H. Hooker, Mayor
Hank Rosoff, Administrator

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**STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE**

**PERSONNEL RULES AND REGULATION OF
THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 176**

AN ORDINANCE PROVIDING FOR AND PROMULGATING THE PERSONNEL RULES AND REGULATIONS FOR THE EMPLOYEES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES, THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, THAT THE ORDINANCE PROVIDING FOR AND PROMULGATING THE PERSONNEL RULES AND REGULATIONS FOR THE EMPLOYEES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE.(CHAPTER 21 OF THE CODIFIED ORDINANCE) IS HEREBY REPLACED AS FOLLOWS:

SECTION 1. TITLE AND SCOPE

This Ordinance may be known and cited as the "Personnel Ordinance" for the employees of the Village of Los Ranchos de Albuquerque.

The Personnel Ordinance applies to permanent employees, probationary employees, full-time employees, part-time employees, hourly employees (non-exempt employees), salaried employees (exempt and non-classified employees), temporary or seasonal employees, and on-call employees. Elected officials and those on professional service contracts shall not be covered by this Personnel Ordinance.

SECTION 2. PERSONNEL PRACTICES

A. Purpose

The Village of Los Ranchos assures its employees that it complies with all applicable Federal and State employment laws. These policies and procedures are prescribed to provide a personnel system which promotes efficiency in the conduct of public business and assures fair and impartial treatment of all applicants for employment and all employees of the Village pursuant to § 3-13-4, NMSA 1978. Personnel actions such as compensation, benefits, transfer, lay off, reinstatement, training, social and recreational programs will be administered in accordance with applicable Federal, State and Village laws and regulations. The Village will select individuals for employment and promotion who are best suited by training, ability, experience, demonstrated competence and interest in performing the responsibilities of each position.

The Village of Los Ranchos de Albuquerque is an Equal Employment Opportunity employer. It is our policy to provide equal employment opportunity to all qualified persons, consistent with Federal,

State, and Municipal equal employment opportunity law. This policy shall apply to all phases of the employment relationship, including the hiring, upgrading, promoting, transferring, laying off, terminating, compensating, and recruiting of personnel. Any employee found to have acted in violation of the foregoing policy shall be subject to appropriate corrective disciplinary action.

All complaints of discrimination or harassment in violation of our Equal Employment Opportunity Policy should be made in writing and be directed to the Administrator or Mayor.

B. Nepotism

It shall be unlawful for any person elected or appointed to any public office or position within the Village of Los Ranchos de Albuquerque to employ as a clerk, deputy or assistant, persons related by consanguinity or affinity within the third degree to the person giving such employment in such office or position, whose compensation is to be paid out of public funds, unless such employment shall first be approved by the Board of Trustees, whose duty it is to approve the bond of the person giving such employment, provided that the compensation of such clerk, deputy or assistant shall be at the rate of \$600 or less a year. (See §§10-1-10, 10-1-11 N.M.S.A. 1978)

No employee shall be supervised by an employee's parent, child, spouse, sibling, grandparent, aunt, uncle, and like relations of the employee's spouse. This section shall not apply in any instance where a change of incumbent in an elective office results in an employment relationship that would otherwise be prohibited. This policy shall not apply to volunteers in the Fire Department.

SECTION 3. AUTHORITY FOR ADMINISTRATION

The Mayor or his/her designee shall:

- A) Develop, maintain, and apply procedures for the recruitment, compensation, promotion, training, discipline and related aspects of personnel management for all personnel under the Village's jurisdiction
- B) Maintain the classification and pay plans for the Village
- C) Recommend to the Board of Trustees such new or revised personnel rules as are deemed necessary and desirable
- D) Delegate to the Personnel Director the responsibilities and authorities as are deemed necessary for successful administration of the personnel program.

The Personnel Officer for the Village of Los Ranchos de Albuquerque shall be the Village Clerk until such time as the Board of Trustees designates another person to act in that capacity. The Personnel Officer will:

- A) Maintain all employee records
- B) Prepare I-9 forms

- C) Perform other tasks as designated in this ordinance.

The Personnel Director for the Village of Los Ranchos de Albuquerque shall be the Village Administrator until such time as the Board of Trustees designates another person to act in that capacity. The Personnel Director will:

- A) Make position classification studies of individual positions as needed, or upon request by the Mayor.

SECTION 4. CLASSIFICATION AND PAY PLAN

All positions within the Village shall be designated either Non-classified or Classified. Only classified employees are given the grievance rights set forth herein. Individuals employed in positions designated Non-classified are employees who may be discharged by the Mayor at any time, with or without cause [§ 3-11-6 D (1), (2), (3) N.M.S.A. 1978] subject to review by the Board of Trustees. Non-classified positions include the Village Clerk and Village Treasurer (§§ 3-12-4, 3-13-4 N.M.S.A. 1978), Village Administrator, Fire Chief and any other positions designated as non-classified at the time of employment. All other positions are designated classified positions.

There are three types of classified employees who have completed their probationary period defined as follows:

- A. **Full-Time Regular Position** - a position established with the expectation of indefinite continuity which requires performance of forty (40) hours or more of work per week. This includes both classified and non-classified employees.
- B. **Part-Time Regular Position** - a position established with the expectation of indefinite continuity, which requires performance of at least twenty (20) hours of work per week, but less than forty (40) hours per week. Part-time regular employees are eligible to accrue leave but must be budgeted for thirty (30) hours per week to be eligible for group health insurance under the Village plan.
- C. **On-call** - a position established with no guarantee of hours or specified period of employment. On-call positions provide relief or staffing as needed. On-call employees are not eligible for employee benefits.

A classified employee who has completed the probationary period cannot be removed from a position without just cause and has the right to file a grievance. A classified employee who has been dismissed by the Mayor may appeal to the Board of Trustees for review of the Mayor's action, provided that employee has successfully completed the probationary period.

Temporary or Seasonal Employees are classified employees appointed to a full or part-time position for a period less than nine months or those who work less than twenty (20) hours per week. A temporary or seasonal employee has no right to appeal dismissal and is not eligible for employee benefits.

Probationary employees are classified employees appointed to a regular position who have not completed a one-year probationary period. A probationary employee has no right to appeal dismissal. Annual and sick leave will be accrued by the employee during his/her probationary period.

The employment date of all municipal employees for the computation of FICA deductions, worker's compensation, and any other benefits provided, shall be the employee's first day of work

Each position shall be described by a Job Description which includes the title, essential job functions, and qualifications applicable to the job duties. The Mayor or designee shall maintain and publish the Classification/Compensation Plan reflecting each position. The basic pay range is established by the Mayor and approved by the Board of Trustees. Pay ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing employee incentive for growth and improved performance, and in rewarding employees for meritorious service. Each pay range will consist of a minimum and maximum pay rate. The minimum rate is the least that may be paid to any employee in a position assigned to the range. The maximum is the most that may be paid to any employee. A pay rate within the range shall be the base pay for any employee in a position assigned to the range of regular hours, exclusive of employee benefits, overtime, or reimbursement for travel or other forms of remuneration as approved by the Mayor. The Mayor may, from time to time, as he/she deems it appropriate, recommend to the Board of Trustees to revise or amend (increase or decrease) the pay plan for the Village as a whole in keeping with current trends including cost of living, inflation, area economy or municipal appropriations.

Whenever a new position is established, the supervisor shall submit a written job description detailing the essential job functions of the position. The Personnel Director or Administrator shall investigate the actual or proposed duties and recommend a position classification, job description, and pay range for the position to the Mayor for approval. The Mayor shall submit the position classification, job description, and pay range to the Board of Trustees for approval.

Supervisors shall notify the Personnel Director or Administrator promptly, in writing of each recommended permanent change of duties, responsibilities, or work assignments for positions under their supervision. Job descriptions will be reviewed on an annual basis for accuracy. Employees who consider their position improperly classified shall submit a written request for review to their supervisor. Recommendations for reclassification shall be reviewed by the applicable supervisor and submitted with a recommendation to the Personnel Director or Administrator for approval by the Mayor. If the reclassification is determined to not be justified and is denied, the employee will be informed promptly in writing through the chain of command. If the reclassification is determined to be justified the reclassification and proposed pay range will be submitted by the Mayor to the Board of Trustees for approval.

SECTION 5. RECRUITMENT AND SELECTION

When a vacancy occurs and the supervisor/department head wishes to fill the vacancy, he or she shall provide the Personnel Director with a notification containing the title of the position, the location and hours of the work and any special requirements of the position.

All vacancy notifications for transfer or promotion, for which there are eligible Village employees, shall be posted on specified Village bulletin boards by the Personnel Officer. Applications from non-employees will be considered following the in-house posting procedure.

A. Probationary Period

All new classified employees hired to fill a permanent position and employees promoted into new positions shall serve a probation period. All classified employees hired in the Village of Los Ranchos de Albuquerque shall serve a one-year probationary period. This period may be extended for an additional ninety (90) days by the Mayor based on unsatisfactory performance. During this period, the employee's performance will be evaluated in written form. If the employee's performance remains unsatisfactory, in the sole discretion of the Mayor, he/she may be terminated at any time while on probation and shall have no right of grievance or appeal of the termination. Upon submission of a satisfactory job performance evaluation from the Supervisor/Department Head to the Personnel Director at the end of the employee's probationary period, classified employees will obtain permanent status.

SECTION 6. DRESS AND APPEARANCE

In performing their duties and in their many contacts with residents and visitors, Village employees should be continuously aware that the impression of Village government that the public forms is based upon their manner, appearance, speech, and conduct. Consequently, Village government is dependent upon standards of reliability, integrity, industriousness, helpfulness, courtesy, efficiency, patience, grooming, dress, and language that are appropriate to the work situation and are acceptable to the majority of the community.

SECTION 7. CONDITION OF EMPLOYMENT—EMPLOYEE RIGHTS

A. Sexual Harassment Policy

It is the policy of the Village of Los Ranchos de Albuquerque to maintain a working environment free of all forms of illegal harassment or intimidation. Ethnic, racial, sexual or religious remarks, or animosity will not be tolerated. Unwelcome sexual advances or requests for sexual favors or other such conduct does not belong in the workplace. Harassment of employees or of applicants by other employees is prohibited. Harassment includes, without limitation, verbal harassment (assault, physical interference with normal work or involvement), visual harassment (posters, cartoons, drawings), and innuendo. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are serious violations of our policy and will not be condoned or permitted. Not only is sexual harassment a violation of our policy, but it may also violate Title VII of the Civil Rights Act. Any employee who is subject to harassment or intimidation should immediately contact their immediate supervisor in writing.

The Village of Los Ranchos is committed to the establishment of a complaint procedure that is fair and confidential to all persons involved; that protects employees against retaliation for the filing of a complaint, testifying as a witness to a complaint, or responding to a complaint of sexual harassment and that provides a safe and harassment free environment. If the complaint involves an employee's

Immediate supervisor, employees are authorized to file their complaint with someone of higher authority in the Village of Los Ranchos de Albuquerque. Complaints of illegal harassment against the Mayor shall be presented to the Village Attorney. All complaints of harassment will be promptly investigated. Any employee who violates this policy will be subject to appropriate disciplinary action, up to dismissal of employment. All employees who make a complaint of illegal harassment and all employees who participate in the investigation of such complaints shall not communicate any information concerning the complaint or investigation to any person who is not involved in receiving the complaint or making the investigation. Failure to keep such information confidential is grounds for immediate termination.

A copy of the complaint and all relevant documents will be kept on file and made available to the complaining employee upon request. Nothing in this procedure shall prohibit the employee from reporting the incident to an Elected Official of the Village, the Personnel Director, the Administrator or the Village Attorney directly.

The person designated to do the investigation shall meet immediately with the person against whom the complaint has been made. The purpose of the meeting will be to investigate the matter, and if necessary, take prompt corrective action. The investigation shall be completely confidential. Discipline, if imposed, will depend upon a determination of improper activity.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

B. Relief Periods

Each employee may be allowed a break of no more than fifteen (15) minutes (including travel time) twice a day as authorized by the supervisor. Relief time shall be taken only after having been on the job for a minimum of two (2) hours, unless otherwise approved by the supervisor. Relief time cannot be accumulated for other purposes such as vacation, compensatory time off, or as a means of leaving the job early. Abuse of relief time is grounds for disciplinary action.

C. Meal Time

A Village employee shall be entitled to time off to eat during each work shift, to be scheduled by the supervisor. Such meal time for employees other than firefighters shall be unpaid time unless the employee is required to remain at the work site, in which case the Village Administrator, or designee, may authorize a meal period as part of time worked.

D. Outside Employment

Employment by the Village shall constitute the primary employment for all full-time employees. A Village employee may not engage in outside employment or business enterprise unless written approval has been obtained from the Mayor. Full-time employees may engage in off-duty employment with prior approval of the Mayor subject to the following limitations:

1. The secondary employment shall not interfere with Village employment and will not exceed twenty-four (24) hours a week.
2. The employee shall submit a written request specifying the kind and hours of work for the Mayor or Administrator's approval before engaging in such employment.
3. Approval may be withheld if it appears that the other employment might:
 - (a) Physically or mentally exhaust the employee to the point where Village work is affected;
 - (b) Create a possible conflict of interest for the employee between the other employment and Village employment.

Certain types of outside employment may be denied to certain employees because of a potential conflict of interest or because of potential damage of public trust of the Village.

E. Voting Time

A Village employee who is registered to vote shall be granted this privilege in accordance with State law.

SECTION 8. POLITICAL PARTICIPATION

No Village employee shall campaign, distribute literature, or solicit political contributions for anyone while on the job. No Village employee shall prohibit the right of another employee to have and express a personal choice of political commitment. No Village employee shall be expected, required or coerced to contribute to any campaign. No Village employee shall represent or allow himself/herself to be inferred as officially representing the Village at any political meeting or in any political capacity. No one shall prohibit any Village employee from voting or exercising his or her political rights as a private citizen during non-working hours. A Village employee who chooses to run for public office shall take vacation leave or leave without pay during the campaign period. An employee elected to a Village post shall terminate his or her employment with the Village upon taking their oath of office for their elected position.

SECTION 9. POSITIONS INELIGIBLE FOR OVERTIME & COMPENSATORY ABSENCES

Certain positions are designated as salaried positions on the basis of administrative, executive or professional duties performed. Such positions are considered exempt employees.

Exempt employees generally accomplish their work within the regular workweek. When necessary, they may adjust their schedule to accommodate the requirements of the job. However, it is recognized that in time of peak work load, an individual's schedule may not be flexible enough to accommodate the demands of the job within the usual work week. In recognition of these situations,

exempt employees shall accrue "personal administrative leave (PAL)" hours in lieu of all other compensation for their extended work schedule.

PAL hours will be credited to the employee at a rate of eight hours per month, not to exceed 96 hours per year. PAL time accrual for new employees will be credited a full eight hours for the month the employee is hired.

Requests for use of PAL hours shall be in the same manner as the use of vacation.

On December 31 of each calendar year, any outstanding PAL hours will be converted to sick leave hours at a rate of six-to-one. In other words, six hours of PAL time shall be converted to one hour of sick leave. Upon termination, unused PAL hours shall be forfeited.

In cases where a position requires overtime of a significant nature, the Administrator may authorize additional PAL hours. The Mayor may authorize the Administrator additional PAL hours.

SECTION 10. WORK SAFETY

It is the official policy of the Village of Los Ranchos that no job is so important and no service so urgent that time cannot be taken to perform work safely.

Negligence or failure to follow safety rules and regulations are grounds for disciplinary action.

SECTION 11. PERSONNEL RECORD AND RECORD CHANGES

Each employee may examine his/her own permanent personnel record at any reasonable time during established office hours. The Village is not obligated to provide a copy of an individual's personnel file, either during the course of employment or following separation.

Employees will be provided a copy of all personnel actions which affect their employment status at the time of the action and may request a copy of their performance evaluation for their personal records.

Employees are encouraged to notify the Personnel Officer of additional skills and training which they have acquired since employment and to update dependent, beneficiary and similar benefit information changes as they occur. Record changes such as address and phone numbers should also be made with the Personnel Officer.

Personnel records, though public, are not all subject to public inspection; however, such records may be inspected with the written permission of the employee. Supervisors within the employee's chain of command may inspect the employee's record without the employee's permission.

SECTION 12. EMPLOYMENT PAY AND PERFORMANCE EVALUATION

A pay period consists of two (2) calendar weeks from Sunday midnight to Sunday midnight. Paychecks will be issued every other Friday following the end of a pay period and will be distributed

to employees. When the payday falls on an approved Village holiday, the checks will be issued the day before the holiday. Employees shall be paid biweekly.

Overtime may be required in Village operations. Any employee, except those designated by the Mayor to be exempt or non-classified, who is authorized and required to work in excess of the normal work week shall be compensated for such excess time at one and one-half (1½) times their hourly rate unless otherwise specified in the Fair Labor Standards Act (FLSA). Employees engaged in fire protection activities with fourteen (14) consecutive-day work periods are entitled to one and one-half times (1½) their regular rate of pay if they work excess hours. For fire protection employees, overtime must be paid for hours worked beyond 106 during the 14-day work period (29 CFR § 553.230). The normal work week for other non-exempt employees is forty (40) hours.

Overtime compensation shall be by paid overtime unless the employee elects in advance to receive compensatory time in lieu of paid overtime, excluding the fire protection personnel. Such compensatory time shall be accrued at time and one-half (1½). Any hours over the one hundred six (106) hours will be accrued at time and one-half (1½). Compensatory time can be accumulated to a maximum limit of forty (40) hours. If compensatory time cannot be taken within one hundred eighty (180) days of accrual, then the employee shall be paid for compensatory time. Work in excess of the standard assigned hours and final overtime payment must be authorized by the Department Head or Administrator subject to approval of the Mayor. Overtime is calculated for time actually worked. Paid time off and unpaid time off are not "hours worked" for purposes of computing overtime.

Eligibility for salary increases, leave accrual, and similar provisions specified in these policies and procedures shall be based upon the requirement of continuous service. In calculating such service, leaves of absence with pay and leaves without pay for thirty (30) days or less do not constitute breaks in service and are creditable time. Leaves without pay of more than thirty (30) days or unauthorized absences are breaks in service and are not creditable time. A break in employment caused by a lay-off, resignation or other termination is not creditable service.

Village employees required to travel on Village business will be reimbursed for expenses within limits described in the State's traveling expense regulations.

A. Performance Evaluations

The overall work performance of each regular employee shall be evaluated in writing as follows:

- 1) Annually
- 2) At other times as deemed appropriate by the Mayor
- 3) Upon the transfer to another position in another department
- 4) Upon change of supervisor when at least six (6) months have elapsed since the last evaluation.

B. Purpose of Annual Performance Evaluation

The Performance evaluation provides an opportunity for the employee to learn how the supervisor rates the employee's performance. It allows for recognizing accomplishments, identifying weaknesses, setting performance standards and goals, and planning together for improvement.

C. Annual Performance Evaluation Procedure

The Personnel Officer will initiate the probationary review and subsequent annual performance evaluations by sending notification to the supervisor approximately thirty (30) days prior to the employee's performance review date. The supervisor will prepare the written evaluation, rating the individual on the basis of established duties, responsibilities and requirements. The evaluation will be based upon the entire rating period. Recent events shall not receive undue consideration, nor shall singular or unusual circumstances such as reprimands, commendations, or other dramatic happenings. The supervisor conducting the evaluation will discuss the rating with the employee. No supervisor shall rate an employee without full discussion with the employee. Signature by the employee shall indicate receipt and discussion of the evaluation. The employee may make written comments on the evaluation or submit a written response to the evaluation.

D. Unsatisfactory Evaluation

Satisfactory evaluations are not a guarantee of continued employment.

In the event a regular employee receives an overall evaluation of unsatisfactory, the employee shall be provided with written information in the evaluation as to specific areas of deficient performance and steps for improvement, and also shall be warned that failure to meet reasonable performance standards of the position within a set time period (not to exceed ninety (90) days) shall result in dismissal. An employee who receives an overall evaluation of unsatisfactory shall be reevaluated at anytime during the ninety (90) day period following the unsatisfactory evaluation, and, if performance remains unsatisfactory, shall be dismissed pursuant to the procedures in these rules.

E. Appeal Rights

A below average performance rating which the employee feels to be unjustified may be appealed. The appeals process must be initiated within two (2) weeks of the evaluation discussions.

Employees will be provided a copy of the performance evaluation for their personal records.

SECTION 13. PROMOTIONS, TRANSFERS, AND DEMOTIONS

A. Promotions

Qualified regular employees shall be considered to fill any vacant position in the Village's service over non-employee applicants, all qualifications being equal. Probationary employees shall not be considered for promotion until completion of the probationary period except with the approval of the Mayor.

B. Development Encouraged

The Village encourages employees to develop skills, attain greater knowledge of their work, and to make their qualifications for promotion to more responsible and difficult positions. Successful completion of in-service training by an employee shall be reported by the supervisor to the Personnel Officer, who shall record such completion in the employee's file. Employees are encouraged to report completion of outside training or the attainment of new or improved skills to the Personnel Officer for inclusion in their personnel files.

C. Pay on Promotion

Upon promotion, an employee shall receive a pay increase in accordance with the classification of the new position but in no case less than the minimum of the new pay grade. Such increase must be recommended in advance by the supervisor recommending the promotional position and approved by the Mayor. The Mayor shall submit the proposed pay schedule to the Board of Trustees for approval.

D. Demotion

An employee may be demoted from a position in one range to a vacant position in a lower range, provided the employee meets the qualifications of the new position and the employee:

- 1) Voluntarily requests such demotion
- 2) Would otherwise be laid off because of abolishment of the position, lack of work, or lack of funds
- 3) Is displaced by return of the former incumbent from authorized leave
- 4) Position has been reclassified to a lower grade
- 5) Has participated in a Pre-determination Hearing for which such recommendation has been made.

An employee who is demoted shall be paid at the rate in the new salary range as determined by the Village Administrator with approval of the Mayor to be the most appropriate under the circumstances of the demotion, but no higher than the rate before demotion.

SECTION 14. USE OF DRUGS AND ALCOHOL

Drug Policy Statement

The Village of Los Ranchos de Albuquerque will provide a drug-free work place for all employees.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol is prohibited in the Village of Los Ranchos de Albuquerque work place and is grounds for immediate dismissal.

The Village has adopted a formal policy on Drug and Alcohol Abuse with which each employee must consent. Refusal to consent to the policy is grounds for not hiring, or for not continuing employment.

SECTION 15. PROBLEM RESOLUTION

The Village of Los Ranchos encourages all employees to bring to their supervisor's attention and through the chain of command to management, ideas and suggestions that may improve Village service. Employees are encouraged to discuss specific ideas and suggestions with their supervisor. Likewise, the working relationship between the Village and its employees is intended to permit each individual the opportunity to achieve personal satisfaction and growth through his/her work.

The Village, however, recognizes that differences of opinion regarding working conditions or other matters will arise from time to time. Employees are encouraged to discuss freely any problem or complaint with their supervisor. Employees can expect and will receive fair and courteous consideration and a prompt reply.

Although most misunderstandings can and should be solved on an informal basis with the supervisor, more formal provisions have been made to resolve difficult problems (Section 16K, Grievance and Appeal Procedures).

SECTION 16. DISCIPLINE

Whenever an employee's performance, work habits or personal conduct is found unsatisfactory in the judgment of the employee's supervisor, his or her immediate supervisor shall inform the employee promptly and specifically of all such shortcomings. If the failure is not in a specific instance that requires immediate severe disciplinary action, a reasonable period for improvement will be allowed before initiating written disciplinary action. Minor infractions, in the first instance, will be handled by oral counseling. If appropriate and justified, a reasonable period for improvement will be allowed before initiating disciplinary action. In some instances, a specific incident may justify immediate disciplinary action, however, the action taken shall be based upon the seriousness of the incident and the employee's past performance and conduct.

A. Authority to Discipline

The Mayor, Village Administrator and immediate Supervisors have the authority to discipline employees under their direct or indirect supervision.

B. Causes For Discipline

Village employees subject to these rules or any departmental regulations duly promulgated may be disciplined for cause. Cause for disciplinary action includes acts involving unsatisfactory work performance or conduct which would prejudice the public interest including but not limited to:

- 1) Misconduct on the job
- 2) Carelessness or negligence in the performance of duty, including the operation of Village vehicles and equipment
- 3) Failure to meet prescribed standards of work
- 4) Failure to follow instructions or directives
- 5) Violations of the safety manual or accepted safety practices.
- 6) Unauthorized or excessive absences (including late arrival or early departure) from work
- 7) Violation of the drug and alcohol policy
- 8) Acceptance of money, gifts, privileges, or other valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties
- 9) Use of official position or authority for personal profit or advantage
- 10) Theft, willful misuse, or destruction of Village, employee, or visitor property or money
- 11) Unauthorized or fraudulent manipulation of time records or other Village records
- 12) Conviction of a felony crime or DWI.
- 13) Violation of a professional code of ethics or professional responsibility
- 14) Insubordination, lack of cooperation or failure to comply with the lawful orders of a supervisor, including refusal to work overtime
- 15) Disclosure of confidential information from Village records or documents to any unauthorized source
- 16) Disorderly, immoral, or indecent conduct
- 17) Use of profane or abusive language
- 18) Falsification, destruction, or unauthorized use of Village records, reports or other data belonging to the Village for any purpose, including initial employment application.

- 19) Distribution of literature, vending, soliciting or collecting contributions in Village offices and public areas without prior authorization of the Mayor
- 20) Sexual harassment
- 21) Other acts, omissions, or conduct including lies or otherwise presenting misleading information that adversely affects the welfare of citizens, other employees, or the effective operation of the Village.

C. Forms of Disciplinary Action

- 1) Oral counseling
- 2) Documented reprimand – oral or written
- 3) Disciplinary Probation
- 4) Suspension from duty without pay for a period not to exceed 30 working days
- 5) Dismissal

D. Oral Reprimand

An oral reprimand is used for minor infractions such as informing the employee that his/her behavior and/or conduct needs to be changed. Supervisors will keep written notations of the specifics of an oral reprimand, and the oral reprimand will be noted in the employee's personnel file. Causes of oral reprimands include, but are not limited to:

- 1) Substandard work performance
- 2) Unauthorized absence or tardiness.

E. Written Reprimand

An employee shall receive a written reprimand if the deficiency or infraction is of a greater degree than that for which an oral reprimand was used or if an oral reminder was not effective.

Written reprimands for an employee's work performance or conduct shall be placed in the employee's personnel file by his supervisor after providing the employee with a copy of the statement. The reprimand shall include the following:

The dates on which the unacceptable performance occurred and a brief description of the incident(s):

A reference to the rule, directive or provision that was violated.

A statement of the disciplinary consequences if performance does not improve; and

The goals of improvement and a time frame for accomplishing those goals. The employee must sign an acknowledgement receipt of the reprimand. An employee's signature means only that the employee has received and read the reprimand.

If the employee refuses to sign, a witness (by his or her signature) must attest that the statement was presented to the employee for signature. The witness' signature indicates that the employee read the statement, but does not necessarily indicate concurrence with the reprimand. The employee may respond to the Personnel Director with a written statement which shall be placed in the employee's personnel file. The placement of a written reprimand in an employee's file is not grievable to a hearing officer.

F. Disciplinary Probation

A permanent employee whose work performance becomes less than satisfactory may be given a specific period of time for improvement not to exceed ninety (90) days. Any such period exceeding one (1) month shall be based on a performance evaluation or a written reprimand with the employee's acknowledgment and filed in the employee's personnel file. If the employee's performance improves to a satisfactory level, a new performance evaluation will be prepared by the supervisor, acknowledged by the employee, and filed in the employee's personnel record. A copy shall be given to the employee. If, however, the performance does not return to a satisfactory level by the end of the trial period, the employee shall be dismissed or otherwise disciplined with notification by the Mayor.

G. Suspension

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

- 1) The causes listed for written reprimands
- 2) Continued instances of poor performance
- 3) Negligent damage to property and/or injury to person(s).

H. Dismissal

An employee may be terminated after previous attempt(s) to correct the conduct, or in the case of conduct which is severe enough to preclude corrective action.

I. Relief from Duty

Any supervisor may relieve an employee from duty and order the employee to leave the work site, ~~but such order shall not constitute suspension or dismissal until such is approved following~~ completion of an investigation for the alleged violations. During the investigation, the employee may be placed on leave of absence with pay and notified of such action. The extent of leave shall be dependent upon the length of the investigation. Relief from duty may also be warranted for an employee accused of a serious crime, but not yet convicted. The Personnel Director will determine when such relief from duty is warranted by the circumstances of the accusation.

J. Notification of Disciplinary Action

A record of all disciplinary action shall be maintained in written form stating the cause for discipline and citing the specific elements upon which it is based. A copy of the written notice with the employee's acknowledgment shall be forwarded to the Personnel Officer who shall place it in the employee's personnel file. A copy of the action shall be given to the employee. In instances where an employee declines to sign such acknowledgment, the Personnel Officer shall verify by affixing his/her signature in the proper place on the notification, indicating that the employee received the disciplinary action notification. In the case of an oral warning, counseling or reprimand the occasion of such action shall be noted in the employee's personnel file indicating such action as was administered to the employee. It must be understood that prior to any intermediate or major disciplinary action being taken proper written documentation must be on file to support that action.

K. Grievance and Appeal Procedures

1) The procedure for presenting a grievance is as follows:

- (a) A grievance is a dispute or disagreement concerning the application and/ or interpretation of this Ordinance. Resolution of grievances is essential to the proper and efficient operation of the Village and all reasonable efforts shall be made to resolve all grievances in a timely manner. To that end, the Village will attempt to resolve all grievances at the lowest possible grievance step.
- (b) No employee who uses or participates in the grievance procedure shall be subjected to retaliation of any kind or nature for having participated in this procedure, nor shall he/she be threatened, intimidated or coerced in any manner, for having done so. The grievance procedure is a formal administrative procedure and not an adversarial action. Tape recorders or other electronic recording devices shall not be used by any party or representative participating in the grievance.
- (c) Grievances including grievance appeals and settlements shall be presented and maintained in writing. As a minimum, the grievance shall indicate the grievance as well as identify the event, the date and time of occurrence, the specific provision(s) of the Ordinance at issue, the remedy sought, and any witnesses to be requested by the grievant. All grievances and appeals shall be

signed by the grievant. The Village shall not be required to process any grievance or appeal that is not complete and signed by the grievant.

- (d) ~~Employees requested to appear by the Village as witnesses shall do so on paid status. Witnesses requested to appear by the grievant and not by the Village shall not be charged time off for such participation if it occurs on their regular scheduled work shift and shall not be on a paid status if it does not occur on their regular scheduled work shift.~~
- (e) The problem resolution procedure may not be utilized for actions previously addressed in a Pre-determination Hearing.
- (f) The grievant may withdraw the grievance at any time.
- (g) Grievances shall be submitted to the Village Administrator or in the event of conflict or absence, to the Mayor within 5 days of the occurrence of the event being grieved.
- (h) Greivances shall be answered as quickly as possible under the circumstances.

2) Conditions or Actions Which are Grievable:

- (a) Management actions questioned by the employee which result in the dismissal, demotion, or suspension of the employee for more than ten (10) working days
- (b) All other management actions complained of by the employee, which fall within the definition of grievance.

3) Hearing Officer

The Hearing Officer shall not be a resident of the Village of Los Ranchos de Albuquerque. The Hearing Officer has the authority to set hearings for grievances involving suspension, demotion or dismissal, determine issues of grievability, to render decisions, and to hear appeals. The Hearing Officer shall not have the authority to amend, modify, or arbitrate away any of the provisions of the Personnel Ordinance. The Hearing Officer shall confine himself /herself to the precise issues submitted.

4) Decisions of the Hearing Officer

The Hearing Officer shall prepare a written decision upholding, reversing or modifying the disciplinary action within thirty (30) calendar days after the conclusion of the hearing. The decision shall contain findings of fact and conclusions of law. The decision shall be served on the parties by certified United States mail, return receipt requested.

In the event that the Hearing Officer has reversed or modified the disciplinary action, the Hearing Officer shall have the authority only to award back wages and Village contributed benefits to the employee. In the event the Hearing Officer awards back wages, the employee shall provide the Village with a sworn statement of gross earnings and unemployment compensation since the effective date of the disciplinary action. The Village shall be able to offset earnings and unemployment compensations received during the period against the back wages awarded. After a written decision is issued, the Hearing Officer shall retain jurisdiction of the case for the sole purpose of resolving any disputes regarding back wages and Village contributed benefits.

If an employee is reinstated after his/her period of suspension, pay for the suspension period shall be granted if the grounds for suspension were found to be unreasonable, or of a nature which was not caused by the misconduct or neglect of duty by the employee. If the employee is reinstated pending correction of previous grounds for suspension, his/her salary will resume on the day he/she is reinstated.

Where an administrative or disciplinary action is reversed through the grievance appeal process, a copy of the reversal shall be made part of the employee's file.

5) Fees

The cost of the hearing officer's fees and cost for a hearing shall be paid by the Village.

SECTION 17. ADVERSE ACTION AFFECTING EMPLOYMENT STATUS

A. Definition of Adverse Action

Any recommended action that would affect the employment status of an employee adversely will be reviewed fully prior to imposing such action. Adverse action is defined as:

- 1) suspension without pay
- 2) demotion
- 3) dismissal.

B. Authority to Impose Adverse Action

In accordance with provision of sections 3-14-14 and 3-14-15, NMSA 1978, the Mayor is charged with the duty and responsibility of employing and discharging all employees. Accordingly, final decisions regarding recommendations of adverse action will be rendered by the Mayor.

C. Pre-determination Hearings

Upon recommendation of an action of adverse nature, the affected employee will be given the

opportunity to participate in a Pre-determination Hearing. The purpose of the hearing is to provide the employee with ample opportunity to present rebuttal to the recommended action consistent with the minimum standards of due process. Failure to participate in the hearing as procedurally set forth is a waiver and abandonment of all pre-determination rights after a final decision is rendered by the Pre-determination Hearing Officer.

D. Hearing Procedure

The Mayor will appoint a Pre-determination Hearing Officer and provide procedural instruction to the Pre-determination Hearing Officer. A copy of the recommendation package shall be provided to the employee at least five days in advance of the scheduled hearing. The Pre-determination Hearing Officer will make a recommendation to the Mayor and will be accompanied by a written overview of the hearing. A copy of the overview and recommendation will be provided to the employee. The employee may submit a written statement which will be included in the recommendation packet to the Mayor.

E. Final Decision

Upon receipt of the recommendation from the Hearing Officer, the Mayor will review all pertinent documents and, if necessary, the taped recording or transcript of the hearing and render a final decision within five (5) working days.

The Mayor may uphold, reject, or modify the recommendation. The decision of the Mayor is final and no further avenue of appeal is available.

SECTION 18. EMPLOYEE SEPARATION

A. Types of Separation

An employee may terminate employment with the Village for either voluntary or involuntary reasons. Resignation, job abandonment and retirement are voluntary separation. Death, disability retirement, lay off and dismissal are involuntary separation.

B. Return Of Village Property

At the time of termination for any reason and prior to final payment of employee's earnings, the employee (or the employee's survivor) shall return all records, uniforms, keys, badges, credit cards, computers and passwords, telephones, equipment, vehicles or other property of the Village in the employee's custody to the immediate supervisor. The departing employee (or survivor) shall execute a certificate that all such property known to be in the employee's custody has been returned. Where such property has been signed for by the employee, any shortage must be reimbursed to the Village as a lawful deduction from the employee's final paycheck.

C. Separation Pay

Regular employees who terminate in good standing shall receive payment for all earned wages (less deductions) for unused accrued annual leave, and, if eligible, sick leave conversion. Salaried (exempt and unclassified) employees will not receive payment on unused compensatory time upon termination. Probationary, temporary, or seasonal employees shall receive all wages earned (less deductions) but no annual leave pay. Final payment shall be no later than the fifth day after the employee's last day of work, provided the employee has returned all Village property.

D. Exit Interview

The supervisor will notify the Personnel Officer when they learn an employee is leaving. The Personnel Officer will be responsible for conducting exit interviews. The Personnel Officer will attempt to interview each regular employee prior to separation from Village employment, whether the separation is voluntary or involuntary. The results will be recorded and will become part of the existing employee file. Results of the interview will be forwarded to the Administrator and Mayor.

The purpose of the exit interview is to:

- 1) Help correct misinformation or modify negative attitudes which the employee may have developed about the Village government or Village employees
- 2) Provide information with regard to the continuation of benefits and offer assistance in ways that might be helpful to a departing employee
- 3) Provide insight into the effectiveness of Village personnel and managerial practices, to determine where supervisory or management practices need modification or improvement.

E. Resignation/Retirement

Any employee wishing to separate shall submit a written resignation or retirement as far in advance as possible, but at least two (2) weeks or ten (10) working days prior to the date it is to become effective. The statement will contain the effective date, reason for separation and signature. Failure of an employee to comply with this procedure may be deemed justifiable cause to deny him or her future employment with the Village of Los Ranchos de Albuquerque, as well as a poor employment reference. If an employee tenders an oral resignation or retirement, the supervisor shall immediately prepare a memorandum to the Personnel Officer stating the employee's separation, including the effective date and reason for the separation. A copy of the memorandum will be provided to the employee. Voluntary separation is considered a complete break in employment and service continuity. An employee may use accrued, unused vacation time instead of, or in conjunction with, termination notification. Upon receipt of a resignation/retirement submission in good standing, the Village, upon request of the supervisor/department head, with the approval of the Mayor, may elect to conclude applicants employment immediately by paying the employee for the two weeks notice given and all other accrued benefits as provided for in these policies and procedures.

F. Layoff

~~A layoff may occur when one or more positions must be discontinued or abolished because of lack of funds, lack of work, reorganization or change of duties. No permanent employee shall be laid off while there is a temporary, probationary, or provisional employee in any position for which the permanent employee is qualified. Permanent employees who must be laid off shall be notified in writing at least two (2) weeks prior to the effective date or shall be granted the equivalent severance pay. Applications of employees who are laid off shall, upon request, be added to the active file of candidates for employment.~~

G. Abandonment

An employee who is away from the job for two (2) days or more without authorized leave shall be considered to have voluntarily resigned not in good standing. Notice of termination shall be sent by a certified mail of mailing to the last known address of the employee along with notice of when the final paycheck will be available.

SECTION 19. EMPLOYEE BENEFITS

A. Holidays

It is the policy of the Village to insure that all regular full-time and part-time employees are provided ten (10) paid holidays per year. They include the following:

New Year's Day

Martin Luther King Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

For the convenience of operating the Village Offices, these full day holidays shall be observed as designated in the Holiday Schedule issued by the State Personnel Office for the State of New Mexico. Employees who are on any leave with pay on a designated holiday will be charged with holiday time rather than leave time. ~~An employee who is absent without approval on the work day preceding or following a holiday shall not be paid for the holiday.~~

Except for employees of the Village of Los Ranchos Fire Department, a regular non-exempt employee who fulfills an obligation to work on the day designated for observing a holiday shall, whenever possible, receive an alternate day off for the holiday. If the employee and the supervisor cannot schedule a compensatory holiday within two pay periods, the employee shall receive one additional hour of pay at the regular rate for each hour worked on the holiday, over and in addition to the regular or overtime pay, as applicable for the time worked. When applicable, overtime is paid to non-exempt employees for hours in excess of the standard work week only.

Regular non-exempt employees of the Village of Los Ranchos Fire Department who fulfill an obligation to work on the day designated for observing a holiday shall receive one additional hour of pay at the regular rate for each hour worked on the holiday, over and in addition to the regular or overtime pay, as applicable for the time worked.

B. Leave

Leave is any authorized absence, with or without pay, during regularly scheduled work hours, which is approved by proper authority. Unauthorized leave is subject to disciplinary action or dismissal. An employee granted a leave of absence for personal, educational, or medical reasons shall be allowed to maintain group health, life and dental insurance coverage during the period of leave granted, provided they pay the employee's portion of the premium. An employee on leave of absence who accepts other employment without first obtaining written permission from the Village will be automatically terminated.

Leave with pay shall be authorized prior to utilization for employees, in the following categories:

- 1) Annual leave (vacation)
- 2) Sick leave
- 3) Emergency leave
- 4) Military leave
- 5) Court leave
- 6) Official meetings
- 7) In-service training
- 8) Other events where the good of the Village services are involved

- 9) Short term educational leave
- 10) ~~Maternity/paternity leave and~~
- 11) Administrative leave.

Leave shall be granted in accordance with these policies on the basis of the work requirements of the Village and, whenever possible, the personal wishes of the employee. Requests for leave that are anticipated shall be requested sufficiently in advance to permit scheduling and work reassignment by the supervisor. Requests for leave for more than one (1) day shall be submitted in writing for approval by the department head, and submitted to the Personnel Director. If a conflict exists between leaves requested by two or more employees, seniority shall be the governing factor.

C. Annual Leave

Regular full-time employees will earn annual leave with pay at the rate of:

- 1) First through fifth year – eighty (80) hours per year
- 2) Sixth through tenth year – one hundred twenty (120) hours per year
- 3) Eleventh through fifteenth year – one hundred sixty (160) hours per year and
- 4) Sixteenth year and beyond – two hundred (200) hours per year.

Fire employees assigned to twenty-four (24) hour shifts will earn annual leave at the rate of:

- 1) First through fifth year -- one hundred six (106) hours per year
- 2) Sixth through tenth year -- one hundred fifty nine (159) hours per year
- 3) Eleventh through fifteenth year – two hundred twelve (212) hours per year and
- 4) Sixteenth year and beyond – two hundred sixty five (265) hours per year.

Part-time employees will accrue annual leave on a prorated basis. At least two (2) weeks notice must be given to an employee's supervisor for annual leave of more than five (5) consecutive days so vacation time may be scheduled. Employees may apply to take annual leave only up to twenty (20) working days in any four (4) month period. Time on paid leave is creditable time for leave accrual.

D. Sick Leave

Sick leave pay shall be provided to regular full-time employees at the rate of eight (8) hours for each month worked in service to the Village of Los Ranchos de Albuquerque and may be used when it is accrued. Part-time employees shall be provided four (4) hours sick leave for each month worked.

Sick leave may be authorized for personal illness or injury, or for exposure to contagious diseases that would endanger the health of other employees or the public. It can also be used for medical, dental and eye treatment examinations. Sick leave may be taken for an employee's illness or injury or to care for the employee's spouse, child or parent with a serious health condition. Employees who are unable to come to work because of one of the above reasons shall promptly notify their immediate supervisor so that duties may be reassigned or temporary help may be engaged. A formal application for sick leave shall be submitted for post-approval upon return to work. Failure to submit an application for approval is cause for disciplinary action.

Hours worked in addition to a regular workweek, such as overtime or holiday hours, shall not entitle an employee to additional sick leave accumulation. Sick leave may not be authorized for reasons unrelated to illness or injury. Any employee taking sick leave who makes a false claim and refuses to be examined by a doctor selected by the Village or who otherwise fails to cooperate in any investigation by the Village of his/her claim for sick leave, or who signs a certificate containing false information shall not be entitled to leave with pay and shall be subject to such disciplinary action including termination as may be deemed appropriate by the Mayor with respect to the circumstances involved.

Any sick leave payments made by the Village to one of its employees shall be reduced by the amount received by the employee from Worker's Compensation. Employees returning to work from an extended medical leave of thirty (30) days or longer with or without pay must submit a written statement from a physician listing the date the employee is able to return to work and any limitations imposed on the work that can be performed by the employee. The Village may elect not to allow an employee to return to work until such time as there are no limitations or restrictions placed upon the employee's work ability if in the Village's opinion such restrictions would adversely affect the employee's ability to perform his/her assigned duties or reasonable accommodations can not be provided.

An employee in good standing may receive compensation for his/her sick leave at the time of termination when the employee has accumulated at least two hundred forty (240) hours of sick leave. The rate of payment will be one (1) day of pay for every three (3) days of sick leave.

- 1) When the employee has accumulated at least four hundred and eighty (480) hours of sick leave the rate of payment will be one (1) days pay for each two (2) days of sick leave.
- 2) An employee who as accumulated over two hundred and forty (240) hours of sick leave may chose each year in December or at times designated by the Administrator to receive payment for sick leave hours in excess of the 240 hours at a rate of one (1) days pay for two (2) days sick leave.

The Village of Los Ranchos de Albuquerque may choose to pay one lump sum in the case of option (1). In the case of option (2) the Village of Los Ranchos de Albuquerque may pay one lump sum or make payments every two (2) weeks for a total of three (3) pay periods. -

Sick leave may be accrued to a maximum of sixty (60) working days. If a period of leave without pay or break in employment exceeds one (1) month, additional sick leave will not be accrued during such a period. Sick leave continues to accrue during paid leave. Use of sick leave shall be charged only in multiples of one hour.

An employee who has used all accrued sick leave may use accrued annual leave for sick leave purposes until paid leave is exhausted. Employees may voluntarily donate any amount of their sick leave to another employee who has used all their sick and vacation leave to avoid leave without pay for the absent employee. The hours donated will be hour for hour not dollars per hour. The donation of sick and vacation leave must be authorized by the Mayor or the Village Administrator with approval of the Mayor, only after the receiving employee uses up all sick and vacation hours. Subsequent approved absences for sick leave purposes will be leave without pay.

E. Emergency Leave

Emergency leave may be granted, for short periods, in cases of serious illness, injury or death in the immediate family of the employee or the immediate family of the employee's spouse. Emergency Leave will be charged to accumulated sick leave and will be granted at the discretion of the Mayor or his/her designee. Up to three (3) days may be granted in the event of the death and/or serious illness of any member of the employees immediate family or the employee's spouse. Up to five (5) days may be granted by the department head if an out of town trip is necessary, or because of extenuating circumstances.

F. Military Leave

A full-time regular employee who is ordered to active duty for training with an organized unit of the United States Armed Forces Reserve or the New Mexico National Guard shall be granted leave with pay for not more than fifteen (15) calendar days per year.

For leave of absence granted a Village employee for temporary military duty on an annual basis, the employee will be compensated in an amount necessary to make up the difference between total military pay, subject to income tax, and the employee's normal base pay, up to and including ten (10) working days. A holiday that occurs during these ten days will not be considered as one of the ten days granted for performance of annual temporary military duty but will be compensated as a holiday. Upon return from military leave the employee must furnish properly endorsed documentation of earnings derived from military training.

Temporary or part-time employees ordered to active duty as stated previously, shall be granted leave without pay with the same time limitations.

G. Court Leave

An employee who is legally subpoenaed or directed by competent authority to appear in an official capacity as a witness for the Federal government, State of New Mexico or a political subdivision, shall be compensated at his/her regular rate of pay. An employee subpoenaed to testify not in an official capacity, but as a private individual in private litigation brought by a party other than the

above shall take annual leave or leave without pay for the time absent from duty. An employee who is called to jury duty shall be paid at the straight-time rate for work time missed to perform such duty.

H. Short Term Educational Leave

An employee may be granted leave with pay at the straight-time rate for short terms to engage in formal education or training directly related to the job and intended to improve the quality of service within the Village. Such leave must be recommended by the Administrator/ or Department Head and approved by the Personnel Director, and the Administrator and the Mayor. Such leave shall be creditable service toward seniority, salary increases, and benefits. A leave of absence without pay may be granted any permanent employee for a period not to exceed one year for a reason considered being in the best interests of the Village. An employee not returning to work on the scheduled day of return will be considered to have voluntarily resigned his/her employment with the Village. If an employee is able to return earlier than the expectation date of the granted leave of absence, five (5) working days notice is required.

I. Training

The Village of Los Ranchos de Albuquerque supports the further education of its employees. When education assists the employee in the performance of his/her job, the employee may request in advance reimbursement of the tuition from the Village. The Mayor or Administrator with the approval of the Mayor may approve payment of the tuition, or if the Mayor deems it appropriate, he/she may seek approval from the Board of Trustees. Denial of payment is not subject to grievance procedures. For those approved courses in which an employee will be graded by an educational institution, the employee will be reimbursed for the tuition at the end of the course, provided the employee passes the course.

If an employee takes a training course of six (6) days or more in duration on Village paid time, the employee will be required to reimburse the Village for all training expenses, if the employee voluntarily terminates with the Village for any reason within one year.

J. Leave Without Pay

Leave without pay may be authorized by the Mayor or the Administrator with approval of the Mayor in the following categories:

- 1) Personal matters
- 2) Extended military service
- 3) Temporary disability beyond sick leave
- 4) Court appearance as a private citizen and
- 5) Family and medical leave.

All requests for leave without pay must be approved by the Department Head and Village Administrator with approval of the Mayor. Leave without pay does not constitute a break in service; however, leave without pay in excess of thirty (30) days can not be applied toward salary increase eligibility, seniority, or change in leave accrual rate and sick leave.

K. Temporary Disability Leave

Temporary disability leave is leave of absence without pay, following exhaustion of accrued sick leave and annual leave, for a period during which an employee is actually physically or emotionally unable to work due to job related activities. The Village Administrator/ with approval of the Mayor may authorize temporary disability leave not to exceed ten (10) working days; the Mayor must approve requests in excess of ten (10) working days. An employee who returns from temporary disability leave within the specified time period shall be reinstated to the same position and salary, provided the employee is physically and mentally capable of performing the duties of the position involved. A statement from the employee's treating physician shall be required.

L. Family and Medical Leave

The Village of Los Ranchos de Albuquerque complies with the Family and Medical Leave Act of 1993 (Public Law 103-30). An employee may take annual, sick, and in unusual and extraordinary circumstances and with the prior approval of the Mayor leave without pay:

- 1) Because of the birth of the employee's child, or because of the placement of a child with the employee for adoption or foster care
- 2) To care for the employee's spouse, child or parent with a serious health condition
- 3) If the employee is unable to work because of a health condition. The Mayor will determine the extent and duration of any leave without pay.

M. Group Health Insurance

All regular employees are eligible to join the Village's health insurance plan providing coverage for the employee and the employee's dependents. Participation is on a voluntary basis and the employee may join or withdraw from the plan at any time of open enrollment. Specific details of the plan and the cost to the employee are available in the finance office. Employees positions must be budgeted for a minimum of thirty (30) hours of work per week to be eligible for Group Health Insurance Benefits. Employees are eligible to apply for insurance coverage within the first thirty (30) days of employment, during the annual enrollment period or under other authorized circumstances.

N. Workers' Compensation Insurance

All employees are covered under a workers' compensation insurance policy at the Village's expense for job-related accidents. The Village should be notified immediately of accidents of any nature, regardless if a claim will be made under the policy or not.

For assistance regarding the submission of claims to the Village's insurance carrier, the employee should contact the Personnel Officer or the Administrator. If the employee has questions regarding a claim that the Personnel Officer or the Administrator cannot answer, the Village will direct them to the insurance carrier so that their question can be answered.

O. Unemployment Compensation

The purpose of unemployment compensation is to replace part of the employee's income if the employee is laid off or terminated through no fault of his/her own. The Village pays the full cost of unemployment compensation insurance, but it does not decide who is eligible for benefit payments or how much such payments should be. In its discretion, the Village may challenge eligibility for benefits because its required contribution may increase for all employees according to its account with the state Unemployment Compensation Division. However, the New Mexico Department of Labor Employment Services Division, in accordance with state law, decides final eligibility determination.

SECTION 20. EMPLOYMENT DEVELOPMENT

It shall be the responsibility of the Village Administrator, or designated supervisors to foster and promote training programs to improve the quality of Village service and aiding employees to qualify for advancement.

Supervisors shall, whenever possible, in keeping with the goals of efficient and economical service, provide opportunities for employees to learn the duties and skills of their fellow employees so that emergency requirements may be met and employee capabilities enlarged.

SECTION 21. SEVERABILITY

If any section, subsection, sentence, clause, word or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees of the Village of Los Ranchos de Albuquerque, hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause, word, or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

SECTION 22. EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective and be in full force and effect, from and after its passage, publication and posting, according to Law.

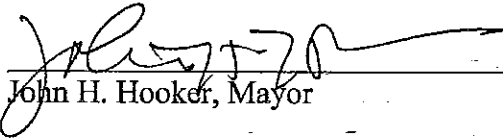
SECTION 23. COMPILING CLAUSE

This ordinance shall be incorporated and compiled as part of the Municipal Code of the Village of Los Ranchos.

SECTION 24. REPEALER

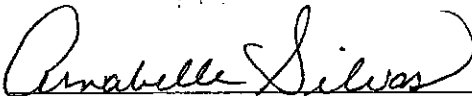
Chapter 21 of the Village of Los Ranchos de Albuquerque Codified Ordinances, Adopted by Ordinance No. 176 is herein repealed.

APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 25TH day of JUNE, 2003.



John H. Hooker, Mayor

ATTEST:



Annabelle Silvas, CMC
Village Clerk

AMENDMENTS
TO
ORDINANCE

**VILLAGE OF LOS RANCHOS
ORDINANCE NO. 153**

AN ORDINANCE AMENDING ORDINANCE NO. 151, PAGE 25 AND 26
OF THE PERSONNEL ORDINANCE ADOPTED JULY, 8, 1998

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS
RANCHOS de ALBUQUERQUE, NEW MEXICO THAT:

Ordinance No. 151, Page 25, Paragraph Two, Employee Benefits Section is amended to read as follows:

Except for employees of the Village of Los Ranchos Fire Department, a regular non-exempt employee who fulfills an obligation to work on the day designated for observing a holiday shall, whenever possible, receive an alternate day off for the holiday. If the employee and the supervisor cannot schedule a compensatory holiday within two pay periods, the employee shall receive one additional hour of pay at the regular rate for each hour worked on the holiday, over and in addition to the regular or overtime pay, as applicable for the time worked. When applicable, overtime is paid to non-exempt employees for hours in excess of the standard workweek only.

Regular non-exempt employees of the Village of Los Ranchos Fire Department who fulfill an obligation to work on the day designated for observing a holiday shall receive one additional hour of pay at the regular rate for each hour worked on the holiday, over and in addition to the regular or overtime pay, as applicable for the time worked.

Ordinance No. 151, Page 26, Annual Leave Section is amended to read as follows:

Regular full-time employees will earn annual leave with pay at the rate of :

- (A) First through fifth year – eighty (80) hour per year
- (B) Sixth through tenth year – one hundred twenty (120) hours per year
- (C) Eleventh through fifteenth year-one hundred sixty (160) hours per year
- (D) Sixteenth year and beyond – two hundred (200) hours per year

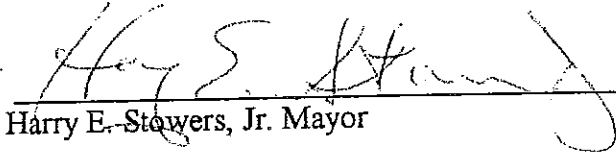
Fire Employees assigned to twenty-four (24) hour shifts will earn annual leave at the rate of:

- (A) First through fifth year-one hundred six (106) hours per year
- (B) Sixth through tenth year-one hundred fifty nine (159) hours per year
- (C) Eleventh through fifteenth year-two hundred twelve (212) hours per year
- (D) Sixteenth year and beyond-two hundred sixty five (265) hours per year.

Compiling Clause:

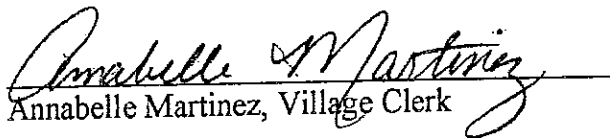
This ordinance shall be incorporated and compiled as part of the Municipal code of the Village of Los Ranchos.

PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this 13th day of JANUARY, 1999.



Harry E. Stowers, Jr. Mayor

ATTEST:



Annabelle Martinez, Village Clerk

**VILLAGE OF LOS RANCHOS
ORDINANCE NO. 194**

AN ORDINANCE AMENDING THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE PERSONNEL RULES AND REGULATIONS ORDINANCE NO. 176, SECTIONS 1 (C); (D) (E) (F) AND SECTION 19 (A)

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO THAT:

THE PERSONNEL RULES AND REGULATIONS ORDINANCE 176, SECTIONS 1 (C); (D) (E) (F) AND SECTION 19 (A) ARE HEREBY AMENDED AS FOLLOWS:

SECTION 1. PROMOTIONS, TRANSFERS, AND DEMOTIONS

C. Pay increase for Village of Los Ranchos de Albuquerque Fire Department Employees following one year of employment.

Employees of the Village of Los Ranchos de Albuquerque Fire Department, upon completing one year of employment with the Department, shall be entitled to receive a pay increase in accordance with the Village of Los Ranchos de Albuquerque's approved compensation plan. Such pay increases are subject to the availability of funds in the Village budget.

D. In an effort to promote retention and quality, the Village of Los Ranchos de Albuquerque shall consult the pay schedules for Firefighters in surrounding areas at least once every three years. If it is determined the Village of Los Ranchos de Albuquerque's compensation plan is not comparable to the pay schedules for Firefighters in surrounding areas, taking into consideration unique location and volume of work factors where appropriate, the Village of Los Ranchos administration shall act to modify the pay of its Firefighters to the extent its pay is comparable with surrounding areas, allowable within existing Village budgetary resources, and approved by the Board of Trustees. In no instance shall this result in a reduction in pay, except where a reduction is agreed to by Fire Department employees in an effort to prevent lay offs as a result of insufficient work volume or funds.

F. Temporary Pay Increase for Fire Department Employees.

When a Fire Department employee is assigned by the Chief, or the Deputy Chief, in writing, additional duties or responsibilities for a temporary period of time having a duration of at least four shifts, and the additional duties or responsibilities are those of an employment classification higher than that of the employee's classification, the employee shall, on the fourth shift, receive a 3%

increase. This increase shall be subject to the availability of funds. Where Village funds appropriately permit, the increase shall be paid retroactively to the first shift, and shall continue to be paid until such time as the employee is relieved of the additional duties and responsibilities.

SECTION 19. EMPLOYEE BENEFITS

A. Regular non-exempt employees of the Village of Los Ranchos Fire Department shall receive ten (10) 24-hour "floating" holidays per year. These "floating" holidays are in lieu of Village designated holidays. A Firefighter may choose, with supervisor approval, to take "floating" holiday leave on a day that coincides with a Village designated holiday.

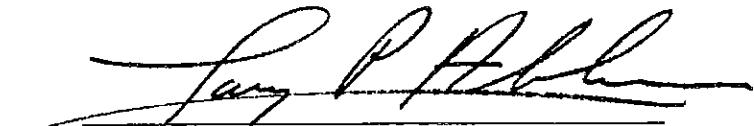
Employees of the Village of Los Ranchos Fire Department shall be paid the regular rate of pay for "holiday" days. Employees shall not be paid overtime or "double time".

An employee of the Village of Los Ranchos Fire Department who does not take ten (10) 24-hour holiday days over the course of a year may exchange unused holiday time for regular pay.

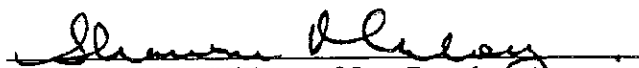
COMPILING CLAUSE

This ordinance shall be incorporated and compiled as part of the Codified Municipal Code of the Village of Los Ranchos.


APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 11th day of May, 2005.


Larry P. Abraham, Mayor

REVIEWED BY:


Shawna Maloy, Village of Los Ranchos Attorney

ATTEST:


Annabelle Silvas, CMC
Village Clerk