

Union County

DOCUMENT #202400883
12/9/24 03:59:05 PM
1 of 73
BY Kim Mitchell

ORDINANCE 2024-47

AN ORDINANCE ADOPTING THE UNION COUNTY PERSONNEL ORDINANCE; RESCINDING RESOLUTION 2021-18, AND ALL AMENDMENTS THERETO; PROVIDING GENERAL EMPLOYMENT RULES FOR EMPLOYEES OF UNION COUNTY; PROVIDING FOR PRE-EMPLOYMENT REQUIREMENTS; PROVIDING FOR CONDITIONS OF EMPLOYMENT; PROVIDING FOR EMPLOYMENT RECORDS; PROVIDING FOR EMPLOYEE LEAVE; PROVIDING FOR MEDICAL PLAN FOR COUNTY EMPLOYEES; PROVIDING FOR PERFORMANCE EVALUATIONS OF COUNTY EMPLOYEES; PROVIDING FOR A COMPENSATION SYSTEM; PROVIDING FOR SAFETY AND ACCIDENT PREVENTION, PROHIBITING HARASSMENT, AND DISCRIMINATION IN THE WORKPLACE; PROVIDING RULES FOR USE OF COUNTY EQUIPMENT AND VEHICLES; PROVIDING FOR EMPLOYEE DISCIPLINE; PROVIDING FOR GRIEVANCE RESOLUTION; PROVIDING RULES FOR VOLUNTARY AND INVOLUNTARY TERMINATION, AND PROVIDING FOR POST-EMPLOYMENT MATTERS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Union County recognizes that it is the best interest of the county to periodically update and revise its Personnel Ordinance to account for changes in federal and state law and changes in internal needs and requirements of the County; and

WHEREAS, the Union County Manager, Human Resources Coordinator, and legal council have identified a number of areas in which the presented Personnel Ordinance needs to be updated and improved, and they have produced an updated policy that achieves these objectives; and

WHEREAS, the updated policy is attached to this Ordinance; and

WHEREAS, the Board of County Commissioners finds that the new Personnel Ordinance satisfies the objectives described above and should be adopted and disseminated to County employees;

NOW THEREFORE, BE IT ENACTED, AS FOLLOWS;

1. Union County Personnel Ordinance, together with the attached Policy, shall be and hereby is adopted; and
2. Resolution 2021-18 and all amendments thereto are rescinded, effective as of the effective date of this Ordinance.

APPROVED, ADOPTED, AND ORDAINED this 9th day of December, 2024


THE UNION COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST
SEAL

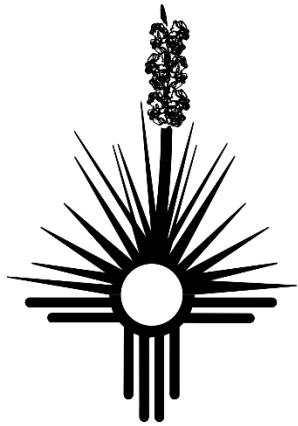

Devian Fields, County Clerk

By:


Clayton Kiesling, Chairman


W. Carr Vincent, Member


Lloyd Miller, Member



Union County

UNION COUNTY, NEW MEXICO
200 COURT ST.
PO BOX 430
CLAYTON, NEW MEXICO 88415
(575) 374-8896 EXT 4

EFFECTIVE January 8, 2025

TABLE OF CONTENTS

TABLE OF CONTENTS	i
SHORT TITLE	1
APPLICABILITY	1
EMPLOYMENT CLASSIFICATIONS	1
HIRING PROCESS.....	3
HIRING PROCEDURES.....	3
PROMOTION.....	5
ELIGIBILITY LISTS.....	5
PRE-EMPLOYMENT REQUIREMENTS.....	5
MEDICAL EXAMINATION.....	5
PRE-EMPLOYMENT DRUG TESTING.....	5
PRE-EMPLOYMENT BACKGROUND CHECK.....	6
IMMIGRATION LAW COMPLIANCE	6
PRIVACY OF SOCIAL SECURITY NUMBERS.....	6
NEW EMPLOYEE ORIENTATION.....	6
TRIAL PERIOD.....	6
CONDITIONS OF EMPLOYMENT.....	7
HOURS OF WORK/BREAKS	7
ATTENDANCE AND ABSENTEEISM	8
TARDINESS.....	8
INCLEMENT WEATHER.....	8
CHILDCARE AND/OR THE PRESENCE OF CHILDREN OF COUNTY	
EMPLOYEES DURING WORK HOURS	8
DRESS AND PERSONAL APPEARANCE.....	9
POLITICAL PARTICIPATION.....	9
GRATUITIES	10
SOLICITATION.....	10
OUTSIDE EMPLOYMENT.....	10
RESPONSIBILITY FOR COUNTY PROPERTY.....	10
CARE AND USE OF COUNTY EQUIPMENT AND VEHICLES	11
MAINTENANCE OF MINIMUM QUALIFICATIONS.....	11
REIMBURSEMENT OF COUNTY-SPONSORED TRAINING OVER \$2000	12
NEPOTISM.....	12
IMPROPER FRATERNIZATION OR DATING.....	12
PERSONAL USE OF COUNTY PROPERTY	12
CONFLICTS OF INTEREST.....	13
CRIMINAL ACTIVITY	13

GOVERNMENTAL CONDUCT ACT	13
OTHER POLICIES INCORPORATED BY REFERENCE	14
USE OF PHOTOGRAPHS OR LIKENESS.....	14
EMPLOYMENT RECORDS	14
PERSONNEL FILE	14
INSPECTION OF PERSONNEL FILE	14
ACCESS TO PERSONNEL FILES.....	14
INQUIRIES CONCERNING PRESENT & FORMER COUNTY EMPLOYEES ...	14
MEDICAL FILES.....	15
EMPLOYEE DATA CHANGES.....	15
NOTE ON EMPLOYMENT APPLICATIONS	15
PTO.....	15
ELIGIBILITY	15
ACCRUAL – FULL-TIME EMPLOYEES	16
ACCRUAL – PART-TIME EMPLOYEES	16
MAXIMUM ACCUMULATION ALLOWED	16
REQUESTING PTO, USE OF COMPENSATORY TIME, OR PERSONAL LEAVE	16
PTO COMPENSATION	16
COMBINING A PTO WITH A HOLIDAY	17
EMPLOYEE PTO DONATION POOL.....	17
PURPOSE.....	17
PROCEDURES FOR REQUESTING DONATION TIME.....	17
ELIGIBILITY.....	18
LIMITATIONS.....	18
ANTI-COERCION.....	18
HOLIDAYS	18
ELIGIBILITY	18
COMPENSATION DURING A HOLIDAY	19
WORKING DURING A HOLIDAY	19
OTHER LEAVE	19
PERSONAL LEAVE	19
BEREAVEMENT LEAVE	19
MILITARY LEAVE	20
COURT DUTY	20
BOARD OR COMMISSION LEAVE	20
ADMINISTRATIVE LEAVE WITH PAY.....	20
ADMINISTRATIVE LEAVE WITHOUT PAY	20
LEAVE WITHOUT PAY FOR PERSONAL REASONS.....	21
FAMILY AND MEDICAL LEAVE.....	21
DOMESTIC ABUSE LEAVE	22

MEDICAL CARE	22
UNION COUNTY MEDICAL PLAN.....	23
VISION PLAN	23
PRESCRIPTION PLAN	23
EMPLOYEE ASSISTANCE PROGRAM.....	23
HIPAA PRIVACY AND SECURITY RULES.....	23
MISCELLANEOUS BENEFITS	24
DENTAL INSURANCE	24
LIFE INSURANCE	24
WORKERS' COMPENSATION PROGRAM.....	24
SHORT-TERM DISABILITY PLAN	25
RETIREMENT BENEFITS.....	25
SPECIAL TRAINING AND CERTIFICATION	25
LONGEVITY INCENTIVE.....	26
UNIFORM POLICY.....	26
FITNESS ACTIVITIES.....	28
PERFORMANCE EVALUATION	28
INTRODUCTION	28
EVALUATION PROCEDURE	29
OBJECTING TO A PERFORMANCE EVALUATION	29
COMPENSATION	29
COMPENSATION SYSTEM.....	29
ON-CALL AND STANDBY PAY	30
OVERTIME.....	31
COMPENSATORY TIME	32
OVERTIME/COMPENSATORY TIME – SALARIED EMPLOYEES	32
PAY PERIODS, PAY, AND TIMEKEEPING	32
SAFETY AND ACCIDENT PREVENTION	33
SAFETY PROCEDURES	33
WORKING SAFELY	33
DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS	33
SUPERVISION	34
SAFETY TRAINING	34
INJURIES ON THE JOB.....	34
MOTOR VEHICLE ACCIDENTS	34
ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT	34

SMOKING	34
SMOKING POLICY	35
SMOKING PROHIBITED	35
APPLICATION	35
COMPLAINTS	35
VIOLATIONS	35
NON-DISCRIMINATION	35
DRUG AND ALCOHOL USE	35
DRUG- AND ALCOHOL-FREE WORKPLACE	35
PRESCRIPTION MEDICATION	35
DRUG AND ALCOHOL TESTING	35
DRUG- AND ALCOHOL-RELATED CONVICTIONS	39
DRUG OR ALCOHOL DEPENDENCY	39
MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S/DWI'S	39
HARASSMENT AND DISCRIMINATION	40
FREEDOM FROM DISCRIMINATION AND HARASSMENT	40
DEFINITIONS	40
EMPLOYEES ENGAGING IN DISCRIMINATION OR HARASSMENT TO BE DISCIPLINED	41
MAKING A FORMAL CHARGE	41
EQUAL EMPLOYMENT OPPORTUNITY	42
EQUAL EMPLOYMENT OPPORTUNITY POLICY	42
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM	42
VIOLATIONS	43
EQUAL EMPLOYMENT OPPORTUNITY OFFICER	43
COMPUTER, INTERNET, AND E-MAIL USE	43
PROHIBITED ACTIVITIES	43
AUTHORIZATION REQUIRED	44
E-MAIL AND INTERNET USE	44
SOCIAL MEDIA	45
MISCELLANEOUS	45
CELLULAR PHONE USE	45
NO EXPECTATION OF PRIVACY	45
PERSONAL USE OF COUNTY-PROVIDED COMMUNICATION DEVICES	46
RETURN OF COUNTY-PROVIDED COMMUNICATION DEVICES	46
PERSONAL CELLULAR PHONES	46
STATE AND LOCAL LAWS	46
ADA/ADAAA POLICY	46

PETS AND SERVICE ANIMALS	47
DISCIPLINE AND DISCIPLINARY TERMINATION	47
EMPLOYEE CONDUCT	47
AUTHORITY TO TAKE DISCIPLINARY ACTION	48
FORMS OF DISCIPLINARY ACTION	48
GROUNDS FOR DISCIPLINARY ACTION	50
PROCEDURES FOR DISCIPLINARY TERMINATION	51
GRIEVANCES.....	52
DEFINITION	52
GRIEVANCE ELIGIBILITY	52
GRIEVANCE PROCESS.....	52
VOLUNTARY TERMINATION.....	54
RESIGNATION	54
RETIREMENT	54
RETIREMENT AS A RESULT OF DISABILITY	54
RE-EMPLOYMENT	55
TRANSFER	55
PROMOTION	55
INVOLUNTARY TERMINATION WITHOUT CAUSE	55
LAYOFF	55
FURLOUGH	55
ABOLISHMENT OF POSITION	55
POST-EMPLOYMENT MATTERS	55
EXIT INTERVIEW.....	56
CONTINUANCE OF MEDICAL COVERAGE (COBRA)	56
COMPENSATION: ACCRUED PTO	
TERMINATION.....	56
FINAL PAY	56
EFFECTIVE DATE	56
INDEX	57
APPENDIX	65

UNION COUNTY EMPLOYEE HANDBOOK

- 1 **SHORT TITLE** This document may be cited as the “Employee Handbook.”
- 2 **APPLICABILITY** This Employee Handbook contains the terms of the employment relationship between Union County, New Mexico and those employees classified as full-time, regular employees. Certain portions of this Employee Handbook apply to other employment classifications, but only as specifically set forth herein. Where a given policy or section is silent as to its application to a particular employment classification, it applies only to a full-time, non-trial-period, regular employee. For employees of the Sheriff’s Office, in the event there is a conflict between any section of this handbook and a written policy of the Sheriff’s Office, the Sheriff’s Office policy will supersede this handbook for the conflicting section(s) only.
- 3 **EMPLOYMENT CLASSIFICATIONS**
 - 3.1 **CLASSIFIED EMPLOYEE.** A classified employee is an employee who has been hired through the normal personnel selection process.
 - 3.2 **ELECTED OFFICIAL.** An Elected Official is a County Commissioner, the County Sheriff, the County Clerk, the County Treasurer, the County Assessor, and the County Probate Judge. Elected Officials are not classified employees or regular employees and their employment with the County is generally not governed by this Employee Handbook. Elected Officials are eligible to receive certain benefits from the County, but only as specifically set forth herein. If a given policy is silent as to its application to Elected Officials, it does not apply.
 - 3.3 **FULL-TIME EMPLOYEE.** A full-time employee is one who is scheduled to work 40 hours or more each week.
 - 3.4 **HOURLY EMPLOYEE.** An hourly employee is one whose compensation is based on the actual number of hours worked.
 - 3.5 **CASUAL EMPLOYEE.** A casual employee is one who is on an as-needed basis, working fewer than 20 hours each week, is at-will, and is not entitled to the benefits of County employment as set out herein.
 - 3.6 **REGULAR EMPLOYEE.** A regular employee is an employee who has successfully completed his or her trial period and who is also a classified employee. Regular employees are entitled to all the benefits of County employment as set out herein.

- 3.7 **PART-TIME REGULAR EMPLOYEE.** A part-time regular employee is one who is regularly scheduled to work fewer than 40 hours each week and is entitled to all County benefits, though Paid Time Off, holiday, and personal days will accrue based upon hours worked. Premiums for insurance benefits will be the same as for full-time regular employees.
- 3.8 **SALARIED EMPLOYEE.** A salaried employee is an employee whose compensation is not based on the actual number of hours worked but is based on the type of work the employee performs. The County expects salaried employees to work an average of 40 hours per week. Salaried employees do not receive overtime. Salaried employees are exempt under the Fair Labor Standards Act.
- 3.9 **TRIAL PERIOD EMPLOYEE.** An employee is classified as a “trial period” employee until successful completion of one year of service in the position for which he or she was hired. An employee serving a trial period is an at-will employee whose employment may be terminated without cause or advance notice.
- 3.10 **UNCLASSIFIED EMPLOYEE.** An unclassified employee is an employee who is not hired through the normal personnel selection procedures, such as an employee of an Elected Official who fills a statutory position such as Deputy Clerk, Deputy Treasurer, Deputy Assessor, Sheriff’s Executive Secretary, or Undersheriff; or a contract employee such as County Manager. An unclassified employee is not a classified employee or a regular employee and an unclassified employee’s employment with the County is generally not governed by this Employee Handbook. If a given policy is silent as to its application to unclassified employees, it does not apply. An unclassified employee is an at-will employee and an unclassified employee’s employment may be terminated at the will of the Elected Official with or without cause and advance notice. Therefore, unclassified employees are not protected by the termination or grievance procedures set out herein at Sections 25 and 26. Unclassified employees are eligible to receive certain benefits from the County, but only as specifically set forth herein.
- 3.11 **TEMPORARY EMPLOYEE.** A temporary employee is an employee who is hired for a specific seasonal position or special project. A temporary position is created to last no more than nine (9) consecutive months and temporary employees are not entitled to County benefits. A temporary employee may remain employed by the County after nine months either as a regular employee or a contract employee. If the Department Head or Elected Official does not take sufficient steps to convert a temporary employee to either regular or contract status prior to the end of the temporary period, the employee shall be terminated. Prior to the expiration of nine months, the County Manager may extend the period of temporary employment.
- 3.12 **CONTRACT EMPLOYEE.** Contract employees are not hired through the normal hiring procedures but at the discretion of the Board of County Commissioners

and/or the County Manager. Unless otherwise specified in the contract or this Employee Handbook, this Handbook does not apply to contract employees.

- 3.13 **VOLUNTEER.** A volunteer provides services for no compensation or nominal compensation. A volunteer shall not be considered an employee of the County and shall not be entitled to County benefits or to act for the County except within his or her designated area of service.
- 3.14 **VOLUNTEER FIREFIGHTER.** A volunteer firefighter performs services for no compensation or a nominal fee once the minimum training requirements are met per County policy and is not considered an employee of the County for purposes of health insurance, workers' compensation, or unemployment compensation. A volunteer firefighter may participate in the Public Employees Retirement Association (PERA) volunteer firefighter retirement program. As required by Internal Revenue Service regulations, federal, state, social security, and Medicare taxes shall be withheld from nominal fees.
- 3.15 **GRANT FUNDED EMPLOYEE.** A grant funded employee is an employee whose wages are paid by the County contingent upon receipt of a state or federal grant. In the event of the termination or reduction of the grant, the employee's position may be eliminated. The employee shall have no rights to grieve termination based upon grant reduction or grant termination. A grant funded employee shall be subject to this Employee Handbook in all other respects.
- 3.16 **INTERN.** An intern is a high school or college student employed by Union County enrolled full time with proof of enrollment. An intern receives no benefits.

4 **HIRING PROCESS**

- 4.1 **HIRING PROCEDURES.** Certain procedures are required in the solicitation and employment of persons with the County. The Human Resources Coordinator shall administer and coordinate the hiring process according to these procedures. These procedures may be waived, if necessary, but only by the Board of County Commissioners or the County Manager.

STEP ONE -- PERSONNEL REQUISITION. The Department Head/Elected Official shall notify the Human Resources Coordinator of its need to obtain an employee by completing and forwarding a *Personnel Requisition Form* (hereinafter "PRF"). The PRF must be submitted a reasonable time prior to the expected vacancy.

STEP TWO -- FORMULATE JOB ANNOUNCEMENT. Upon receipt of a PRF, the Human Resources Coordinator shall formulate a job announcement, unless a qualified applicant for the position is already on an eligibility list, as described in § 4.3, below, in which case the position may be offered to such qualified applicant

without further procedures. Each job announcement shall state the qualifications required to be considered for the position, a brief description of the duties contemplated, pay rate, and the date upon which applications will be closed.

STEP THREE -- DRAFT EMPLOYMENT APPLICATION. Upon receipt of a PRF, the Human Resources Coordinator shall draft the employment application. Each application must require the signature of the applicant and shall require the applicant to verify that the information contained on the application is accurate under penalty of perjury. The application shall not elicit any information concerning race, age, sex, political beliefs, religious beliefs, disability or national origin.

STEP FOUR -- OPEN POSITION. The Human Resources Coordinator shall open the position for applications by forwarding copies of the job announcement to each County department, posting the job announcement on County bulletin boards, publishing the announcement in a local newspaper and other local publications, or otherwise distribute job announcements so as to attract qualified applicants. The job announcement shall be posted on County bulletin boards a minimum of five (5) working days before the position is filled.

STEP FIVE -- ADMINISTER TESTING. Appropriate employment testing may be administered to applicants for employment. The Human Resources Coordinator shall assist the using department in developing and administering such employment tests. Testing may include completion of a structured questionnaire, practical test, written test, in-basket exercise, keyboard test, computer skills test, assessment battery or other job-related assessment of ability. Test scores shall become a part of the employee's Personnel File.

STEP SIX - INITIAL SCREENING. Following the closing date, the Human Resources Coordinator shall screen the applications submitted. The Human Resources Coordinator shall determine whether each applicant possesses the minimum qualifications for the position, whether the applicant has a satisfactory employment history and whether any false or deceptive statements are present on the employment application. If qualified applicants have submitted applications, the Human Resources Coordinator shall forward copies of the applications of each qualified applicant to the using department.

STEP SEVEN - INTERVIEWS. If requested by the using department, the Human Resources Coordinator shall schedule and conduct (with the using department) interviews of the most qualified applicants. Proposed interview questions will be forwarded by the using department to the Human Resources Coordinator for review and approval. The Human Resources Coordinator shall ensure that interview questions are relevant to the position and not otherwise improper. All questions not reasonably relevant to the position or otherwise improper shall be disapproved by the Human Resources Coordinator and shall not be used.

STEP EIGHT -- OFFERS OF EMPLOYMENT. Any offer of employment shall be made by the Human Resources Coordinator, in writing. Any offer of employment will be made contingent upon successful completion of the pre-employment medical exam, compliance with immigration law requirements, a negative drug screen and other job-related contingencies. Any offer of employment that does not comply with the requirements of this section is void.

4.2 PROMOTION. Notwithstanding anything herein to the contrary, a vacant position may be filled by promoting a qualified individual within the same department or Elected Official's Office without the necessity of opening the position for applications or carrying out Steps Two through Eight, above.

4.3 ELIGIBILITY LISTS. Lists of qualified applicants may be developed and maintained for the convenience of the County in obtaining qualified applicants for positions. Each person on such an eligibility list shall be qualified, tested and interviewed for the position so that no further procedures are necessary to offer the person a position. Eligibility lists may be used in conjunction with other recruiting procedures. Placement on an eligibility list shall in no way guarantee appointment to any job opening, nor shall it guarantee that any applicant will obtain a position or that the application will even be considered. It is the obligation of a person seeking employment to keep the County informed at all times of their interest in openings and make timely application for each position. Persons on an eligibility list may be offered a position when one becomes available without the necessity of Steps Three through Eight, herein.

5. PRE-EMPLOYMENT REQUIREMENTS

5.1 MEDICAL EXAMINATION. Each person who is offered employment may be required to successfully undergo a pre-employment medical examination as a condition precedent to actually obtaining employment. The medical examination shall be performed by a health professional of the County's choice, at the County's expense. If the medical examination shows the employee is not in fact qualified for the position sought, the offer of employment will be withdrawn. The examination shall be limited to those physical requirements set forth in the job description.

5.2 PRE-EMPLOYMENT DRUG TESTING. Each person who is offered employment must successfully undergo pre-employment drug testing as a condition precedent to obtaining employment. The drug testing shall be performed by a health professional of the County's choice, at the County's expense. Non-CDL applicants who receive a positive test will be denied employment and shall not be considered for employment for another County position for ninety (90) days. An applicant receiving a positive test may be given the opportunity to demonstrate a positive test was indicative of legal use of a drug. For purposes of this section, the word "drug" refers to substances whose use is illegal under the laws of the State of New

Mexico, or of the United States, or whose use is legal, but which is misused or used illegally.

- 5.3 **PRE-EMPLOYMENT BACKGROUND CHECK.** Each person who is offered employment may be required to successfully undergo pre-employment background investigation as a condition precedent to actually obtaining employment. If a pre-employment background check is to be performed, it may be obtained before an offer of employment is extended. Pre-employment background checks shall comply with all state and federal laws.
- 5.4 **IMMIGRATION LAW COMPLIANCE.** Each person offered employment shall complete an Employment Eligibility Verification Form I-9 and present appropriate documentation establishing identity and employment eligibility as a condition precedent to actually obtaining employment. Former County employees shall not be required to re-establish eligibility if they have completed a Form I-9 and established identity and eligibility within the past three (3) years.
- 5.5 **PRIVACY OF SOCIAL SECURITY NUMBERS.** Union County has the right to use the whole Social Security Number for background checks and security clearances. Access to the full social security number will be limited to a need-to-know basis. However, the entire social security number shall not be made available to the general public; the public may access records that contain only the last four digits of the social security number through a request under the Inspection of Public Records Act.
- 5.6 **NEW EMPLOYEE ORIENTATION.** Each new employee is required to attend an orientation class at the Human Resources Coordinator on the first day of work or as soon as scheduling allows. The Human Resources Coordinator will explain County benefits, the employment relationship, and distribute benefit enrollment forms. The employee will receive a copy of the Employee Handbook and will be instructed to review it. Next, the employee shall receive orientation at the hiring department. A representative of the hiring department shall explain the employee's duties, the department's work standards, the department's internal policies, the hours of work, lunch and break schedule, when and whom to report absence from work, methods of recording time worked, and the department's safety rules and procedures. The hiring department shall also provide a tour of the department, show the employee where the safety or protective equipment is located, and introduce the employee to co-workers.
- 5.7 **TRIAL PERIOD.** Each person offered employment begins employment as an at-will employee, and the employment relationship may therefore be terminated without cause or advance notice at any time. In order to become a regular employee, a new employee must successfully complete a one-year trial period. The trial period is used to evaluate the new employee's capabilities, work habits, and overall performance. The trial period shall commence when the employee begins County employment. The trial period for a deputy sheriff employed by the

Sheriff's Department who has not previously completed basic law enforcement training shall begin upon employment and shall continue for one year following completion of basic law enforcement training. Any significant absence during the trial period shall automatically extend the trial period by the length of the absence. If the trial period does not allow sufficient time to thoroughly evaluate the employee's performance, the trial period may be extended for up to an additional ninety (90) days. To prevent excessive turnover, the County Manager may designate a position as one in which an employee selected for the position shall not be eligible to compete for another position within the County during the employee's trial period.

6 CONDITIONS OF EMPLOYMENT

6.1 HOURS OF WORK/BREAKS

6.1.1 **HOURS OF WORK.** Full-time employees are expected to work forty (40) hours per week. The County pays by the quarter hour for regular hours worked and rounds to the quarter hour with seven-minute increments. Each hourly employee must report to work *no earlier* than seven (7) minutes prior to the beginning of the shift and shall remain at work no later than seven (7) minutes after the conclusion of the shift, unless otherwise authorized by the supervisor. When an employee has a need to miss part of a shift, he or she may make arrangements with the supervisor to make up the work time missed, provided it is done within the same workweek as the hours missed. Overtime must be authorized prior to working. With Commission approval, the Sheriff's Office may adopt a schedule requiring work of over 80 hours per pay period without overtime, consistent with Section 7(k) of the Fair Labor Standards Act.

6.1.2 **FOUR-DAY WORKWEEK.** Certain County departments designated by the Board of County Commissioners operate on a four-day workweek. The normal schedule is 7:00 a.m. to 5:30 p.m. Monday through Thursday with 30-minute lunch breaks. Holiday pay for employees on a four-day workweek shall be calculated based on a ten hour day.

FLSA exempt employees working a four-day workweek shall be paid for a full day for each holiday or personal day.

6.1.3 **REMOTE WORK.** Remote work will be allowed for certain positions under certain circumstances. Employees deemed remote work eligible will be required to follow the policies and procedures outlined in the Remote Work Policy and Procedure, attached hereto as Appendix A.

6.1.4 **BREAKS.** Lunch breaks are without pay (with the exception of commissioned Sheriff's officers) and are normally thirty (30) minutes, except for departments with established one (1) hour lunch breaks. Any employee who does not receive a meal break shall be paid for that time. In addition, each employee may be

granted two (2) breaks per day, each for a period of fifteen (15) minutes. Breaks are not required by law (See NMSA 1978, Section 50-4-30) and supervisors may limit or delay breaks if, in their opinion, continuous work is required. Breaks will not be accumulated.

6.1.5 **USE OF BREAST PUMP.** Any employee who is also a nursing mother shall be allowed flexible break times in order to allow the use of a breast pump. The County shall provide appropriate clean and private space (not a bathroom) near the employee's workplace but shall not be responsible for storage of the breast milk or for additional compensation beyond two fifteen-minute breaks. An Employee should coordinate break times with his or her supervisor.

6.2 **ATTENDANCE AND ABSENTEEISM.** Employees are expected to report for work promptly. Employees will be paid for time actually worked, unless absences fall under leave provisions. If an employee expects to be absent from work for any reason, the employee shall report that fact and the reason for the proposed absence to the employee's immediate supervisor, or other person as designated, prior to the time the employee is to report to work.

6.2.1 **TARDINESS.** Tardiness (i.e., late arrival, early departure, or other shift interruption) is considered unsatisfactory performance of duties and may be the subject of disciplinary action under the County's Progressive Discipline Policy. On occasion, and with prior approval by the supervisor, an employee who is tardy may adjust that day's schedule to work an equivalent amount of time at the end of the shift.

6.2.2 **INCLEMENT WEATHER.** In the event that significant weather conditions exist and no Administrative Office order for closure or delay has been given, employees must use their best judgment as to when and how to get safely to work. When an hourly employee misses work due to inclement weather, the employee must either: (1) make arrangements to make up the missed work time; or (2) use PTO or compensatory time for the work time missed. If an employee desires to make up the work time missed, he or she may do so but it must be done within the same pay period of the date of the inclement weather. If the time missed occurs on the last day of a workweek, then the employee must utilize PTO or compensatory time. Department Heads shall manage this process to ensure that there is a fair and clear understanding regarding the expectations to either take leave or make up lost time from work.

6.3 **CHILDCARE AND/OR THE PRESENCE OF CHILDREN OF COUNTY EMPLOYEES DURING WORK HOURS.**

6.3.1 **PURPOSE.** To establish and maintain policy regarding the presence of children of County employees and other family members on County property during working hours, and to delineate the County's expectation regarding this matter.

To prevent the possibility of injury or harm to County employees' children, to lessen the exposure of liability to the County.

6.3.2 **CHILDREN IN THE WORKPLACE.** The County does not and cannot provide day care services for its employees' children. This service is not available and is not a benefit to County employees. Children of County employees shall not accompany their parent(s) to work. If an employee cannot arrange for care of the child(ren), the employee must contact the Department Head or Elected Official and arrange for their absence from work. This paragraph shall not be construed as forbidding the occasional visit of family members or the children of County employees to the workplace so long as the visit is not disruptive to the work environment, the child is kept safe at all times, and the child is not left in the care of the County employee while on duty. Any violation may result in disciplinary action up to and including termination.

6.4 **DRESS AND PERSONAL APPEARANCE.** Employees should present the best possible image to the public and should always be as clean and neatly dressed as the work assignment allows. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty. Failure to wear designated uniforms while on duty will be considered insubordination. Employees who report for work inappropriately dressed will be sent home and directed to return to work in proper attire, and the time away from work to change attire will not be compensated.

6.4.1 **DEPARTMENTAL DRESS CODES.** Departments may establish dress codes to meet the specific needs of the department. Departmental dress codes are subject to approval by the County Manager. Departmental dress codes may address the applicability of 61995.4.2 within the department.

6.4.2 **TATTOOS, PIERCINGS, AND BODY ART.** A Department Head or Elected Official may require that tattoos, piercings, and body art showing vulgar language or images, gang affiliation, or promoting illegal activity be covered or removed while on duty. If the employee disputes the decision of the Department Head or Elected Official, the employee may appeal a Department Head or Elected Official's decision to the County Manager or the Human Resources Coordinator. Failure to abide by the decision of the County Manager or Human Resources Coordinator may result in disciplinary action and may be considered insubordinate.

6.5 **POLITICAL PARTICIPATION**

6.5.1 **CAMPAIGNING.** Union County employees shall be prohibited from campaigning for political office during regular working hours (from 7:00 a.m. to 5:30 p.m.) or during normally scheduled working hours. In addition, material and literature regarding candidates shall not be dispensed on County premises or out of County vehicles. Employees working in offices administered by an Elected Official shall not be coerced into campaigning for the Elected Official to ensure continued employment with the County.

- 6.5.2 **ELECTED OFFICE.** Employees may not hold an elected political office with County Government during employment by the County. Being a member of a local school board or an elected board member of any post-secondary educational institution or municipal government shall not be construed as holding a political office for purposes of this Section. A County employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants may be required to comply with the provisions of the federal Hatch Act (5 U.S.C. Section 7321-7328).
- 6.5.3 **VOTING RIGHTS.** Union County encourages employees to vote. Employees are encouraged to take advantage of early voting opportunities and will be allowed time away from their duties to do so. On election day, an employee whose workday begins less than two hours after the polls are opened and ends less than three hours before the polls are closed may be absent from work during the time the polls are open for up to two hours, without penalty, for the purpose of voting. Prior arrangements must be made with the supervisor who may specify the hours in which the voter may be absent.
- 6.6 **GRATUITIES.** Employees are prohibited from accepting gifts and/or other considerations given with the intent of modifying the employee's performance of duties or encouraging the employee to make purchases of goods, material, or services.
- 6.7 **SOLICITATION.** Solicitors shall not be allowed to consult with employees during work hours other than through prescribed purchasing procedures.
- 6.8 **OUTSIDE EMPLOYMENT.** Employees may obtain part-time outside employment if there is no conflict in working hours, the employee's efficiency is not reduced, and outside employment does not cause a conflict of interest. If an employee's outside work interferes with the performance of his or her position with the County, the employee will be required to terminate the outside employment immediately. Outside employment that constitutes a conflict of interest is prohibited. An employee must notify his or her supervisor in writing if outside employment is obtained.
- 6.9 **RESPONSIBILITY FOR COUNTY PROPERTY.** Each employee is responsible for County equipment or property which he or she uses and must abide by County policies for use of any County equipment or property, including vehicles, tools, computers, cell phones, or other property or equipment made available by the County for the employee's use. Each County department shall maintain a document detailing the County property assigned to each employee, including employee signatures, and updated to show any new or replacement equipment. Copies of these documents shall be forwarded to the Human Resources Coordinator. The employee assumes the sole and complete responsibility for the condition and use of equipment or property entrusted to the employee. The

employee is responsible for notifying the employee's supervisor within 24 hours of any damage, theft or other loss of County property. If an employee suspects the theft or loss of an electronic device that has the capability to have County data on it (e.g. cell phone, laptop, etc.), the employee must report the suspected loss to their supervisor and to the Administration Office immediately. The cost of repairing or replacing property or equipment not returned at the end of employment or damaged by negligent or intentional acts of an employee may be deducted from the employee's net pay provided the employee has been notified of such deduction, has signed a written authorization for the deduction, and the deduction will not reduce the employee's pay below minimum wage or overtime pay that is due.

6.10 CARE AND USE OF COUNTY EQUIPMENT AND VEHICLES. Each employee who is entrusted with the use of County equipment or motor vehicles is expected to exercise reasonable care in their use, perform regular maintenance, and follow all operating instructions, safety standards, and guidelines. Any improper, careless, negligent, destructive, or unsafe use or operation of equipment or a vehicle may be considered to be unsatisfactory performance of duties and result in disciplinary action. Each employee must notify the supervisor if any equipment, machine, tool, or vehicle appears to be damaged, defective, or in need of repair. This is essential to prevent the deterioration of equipment and possible injury to the employee or others. The supervisor can answer any questions about an employee's responsibilities with respect to a particular piece of equipment.

6.11 MAINTENANCE OF MINIMUM QUALIFICATIONS. All employees in positions that require certification, license, continuing education units (CEU's), etc. are required to maintain such certification, license, CEU's, etc. as a condition of employment. Failure to maintain the required minimum qualification may result in termination of employment.

6.11.1 DRIVER'S LICENSES. Any employee whose duties require that the employee drive a motor vehicle on County business must possess a valid New Mexico State Driver's License of the appropriate classification. An employee with a valid out-of-state Driver's License who has moved to New Mexico shall obtain a New Mexico State Driver's License within six (6) months of employment. An employee who resides out-of-state but works for Union County may drive a Union County motor vehicle with proof of out-of-state residency and proof of a valid out-of-state Driver's License. If an employee's driving privileges are suspended or revoked, the employee must immediately notify his or her supervisor and immediately discontinue driving any motor vehicle on County business. Any employee who fails to report a suspension or revocation of a drivers' license may be subject to disciplinary action, up to and including termination. By accepting employment with Union County, employees consent to periodic driving record checks. Employees who have been given a waiver due to residency in another state shall provide an annual driving record to the Human Resources Coordinator.

- 6.11.2 **CDL LICENSES AND ENDORSEMENTS.** Any employee whose duties require him or her to hold a Commercial Driver's License (CDL) and endorsements is responsible for maintenance of that license and endorsements. In addition, holders of CDL licenses and operators of commercial motor vehicles are subject to special rules detailed in the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, Appendix B. Each person holding a CDL license should consult that policy for further information.
- 6.12 **REIMBURSEMENT FOR COUNTY-SPONSORED TRAINING OVER \$2,000.** Any employee approved to attend a training class or program having a cost to the County of more than \$2,000, including lodging, meals, transportation, and tuition, may be required by the Department Head to sign an agreement requiring the reimbursement of all costs associated with the training if the employee voluntarily leaves employment within one year of completion of the training or if the employee fails to complete the training and the County is unable to receive a refund for costs already paid.
- 6.13 **NEPOTISM.** The employment of immediate relatives in the same department or office is strongly discouraged and strictly monitored to avoid interpersonal conflicts and favoritism. No person shall be employed who is to supervise or be supervised by a person related by blood or marriage unless first approved by the Board of County Commissioners. In cases where a conflict or potential conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. For purposes of this policy, an "immediate relative" is a spouse, child, parent, sibling, grandparent, grandchild, immediate stepfamily member, in-law, foster child or parent, co-habitant, and includes the spouse of any of those identified in this paragraph. Employees must notify the Human Resources Coordinator of the employment of immediate relatives at the County at the time of hiring, or within thirty calendar days of becoming an immediate relative of another employee.
- 6.14 **IMPROPER FRATERNIZATION OR DATING.** Employees are highly discouraged from dating persons in the same department. However, supervisors are prohibited from dating or engaging in a romantic relationship with a person under the supervisor's direct supervision. A supervisor beginning such a relationship shall notify the Human Resources Coordinator of the beginning of such a relationship within thirty (30) calendar days of entering into the relationship. If the supervisor or employee cannot be moved out of the supervisory relationship, disciplinary action including termination may be possible.
- 6.15 **PERSONAL USE OF COUNTY PROPERTY.** An employee shall not use County property for personal use, for profit, or as part of secondary employment. Use of County property in violation of this policy may result in termination. Some limited personal use of County property is permitted. Examples of authorized personal use include use of an assigned County vehicle to drive to lunch, diverting from an assigned task to run a personal errand when it can be done on the way to or from

the assigned destination, and other nominal personal uses as permitted by the County Manager on a case-by-case basis. County telephones may be used for personal business on a limited basis. An employee may receive personal telephone calls at work, but the calls must be brief, of a limited number, and must not interfere with the employee's work. No personal toll calls are allowed. Use of County computers and internet service is also permitted on a limited basis. See the Computer Use Policy.

6.16 CONFLICTS OF INTEREST

6.16.1 PRIVATE GAIN MAY RESULT IN TERMINATION. Termination may result from a conflict of interest that results in private gain to the employee or detriment to the County. Therefore, each employee must perform his or her assigned tasks without actual, potential, or apparent conflicts of interest, particularly with vendors of the County.

6.16.2 EXAMPLES OF CONFLICTS OF INTEREST. Examples of potential conflicts of interest include, but are not limited to, the following: (1) a direct or indirect financial interest in any sale or lease to the County of goods or services; (2) acceptance of a gift, gratuity, or favor from a vendor; (3) a close, personal friendship with a vendor which influences a transaction; (4) outside employment with a vendor; (5) influencing a decision of the County for personal gain of the employee or any family member; and/or (6) disclosure of confidential information to a private interest.

6.16.3 EMPLOYEES PARTICIPATING IN PROCUREMENT. Employees should exercise extreme care when involved in procurement to avoid any prohibited conflict of interest. Violations of the Procurement Code carry criminal penalties. See NMSA 1978, Section 13-1-199 (2013). Any employee involved in procurement is under a continuing obligation to disclose any actual, potential, or apparent conflicts of interest so that safeguards can be established to protect the County. See NMSA 1978, Section 13-1-190 (2009). Employees with questions should consult the County's Certified Procurement Officer and review the Procurement Code, NMSA 1978, Sections 13-1-190, 13-1-193, 13-1-194, and 13-1-199.

6.17 CRIMINAL ACTIVITY. All complaints or allegations of criminal conduct on the part of any employee will be referred to the Sheriff's Department or other appropriate outside agency for investigation. Employees have an affirmative duty to report to Human Resources any conviction of a felony that is adjudicated after employment begins. Any employee who engages in criminal activity or fails to report a felony conviction may be subject to termination.

6.18 GOVERNMENTAL CONDUCT ACT. All employees shall comply with the New Mexico Governmental Conduct Act. A copy of the Act is attached as Appendix J.

6.19 OTHER POLICIES INCORPORATED BY REFERENCE. The Union County Travel Policy, Vehicle Use Policy, and all other policies adopted by the Board of

County Commissioners are incorporated into this Employee Handbook by reference and are attached as appendices.

- 6.20 **USE OF PHOTOGRAPHS OR LIKENESS.** Photographs may be taken of any employees while attending public events or meetings or otherwise engaged in County business. All photographs taken by Union County will become the property of Union County and may be copied, published, and distributed for such purposes as publicity, marketing, and the promotion of the County and its various departments, programs, and projects by means of various media, including video presentations, television, newsletters, signs, brochures, websites, social networking sites, or newspapers. Employees are not entitled to any royalties or other compensation arising from or related to the use of their photograph or likeness. Employees who do not wish to have their photo taken may stand aside and not pose for photos and inform the photographer at the time he or she is taking photos, but there is no guarantee that any employee's image will not inadvertently be captured and published.

7 EMPLOYMENT RECORDS

- 7.1 **PERSONNEL FILE.** A personnel file will be maintained on each employee. The personnel file shall be maintained by the Human Resources Coordinator in a secure location. The personnel file shall include the employee's job application, resume, test results, training records, performance appraisals, disciplinary records, employment agreements, and a copy of each Personnel Action Form issued to the employee as well as other employment materials.
- 7.2 **INSPECTION OF PERSONNEL FILE.** Each employee shall be permitted to review his or her personnel file. The Human Resources Coordinator may establish reasonable rules to govern when, and in what manner, such a review may be accomplished. The employee shall not be permitted to remove anything from the personnel file but may add a separate supplemental statement to rebut negative statements found therein or make photocopies.
- 7.3 **ACCESS TO PERSONNEL FILES.** Personnel files are the property of Union County, and access to the information they contain is strictly restricted by law. Accordingly, access to an employee's personnel file will be limited to persons with a legal right to examine the file. A supervisor shall be permitted to examine the personnel file of an employee under his or her direct supervision, but only if there is a legitimate business reason to do so.
- 7.4 **INQUIRIES CONCERNING PRESENT AND FORMER COUNTY EMPLOYEES.** Only the Human Resources Coordinator is authorized to respond to inquiries regarding present and former employees. Responses to such inquiries will confirm dates of employment and position(s) held *only*. No further information will be

released without a written authorization and notarized release signed by the individual who is the subject of the inquiry except as required by law.

- 7.5 **MEDICAL FILES.** Medical information on each employee and his or her dependents which is obtained by the County will be maintained in a separate medical file. The medical file is a confidential file and may be inspected only by those with a legal right to do so. Any employee who is permitted to inspect such a file has a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately inspecting a medical file, or disclosing its contents, is subject to disciplinary action, up to and including termination of employment.
- 7.6 **EMPLOYEE DATA CHANGES.** Each employee must promptly notify the Human Resources Coordinator to update changes in the employee's mailing address, telephone number, personal number and names of dependents, individual(s) to be contacted in the event of an emergency, educational accomplishments, and other relevant information. This information may be subject to disclosure under the Inspection of Public Records Act. Upon separation, a personal e-mail address is required.
- 7.7 **NOTE ON EMPLOYMENT APPLICATIONS.** Union County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Union County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

8 **PAID TIME OFF (PTO)**

- 8.1 **ELIGIBILITY.** Each full-time and part-time regular employee and each full-time and part-time trial-period employee is eligible to earn, accrue, and use paid time off (PTO) from the date the employee becomes an employee of the County.
- 8.2 **ACCRUAL.** All employees may utilize the employee self-service portal to access accrual balances. Accrual begins at the next highest rate on the third pay period following the accrual start date. Accrual anniversary is based on hire date.
- 8.2.1 **FULL-TIME, NON-APPOINTED EMPLOYEES.** A full-time employees accrue PTO according to the following table:

PTO Earning Schedule
Full-time Employees

YEARS OF ELIGIBLE SERVICE	MAXIMUM PER PERIOD ACCRUAL
0 thru 1 years inclusive	5.38462 hours
2 thru 5 years inclusive	6.92308 hours
6 thru 10 years inclusive	8.46154 hours
11 years or more	.46154 additional hours per pay period for each additional 2 years of employment

8.2.2 **PART-TIME EMPLOYEES.** A part-time employee accrues PTO at a prorated rate based on the number of hours that they work.

8.2.3 **CASUAL, SEASONAL, TEMPORARY, ELECTED OFFICIALS, UNCLASSIFIED AND CONTRACT EMPLOYEES.** Casual, Seasonal, Temporary, Elected Officials, Unclassified (Appointed) and Contract Employees do not accrue PTO.

8.2.4 **SHERIFF'S OFFICE LATERAL TRANSFER EMPLOYEES.** Employees of the Sheriff's Office who have made a lateral transfer from another law enforcement agency shall accrue PTO at an accrual rate based on their total years of service as a certified peace officer.

8.3 **MAXIMUM ACCUMULATION ALLOWED.** An employee may accumulate no more than 320 hours. If PTO is not taken after an employee accrues 320 hours, the excess time will be donated to the Union County PTO Donation Pool on a monthly basis, unless the employee opts out in writing. If an employee chooses to opt out in writing, any accrued time over 320 hours will be permanently lost. During critical projects, the County Manager may grant a short-term variance to employees from this requirement.

8.4 **REQUESTING PTO, USE OF COMPENSATORY TIME, OR PERSONAL LEAVE.** Whenever possible, an employee shall make a request for time away from work through the electronic timekeeping system to his or her supervisor at least five (5) working days prior to the proposed PTO. A Department Head may waive the 5-day requirement at his or her discretion. The supervisor shall grant any reasonable request, but shall also consider the department's workload, present staffing levels, and other job-related factors when deciding whether to grant the request. If the employee is taking leave due to an illness, the supervisor shall be notified as soon as possible after the onset of the illness.

- 8.5 **PTO COMPENSATION.** Hourly employees will receive the employee's hourly base rate of pay at the time of the PTO, multiplied by the number of regular hours the employee would have worked during the time off. Salaried employees shall receive their salary during the PTO. An employee on leave will not be compensated for overtime which might have been worked had the employee not taken time off. Salaried employees shall use PTO in half-day increments as appropriate. A salaried employee who does not work at least half of his or her regularly assigned shift shall utilize a half-day of leave.
- 8.6 **COMBINING PTO WITH A HOLIDAY.** Subject to the approval of the supervisor, an employee may combine accumulated leave time with a holiday to extend time off or reduce the number of accrued hours expended during approved leave.

9 EMPLOYEE PTO DONATION POOL

- 9.1 **PURPOSE.** Union County recognizes that employees may incur emergencies or other catastrophic events that result in a need for time off in excess of accrued or available PTO. To that end Union County has established the Union County Employee PTO Pool that is maintained by the HR Coordinator.
- 9.2 **DONATIONS.** In addition to Section 9.3, employees may donate PTO to the Pool by submitting a written request to the HR Coordinator for a specified amount, specified period of time, or until otherwise directed by the employee. PTO donations are to the Pool, not to individual employees or specific departments, must be whole hours, are accepted based on the donating employee's hourly rate of pay, and are awarded on the receiving employee's rate of pay. Once donations are made, they are removed from the donating employee's PTO balance and once removed cannot be returned.
- 9.3 **PROCEDURE FOR REQUESTING DONATION OF PTO TIME.** Any employee of Union County is eligible to request leave from the Pool by submitting a written request to the HR Coordinator.
- 9.3.1 **STEP 1.** An employee may notify his or her supervisor, or the Human Resources Coordinator, that he or she is in need of additional leave, or may need additional leave, and would like to request donation of leave from the PTO Pool.
- 9.3.2 **STEP 2.** The supervisor shall notify the Human Resources Coordinator of the request. At that time, a formal request form must be filled out and submitted to the Human Resources Coordinator.
- 9.3.3 **STEP 3.** The employee must have suffered a qualifying reason as defined by the FMLA or other catastrophic event. Medical certification of the illness

or injury must accompany the request. The Human Resources Coordinator shall review the request and doctor's statement to verify that the request meets the requirements.

- 9.3.4 **STEP 4.** The employee requesting the donation must have exhausted all accrued leave prior to being eligible for donations from the PTO Pool.
- 9.4 **ELIGIBILITY FOR DONATED LEAVE.** A full- or part-time regular employee must be employed by the County for at least 180 days in order to request donated leave. Work-related injuries or illnesses shall not be considered since they are covered by workers' compensation. While an employee is off work on donated leave PTO and personal days shall not accrue. Deductions for taxes, insurance premiums, and PERA shall continue.
- 9.5 **LIMITATIONS.** Employees are limited to receiving one hundred twenty (120) hours in a twelve-month period. Employees are also limited to receiving no more hours than they would otherwise be regularly scheduled to work. Employees receiving disability, worker's compensation or other monetary benefits as a result of the event leading to a request from the Pool, are limited to receiving PTO from the Pool necessary to cover their benefits contributions (e.g. health insurance premiums) while the employee receives those benefits.
- 9.6 **INSUFFICIENT PTO IN POOL.** In the event there are insufficient funds in the Pool to fully award all requests, awards will be paid pro rata to all recipients. Request or solicitations of additional donations will then be made by the County Manager and/or HR Coordinator.
- 9.6.1 **ANTI-COERCION.** While responding to a request for donated leave, no Department Head, Elected Official, manager, or supervisor shall coerce an employee to either donate or not donate leave. An anti-coercion clause will be included on the request form.

10 HOLIDAYS

- 10.1 **ELIGIBILITY.** Each regular full-time, regular part-time, full-time trial period, part-time trial period, Elected Official and unclassified employee is entitled to time off from work with pay during holidays. Holidays are recognized annually by the Board of County Commissioners.
- 10.2 **COMPENSATION DURING A HOLIDAY.** During a holiday, each full-time hourly employee, regardless of schedule, shall receive the employee's base rate of pay at the time of the holiday. Each regular part-time employee shall receive prorated holiday compensation based on the average number of hours worked in a forty-hour week. An hourly employee on holiday will not be compensated for overtime which might have been earned had the employee worked. Each salaried employee shall receive his or her regular salary during the holiday.

- 10.3 **WORKING DURING A HOLIDAY.** If an eligible employee works during a holiday, the employee shall be compensated for the time worked during the holiday (including overtime, if applicable; see section 15.2 herein), and shall be compensated for the missed holiday. During a holiday week, compensatory time and overtime may only be earned for hours actually worked in excess of 40.

11 **OTHER LEAVE**

- 11.1 **PERSONAL LEAVE.** Each regular full-time, regular part-time, and each unclassified employee shall receive one personal leave day with pay each calendar year. A personal leave day must be scheduled in the same manner as a PTO day. Personal leave must be taken no later than the end of the last pay period prior to December 31 of the year of accrual. Personal leave may not be carried over into the following calendar year but instead shall be forfeited if not used. No partial personal day is allowed. Employees can collectively agree to use their personal leave day to extend holiday leave. This must be decided annually and added to the holiday leave schedule approved by the Board of County Commissioners.
- 11.2 **BEREAVEMENT LEAVE.** Each full-time, part-time, unclassified, and trial period employee shall be eligible to receive bereavement leave with pay only in the event of the death of an immediate family member. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, step-grandparent, foster child, father-in-law, mother-in-law, son- and daughter-in-law, and brother- and sister-in-law. Bereavement leave does not apply to the death of friends or colleagues. Bereavement leave, to be used at the time of an immediate family member's death and/or at the time of an immediate family member's funeral shall not exceed forty (40) hours for full-time hourly employees or one (1) work week for salaried employees. With the supervisor's approval, bereavement leave need not be taken on consecutive days. Bereavement leave available to part-time employees shall be prorated, based on the average number of hours worked in a forty-hour week. An employee may be permitted to extend his or her bereavement leave using PTO. An employee shall obtain approval for bereavement leave from his or her supervisor **prior** to taking bereavement leave.
- 11.3 **MILITARY LEAVE.** Each regular full time, trial period, regular part-time, trial period part-time, and unclassified employee who is a member of an active duty or reserve unit of the United States Military or the National Guard may be granted military leave with pay and benefits for up to fifteen (15) workdays (120 hours) per federal fiscal year (October 1 through September 30) when serving with the United States armed forces pursuant to an order for active duty or training, including travel time to and from the reporting location (travel time to be determined by the most recent edition of the Rand-McNally road atlas which can be found at www.randmcnally.com). The employee may use accrued leave for travel time or

after exhausting the fifteen days leave. If the period of duty exceeds fifteen days, the employee may use accrued PTO leave, the employee's personal leave day, and/or leave without pay for the duration of the employee's duty period. Employees utilizing military leave will not be responsible for the County's portion of the Medical Plan premium.

- 11.4 **COURT DUTY.** Each full-time regular, part-time regular, unclassified, and trial period employee may take Court leave with pay when required to serve as a juror or as a witness in any state or federal court at a time when the employee would normally be working, except in a matter related to the performance of the employee's duties in which the employee is a litigant. An employee may not take Court leave to litigate against the County. If excused from duty by the Court when four (4) or more work hours remain in the employee's workday, the employee shall return to work. If an employee elects to take Court leave with pay, any fee paid to the employee as a juror or witness must be paid to the County.
- 11.5 **BOARD OR COMMISSION LEAVE.** An employee who has been appointed or elected to serve on a state, county, city, or non-profit entity's Board or Commission shall be entitled to leave (during their regularly scheduled work hours) with pay to attend meetings or transact business, so long as the appointment has been approved by the Board of County Commissioners and/or the County Manager. This may include service to the Association of Counties and relevant professional groups.
- 11.6 **ADMINISTRATIVE LEAVE WITH PAY.** An employee may be placed on administrative leave with pay when it is in the best interests of the County to do so. However, administrative leave with pay may be authorized only by the supervising Department Head, or Elected Official, after conferring with the Human Resources Coordinator and the County Manager.
- 11.7 **ADMINISTRATIVE LEAVE WITHOUT PAY.** An employee may be placed on leave without pay when the circumstances and best interests of the County dictate that unpaid leave is appropriate. However, leave without pay may be authorized only by the supervising Department Head or Elected Official after conferring with the Human Resources Coordinator and the County Manager. Unless authorized by the County Manager, unpaid leave shall not exceed sixty (60) days in duration. During unpaid leave, an employee shall not accrue any of the benefits described in the Employee Handbook. An employee on unpaid leave shall not receive holiday pay. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, insurance, or benefit program during unpaid leave. Donated leave shall not be available.
- 11.8 **LEAVE WITHOUT PAY FOR PERSONAL REASONS**
 - 11.8.1 **EXTENDED UNPAID LEAVE.** Union County generally discourages the use of unpaid leave. However, the County recognizes that unforeseen circumstances

may arise leaving an employee no choice but to request unpaid leave. In any situation where an employee lacks sufficient paid leave to deal with the situation, the employee may request to utilize unpaid leave. To the extent practical, the unpaid leave should be requested in writing and in advance of the anticipated leave. If leave cannot be requested in advance, it should be requested as soon thereafter as is practical. During the extended unpaid leave, no benefits shall accrue. The employee shall be responsible for payment of the employer portion of any health insurance. Donated leave shall not be available.

11.8.2 SHORT-TERM UNPAID LEAVE. An employee who has exhausted all leave and does not meet the requirements of extended unpaid leave shall only be allowed unpaid leave at the supervisor's discretion. If such short-term leave is approved, the employee shall be responsible for payment of the proportional share of the County's portion of any benefit. This share may be calculated on a daily or hourly basis, based upon the status of the employee. That share shall be deducted from the employee's next paycheck.

11.8.3 EXCESSIVE SHORT-TERM UNPAID PERSONAL LEAVE. Any employee utilizing short-term, unexcused, unpaid personal leave more than two (2) times (except unpaid military leave, short-term disability or workers' compensation) may be subject to discipline, up to and including termination.

11.9 FAMILY AND MEDICAL LEAVE. The federal Family Medical Leave Act (FMLA) provides for a leave of absence for a serious health condition, to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child, or to care for a child, spouse, or parent with a serious health condition. An employee may request family and medical leave on a form provided by the Human Resources Coordinator. Except as provided below, each employee is entitled to take up to twelve (12) weeks of family and medical leave each calendar year. Eligibility is determined by reference to federal law and regulations and is assessed on a case-by-case basis. If an employee has questions concerning eligibility, he or she should consult the Human Resources Coordinator. Employees requesting family and medical leave are required to provide a statement from a health care provider concerning the need for such leave. Family and medical leave is unpaid leave. During the unpaid leave, the employee will be required to pay the employee's share of benefits such as health insurance, PERA, and other benefits where an employee share is required. Leave benefits, such as PTO and personal days, do not accrue during family and medical leave. Employees on unpaid family and medical leave do not receive holiday pay while on leave, unless using their own accrued leave concurrently with FMLA leave. An employee may choose to use paid leave (compensatory time, personal days, or PTO) concurrently with unpaid FMLA leave. If an employee chooses to run paid leave concurrently with FMLA unpaid leave, the employee will accrue benefits during the paid leave. An employee may choose to limit the number of PTO or compensatory hours used during FMLA unpaid leave to cover only the required amount needed to pay his or her portion of premiums for County benefits.

Family and medical leave of up to twenty-six (26) weeks of unpaid leave shall be available to a full-time regular employee for the care of a qualifying family member who is injured while in active military service. Employees who may be eligible for this leave should contact the Human Resources Coordinator as soon as possible to determine eligibility.

Full-time regular employees with a deployed family member may be eligible for up to twelve (12) weeks of unpaid FMLA leave in the event of a qualifying exigency such as short-term deployments, military events and related activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and other activities as agreed between employer and employee. Employees should contact the Human Resources Coordinator upon receipt of a deployment order.

- 11.10 **DOMESTIC ABUSE LEAVE.** Each full-time regular, part-time regular, and trial period employee may take domestic abuse leave for up to fourteen (14) days in any calendar year, for up to ten (10) hours in one day, to obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or district attorneys' victim advocates, or to attend court proceedings related to the domestic abuse of any employee or employee's family member.

An employee shall obtain approval for domestic abuse leave from his or her supervisor prior to taking the leave. When domestic abuse leave is taken in an emergency, the employee or employee's designee shall give notice within twenty-four (24) hours of commencing the domestic abuse leave. The employee's supervisor may require verification of the need for domestic abuse leave in the form of a police report, a copy of the order of protection or other court evidence, or the written statement of an attorney representing the employee in the matter. For domestic abuse leave, an employee may PTO, compensatory time, or unpaid leave consistent with Union County policies. Confidentiality shall be maintained to the extent required by law.

12 **MEDICAL CARE**

- 12.1 **UNION COUNTY MEDICAL PLAN.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, unclassified employee, Elected Official, and their eligible dependents may obtain group medical care through the County's group medical insurance plan. Part-time regular employees may enroll in the medical plan on the same basis as full-time employees. The employee's contribution shall be made by payroll deduction. The specific details of the plan are available through the Human Resources Department. Each employee should consult the policy for specific details concerning the coverage, conditions, and exclusions applicable to the policy.

If an employee is on military leave as defined in section 11.3, the employee shall be required to pay the employee's share of the cost of the Union County Medical Plan.

- 12.2 **VISION PLAN.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, unclassified employee, Elected Official, and their eligible dependents, may receive vision insurance coverage through the County's group vision insurance plan. The plan requires payment of a premium through payroll deduction. Each employee should consult the policy for specific details concerning the coverage, conditions, and exclusions applicable to the policy.
- 12.3 **PRESCRIPTION PLAN.** Any employee and dependent who participates in the County's medical insurance program also participates in the prescription card program. Each employee should consult the policy for specific details concerning the coverage, conditions, and exclusions applicable to the policy.
- 12.4 **EMPLOYEE ASSISTANCE PROGRAM.** Any employee of Union County may contact the Employee Assistance provider currently under contract with the County benefit administrator to receive matrimonial counseling, psychological counseling, and/or drug and alcohol counseling. The service is provided free of charge for a limited number of sessions per event annually. The service is confidential, unless the employee is referred by a supervisor or the Human Resources Coordinator, in which case the Human Resources Coordinator will be informed only whether or not the employee has participated in and satisfactorily completed the counseling. It is the employee's responsibility to seek assistance from the Employee Assistance Program prior to reaching a point where his or her judgment, performance, or behavior has led to disciplinary action. Each employee should consult the policy for specific details concerning the coverage, conditions, and exclusions applicable to the policy.
- 12.5 **HIPAA PRIVACY AND SECURITY RULES.** Union County complies with Privacy and Security Rules as outlined in the Health Insurance Portability and Accountability Act (HIPAA). The **HIPAA Privacy Rule** gives an individual rights over how his or her health information may be used or disclosed and protects the unauthorized disclosure of certain medical information known as protected health information (PHI). Private health information relates to the physical or mental health condition of an individual at any time, past, present, or future. The **HIPAA Security Rule** provides guidance on security technologies and methodologies that render protected health information (PHI) unusable, unreadable, or indecipherable to unauthorized individuals.

Supervisors and employees shall not share medical information concerning any employee, unless that disclosure is authorized by the employee in writing, or the supervisor has a legitimate business reason to share the information (such as when making a claim against an insurance policy). If an employee has questions

about HIPAA, he or she may contact Union County's Human Resources Coordinator.

13 MISCELLANEOUS BENEFITS

- 13.1 **DENTAL INSURANCE.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, unclassified employee, Elected Official, and their dependents, may receive dental insurance coverage through the County's group dental insurance plan. The plan requires payment of a premium through payroll deduction. Each employee should consult the policy for specific details concerning the coverage, conditions, and exclusions applicable to the policy.
- 13.2 **LIFE INSURANCE.** Each full-time regular, full-time trial period, part-time regular, unclassified employee, Elected Official, and their dependents, may have the option of obtaining group term life insurance. The Board of County Commissioners provides each employee a \$50,000 life insurance policy at no cost to the employee. Additional coverage is available for an additional premium. Each employee should consult the policy for specific details concerning the coverage, conditions, and exclusions applicable to the policy.
- 13.3 **WORKERS' COMPENSATION PROGRAM.** Each employee is covered by the New Mexico Workers' Compensation Act. The workers' compensation program provides benefits to an eligible employee who suffers a job-related injury. Any employee placed on workers' compensation as a result of work-related injury will not receive his or her regular pay or salary during the first full week of disability. An employee may utilize leave during this "waiting week" and will be required to contribute the regular Medical Plan premium through payroll deduction but will not be responsible for the County's portion of the premium when leave is utilized during the waiting week. The injured worker shall be compensated weekly indemnity benefits at the rate of sixty-six and two-thirds of his/her pre-injury average weekly wage for the 'waiting week' period if the injured worker is unable to work for more than four (4) weeks from the date of disability. (52-1-40 NMSA 1978). The waiting week check will be issued following four (4) full weeks of disability. Any leave time used for the waiting week will not be returned to the injured worker.

Compensation for work-related injuries is strictly limited by the Workers' Compensation Act, and nothing herein shall be construed as extending benefits under the County program not explicitly required by the Act. Any employee placed on workers' compensation who cannot return to his/her pre-injury job, as outlined in the pre-injury job description, within six (6) consecutive months of the date of the accident or injury which results in the disability shall be released from employment but shall be eligible to re-apply for a position with the County pursuant to the terms of the Workers' Compensation Act.

An employee receiving workers' compensation payments shall not receive holiday pay in addition to workers' compensation. Employees may utilize leave hours to

make up the difference between actual pay and the workers' compensation benefit. An employee on workers' compensation is required to contact his or her supervisor to report any change in work status. Questions concerning workers' compensation should be directed to the Human Resources Coordinator.

- 13.4 **SHORT-TERM DISABILITY PLAN.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, unclassified employee, and Elected Official, has the option of becoming covered by the County's short-term disability plan. The short-term disability plan currently provides a benefit for employees who are disabled as a result of a non-job related illness or injury and who are unable as a result of the illness or injury to fulfill their duties. Employees must pay into the short-term disability plan for one (1) year in order to receive the benefit. An employee must contact Human Resources as soon as possible after becoming unable to work to apply, and all requested documentation must be provided by the employee in a timely manner. An approved employee may receive benefits following a 28-calendar day limitation period following a non-job related illness or injury and may continue to receive benefits for a maximum of 26 weeks. Short-term disability covers 60% of an employee's salary following the 28 day limitation period. An employee out on short-term disability may use accrued PTO or compensatory time to supplement pay and cover benefits during the period of temporary disability. An employee may choose to only use the number of hours needed to cover benefits and ensure they have enough time. The benefits provided by this plan are in addition to any other benefits the employee may be entitled to receive, except benefits arising from workers' compensation. The short-term disability plan is an employee paid benefit. Premiums will be made by payroll deduction.
- 13.5 **RETIREMENT BENEFITS.** Each eligible employee participates in the County's mandatory retirement program, administered by the Public Employees Retirement Association ("PERA"). Mandatory employee contributions to the plan are made by payroll deduction and forwarded to PERA. Details concerning eligibility and other details of the retirement program are set forth in the New Mexico Statutes Annotated and the publications of PERA, which are provided to the employee directly by PERA.
- 13.6 **SPECIAL TRAINING OR CERTIFICATION INCENTIVE PROGRAM.** Union County recognizes that importance of training that is relevant to the employee's position and is willing to offer awards to recognize and retain employees who have made an effort to improve knowledge and skills that are pertinent to their employment with the County.
- 13.6.1 **ELIGIBILITY.** To be eligible for the special training and certification incentive, an employee must be a classified employee or unclassified employee who has completed the trial period. The list of eligible trainings and certifications along with the monetary incentives are determined in the attached policy. Appendix H

13.6.2 [reserved].

13.7 **LONGEVITY PAY.** Longevity payments based on length of service shall be made to an eligible employee in a single payment in December of each year so long as the employee has fulfilled the requirements below.

13.7.1 **ELIGIBILITY.** Employees eligible for longevity payments are full-time regular and full-time unclassified employees who have completed three (3) years of continuous employee service on or before November 30 in the calendar year in which the longevity payment is awarded.

13.7.2 **LONGEVITY PAY CALCULATIONS.** In arriving at years of service for longevity pay calculations, only total continuous employment with the County will be taken into account, regardless of position or department. Longevity payments will be calculated on the basis of fifty dollars (\$50.00) for each completed year of continuous service, as of December 1, after a minimum of three (3) years of continuous service. A longevity payment for a part-time employee shall be prorated according to the number of hours worked.

13.8 **UNIFORM POLICY.** The image that Union County employees wish to project to the general public is the major consideration in adopting a Uniform Policy. This is not a dress code policy, but a uniform policy where common sense and good judgment concerning on-the-job appearance will generally meet acceptable standards. The County, as employer, retains the right to mandate the use of uniforms. Uniforms, distinctive clothing to be worn while on duty, will be provided by Union County to designated employees, as per departmental policy, following approval of the County Manager.

Mandating uniforms within a given department will be based upon the following criteria:

- Need for identification by the general public for safety officials (i.e. Sheriff's Office, Emergency Services, and Fire & Rescue).
- Need for identification by the general public for employees who frequently interact with the public.
- Nature of the employee's work which leads to exposure to harsh environmental conditions (i.e. steel-toed boots).

Uniforms shall be worn at all times required by departmental policy. If an employee reports for duty out of uniform, appropriate disciplinary action may be taken. Uniforms shall not be worn when not required for duty.

13.8.1 **TYPES OF UNIFORMS.** The types of uniforms to be provided to designated employees of Union County include:

13.8.1.1 **IDENTIFICATION** shall be provided to employees of Union County as required by departmental policy.

13.8.1.2 **UNIFORM CLOTHING** (shirts, pants, footwear, etc.) shall apply to designated employees as defined below. Uniform clothing or a uniform allowance, for the purpose of providing a uniform, will be provided to designated employees, as defined in this Uniform Policy.

Uniform clothing shall be provided only to designated employees of the following departments:

- Sheriff's Office
- Fire & Rescue
- Emergency Management

Uniform clothing will be a certain style and color, as per departmental policy. It is the responsibility of the employee to clean and maintain uniform clothing.

Uniform clothing will display the appropriate identification (badges, patches, lapel pins, etc.). Uniform identification will be issued by the department. The employee is responsible for the security of all uniform identification. All uniform identification will be returned to the County upon termination of employment.

13.8.1.3 **FOOTWEAR ALLOWANCE** shall be provided to employees of Union County whose duties require the use of special footwear. An annual footwear allowance will be paid in one payment by August 31 of each year. The County requires reimbursement of the footwear allowance by an employee who leaves employment sooner than 90 days. Footwear purchased must meet department requirements and standards. Failure to wear appropriate safety footwear may affect workers' compensation benefits in the event of an accident. Footwear allowances shall be provided only to designated employees of the following departments:

- Road Department
- Fire & Rescue
- Maintenance

Sheriff's Office employees who receive a uniform or a uniform allowance will receive their footwear allowance as part of the uniform allowance. Employees are responsible for any damage done to footwear due to neglect.

The amount of the footwear allowance shall be established annually by the County Manager in consultation with Department Heads.

13.8.2 **RETURN OR REIMBURSEMENT OF UNIFORMS.** All designated employees shall sign a property checklist upon employment in which the employee agrees to

return to the County any issued uniform, or reimburse the County for a uniform, if terminated (voluntarily or involuntarily) before 90-days of continuous employment. Reimbursement will be paid upon the following scale:

<u>Period of Employment (from date of hire)</u>	<u>Percent of Cost To Be Reimbursed</u>
0-30 days	100%
31-60 days	80%
61-90 days	60%

13.8.3 **PERSONAL PROTECTIVE CLOTHING.** This Uniform Policy shall in no way limit the use of personal protective clothing by employees of Union County. Personal protective clothing shall be available to employees of Union County as needed for safe performance of duties, as per departmental policy.

13.9 **FITNESS ACTIVITIES.** The Union County Sheriff's Office offers a voluntary physical fitness incentive program for certified deputies in the department. Certified deputies who choose to participate will be given a physical fitness strength and endurance test each year identical to the academy exit-level fitness test required by the State of New Mexico for entry level peace officer certification. Deputies that pass the fitness test will receive two (2 days) (16 hours total) of PTO time. Accruals over 320 hours of PTO are subject to forfeiture pursuant to Section 8.3 of this Handbook.

14 **PERFORMANCE EVALUATION**

14.1 **INTRODUCTION.** A formal performance evaluation of each employee shall be conducted to provide the supervisor and the employee an opportunity to discuss job performance, identify and correct weaknesses, encourage, and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

14.2 **EVALUATION PROCEDURE**

14.2.1 **DATE OF EVALUATION.** When a performance review is initiated, it will occur on or about the employee's anniversary date. Each employee on trial status shall receive a performance evaluation after six (6) months and after eleven (11) months of employment. Employees who are on trial status following a promotion or transfer may receive a performance evaluation after six (6) months on an as-needed basis and after eleven (11) months of employment in the new position. An additional performance evaluation may be scheduled as necessary.

14.2.2. **EVALUATION FORM.** When a performance review is initiated, the supervisor shall complete the form provided by the Human Resources Coordinator for that purpose (and any specialized evaluation form used by the department).

14.2.3 **CONDUCT OF EVALUATION.** The performance evaluation shall be completed by the employee's supervisor.

14.2.4 **OBJECTING TO A PERFORMANCE EVALUATION.** If an employee wishes to rebut a performance evaluation, the employee must complete a rebuttal statement in the space provided on the performance evaluation form or prepare a separate statement. An employee aggrieved by a performance evaluation may request review of the performance evaluation by the Department Head/Elected Official and/or further review by the Human Resources Coordinator. Neither the Department Head/Elected Official nor the Human Resources Coordinator are obligated to take any action following a review.

14.3 [reserved]

14.4 [reserved]

15 **COMPENSATION**

15.1 **COMPENSATION SYSTEM.** Union County utilizes a salary range compensation system. Under this system, a salary range is adopted for each position. The range establishes a minimum and maximum amount of compensation for each position and establishes a graduated salary. Funding for increases or changes in the hourly rate or salary range of any employee or group of employees must be authorized by the Board of County Commissioners.

15.1.1 **ASSIGNMENT TO PAY.** Each new employee and each employee who has transferred to a new position will be assigned upon hiring to a rate of pay within the range established for that position. If the new employee does not meet the minimum qualifications upon hiring, the employee shall be assigned to a salary range below that established as the minimum for the position until necessary qualifications are attained. When an employee is granted a raise, the employee may be assigned to the next grade or grades within the range, or to a larger discretionary merit increase, depending on the level of his or her work performance, if such policy is implemented.

15.1.2 **COMPENSATION DURING THE TRIAL PERIOD.** During the employee's trial period, the employee may be paid up to 5% less than the wage rate assigned upon hiring or transfer while the employee acquires the necessary experience to perform the job. The duration of lesser compensation will normally be limited to the duration of the trial period, after which the employee will be paid the wage rate assigned to the minimum of the position for which the employee was hired or transferred. An employee shall not be eligible for an increase during his or her trial period unless an update to the Position Classification and Salary Plan is updated and it is determined that an increase is warranted.

15.1.3 **COST-OF-LIVING ADJUSTMENT.** Cost-of-living adjustments may be made by the Board of County Commissioners.

15.1.4 **APPLICATION OF THE COMPENSATION SYSTEM TO STEPPED-OUT EMPLOYEES.** Each employee whose rate of pay equals or exceeds the maximum permissible under the range compensation schedule shall be ineligible for further increases to their hourly rate or salary in the position.

15.1.5 **TEMPORARY COMPENSATION FOR PERFORMANCE OF ADDITIONAL DUTIES.** Occasionally, an employee will be required to temporarily assume duties of a higher paid job classification. In such cases, the employee's compensation may be temporarily adjusted to reflect the added responsibility. In order to qualify for a salary adjustment, the employee must assume the full range of responsibilities of the higher classification for 40 consecutive hours or more. After the 40th hour worked, the employee's compensation may be increased to the starting salary of the higher classification or five percent (5%) above the employee's present salary, whichever is greater. The adjustment will not be retroactive. When the temporary assignment is completed, the employee's salary will be readjusted to its previous level.

15.1.6 [reserved]

15.1.7 **ON-CALL AND STANDBY PAY.**

15.1.7.1 **POLICY.** Hourly/non-exempt employees who are required to be on-call or on standby outside regularly scheduled hours shall be compensated as provided by FLSA. No additional compensation shall be paid to salaried/exempt employees who are called back to work.

15.1.7.2 **DEFINITIONS.**

ON-CALL EMPLOYEE. An hourly/non-exempt employee who is required to be available to respond to calls and emergencies, but who is not *at work* and is free to use the time off as he or she pleases, is considered an on-call employee. These employees are required to be response ready for calls for service and must answer all calls that have a potential to be a call for service. The employee will provide a means of communication by which the employee may be reached. Department specific procedures and response time shall be determined by each department and approved by the County Manager. On-call employees are not entitled to overtime by virtue of being on call or waiting to be paged or called to work. For each seven (7) day period served on-call, the on-call employee will receive two (2) hours of straight time pay at their regular rate of pay. Failure to comply with department specific procedures and expectations relating to on-call duties may result in disciplinary action and/or loss of the 2 hours of on-call pay.

If an on-call employee is called into service, that employee's time on the job shall be compensated as provided in FLSA. An on-call employee called into service shall be compensated for a minimum of two hours of time for every call out, calculated from the time the employee leaves a residence until the service is complete. An employee who is able to respond from home shall be compensated in 15-minute increments and the two-hour minimum does not apply. The hours worked shall be compensated at the rate of one and one-half times (1 ½) the actual hours worked in excess of forty (40) hours.

EMERGENCY/STANDBY EMPLOYEE. A regular employee required to standby his or her post ready for duty and whose time is controlled by the Supervisor is considered an employee on standby. An employee on standby is not able to use this time for the employee's own purposes and move about freely. Such periods of time are usually short periods, and those occurrences are not predictable. This time is compensated one and one-half times (1 ½) for actual hours worked or required to standby in excess of forty (40) hours in a workweek for a regular employee.

- 15.1.8 **MAINTENANCE OF THE COMPENSATION SYSTEM.** The County Manager shall be responsible for the continuous maintenance and administration of the Compensation System. The Human Resources Coordinator will make periodic recommendations to the County Manager. All pay will be in compliance with state and federal compensation laws.
- 15.2 **OVERTIME.** Hourly employees may occasionally be required to work in excess of 40 hours per week. Work in excess of 40 hours per week is paid at a rate of one and one-half times the employee's regular hourly rate. This rate is applied to the actual hours worked in excess of 40 hours per week. To the extent possible, overtime will be offered to employees desiring additional work. Unless it is not practical to do so, all overtime work must be approved before it is performed. Overtime shall not be paid for attendance at social events unless directed to attend by the Department Head with the concurrence of the County Manager. During a holiday week, overtime may only be earned for hours actually worked in excess of 40. With Commission approval, the Sheriff's Office and Fire & Rescue may adopt a schedule under Section 7(k) of the Fair Labor Standards Act.
- 15.3 **COMPENSATORY TIME.** Compensatory time is time worked by an hourly employee in excess of 40 hours per week for which the employee elects to receive time off from work in lieu of overtime pay. For most employees, compensatory time is compensated at the rate of one and one-half hours of time off from work for each hour actually worked in excess of 40 hours per week. An employee must elect to accrue compensatory time in lieu of paid overtime before performing the overtime work. Compensatory time off may be accrued, but only to a maximum of 90 hours. If an employee works overtime in excess of the maximum 90 hours, the employee will be paid overtime for any overtime work, regardless of any election to the contrary. During a holiday week, compensatory time may only be earned for hours

actually worked in excess of 40. Earned compensatory time must be reported on the time sheet for the pay period in which it was accrued. Should a non-exempt hourly employee be reclassified to an exempt position or be transferred or promoted to an exempt position, he or she shall be paid for accrued compensatory time at the rate of the previously held position at the time of reclassification. Part-time temporary employees are ineligible for compensatory time. Questions concerning compensatory time should be directed to the Human Resources Coordinator.

15.4 **OVERTIME/COMPENSATORY TIME – SALARIED EMPLOYEES.** Salaried employees who work more than 40 hours per week shall not be entitled to overtime or compensatory time. However, with the approval of a supervisor and the County Manager, a salaried employee who works on a scheduled day off or who can demonstrate significant hours in excess of forty (40) hours per week may be granted flextime.

15.5 **FLEXTIME –** If an employee is approved for flextime, FLSA non-exempt employees must flex their hours within the same work week. FLSA Exempt employees, with their supervisor's approval, may flex their hours or make up the time according to an agreed-upon schedule.

15.6 **PAY PERIODS, PAY, AND TIMEKEEPING**

15.6.1 **PAY PERIOD.** A "pay period" is a two-week period beginning Sunday and ending Saturday. This method of payment results in twenty-six (26) pay periods per year.

15.6.2 **PAY.** All employees are required to receive pay through direct deposit. Pay will be issued every other Thursday. If a holiday falls on Thursday, pay will be issued on Wednesday. In the event of an error in the amount of payment, no correction will occur until the following pay period, if the error was caused by the employee. If the error was not caused by the employee, payment will be issued as soon as reasonably possible. In the event of an overpayment that cannot be immediately corrected, the overpayment shall be deducted from the next payroll following the date the County becomes aware of the overpayment. No repayment shall result in pay being brought below the minimum wage. The County may span reimbursement made to the County over more than one pay cycle when necessary or convenient.

Employees must notify the Human Resources Coordinator or the Finance Department of any change in bank account information.

15.6.3. **TIME REPORTING.** Time reporting will be done electronically via timeclock entry or approved mobile app. The mobile app option is only available for law enforcement or specific positions approved by the County Manager. Hourly employees are expected to clock in/out daily to include any personal leave,

including lunch, unless auto-deduct applies to the employee's specific position. For purposes of pay, time worked will be rounded to the quarter hour in seven-minute increments: minutes 1-7 round back to the quarter hour and minutes 8-14 round forward to the quarter hour. Regardless of the rounding rule, the time keeping system will register the actual time clocked in/out and supervisors may use this information to determine tardiness. The County's Timekeeping policy is attached in Appendix F

- 15.6.4 **ACCURACY OF TIME REPORTING.** It is the responsibility of each employee to accurately report the daily time at work performing assigned duties. Each employee and supervisor must certify the accuracy of all time recorded. If the employee or supervisor makes any corrections or modifications to the time reporting, the employee and the supervisor must certify the accuracy of the changes.

16 **SAFETY AND ACCIDENT PREVENTION**

- 16.1 **SAFETY PROCEDURES.** Certain procedures are required to maintain safe and healthy working conditions for Union County employees and members of the public. The Loss Prevention Committee shall implement and enforce safety procedures in accordance with federal, state, and local laws and regulations. The full Union County Loss Prevention Policy is attached in Appendix I.
- 16.2 **WORKING SAFELY.** Each employee must be informed of and observe established safety practices. Each employee is to take all possible precautions to avoid exposure to injury or illness to themselves or others. Each employee must utilize appropriate personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats as required by the position. No employee is permitted to remove guards or other protective devices from machinery and equipment. Employees shall refrain from operating, modifying, adjusting, or using equipment in an unauthorized manner and from working alone. Employees are prohibited from engaging in "horseplay."
- 16.3 **DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS.** Each employee has the duty to report to his or her immediate supervisor, Department Head/Elected Official, or the Human Resources Coordinator, in written form, each unsafe working practice or hazardous condition which he or she observes so that the problem can be immediately corrected.
- 16.4 **SUPERVISION.** Each supervisor has the duty to ensure that each employee is acquainted with proper safety practices and applicable safety rules, that safe practices and safety rules are uniformly followed, and that employees are properly outfitted with the proper safety equipment. In the event an accident occurs, the supervisor is required to report the incident, no later than the end of the same business day, complete the *Supervisor's First Report of Accident*, and forward the completed form to the Human Resources Coordinator.

- 16.5 **SAFETY TRAINING.** Each employee is required to attend job-related safety training as determined necessary by the Loss Prevention Committee and the employee's supervisor. Any person having supervisory duties shall also obtain proper safety training for the jobs that they supervise, as well as a valid first aid/CPR certification. An employee may be required to obtain additional safety training provided by the County as directed by the Human Resources Coordinator. Individual departments within the County may provide additional specific safety training beyond that which is offered by the County. In accordance with OSHA standards, a safety trainer must be competent and qualified to conduct the training. A record of each employee's safety training will be maintained in the Human Resources Coordinator's office.
- 16.6 **INJURIES ON THE JOB.** Each employee is required to report all job-related injuries or illnesses to his or her supervisor immediately and assist in any resulting investigation.
- 16.7 **MOTOR VEHICLE ACCIDENTS.** If a County employee is involved in a motor vehicle accident while performing his or her official duties, the employee must assist persons at the scene and call a law enforcement officer. The employee should also request that the parties and properties involved remain at the scene of the accident until a law enforcement officer has released them. The County Manager must be notified of the accident as soon as possible. The employee shall refrain from making statements regarding the accident with anyone other than the investigating officer(s), County Attorneys, County Manager, or representative of his or her own insurance company, if the employee's privately-owned vehicle is involved. An employee operating a motor vehicle involved in an accident may be subject to drug and alcohol testing pursuant to section 18.3.2 of this policy.
- 16.8 **ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT.** When an accident occurs that raises the possibility of defective equipment, the employee should immediately attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the Human Resources Coordinator.

17 **SMOKING**

- 17.1 **SMOKING POLICY.** It is the policy of Union County to comply with all federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the wellbeing of its employees. The County recognizes that smoking, including smokeless tobacco, in the workplace can adversely affect employees.
- 17.2 **SMOKING PROHIBITED.** Smoking is prohibited in all County buildings, County vehicles, and County equipment, including electronic cigarettes.
- 17.3 **APPLICATION.** The smoking policy applies to employees during working hours.

- 17.4 **COMPLAINTS.** Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the supervisor.
- 17.5 **VIOLATIONS.** Employees who violate the policy will be subject to disciplinary action.
- 17.6 **NON-DISCRIMINATION.** The County does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the usage occurs during nonworking time and off County premises.

18 **DRUG AND ALCOHOL USE**

- 18.1 **DRUG- AND ALCOHOL-FREE WORKPLACE.** Union County is a drug- and alcohol-free workplace. Accordingly, no employee may use, possess, distribute, sell, or be under the influence of alcohol or drugs while on the job. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.
- 18.2 **PRESCRIPTION MEDICATION.** The use of prescription medication is permitted on the job so long as such use does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner. It is the employee's responsibility to report to his or her supervisor the use of prescription medication. If the employee cannot perform his or her duties while taking a prescription medication, the employee may be required to perform other duties or take leave until the course of treatment is concluded. A statement from the employee's physician concerning the prescription may be required.

18.3 **DRUG AND ALCOHOL TESTING**

Please note: Holders or operators of commercial motor vehicles and/or employees required to hold a CDL license are also governed by the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, attached as Appendix B.

- 18.3.1 **RANDOM TESTING.** Each holder of a Commercial Driver's License (CDL) and each employee in a safety- or security-related position is subject to random drug and alcohol testing. A safety- or security-related position is one in which an employee operates equipment that is potentially dangerous to other employees or citizens of the County, one in which an employee has access to or carries a firearm, or one in which an employee operates or maintains heavy equipment or coordinates, relays, or controls radio communication for law enforcement personnel.

18.3.2 **POST ACCIDENT TESTING**

Any motor vehicle accident, whether in a County vehicle or in an employee's personal vehicle while performing their job duties, resulting in injury or in property damage or where the employee is cited as the party responsible for the accident, shall result in drug and alcohol testing for the employee who was operating the motor vehicle unless a determination is made by the County Manager or Human Resources Coordinator that a drug test is not necessary. Either the Human Resources Coordinator, the employee's immediate supervisor or another supervisor designated by one of these individuals shall transport the employee for testing.

18.3.3 **REASONABLE SUSPICION TESTING.** If there is reasonable suspicion to believe that an employee may be impaired by drugs or alcohol on the job, or if the employee is found with drugs and/or alcohol in the workplace, immediate drug and/or alcohol testing may be ordered. Holders of CDL licenses shall be tested pursuant to the procedures contained in the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, Appendix B. Reasonable suspicion exists when one's experience and training indicate that a given person may be under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to, odor of alcoholic beverage on the breath, slurred or incoherent speech, staggering walk, loss of physical coordination, bloodshot eyes, inability to successfully complete a field sobriety test, erratic behavior, unexplained or uncharacteristic irritability, excessive tardiness, poor work performance, and excessive unexplained absences from work.

18.3.4 **PROCEDURE FOR TESTING BASED ON REASONABLE SUSPICION FOR NON-CDL HOLDERS.**

Note: The following procedure shall be followed for Non-CDL holders. CDL Holders shall be tested as described in Appendix B, the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles.

18.3.4.1 **STEP 1.** In the event any County employee has reason to believe an employee may be impaired by drugs and/or alcohol while on the job, the employee's supervisor must be notified. The employee's direct supervisor, along with a person trained in recognizing impairment, shall observe the employee directly and make a determination whether reasonable suspicion testing is warranted. If the supervisors find reasonable suspicion and choose to order drug and alcohol testing, the supervisors' observations shall be documented in writing within twenty-four (24) hours. The Human Resources Coordinator, and/or the County Manager shall be notified that a test is being ordered.

18.3.4.2 **STEP 2.** If reasonable suspicion exists, the employee shall be asked to execute a written consent for immediate alcohol and/or drug testing. Failure to consent to testing may be grounds for termination if the employee is a

regular employee or, if the employee is a trial status employee, immediate termination.

18.3.4.3 **STEP 3.** If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breathalyzer, blood, and/or urine testing. The employee shall be transported by the Human Resources Coordinator, the employee's immediate supervisor, or another supervisor designated by one of these individuals, to the testing location. Analysis of any samples collected will be performed by a laboratory selected by the County.

18.3.4.4 **STEP 4.** Following completion of testing, the employee will be placed on administrative leave with pay until the test results are available. The County shall transport the employee home or assist in arranging for a friend or relative of the employee to pick them up.

18.3.4.5 **STEP 5.** If the testing result is negative for drugs and alcohol, the employee shall return to work. If the results of the test, in combination with observations made of the employee, discloses that the employee was not impaired at the time of the test but does disclose trace amounts of alcohol or drugs, the employee shall be asked to return to work unless the presence of these substances is in violation of an agreed-upon treatment and/or return to work agreement. If the test, in combination with observations made of the employee, discloses that the employee was impaired by alcohol or drugs at the time of the test, the employee may be placed on unpaid leave until a decision on continued employment is made by the County Manager, in consultation with the County Attorney.

18.3.5 **CONSEQUENCES OF REFUSING TO SUBMIT TO DRUG OR ALCOHOL TESTING.** Refusal by any employee to submit to drug or alcohol testing, regardless of which type of testing is ordered, shall be grounds for termination. Note: Holders or operators of commercial motor vehicles and/or employees required to hold a CDL license are also governed by the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, attached as Appendix B.

18.3.6 **CONSEQUENCES OF A POSITIVE TEST**

Please note: Holders or operators of commercial motor vehicles and/or employees required to hold a CDL license are also governed by the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, attached as Appendix B.

18.3.6.1 **POSSIBLE TERMINATION.** If the results of a drug or alcohol test, in combination with observations made of the employee, indicate that the employee was impaired while at work, the employee may be subject to termination.

18.3.6.2 **PARTICIPATION IN A TREATMENT PROGRAM.** An employee who is not terminated after a positive test result may be required to participate in an alcohol or drug treatment program through the Employee Assistance Program or other program as a condition of continued employment. Any employee who participates in such a program as a condition of continued employment shall be entitled to be paid their regular hourly wage or salary when completing the screening and assessment phase of the program. The employee shall be placed on unpaid leave for the rehabilitation or treatment portion of the program. However, an employee may be permitted to use accrued compensatory time or PTO in lieu of unpaid leave during rehabilitation or treatment. Donated leave shall not be available. Upon successful completion of an agreed-upon treatment program, the employee may be permitted to return to his or her position.

18.3.6.3 **LOSS OF DRIVING PRIVILEGES.** If the results of a drug or alcohol test, in combination with observations made of the employee, indicate that the employee was impaired while at work, the employee shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business) for a period of three (3) years, subject only to the exception below.

18.3.6.4 **RESTORATION OF DRIVING PRIVILEGES.** An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of a positive test if the employee:

1. Has not been convicted of any traffic violation since the date of the positive test;
2. Has a valid driver's license;
3. Has performed satisfactorily in his or her position;
4. Has completed a drug/alcohol assessment by an agency of the County's choice;
5. Has followed each recommendation made as a result of the drug/alcohol assessment; and
6. Otherwise satisfies the County of the employee's sobriety and responsibility.

The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable unless otherwise grievable under some other provision of this Employee Handbook.

18.3.6.5 **TAKE-HOME VEHICLES.** In no event shall a County employee who has had a positive drug or alcohol test be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of the positive test.

- 18.3.6.6 **FOLLOW-UP TESTING.** If an employee has had a positive drug test and has not been terminated, the employee may be subject to random testing for a subsequent period of up to two (2) years from the date of the positive test. Such testing will be at the employee's expense.
- 18.3.6.7 **REGION IV TESTING.** Each Deputy Sheriff's Officer assigned to the Region IV Drug Task Force shall be required to undergo drug testing before and after being assigned to that duty, as well as be subject to random testing according to the terms of the Region IV drug testing policy during the period of the assignment.
- 18.4 **DRUG- AND ALCOHOL-RELATED CONVICTIONS.** Any employee who is convicted of a drug- or alcohol-related criminal offense may be terminated. Employees convicted of illegal distribution or sale of drugs may be immediately terminated. If not terminated, the employee may be required to undergo periodic random testing, may be required to complete a course of treatment, or may be required to complete a program through the Employee Assistance Program. Any employee who is convicted of an alcohol-related driving offense shall notify his or her supervisor of the conviction within five (5) days of the date of conviction. Failure to report such convictions may be grounds for discipline, up to and including termination.
- 18.5 **DRUG OR ALCOHOL DEPENDENCY.** Any employee who suffers from drug or alcohol dependency should immediately seek the assistance of the Employee Assistance Program or the appropriate resources within the community. The employee may also wish to discuss the matter in confidence with his or her supervisor or the Human Resources Coordinator. Each employee who suffers from drug or alcohol dependency is urged to seek help before being the subject of disciplinary action.
- 18.6 **MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S/DWI'S**
- 18.6.1 **PERSONS CONVICTED OF DUI/DWI MAY NOT DRIVE.** It is the policy of Union County that any employee who is convicted of driving under the influence of an intoxicant such as alcohol or drugs shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business) for a period of three (3) years after the date of conviction.
- 18.6.2 **RESTORATION OF DRIVING PRIVILEGES.** An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of conviction if the employee:
1. Has not been convicted of any traffic violation since the date of conviction;
 2. Has a valid driver's license;
 3. Has performed satisfactorily in his or her position;

4. Has completed an alcohol use assessment by an agency of the County's choice;
5. Has followed each recommendation made as a result of the alcohol use assessment; and
6. Otherwise satisfies the County of the employee's sobriety and responsibility.

The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable.

18.6.3 TAKE-HOME VEHICLES. In no event shall a County employee who has been convicted of driving under the influence of alcohol or drugs be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of conviction or driving privileges have been restored pursuant to Section 18.6.2 above.

18.6.4 DEFINITION. For purposes of this policy, the word "conviction" includes pleas of guilty and no-contest regardless if the sentence is deferred or conditional whether or not adjudicated guilty by the Court.

19 HARASSMENT AND DISCRIMINATION

19.1 FREEDOM FROM DISCRIMINATION AND HARASSMENT. All employees should be able to enjoy a work environment free of unlawful discrimination and harassment.

19.2 DEFINITIONS.

19.2.1 DISCRIMINATION. Discrimination occurs when a person or group of people are treated differently from another person or group of people and is prohibited when the treatment is due to a protected status such as race (including hair texture, length of hair, protective hairstyles, or cultural or religious headdresses), sex, religion, national origin, age, sexual orientation, gender identity, or mental or physical disability, etc.

19.2.2 HARASSMENT. Harassment is to trouble, worry, or torment someone on a persistent basis, bullying, repetitive bothering, or singling someone out. Harassment behaviors include, but are not limited to, the display or circulation of written materials, pictures, or videos, including on social media, unwelcome sexual advances, and degrading verbal remarks directed at or made in the presence of others.

19.2.3 SEXUAL HARASSMENT. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other offensive verbal or physical conduct that is sexual in nature. This includes jokes of a sexual nature or display of photos or pin-ups of nude or scantily clad individuals. Quid pro quo sexual

harassment is when an employee with supervisory authority makes sexual advances or demands toward an individual and the submission or rejection of this advance results in a tangible employment action.

19.2.4 HOSTILE WORK ENVIRONMENT. Hostile work environment harassment is created when someone is made to feel unwelcome, inferior, or is severe and pervasive enough to affect the person's work environment.

19.3 EMPLOYEES ENGAGING IN DISCRIMINATION OR HARASSMENT TO BE DISCIPLINED. Any discrimination or harassment of any employee by any other employee will not be permitted, regardless of the working relationship between the participants. Any employee found to have engaged in any type of harassment shall be subject to disciplinary action, up to and including termination. Department Heads, Elected Officials, or supervisory personnel shall immediately halt any harassment which they observe or become aware of, by disciplinary action if necessary. In addition, each Department Head, manager, or supervisor is required to report any incident of harassment or discrimination to the Human Resources Coordinator.

19.4 MAKING A FORMAL CHARGE. Any employee who believes he or she has been subjected to discrimination or harassment by an employee of Union County may file a formal charge of harassment with the Human Resources Coordinator. The employee will be asked at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed shall be immediately investigated by the Human Resources Coordinator, who shall prepare a report setting forth the facts of the incident and a recommendation for action. The report and recommendation for action shall be transmitted to the County Manager, who may instruct that the recommended action or other appropriate steps be taken. Union County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

19.5 EMPLOYEES OF THE SHERIFF'S DEPARTMENT. Employees of the Sheriff's Office shall be subject to the additional terms of the Sheriff's Office internal policy and procedures regarding harassment and discrimination, and investigations will be conducted in accordance with that policy.

20 EQUAL EMPLOYMENT OPPORTUNITY

20.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY. It is the policy of Union County to ensure equal employment opportunity to all persons regardless of their race, religion, color, creed, national origin, age, sex, marital status, sexual orientation, gender identity, or medical disability (unless such disability effectively prevents the performance of essential job functions required by the position). In addition, the County endeavors to comply with state and federal statutes, rules and regulations pertaining to equal opportunity. Through the procurement process, the County

requires those who do business with the County to practice Equal Employment Opportunity.

20.2 **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.** In order to implement its policy of equal employment opportunity, the County maintains an Equal Employment Opportunity Program, which consists of the following elements:

20.2.1 **PERIODIC REVIEW.** The County periodically reviews each position within the County to ensure that the stated qualifications, salary, fringe benefits, training, and educational opportunities are relevant to the tasks performed. The County examines internal policies and procedures to identify barriers to equal employment opportunity.

20.2.2 **TRAINING.** The County also requires that staff and management be provided with training, information, and guidance so that equal employment opportunity is assured. The County actively encourages each employee to increase his or her skills and job potential through training and educational opportunities.

20.2.3 **JOB SATISFACTION / FAIR TREATMENT.** The County periodically offers guidance and counseling in developing programs tailored to individual aptitudes and desires. The County works to create and maintain a pool of qualified applicants for positions with frequent turnover to encourage diversity and ensure equal employment opportunity in hiring.

20.2.4 **NON-DISCRIMINATORY APPLICATION OF POLICIES.** The County works to ensure that each promotion, transfer, demotion, layoff, and termination of employment is administered in a fair and non-discriminatory way.

20.2.5 **COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.** The County complies with applicable laws and regulations relating to equal employment opportunity. In addition, the County carries out its reporting functions required by state and federal laws and furnishes information as required to meet its commitments under Executive Order No. 11246, as amended. The County cooperates in special compliance reviews or in investigations as requested, carries out minority reporting functions as required by state or federal laws, furnishes such information as is required, and maintains an affirmative action file detailing its efforts, with dates, to meet its commitments under Executive Order No. 11246, as amended.

20.3 **VIOLATIONS.** Any and all violations of the Equal Employment Opportunity Program must be immediately brought to the attention of the Human Resources Coordinator.

20.4 **EQUAL EMPLOYMENT OPPORTUNITY OFFICER.** Unless otherwise directed by the County Manager, the Human Resources Coordinator shall serve as the County's Equal Employment Opportunity Officer. The Equal Employment

Opportunity Officer shall be charged with the responsibility of administering and enforcing the County's Equal Employment Opportunity Program. The Equal Employment Opportunity Officer shall advise and assist staff and management personnel in guaranteeing equal employment opportunity. The Equal Employment Opportunity Officer shall also provide orientation for each new employee which emphasizes the manner in which the County assures equal employment opportunity. The Equal Employment Opportunity Officer shall recommend changes in the Equal Employment Opportunity Program and County policies to the County Manager, as appropriate. The Equal Employment Opportunity Officer shall coordinate the County's response to special compliance reviews or investigations.

21 COMPUTER, INTERNET, AND E-MAIL USE

The County's computer equipment, software, operating systems, storage media, network accounts, cellular telephones, smart phones, electronic mail, voice mail, and Internet browsing are business tools provided to assist employees in the performance of their jobs ("computer equipment"). The messages sent and received, and the data stored on these systems are County property. Consequently, employees shall not have an expectation of privacy when using County computer equipment. All messages created, sent, or retrieved over e-mail or the Internet should be considered public information. The County reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

21.1 PROHIBITED ACTIVITIES. The following activities are strictly prohibited while utilizing Union County-owned resources and engaging in these activities may subject an employee to discipline or termination::

- Anything prohibited by law.
- Activities that would subject the County or the individual to criminal, civil, or administrative liability.
- Harassing, insulting, or attacking others (cyber-bullying). Harassment by e-mail and the Internet is just as illegal as other forms of harassment.
- Sending or displaying intimidating, hostile, offensive, or hate-related material (including racial or sexual comments or jokes).
- Using obscene language or intentionally accessing or possessing sexually explicit or pornographic material.
- Using the County's equipment or network for non-County related purposes such as personal, religious, or commercial ventures.
- Using County Resources to provide unauthorized, non-work related services (i.e., research, map printing) to another individual or entity.
- Creating or forwarding chain letters.
- Using the network for non-County related bandwidth-intensive activities such as network games and the downloading or streaming of music or video files or serving as a host for such activities.

- Participating in forums, chat rooms, or exchanges except to conduct official Union County business, or to gain technical or analytical advice.
- Installing or distributing “pirated” or other software that is not appropriately licensed for use by Union County.
- Using County equipment or Internet service to download entertainment software, games, screen savers, coupon downloaders/sharing software, registry cleaners, system accelerator or optimizer software, or any internet toolbar that causes unnecessary bandwidth consumption.
- Downloading and installing anti-spyware or anti-virus software that is not supported by the IS Department.
- Sharing of any passwords or authorization codes.
- Using proxy accounts is prohibited and may result in discipline up to and including termination.

21.2 **AUTHORIZATION REQUIRED.** The following activities require authorization from the appropriate Elected Official, Department Head, County Administrative Office, and/or the Information Systems Administrator:

- Sending an e-mail message to “All Users;”
- Granting access of Union County computer Resources to non-County personnel; or
- Downloading or installing personal software.

21.3 **E-MAIL AND INTERNET USE.** As a general rule, it is expected that all employees will use common sense and sound judgment when utilizing the e-mail system and the Internet. Users should respect the rights and sensitivities of recipients and *potential* recipients or viewers and should ensure that all e-mail messages and Internet usage reflect the professional image that Union County wishes to portray. An individual employee’s e-mail signature may not contain any type of slogan. Departmental mottos and logos are permitted.

Union County has software and systems in place to monitor e-mail and Internet usage. Users should be aware that there is no expectation of privacy in e-mail messages and Internet usage and email and internet use will be monitored. Employees must be aware that all messages, whether sent, received, or stored, are subject to review by Union County as directed by the Human Resources Coordinator and the County Manager. Such messages also may be subject to disclosure to outside third parties, including the court system, law enforcement agencies, and the public. Deleted messages can be retrieved. **Employees should not send any e-mail messages or visit Internet sites they would not want to have seen by persons other than the intended recipients and/or would want to remain private.**

21.4 **SOCIAL MEDIA.** It is prohibited to use social media to post or display comments about the County, coworkers, or supervisors that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County’s policies against discrimination, harassment, or hostility based on age, race, religion, sex, ethnicity,

nationality, disability, or other protected class, status, or characteristic or a violation of HIPAA to disclose confidential information

21.5 MISCELLANEOUS.

- 21.5.1 **SECURITY.** For security purposes, employees should keep passwords confidential and log off or lock their workstation when it is left unattended.
- 21.5.2 **PERSONAL USE OF EQUIPMENT AND RESOURCES.** The County permits limited personal use of equipment and resources by employees, provided such use does not include activities prohibited by any part of this policy, reduce the productivity of the employee or co-workers, or use an excessive amount of County Resources.
- 21.5.3 **MODIFICATION / USB DEVICES.** Modification to any County computer device is strictly prohibited. Only USB devices that have been approved by the Information Systems Administrator shall be used with County equipment.
- 21.5.4 **EMPLOYEE RIGHTS UNDER THIS POLICY.** This Computer, Internet, and E-mail Use Policy is not intended to limit an employee's rights under any applicable federal, state, or local law, including those rights under the National Labor Relations Act, to engage in protected concerted activities with other employees to improve or discuss conditions of employment, such as wages, working conditions, or benefits.

22 CELLULAR PHONE USE

- 22.1 **NO EXPECTATION OF PRIVACY.** Employees who are issued a County cell phone or receive a reimbursement for use of their personal cell phone should not expect privacy with the phone. All content created, sent, or retrieved should be considered public information. The County reserves the right to access and monitor all messages and files on the phone as deemed necessary and appropriate. All communications, including text, images, and applications can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver.
- 22.2 **PERSONAL USE OF COUNTY-PROVIDED COMMUNICATION DEVICES.** Where job or business needs demand immediate access to an employee, a department may authorize issuance of a business cell phone, and/or two-way radio for work-related communications. Call summary reports (i.e. number of minutes used) are distributed to supervisors on a periodic basis and are to be reviewed for reasonableness. Employees shall reimburse the County for any overage charges related to personal calls. The call detail records generated from assigned cell phones are considered records of the County and may, on occasion, be subject to

internal and outside audits by the County and/or official agencies and are subject to public inspection.

- 22.3 **RETURN OF COUNTY-PROVIDED COMMUNICATION DEVICES.** Employees in possession of County equipment (e.g. cellular phones, pagers, radios, etc.) are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, the employee will be required to return the equipment. Employees unable to return the equipment in good working condition will bear the cost of repair or replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss. Any outstanding debt may be deducted from the employee's final paycheck. Department Heads shall be responsible for maintaining an inventory of all cell phones or other devices issued and shall be responsible for obtaining the return.
- 22.4 **PERSONAL CELLULAR PHONES.** While at work, employees are expected to exercise discretion in using personal cell phones. Personal calls during the work hours, regardless of the phone used, can interfere with employee productivity, safety, and may be distracting to others. Employees are encouraged to make personal calls during breaks and lunch and to ensure that friends and family members are aware of the County's policy. The County will not be liable for the loss of personal cell phones brought into the workplace. Cell phones may not be used to harass, intimidate, or threaten any other person. Employees are prohibited from using their cell phones in any illegal or illicit manner.
- 22.5 **STATE AND LOCAL LAWS.** Employees shall comply with all state and local laws regarding cell phone usage.

23 ADA/ADAAA POLICY

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws which require that reasonable accommodations be provided for employees who have medical conditions that necessitate such accommodation to enable them to perform their essential job functions. Accommodations are individually developed on a case-by-case basis.

No employee is perceived or assumed to be in need of an accommodation. It is the responsibility of the employee who needs accommodation to notify the Human Resources Coordinator of such need, fill out a Documentation of Disability form, and cooperate in exploring whether a reasonable accommodation is possible, and if so, what the accommodation will be. Union County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless: a) doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or b) the accommodation creates an undue hardship (significant difficulty or expense) to

the County. Not all requested accommodations may be reasonable or even possible. The accommodation process may require the input of the employee's health care provider. Use of a service animal is considered an accommodation. In the event that a request for accommodation is denied, an appeal may be made to the County Manager within fifteen (15) days of the date of denial.

24 PETS AND SERVICE ANIMALS

Union County prohibits bringing a pet into County buildings and premises, with the exception of Americans with Disabilities Act (ADA) service animals, qualified assistance animals as defined in the New Mexico Assistance Animal Act, and pets at Union County parks during non-working hours. Employees requesting accommodation for a disability that includes a service animal must contact the Human Resources Coordinator and complete a Documentation of Disability form. All service animals must be registered with the Administration Office.

Owners of disruptive and aggressive service animals may be asked to remove them from County facilities.

25 DISCIPLINE AND DISCIPLINARY TERMINATION

- 25.1 EMPLOYEE CONDUCT.** It is the policy of Union County to maintain a work environment which is safe for all employees, and to operate in accordance with all laws and regulations. The County expects each person to act in a mature and responsible manner at all times. To reduce confusion, employees who violate the County's Grounds for Disciplinary Actions (Section 25.4 as set forth in this Handbook) or any County policy are subject to disciplinary action, up to and including termination.

To ensure orderly operations, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the County. The County retains the sole right and discretion to evaluate what employee conduct is disruptive. Any violation of this section, other sections of the Employee Handbook, or other behavior which the County determines to be unacceptable may result in disciplinary action against the employee.

Employees are expected, as part of their job requirements, to perform duties assigned according to the instructions of their supervisors. Failure to do so may result in disciplinary action, up to and including immediate termination. The County has the right to determine what discipline is appropriate, depending on the seriousness of the misconduct.

- 25.2 AUTHORITY TO TAKE DISCIPLINARY ACTION.** Supervisory and managerial personnel, working with the Human Resources Coordinator, have the responsibility and obligation to take disciplinary action(s) as deemed necessary,

within a reasonable period of time after the need for action becomes apparent in the best interests of the County.

- 25.3 **FORMS OF DISCIPLINARY ACTION.** The County's supervisors are encouraged to follow a process of progressive discipline. For discipline to be progressive, each related event or incident must trigger a response that is more severe. Each "step" in the process more strongly encourages the employee to modify his or her behavior. The County has four types of disciplinary action available when employees fail to meet expected levels of performance or when their conduct is unsatisfactory. **The County has the right to determine what discipline is appropriate; depending upon the seriousness of the misconduct, there may be no standard series of disciplinary steps the County must follow.**
- 25.3.1 **CORRECTIVE COUNSELING.** The purpose of employee counseling is to provide a means to assist employees in changing their performance, attendance, or behavior. This requires that the employees have adequate information about their current performance, attendance, or behavior to make it clear to the employee what he or she was doing wrong and what is required in order to meet the County's expectations.
- 25.3.2 **VERBAL WARNING.** A verbal warning is generally used for minor offenses or to correct minor faults in an employee's performance. The employee should be advised during the verbal warning that any further problem may result in additional disciplinary action up to and including termination.
- 25.3.3 **FIRST WRITTEN REPRIMAND.** A written warning may be issued for an offense of a more serious nature which requires more formal action than a verbal warning. The supervisor and the employee should meet privately and the employee should be given and allowed time to review a formal written warning. Regardless of whether the employee agrees with the contents of the warning, the employee should sign the form indicating the problem has been discussed with them. If the employee refuses to sign the written warning, another supervisor or manager should be called as a witness to observe that the employee has been presented with the warning, indicating the employee has refused to sign it. The written warning may include a statement that if the problem is not corrected, further disciplinary action, up to and including termination of employment, may occur. Employees shall have five (5) working days to respond in writing to a written warning. The written warning and the employee's response shall become a part of the employee's personnel file.
- 25.3.4 **SECOND WRITTEN REPRIMAND.** The same process applies as in 25.3.3; in addition, the employee should be advised that if immediate and sustained improvement is not made evident by the employee, termination of employment may be the next/final step.

25.3.5 **PROCEDURES.** All written disciplinary action shall be taken only with the direct involvement of the Human Resources Coordinator except to the extent that it is not practical to do so. All warnings will be delivered by the direct supervisor, Department Head, or Human Resources Coordinator as circumstances require. The County Manager may modify this policy as deemed appropriate under the circumstances.

25.3.6 **SUSPENSION/TIME OFF.** A suspension may be ordered for an offense of a more serious nature or for repeat of a minor offense. An hourly employee may be suspended without pay for a period not to exceed ten (10) working days. During a suspension, an employee will not be paid or accrue benefits. Each suspension shall be recorded and filed in the employee's personnel file. Exempt employees may be suspended for one full day or more for violations of written policies applicable to all employees, such as policies regarding sexual harassment or workplace violence.

In any case where suspension is considered, the supervisor should contact the Human Resources Coordinator before the suspension begins. Failure to do so may not affect the suspension but could subject the supervisor to discipline.

In the event an employee is charged with a felony and is not incarcerated, the employee shall be placed on leave with pay, pending the preliminary hearing. If the Court makes a determination of probable cause on any charge, or if the employee waives the preliminary hearing, the employee may, at the discretion of the County Manager, after consultation with the County Attorney, be placed on leave without pay until the case is resolved. This determination is grievable pursuant to Section 26.

During unpaid leave, an employee shall not accrue any of the benefits described in this Employee Handbook, including any type of leave or holiday pay. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, health insurance, or benefit program during unpaid leave. Donated leave shall not be available.

25.3.6.1 **DURATION OF SUSPENSION.** The duration of the suspension depends on the conduct which led to the suspension. A suspension for up to two (2) working days may be imposed where an employee commits a minor offense for which the employee has previously received an oral or written warning, or where the employee commits a more serious error or mistake which alone merits a suspension. A suspension of up to five (5) working days may be imposed where the employee commits an infraction of a more serious nature for which termination is not justified, or for committing multiple violations of minor infractions for which previous discipline has been imposed. A suspension of up to ten (10) working days may be imposed when an employee commits an act or acts which alone justify termination, but for which exist mitigating factors or circumstances. Notwithstanding the foregoing, the duration of any suspension shall be

discretionary on the part of the supervisor and shall be commensurate with the severity of the error, mistake, or conduct.

25.3.7 DEMOTION. An employee may be demoted for an offense of a more serious nature, for repeat of a minor offense, or for unsatisfactory performance/behavior in his or her current position which he or she is either unable or unwilling to correct. The employee may be demoted to a lesser position for which the employee is otherwise qualified. When demoted, the employee will receive compensation commensurate with the new position.

25.3.8 DISMISSAL OF TRIAL PERIOD EMPLOYEES. A trial period employee may be dismissed without cause and shall not be entitled to utilize the disciplinary process.

25.3.9 DISMISSAL FOR CAUSE. An employee may be terminated for cause without progressive discipline for violation of this Employee Handbook, an Ordinance of the County, State law, County policies, or for any other inappropriate behavior.

25.4 GROUNDS FOR DISCIPLINARY ACTION. Listed below are some, but not all, of the activities which are considered grounds for the severest of disciplinary action. Grounds for disciplinary action include, without limitation, but by way of illustration, the following:

1. Continued unsatisfactory performance of duties.
2. Personal conduct which substantially interferes with the performance of duties.
3. Conflict of interest which results in private gain to the employee or detriment to the County.
4. Insubordination.
5. Falsifying official documents or records.
6. Threatening or harassing an employee or Elected Official.
7. Theft or vandalism of County property.
8. Unauthorized use or possession of County property.
9. Continued violation of safety practices.
10. Use of, or being under the influence of, a controlled substance or intoxicant while on duty.
11. Operation of a County vehicle or equipment while under the influence of a controlled substance or intoxicant.
12. Operating a County vehicle or equipment in a reckless or intentionally tortious manner.
13. Accepting a bribe or consideration given with the intent to influence the performance of duty.
14. Bribery or coercion of, or attempting to bribe or coerce, an employee or Elected Official.
15. Influencing, or attempting to influence, a Hearing Officer, other than through established grievance procedures.
16. Conviction of a felony that directly relates to the particular employment, trade, business, or profession.

17. Job abandonment—unauthorized absence from work for two (2) consecutive work shifts will be considered abandonment of the job.
18. Excessive unexcused absences.
19. Abandonment of post if in a safety-sensitive position.
20. Conduct or behavior which impairs morale or interferes with the work effectiveness of employees.
21. Knowingly providing false information to a supervisor in the course of an investigation.
22. Failure to comply with the County's Vehicle Use Policy, Computer Use Policy, Purchasing Policy, Travel Policy, On-Call Policy or any other policy adopted by the Board of County Commissioners.
23. Disclosure of personal health information and/or personal protected information as prohibited in the County's HIPAA Privacy and Security Policies and Procedures.
24. Clocking in or out for another employee.
25. Conduct or behavior unbecoming a County employee.
26. Refusal to submit to drug or alcohol testing.
27. Failure to disclose family or dating relationship.

25.5 PROCEDURES FOR DISCIPLINARY TERMINATION, SUSPENSION OR DEMOTION. Before terminating, suspending, or demoting the employment of an employee, the supervisor should review the personnel file and all relevant documents with the Human Resources Coordinator in order to determine if the termination is appropriate.

25.5.1 NOTIFICATION OF PROPOSED TERMINATION, SUSPENSION OR DEMOTION. The supervisor shall notify the employee in writing that he or she is to be terminated, suspended, or demoted through a *Notice of Proposed Termination, Suspension, or Demotion*. The *Notice of Proposed Termination, Suspension, or Demotion* shall set out the reason(s) for the proposed termination, suspension, or demotion, and shall give the date, time, and place of the pre-termination hearing, if applicable. The *Notice of Proposed Termination, Suspension, or Demotion* shall be delivered to the employee within a reasonable time prior to the date set for the hearing. An employee earning wages as of the receipt of the *Notice* shall be placed on Administrative Leave with Pay until the final decision is made. An employee already on Administrative Leave without Pay shall remain on Administrative Leave without Pay.

25.5.2 PRE-TERMINATION HEARING

25.5.2.1 ELIGIBILITY. A pre-termination hearing shall be held for any full-time, regular non-trial, or part-time regular non-trial period employee considered for termination of employment. Termination in this context is defined as dismissal from employment with Union County through reduction-in-force, reorganization, medical reasons, or dismissal for cause.

25.5.2.2 **CONDUCT OF THE HEARING.** At the pre-termination hearing, the employee shall be notified of the reason(s) for the proposed termination as set out in the *Notice of Proposed Termination*, and the employee shall be given an opportunity to respond thereto. The hearing shall be informal and shall be recorded by the use of electronic recorder or a certified reporter. A copy of the proceedings shall be made available to the employee upon request; provided, if the record is by electronic recorder the cost shall be borne by the County, and if by certified reporter, the transcription costs shall be paid by the party requesting the transcription.

25.5.3 **FINAL DECISION ON TERMINATION.** The final decision on termination following the pre-termination hearing shall be made in writing and delivered to the employee.

25.5.4 **RIGHT TO GRIEVANCE PROCEDURES.** A terminated full-time or part-time non-trial employee shall have the right to the grievance procedures established by this Ordinance; provided, however, that the actions of the Board of County Commissioners in authorizing a reduction in force or a reorganization, if done in an open meeting held in accordance with the New Mexico Open Meetings Act, are not grievable.

26 **GRIEVANCES**

26.1 **DEFINITION: “GRIEVANCE.”** A grievance is a complaint by an employee concerning an alleged deprivation of a presently-existing property right.

26.2 **GRIEVANCE ELIGIBILITY.** Only regular, non-trial employees are eligible to file a grievance.

26.3 **GRIEVANCE PROCESS.** The following steps comprise the normal grievance process.

(1) **STEP 1 – INFORMAL DISCUSSION.** Within five (5) working days of any action complained of, the employee must attempt to resolve the complaint through informal discussion with the employee’s immediate supervisor.

(2) **STEP 2 – WRITTEN GRIEVANCE.**

(a) **WRITTEN GRIEVANCE REQUIRED.** If the matter cannot be resolved informally in Step 1, the employee shall submit a written grievance to the Human Resources Coordinator. If the Human Resources Coordinator is also the employee’s immediate supervisor with whom the Step 1 grievance had previously been addressed, the employee shall present the written grievance to the County Manager.

(b) **TIME TO FILE WRITTEN GRIEVANCE.** A written grievance must be submitted within five (5) working days of the Step 1 discussion.

- (c) **CONTENT OF WRITTEN GRIEVANCE.** Written grievances will be submitted on the established Union County *“Report of Grievance”* form. This form will contain a short and concise statement of the action complained of, brief additional facts as appropriate, the relief requested, and the date when the Step 1 discussion occurred. *“Report of Grievance”* forms are available from the Human Resources Coordinator.
- (d) **RESPONSE TO THE WRITTEN GRIEVANCE.** The Department Head/Elected Official shall promptly respond in writing to the written grievance, but in any event, within ten (10) working days of the receipt of the written grievance. The Department Head/Elected Official shall consult with the County Attorney on the content of the response. The response shall be mailed to the employee and copied to the Human Resources Coordinator.
- (e) **FINALITY.** Unless the employee’s grievance concerns the employee’s suspension, demotion, or termination, the grievance process concludes with the response to the written grievance.
- (f) **MEDIATION AND HEARING.** If the grievance concerns the employee’s suspension, demotion or termination, the employee may file a request for hearing on the grievance.
- (g) **REQUEST FOR HEARING.** If an employee desires a hearing be conducted, a written request must be submitted to the Human Resources Coordinator within five (5) working days of receipt of the response. A copy of the written grievance and the response must accompany the request for hearing.

(3) **STEP 3 - MEDIATION.**

- (a) **MEDIATION DETERMINATION.** After a written request for hearing has been received, mediation may be required or desired. If the Human Resources Coordinator determines that the grievance may be resolved through mediation, the Human Resources Officer shall schedule a mediation conference and attempt to reach an amicable agreement between the parties.
- (b) **ATTENDANCE AT MEDIATION.** Attendance at the mediation conference is mandatory. If the employee fails to attend the conference, or refuses to attend, the grievance shall be dismissed with prejudice.

- (c) **SETTLEMENT AGREEMENT.** If the employee's grievance is successfully addressed by mediation, an appropriate document stating the agreement shall be prepared and executed, and the grievance dismissed.

- (4) **STEP 4 – HEARING.** If the grievance concerns the employee's suspension, demotion, or termination, and the mediation is unsuccessful, a hearing on the grievance will be conducted unless waived by the employee.

- (a) **SCHEDULING THE HEARING.** The Human Resources Coordinator shall forward a copy of the employee's grievance, the Department Head/Elected Official's response, and the request for a hearing to the County Attorney who shall schedule a hearing before an independent Hearing Officer.

- (b) **HEARING PROCEDURE.** All hearings shall be conducted in accordance with the County *Administrative Procedure for Grievance Hearings*, attached hereto as Appendix K.

27 **VOLUNTARY TERMINATION**

- 27.1 **RESIGNATION.** An employee may resign from the County by submitting a written letter of resignation to his or her immediate supervisor at least ten (10) working days prior to the effective date of resignation. The letter of resignation should include the proposed effective date.
- 27.2 **RETIREMENT.** An employee may retire from County employment through the County's retirement program so long as the employee meets the requirements of the Public Employees Retirement Association. An employee desiring to retire should contact the Human Resources Coordinator.
- 27.3 **RETIREMENT AS A RESULT OF DISABILITY.** An employee may resign from County employment in the event an injury or illness renders the employee medically incapable of performing his or her duties. If qualified, the employee may be entitled to claim disability benefits through the Public Employee's Retirement Association and/or the County's medical benefit package. Any employee who feels he or she must resign as a result of a disability should contact his or her supervisor and/or the Human Resources Coordinator for additional information.
- 27.4 **RE-EMPLOYMENT.** In the event that an employee voluntarily leaves employment with the County and is re-employed within thirty (30) days, his or her previous years of service with the County shall be reinstated for accrual purposes.
- 27.5 **TRANSFER.** Any classified employee is eligible to compete for regular, full-time or part-time positions within the County. Upon submission of an application for a new position, a background investigation may be conducted. In the event an

employee accepts a new position within the County, the employee shall begin a new trial period upon starting the new position.

- 27.6 **PROMOTION.** A regular full-time employee or regular part-time employee who receives a promotion shall be considered a trial period employee. In the event the employee is unsuccessful in the new position, that employee may apply for any currently open position, subject to the normal hiring procedure.

28 **INVOLUNTARY TERMINATION WITHOUT CAUSE**

- 28.1 **LAYOFF.** A layoff, or reduction in force, is an involuntary termination of an employee or employees as a result of a shortage of work or shortage of funds. A layoff may be ordered only by the Board of County Commissioners after a plan is submitted by the County Manager and approved by the Board of County Commissioners.
- 28.2 **FURLOUGH.** A furlough is mandatory time off from work without pay for an employee or employees as a result of shortage of work or shortage of funds. A furlough may be ordered only by the Board of County Commissioners after a plan is submitted by the County Manager and approved by the Board of County Commissioners.
- 28.3 **ABOLISHMENT OF POSITION.** The County Manager or Elected Official may abolish a position which is no longer needed within the County work force. A position may be abolished only with the approval of the Board of County Commissioners. If a position is available for which work and funds are available, an employee may accept a demotion or transfer to avoid a layoff, but only if the employee is otherwise qualified for the new position and a position exists. If a position is reestablished, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment.

29 **POST-EMPLOYMENT MATTERS**

- 29.1 **EXIT INTERVIEW.** When an employee leaves County employment, the employee will be scheduled for an exit interview prior to the last day of work. The exit interview will be arranged by the Human Resources Coordinator. At the exit interview, the employee may comment on his or her employment and may voice suggestions, complaints, and criticisms. The employee will have an opportunity to discuss benefits and benefit conversion privileges. A personal email address must be furnished by the employee, if not already provided. The employee will be asked to return all County property in his or her possession.
- 29.2 **CONTINUANCE OF MEDICAL COVERAGE (COBRA).** Under the federal Consolidated Budget Reconciliation Act (COBRA), eligible employees and/or dependents may elect to continue employee and/or dependent medical insurance

coverage subject to the conditions and limitations set forth in the Act. Consult the Human Resources Coordinator for details on eligibility and benefits.

29.3 COMPENSATION FOR ACCRUED PAID TIME OFF (PTO) AND COMPENSATORY TIME UPON TERMINATION. Upon death, retirement, or termination of employment, each full-time regular, part-time regular, and trial period employees will be compensated for accrued PTO and accrued compensatory time earned through the last day of work, subject to the limitations on the amount of compensation set forth below. Base rate of pay for purposes of this section is calculated as follows: For hourly employees, the base rate of pay is the employee's hourly rate at the time of termination. For salaried employees, the base rate of pay is computed by dividing the employee's annual salary at the time of termination by 2,080.

29.3.2 AMOUNT OF COMPENSATION – ACCRUED PTO. Upon death, retirement, termination of employment, or taking office as an Elected Official or change from a classified position to an unclassified position each full-time regular, part-time regular, and trial period employee shall be compensated for accrued PTO up to the maximum 320 hours through the last day of work.

29.4 FINAL PAY. In voluntary termination situations, the employee may be paid on the next regularly scheduled pay date. In involuntary termination situations, the employee must be paid within five (5) days of separation from employment. Regular wages or salary will be issued on the Thursday that is the regularly scheduled pay date. Final pay, including any accrual balances, will be paid the next day. Any employee reimbursements due the County will be deducted from final payment (voluntary and involuntary) up to legal limits.

30 EFFECTIVE DATE

This Union County Employee Handbook shall be effective 01-08-2025.

INDEX

Abolishment of Position	55
Absenteeism	8
Accidents	
Involving defective equipment.....	34
Involving injury	34
Involving motor vehicles.....	34, 36
ADA/ADAAA.....	46
Additional Duties	30
Administrative Leave	
With pay	20
Without pay	20
Applicability	1
Assignment to a rate of pay.....	29
Attendance	8
Background Checks	6, 55
Badges, I.D.	27
Bereavement Leave	19
Board or Commission Leave	20
Boot allowance	27
Breaks	7
Breast Pump, Use of	8
Cellular Phone Use	45
No expectation of privacy	45
Personal cell phones.....	46
Personal use of County-provided communication devices.....	46
Return of County-provided communication devices	46
State and local laws regarding cell phones	46
Childcare	8
Children of County employees at work.....	9
Classified Employee.....	1
COBRA	56
Commercial Driver's License (CDL)	12, 35, 36, 37, 38
Compensation	29
Compensatory time.....	32
Cost-of-living adjustment	30
During holiday	19
During the trial period.....	30
For additional duties.....	30
Maintenance of the system	31
Overtime	31
Stepped-out employees	30
Compensatory Time	32

Accrual of	32
Compensation for	32
Donation of	18
Election of	32
Fair Labor Standards Act	31
Salaried employees	32
Consolidated Budget Reconciliation Act (COBRA)	56
Computer Use	43
Authorization	44
E-mail	44
Internet	44
Miscellaneous	45
Prohibited activities	43
Social media	45
Conditions of Employment	7
Conflict of Interest	10, 13, 50
Examples of	10
Procurement	13
Termination for	13
Contract Employee	2
Conviction, criminal	13, 39, 40, 51
Cost-of-Living Adjustment	30
County Assessor	1
County Clerk	1
County Commissioner	1
County Property	
Care and Use of	11
Personal Use	12
Telephones	12
County Sheriff	1
County Treasurer	1
Court Duty	20
Criminal activity	13
Dating	12
Demotion	50
Dental Insurance	24
Disability Plan, Short-term	25
Disciplinary Action	47
Authority to take	48
Employee Conduct	47
Forms of	48
Grounds for	50
Discrimination	40
Definitions of	40
Discipline for engaging in	41

Making a formal charge of	41
Dismissal.....	50
For cause.....	50
Of trial period employees	50
Domestic Abuse Leave	22
Donation PTO Leave or Compensatory Time	17
Dress.....	9
Driver's Licenses	11
Commercial Driver's License (CDL).....	12, 35, 36, 37,38
Driving under the influence.....	39
Of drugs	40
Operation of County Vehicles	40
Restoration of Driving Privileges.....	40
Drug and Alcohol-related Convictions	39
Drug or alcohol dependency	39
Drug Testing.....	35
Driving Privileges	38
Post-accident	36
Positive Test – Consequences	38
Pre-employment.....	5
Procedure	36
Random testing.....	36
Testing on reasonable suspicion.....	36
Drugs and Alcohol.....	35
Prescription medications.....	35
Treatment	38
Effective Date.....	56
Elected Official	1
E-mail	44
Employee Assistance Program	23
Employee Conduct.....	47
Employee Orientation.....	6
Employment Classifications	1
Employment Eligibility Verification Form I-9	6
Equal employment opportunity	42
Equal Employment Opportunity Officer	43
Equal Employment Opportunity Policy	42
Violations of	43
Equal Employment Opportunity Program	42
Compliance with laws and regulations	42
Diversity	42
Non-discrimination in policies	42
Periodic review of.....	42
Training.....	42
Violations thereof	43

Errors in pay	33
Exit Interview	56
Fair Labor Standards Act (FLSA)	2,7,30,31,32
Family and Medical Leave	
Eligibility	22
Statement of health care provider	22
Unpaid leave	21
Firefighter, Volunteer	3
Footwear allowance	27
Fraternization	12
Full-Time Employee	1
Furlough	55
Governmental Conduct Act	14
Grant Funded Employee	3
Gratuities	10
Grievance	52
Eligibility	52
Process	52
Harassment	40
Defined	40
Discipline for engaging in	41
Making a formal charge of	41
Hatch Act	10
Hazardous or unsafe conditions	33
HIPAA	24, 50, 57
Holidays	18
Compensation for	19
Compensatory time during	32
Eligibility	18
Overtime during	31
Pay day falls on	32
Working during a holiday	19
Hostile Work Environment	41
Hourly Employee	1
Hours of Work	7
Inclement weather	8
Inquiries about employees	15
Intern	3
Internet use	43
Layoff	55
Leave with Pay	20

Leave without Pay	20
Life Insurance.....	24
Maintenance of the Compensation System.....	30
Medical Care	22
Major Medical Plan	23
Prescription Plan.....	23
Vision Plan.....	23
Medical Examination	5
Medical Files	15
Confidentiality of	15
Military Leave	20
Nepotism	12
On-call pay	30
Other Leave	19
Outside employment	10, 12
Overpayment of wages	32
Overtime.....	31
Approval Required	31
Compensation for.....	31
Compensatory time in lieu of	32
Salaried employees	32
Paid Time Off	15
Accrual.....	15
Combining with holiday	17
Compensation.....	17
Compensation for upon termination	56
Donation of	17
Eligibility	15
Incentive programs for the Sheriff's Office	16
Maximum accumulation allowed	16
Requesting.....	16
PTO Earning Schedule	16
Part-time Regular Employee	2
Pay Period.....	32
Pay.....	32
PERA	3, 25, 54
Performance evaluation	28
Conduct of	29
Date of	29
Procedure	29
Rebuttal of	29
Review of	29

Personal Appearance.....	9
Personal cell phones	46
Personal Leave	19
Personnel Action Form.....	14
Personnel files.....	14
Access to	14
Review of	14
Pets	47
Political Participation	9
Campaigning.....	9
Elected political office	10
Voting rights.....	10
Pre-employment background check.....	6
Prescription Plan	23
Pre-termination Hearing	52
Probate Judge.....	1
Promotion.....	55
Public Employees Retirement Association	3, 25, 54
Re-employment.....	55
References regarding employees	15
Region IV drug testing.....	39
Regular Employee.....	1
Reimbursement for Training Over \$2000	12
Remote Work	7
Report to work.....	8
Reporting of employee criminal convictions	13
Reprimand.....	48
First written	48
Second written	49
Resignation	54
Retirement.....	55
Contributions.....	25
Disability Retirement	54
Eligibility	25
Public Employees Retirement Association.....	3, 25, 54
Rounding of time reporting	7, 33
Safety	33
Defective equipment	34
Duty of supervisors	34
Hazardous conditions	33
Injuries	34
Motor vehicle accidents	34
Training.....	34
Salaried Employee	2
Salary Review	31

Service Animals	47
Sexual Harassment	41
Short Title	1
Short-term Disability	25
Smoking	34
Solicitors	10
Standby pay	31
Suspension	49
Duration of	50
Tardiness	8
Temporary Employee	2
Termination	51
Final decision	52
Notification	51
Pre-termination Hearing	52
Time reporting	33
Accuracy	33
Rounding	33
Timekeeping	33
Transfer	55
Trial period	6, 30
Trial Period Employee	2
Unclassified Employee	2
Uniforms	26

Verbal Warning	48
Vision Plan	23
Voluntary Termination	54
Volunteer.....	3
Volunteer Firefighter.....	3
Wage and Salary Review	31
Workers' Compensation	24

APPENDIX

Remote Work Policy and Procedure	A
Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles.....	B
Vehicle Use Policy.....	C
Mileage and Per Diem Policy	D
Purchasing and Procurement Policy	E
Timekeeping Policy	F
Longevity Incentive Pay Policy	G
Incentive for Special Training and Certification Policy.....	H
Loss Prevention Policy.....	I
Governmental Conduct Act	J
Administrative Procedure for Grievance Hearings	K