

VILLAGE OF TAOS SKI VALLEY

ORDINANCE NO. 12-33

**PERSONNEL ORDINANCE
AN ORDINANCE ADOPTING AMENDMENTS TO
ORDINANCE No. 03-33**

WHEREAS, the Village of Taos Ski Valley desires to provide for a Merit system of hiring, promoting and retaining employees; and

WHEREAS, the Village of Taos Ski Valley recognizes the need to provide a system of employment that encourages all employees to treat the citizens of Taos Ski Valley, the visitors to the Valley and other employees with dignity, respect and good humor; and

WHEREAS, the Village of Taos Ski Valley needs to provide for a fair and equitable personnel system for all its employees;

NOW THEREFORE, the following Personnel Ordinance is hereby adopted by the governing body of the Village of Taos Ski Valley.

PASSED, ADOPTED AND APPROVED this 8th day of May, 2012.

THE VILLAGE OF TAOS SKI VALLEY

Neal King, Mayor

Attest:

Vanessa N. Chisholm, Clerk/Treasurer

Vote For 4, Against 0

**PERSONNEL
RULES AND REGULATIONS**

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VILLAGE OF TAOS SKI VALLEY

PERSONNEL RULES AND REGULATIONS

The purpose of these Rules and Regulations is to translate the broad language of the Village Personnel Ordinance into specific rules and regulations concerning such basic matters as recruitment, selection, classification, compensation, training, appeal right and many other aspects of Village employment.

These Rules and Regulations are a contractual agreement between the Village and its employees. Generally, this document describes what is to be done rather than how to do it; however, this document may be supplemented by an administrative manual, interpretive memorandum, and supervisory training.

Every consideration shall be given to the rights and interests of employees, supervisors and administrators, consistent with the best interests of the organization and the public. The Village Personnel Ordinance and Rules and Regulations are not construed to invest any "rights" in any employee that would impair or infringe on the rights of another employee, supervisor, the governing body or the public.

Continuous employment, advancement and transfer of employees covered by this personnel system shall be subject to good behavior, performance of work, loyalty, necessity for the performance of work, cooperation and the availability of funds.

These Rules and Regulations are subject to revision by the governing body as necessary by duly adopted resolution or as otherwise provided herein.

1. DEFINITIONS

The following definitions shall be used for descriptive purposes; in the event of any conflict between these definitions and the rule or regulation to which the definition apply, the latter shall take precedence.

“Acting Village Administrator” means the person appointed from time to time by the Village Administrator who shall act as the chief administrator when the short term absence or incapacity of the Village Administrator requires. The Acting Village Administrator shall have all the duties, authority, and responsibility of the Village Administrator during the temporary tenure.

“Allocation” means the action taken to assign a position to an appropriate classification.

“Bona Fide Occupational Qualification (BFOQ)” As used herein, "bona fide occupational qualification" means a qualification reasonably related to the satisfactory performance of the duties of a job and for which there is a factual basis for believing that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety or efficiency.

“Candidate” means any person who has qualified under these Rules for appointment to positions in a specific classification.

“Certification” means the act of submitting to a Department director the names of candidates on a "list of eligibles" for the purpose of making an appointment to a position.

“Classification” means one or more positions so similar in the essential character of their duties and responsibilities that the same pay range, title and qualification requirements can be applied.

“Classification Process” means research and analysis based on a comparative duties, responsibilities and qualifications by which appropriate classifications are determined.

“Classification Reduction” means a change from a classification with a higher salary range to a classification with a lower salary range.

“Classification Position” means a job which requires a regularly assigned combination of duties to be performed by one employee in the Village and a position which is not temporary, term or exempt.

“Compensatory Time” means time granted to an employee in lieu of overtime pay at the rate of one and one half (1.5) hours for every hour worked in excess of the employee’s standard work week.

“Demotion” means the change of an employee from a position in one classification to a position in a classification with a lower salary range for which the employee is qualified. This may result in a lower pay rate for the employee.

“Department” means the administrative grouping of Divisions, Sections and Units under a consolidated designation or body as specified by the current Village organizational structure.

“Department Director” means the head of an administrative department as specified by the current Village organizational structure.

“Director” means the Personnel Director or the Director's designee.

“Dismissal” means the involuntary separation of an employee for disciplinary reasons.

“Employee” means any authorized and appointed incumbent of a position in the municipal service.

“Employee Relations” means all matters that are subject to consultation, negotiation and communication among employees between employees and supervisors or between the governing body and administrative, supervisory or other employees.

“Employ” means the hiring of a person into a position.

“Exempt Position” means any Village Office, job, or position of employment as defined in subsection 2.3.

“Fact Finding” means the identification of the major issues in a particular dispute; the review of the position of parties; the resolution of formal difference by one or more impartial fact finders, and in the discretion of the fact finders, the making of recommendations for settlement.

“Fair Labor Standards Act (FLSA)” means the Federal Law (29 CFR 541) setting forth minimum wage, overtime pay, equal pay, record keeping and child labor standards for employees who are covered by the Act.

“Handicapped Person” means anyone who has a medically documented physical or mental impairment which substantially limits one or more of his or her major life activities or has a record of such impairment or is regarded as having such impairment.

“Hatch Act” means the Federal Law (5 USC Sections 1505 to 1508) which prohibits certain partisan political activity by an employee whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency.

“Hearing” means the process by which all positions of a grievance are presented and reviewed and in which the grievant is present.

“Immediate Family” means the parent, legal guardian, grandparent, spouse, child, sister or brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, *step relations*, and/or grandchild of the employee.

“Ingrade-Hire” means the authorized hiring of an employee at a rate higher than the initial or beginning rate in the pay range assigned to a position.

“Job Description” means a written statement of duties and responsibilities which characterizes a job and includes the education, experience, knowledge and ability required to perform the duties of the job.

“Just Cause” means any conduct, action or inaction arising from, or directly connected with, the employee's work which is inconsistent with the employee's obligations to the employer and reflects the employee's disregard of the employer's interests.

“Layoff” means the involuntary separation, without prejudice, of an employee when a classified position has been abolished because of insufficient funds, because of lack of work resulting from a reduction in force or reorganization, or because of other reasons deemed to be in the best interest of the Village, as determined by the Village Administrator and approved by the governing body.

“Leave” refer to section 13.

“List of Eligibles” means a list of names certified by the Director from which a candidate may be selected for employment.

“Management” means the collective body of those who direct or administer within the Village's organization of Department, Division and Units.

“Market Adjustment” means the adjustment of salary ranges based upon prevailing market rates, internal equity, and other related factors.

“Office” means the Village Personnel Division.

“Overfill” means an incumbent who is being compensated at a rate higher than the maximum for the classification he/she holds.

“Overtime” means time an employee is directed and authorized to work in excess of the standard work week or, in the case of sworn police personnel, the standard work period.

“Para-Professional” means an incumbent who occupies a position which involves furnishing aid or support to the category of those incumbents of professional positions.

“Pay Plan” refer to section 6.

“Personnel Matters” means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any employee.

“Position” means an individual job within the Village.

1. Regular full-time position is an authorized position for full-time work which has no expiration date, unless due to layoff, and which has been approved by the governing body.
2. Regular part-time position is an authorized position for part-time work (Usually less than forty (40) hours per week) which has no expiration date, unless due to layoff, and which has been approved by the governing body.
3. Term position is a full-time or part-time position which has a fixed expiration date usually associated with funding or a specific project.
4. Temporary position is a position which can be full-time or part-time. Temporary positions do not earn any of the rights or leave benefits accrued by regular positions.
5. Casual position is a position whose functions normally perform less than twenty (20) hours of scheduled work within a forty (40) hour work week but whose work week may exceed twenty (20) hours per week during a twelve (12) month period. A list of casual employees may be maintained by the Director so such employees can be called on an "as needed" basis.

“Probationary Period” means a period of time served by an employee in a classified or term position during which the employee must prove her/his ability to adequately perform job. See subsection 4.7.

“Professional Employee” means an employee engaged in work in which the employee's primary duty must be either:

1. Work requiring knowledge of an advanced nature in a field of science or learning, typically obtained by a prolonged course of specialized instruction and study; or
2. Work that is original and creative in character in a recognized field of artistic endeavor, the result of which depends primarily on the employee's invention, imagination, or talent; or
3. The employee must consistently exercise discretion and judgment; or
4. The employee must perform work that is predominantly intellectual and varied as distinguished from routine mental, manual, mechanical, or physical duties; or

5. The employee must not spend more than twenty (20) percent of the time worked in the work week on activities not essentially a part of and necessarily incident to the professional duties.

“Promotion” means the change of an employee from a position in one classification usually to a position in a classification with a higher salary range.

“Protective Services” includes positions such as police officers, dispatchers or jailers, which involve guarding, shielding or saving activities through the Police Department (other than administrative support).

“Property Rights” means that which is peculiar or proper to any person, an aggregate of legal rights which are guaranteed and protected, both corporeal and incorporeal.

“Reclassification” means the process of analysis by which an established position is reviewed to determine whether the duties and responsibilities of that position warrant a change in classification designation.

“Regular Employee” means a person in a classified position who has successfully completed the probationary period.

“Regular Position” means a full or part-time position that is funded as regular and has been designated in the annual budget to receive leave and other benefits.

“Reprimand” means the formal written censure of an employee by a supervisor with the knowledge of the Village Administrator. This includes documented oral admonishments.

“Resignation” means a voluntary separation from the Village at the request of the employee.

“Rules” means the Personnel Rules and Regulations promulgated in accordance with the provisions of the Personnel Ordinance.

“Salary Range” means a division of the salary schedule to which classifications are assigned.

“Selection” means the choosing of a candidate for employment.

“Seniority” means a status attained by length of continuous service in the Village.

“Separation” means the cessation of employment with the Village.

“Sexual Harassment” means behavior of a sexual nature that is so objectively offensive as to alter the conditions of an individual’s employment.

“Standby” means reachable 24 x 7 and back to work within an hour.

“Status” means position or rank in relation to others.

“Supervisory Employee” means an employee having the authority to exercise independent judgment in performance of work; to recommend hiring, transferring, suspending, layoff, recalling, promoting, or disciplining an employee; or one who has the responsibility to adjust employee grievance.

“Suspension” means the involuntary separation without pay for a designated time not to exceed thirty calendar days of an employee for disciplinary reasons.

“Termination” means the voluntary or involuntary end of employment for an employee.

“Test” means a method of measuring qualifications, fitness and ability, and includes tests that are written, rated, oral, physical or in the form of a demonstration of skill or any combination thereof.

“Transfer” means the movement of an employee from one position to another position in the same classification with the same salary range without any break in service.

“Veteran” means any person except one receiving a retirement annuity, which served in the United States Armed Forces for at least one hundred eighty (180) days and/or was separated under other than dishonorable conditions. An individual separated from the Armed Forces prior to completing one hundred eighty (180) days of service for a service-connected disability shall not be considered a veteran.

“Village” means the Village Personnel Services created by the Personnel Ordinance and includes all organizational units and positions covered by the Personnel Ordinance.

“Village Administrator” means the chief administrative officer of the Village, appointed by the Mayor with the approval of the governing body.

“Worker's Compensation” means the fund established to provide benefits to employees injured on the job.

2. GENERAL PROVISIONS

2.1 Compliance.

All persons operating under the provisions of these Rules shall conform to, comply with, and aid in all proper ways in carrying out the provisions of these Rules.

2.2 Purpose.

These Rules are designed to provide current personnel practices thereby promoting efficiency in the conduct of public business and assuring fair and impartial treatment for all applicants for employment and all employed by the Village.

2.3 Coverage.

The Personnel Ordinance and Rules and Regulations cover all positions except:

- A. Officials elected by popular vote or appointed to fill vacancies in elective offices; members of Village boards, commissions and committees appointed by the Mayor and approved by the governing body; and those on professional services contract;
- B. The following employees designated as exempt, not necessarily FLSA exempt, are covered by the Personnel Ordinance and the Personnel Rules and Regulations and entitled to the same rights and privileges afforded other employees, except for the rights and privileges of selection, appeal of disciplinary action, grievance procedures or dismissal:
- C. The Village Administrator, Village Attorney, or positions designated exempt by the Village Administrator and approved by the governing body; and

2.4 Duties of the Village Administrator.

The Village Administrator shall be responsible for the administration of the Village personnel practices.

2.5 Duties of the Director.

The Director shall administer all personnel activities regarding the Rules and Regulations.

2.6 Merit Principals.

The Village of Taos Ski Valley adopts the following merit standards, which shall govern in all personnel practices:

- A. Recruiting, selecting, and advancing employees will be on the basis of their relative ability, knowledge, skill and performance, including open consideration of qualified candidates for initial employment.
- B. Equitable and adequate compensation will be provided.
- C. Employees will be trained as needed to improve the quality of performance.
- D. Employees will be retained on the basis of the adequacy of their performance. Provisions will be made for correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.

- E. Non-discrimination of candidates and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors, and with proper regard for their primary and constitutional rights as citizens will be assured.
- F. Employees will be informed of their political rights and prohibited practices under the Hatch Act by the Director.

2.7 Interpretive Memoranda.

The Village Administrator and Director may issue such interpretive memoranda as are necessary to interpret the provisions of these Rules.

2.8 Procedures.

The Director shall establish and maintain procedures for the operation of the office and the implementation of these Rules.

3. RECRUITMENT AND SELECTION

3.1 Policy.

It is the policy of the Village to recruit and select the most qualified persons for positions in the Village's service. Recruitment and selection shall be conducted in a manner that will ensure the Village's best interest, open competition, provide equal employment opportunity, and prohibit discrimination or favoritism as per federal and state laws and local ordinances.

3.2 Recruitment.

The Personnel Department shall develop and conduct an active recruitment program designed to meet current and projected manpower needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to available sources likely to yield qualified applicants, including, but not limited to: internal posting, public notification through the New Mexico Department of Labor, media and web advertising, and posting at institutes of higher learning.

3.3 Preference.

Candidates may, as provided, be given preference for vacant positions if they are present employees, or veterans, with proof of eligibility.

3.4 Posting of Vacancies.

The Personnel Department shall establish a policy for posting and advertising job announcements in order to attract an adequate number of applicants and to promote an environment of competition that in turn will assure the selection of the most qualified candidates for any position. These announcements shall include information sufficient to inform applicants of the pertinent features of the job.

The Personnel Department will in its best efforts create a pool of qualified applicants to encourage diversity and ensure Equal Employment Opportunity in hiring. The following practices for listing positions will be followed under the Personnel Departments direction in regards to Equal Employment Opportunity in the Village of Taos Ski Valley:

- A. Regular full-time positions must be open for a minimum of five (5) work days; and
- B. Must be advertised in the Village's paper of record (but not limited to) except that when the Village determines that a given position is to be filled from within the Village's organization or through an employment agency such as the New Mexico Department of Labor it will not be required to advertise in said paper of record.

3.5 Application Forms.

All applications for employment shall be submitted to the Personnel Department on the Village application form. Such application forms shall require background information to include training, experience, and other pertinent information that is not prohibited by law. All applications must be signed, either electronically or in writing, and proof of qualification may be required. An application for employment will not be accepted beyond the closing date of a job vacancy announcement. Resumes without an application, and incomplete or late applications will not be accepted. Electronic and faxed applications will be accepted under the same procedure. All applications and resumes shall become the property of the Village and shall become a permanent part of the personnel file upon being hired.

3.6 Applicant Qualifications.

Qualifications are the primary consideration in filling any positions. Experience, education, training, skills, and other abilities as well as specific position requirements and the prior employment history of the applicant, are considered in appraising individual qualifications. Qualifications are subject to change within job fields and according to job descriptions prior to posting.

3.7 Rejection of Applications.

The Personnel Department may reject any application, which indicates that the applicant does not meet the minimum qualifications as established. Applications may also be rejected for, but not limited to the following and consistent with the American with Disabilities Act, when the applicant:

- A. Has falsified an application or resume;
- B. Is unable to perform the duties of the position, for whatever reasons;
- C. Does not pass the pre-employment tests as outlined in this manual (HIRING PROCEDURES);
- D. Refuses to submit, or does not submit in a timely manner, documents required by the established position or by law to determine the applicants employment suitability for employment in the United States of America under the Immigration Reform Act, Social Security Act or documents required to determine established education for the position;
- E. Has an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by results of a background check;
- F. Is not within the legal age prescribed by law;
- G. Fails to meet any standards applicable to the physical or mental demands of the position;
- H. Fails a pre-employment drug test;
- I. Cannot be licensed or insured for the operation of Village vehicles and equipment as required by the job description; or,
- J. Cannot be licensed for or maintain professional certification as required by the job description.

3.8 Selection Hiring Process.

The Personnel Department shall be responsible for determining selection methods to obtain the best qualified applicants for each class of positions. Such selection methods may include the interview process, job relevant testing, and examinations. In the development of selection methods, the Personnel Department shall confer with department heads, consultants, or other skilled in/or familiar with minimum job requirements.

3.9 Interview Process.

The Personnel Department shall coordinate the interview process. As a supplement to the selection process, applicants who have passed the application process may be interviewed by a panel of three (3) or more panelists. In processes where only three or fewer applicants pass the application process, the Department Director may choose to interview the applicants in lieu of using a panel. All interviews will strictly adhere to Equal Opportunity Laws and the Americans with Disabilities Act.

3.10 Interview Panels.

The Personnel Department will coordinate the selection of panel members, scheduling of applicants, development of questions, and rating process.

3.11 Rating and Recommendations Process.

All applicants will be rated individually on the information provided by the applicant during the interview. The Personnel Department will tabulate all scores and provide a listing to the Department Director of the three (3) top scoring applicants in alphabetical order. Where there is a tie score among the third of the top three (3) applicants, all four (4) top ranking applicants will be listed in alphabetical order. If the Department Director finds that none of the applicants are suitable, the Department Director must justify in writing why the applicants referred are not suitable. If appropriate, the remaining applicants will then be reconsidered or a request to re-advertise will be submitted at that time.

3.12 Eligibility for Hire Roster.

Applicants who pass the initial interview phase will be placed on an eligibility roster for a period of six (6) months. Public Safety Officer rosters will be for a period of twelve (12) months. Should the position become vacant within the relevant time period, the top applicants on the roster who passed the initial interview phase may be considered by the Department Director before re-advertising the position.

3.13 Notice of Non-Selection.

The Personnel Department will notify applicants of their status in the process when they are not currently being considered.

4. PROCEDURES FOR HIRING AND TRANSFERS

4.1 Authorization for Hiring.

Department Directors shall submit each request to fill a vacancy to the Personnel Department on the prescribed form. The Personnel Department shall verify each request and present it to the Village Administrator or his/her designee. The Village Administrator may or may not authorize the vacancy be filled.

4.2 Pre-Employment Screening.

The Personnel Department will obtain signed releases and authorizations to conduct background and reference checks. Background checks may include, but are not limited to employment history, medical history, and credit history if required. Pre-employment examinations may include, but are not limited to a drug/alcohol test, a physical, a functional capacity examination, and/or a psychological examination.

4.3 Recommendation for Hire and Appointment.

The Village Administrator, or his designee, has the authority to approve or disapprove a recommended selection. Upon the Village Administrator's written approval, and upon completion of all pre-employment procedures, the Personnel Department will notify the finalist of a tentative offer of employment.

4.4 Conditional Offer of Employment.

The Personnel Department shall notify the successful applicant of the conditional offer of employment and will schedule them to attend orientation. Unless approved by the Village Administrator, the Village will not reimburse travel or relocation expenses in conjunction with the hiring process.

4.5 Rejection of Employment Offer.

In the event an applicant rejects the offer, the position may be offered to another highly qualified applicant from the same selection pool, or it may be re-opened for recruitment.

4.6 New Employee Orientation.

Each new employee is required to attend New Employee Orientation coordinated by the Personnel Department.

The employee's department is responsible for providing additional information on departmental rules and regulations that set forth standards, regulation, duties, training, hours of work, reports, leave requests, safety, dress codes, etc.

4.7 Categories of Employment.

Probationary.

All newly hired employees for the Village are on a probationary status that extends for six (6) months from the date of hire or twelve (12) months for Department of Public Safety Officers. Probationary periods may be extended for an additional period of up to ninety (90) days under special circumstances and with the approval of the Village Administrator.

Regular Full-Time.

A Regular Full-Time employee is one whose average work week is no less than forty (40) hours in a seven (7) day period, has successfully completed the probationary period, and is entitled to employee benefits.

Seasonal.

Full or part-time employees whose work assignment is budgeted not to exceed nine (9) months for special purpose, project or definite number of projects during a peak season. These employees are not eligible for benefits. Such employees are probationary their entire tenure, regardless of the number of seasons for which they have been rehired, and may be terminated at any time with or without cause and may not appeal this termination.

Intermittent.

An employee qualified to work in one or more job assignments, who is on call to work at irregular intervals on one or more Village departments. The employee is not entitled to Village benefits and is paid only for hours worked.

Emergency.

A full-time or part time person hired to ensure continuity of municipal services during an emergency. Emergency appointments need only approval by the Village Administrator. Such employees are not eligible for Village benefits.

Acting.

A current employee appointed to temporarily assume the duties of a position pending the return of the employee in that position or a regular competitive appointment. A current employee who assumes the acting appointment may be required to also perform his/her usual duties. An acting employee will be granted additional compensation after thirty (30) days or upon Village Administrator approval where required.

Professional.

A person from outside the work force who is appointed on a temporary basis by the Village Administrator, to a vacant position pending selection of a qualified person.

Special Programs.

These are employees who are assigned to work anywhere in the Village for the purpose of training or re-training. These individuals are not Village employees, and all benefits and the insurance coverage are the responsibility of the agency that has placed said individuals with the Village. The Village is not responsible for extending regular employment of these individuals.

1. The probationary period allows employees time to demonstrate fitness, performance and responsibilities of the position for which they are hired. It also allows the supervisor time to evaluate the employee's potential and performance. Probationary employees may be terminated at anytime with or without cause and may not appeal termination.
2. All regular full time and part time employees hired to serve in a regular position will serve a minimum period of six (6) months. DPS Officers will commence a twelve (12) month probationary period. Current employees who commence another probationary period because

of transfer will be eligible for any leave benefits they were entitled to prior to the transfer with the understanding that leave requests must be approved through the Department Director.

3. At the conclusion of the probationary period it shall take an affirmative action by a written performance evaluation by the supervisor and Department Director to place the employee in a regular non-probationary status. If no affirmative action is taken the employee may be automatically terminated without the right of appeal.
4. Under certain circumstances, the probationary period may be extended. This is only after a written evaluation of the situation by the supervisor is complete. The request to extend the probationary period shall document the employee's abilities, inabilities, demonstrated potential, and the situation. Probationary period extensions are done only upon notice to the employee, recommendation by the supervisor to the Department Director, approval by the Village Administrator and processed through the Personnel Department. Extension of the probationary period will only be for an additional period of up to ninety (90) days, and the employee will be subject to a performance improvement plan.

4.8 Village Identification Cards.

The Personnel Department will issue all employees and elected officials a Village Identification Card (I.D. card). The employee will carry the I.D. card when on Village official business. Each employee is responsible for safeguarding and updating his/her issued I.D. card. All identification cards remain the property of the Village and must be returned to the Personnel Department upon termination of employment. Failure to return the I.D. card will result in a charge being withheld from the final pay in accordance with the Village Property policy.

4.9 Nepotism.

It is the Village's policy that family members will not be employed in regular full-time or regular part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, correct the action of, or evaluate the performance of the other or recommend any of the above actions.
2. One relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Village's interest and their own
4. One relative would be in the Personnel Department.

The exclusion should be limited to the job, work crew, shop or unit where the reason for exclusion exists, and should not bar the person from the whole work force. When it is necessary to exclude a person because of what his or her spouse does, then the employees will be asked to determine which spouse shall keep the job. The Village may require one (1) spouse to quit sixty (60) days after marriage if they become in violation of this policy and a mutually agreeable solution cannot be reached between the Village and the employees.

4.10 Application for Transfer/Promotion.

A transfer is the assignment of an employee from one position to another in the same, higher or lower classification schedule. It may also be an assignment of an employee from one work site to another, from one department or agency to another with more or less the same responsibility or skilled occupations, or from one assignment to another in accordance with existing Village policy. Transfers may be voluntary or involuntary.

A promotion is the assignment of an employee from one class to another, which has a higher maximum rate of pay and greater responsibility.

Village employees are encouraged and offered the opportunity to apply for transfer or promotion to vacant positions for which they are qualified. In order to promote this policy the Village will allow on-duty employees to attend testing and interview procedures for other Village positions not to exceed one (1) hour. This time will not count as time worked for calculating overtime. Employees will be given the necessary time off to attend processes that take longer than one (1) hour provided there is adequate coverage to continue service and may use applicable leave if available.

The Village Administrator, or designee, may, for the good of the Village, transfer an employee to a vacant position within the department or division or to a different department or division within the Village. Employees cannot be laterally transferred outside their PERA Retirement classification where the transfer is detrimental to the employee's vested interest, unless employee initiated.

4.11 Change of Anniversary Date and Probationary Period.

A regular employee who is promoted, demoted, or transferred will have his/her anniversary date changed to the effective date of said personnel action for evaluation and seniority in grade purposes. They will also serve a probationary period as outlined in that section.

4.12 Pay upon Transfers.

Employees who are transferred may have their pay changed accordingly.

4.13 Drug and Alcohol Testing.

The Village may require a current employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. For purposes of this section "reasonable suspicion" means an articulable belief based on specific objective facts and reasonable inferences drawn from those facts. "Under the influence" means having the presence of drug or alcohol at or above the level of a positive test result. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to: a pattern of abnormal erratic behavior; information provided by a reliable and credible source; direct observation of drug or alcohol use; presence of the physical symptoms of drug or alcohol use (i.e.: glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and slow reflexes).

Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be referred to the appropriate Department Director or designee. The facts underlying the determination of reasonable suspicion should be disclosed to the employee at the time the demand is made.

5. CLASSIFICATION PLAN

5.1 Preparation.

The Director shall prepare and maintain a Classification Plan which provides for a grouping of all positions in the Village into classifications on the basis of duties, responsibilities, and minimum qualifications required.

5.2 Content.

- A. The Classification Plan shall include the descriptions for the various classifications which may be subdivided or grouped as deemed proper by the Director.
- B. The Director shall prepare and/or revise written descriptions for each classification which may be amended as necessary, and these descriptions shall include:
 - 1. the title of the classification;
 - 2. examples of typical tasks performed, responsibilities, and working conditions of positions allocated to the classifications;
 - 3. a statement of the minimum qualifications required, including the kind and amount of training and experience, knowledge, skills, and abilities, physical requirements, and job related personal attributes that an employee should possess; and
 - 4. a signature by the Director and the date of the last revision.

5.3 Revisions.

- A. Whenever the creation, abolition, subdivision, or consolidation of classifications appears necessary due to the creation of a new position, change in organization, or change in the duties of an individual position, the Director, after conferring with the appropriate supervisory employees, shall prepare classification descriptions for the Village Administrator's approval. The Village Administrator shall afford those affected Departments and interested parties an opportunity to express their viewpoints concerning such revisions.
- B. Any revisions reflecting a major change in policy shall be subject to approval by the Village Administrator who shall afford those affected Departments and interested parties an opportunity to express their viewpoints concerning such revisions.
- C. The Director may make revisions to classification descriptions. The Director shall report such revisions to the Village Administrator.
- D. When a classification is revised, the title of the classification, and in some cases the range of assignment but not the salary of the employee in that class, may be affected.

5.4 Allocation of Positions to Classifications.

- A. Every position in the Village shall be allocated to one of the salary ranges established by the Classification Plan; all positions substantially similar as to the tasks performed, as to the responsibilities exercised, and as to the minimum qualification requirements shown in a classification description shall be allocated to that same salary range.
- B. The title of a classification shall become the title of such position and shall be used on all official records and correspondence relating to the position. Any abbreviations or code symbol

approved by the Director may be used in lieu of the title to designate the classification of the position in any such connection.

- C. Departments may recommend the allocation or reclassification of positions to one of the classifications as established by the Classification Plan or a new classification, subject to approval by the Director and Village Administrator.
- D. Departments shall submit adequate documentation to support the recommended reclassification of a position to a different classification.
- E. The Director shall conduct periodic audits to determine whether or not positions are properly allocated. If it is determined that a position is improperly allocated, the Director shall reallocate it to its proper classification.
- F. When a new position is contemplated, the Director shall request establishment of the position before it may be filled. Except as otherwise provided by these Rules, no person shall be appointed to or employed in a position until the position has been allocated to a classification and approved by the Director and Village Administrator or until the Classification Plan has been amended to provide therefore.
- G. When the duties of a position are changed substantially, the Director shall order a review of the position. Upon completion of the review, the Director may order that the position be allocated to a more appropriate classification. Temporary assignment of additional duties shall not justify the reallocation of a position.
- H. The Director shall advise a Department in writing of the specific reasons for allocating or reallocating a position to a classification if different from that proposed by the Department.

6. PAY PLAN

6.1 Policy.

It is the express policy of the Village of Taos Ski Valley that the Comprehensive Pay Plan for all classifications of the Village are subject and limited to availability of funding as may be determined by the governing body. The governing body shall be the final arbiter of available funds.

6.2 Preparation.

The Director shall prepare a Comprehensive Pay Plan for all classifications in the Village. The Pay Plan shall take into consideration experience in recruiting for positions in the Village, prevailing rates of pay for the services performed and for comparable services in public and private employment, cost of living, maintenance or other benefits received by employees in the Village, and the Village's financial condition and fiscal policies.

6.3 Adoption.

The Comprehensive Pay Plan shall be prepared by the Director for the Village Administrator and adopted by resolution of the governing body.

6.4 Revision.

The Comprehensive Pay Plan may be revised upon the recommendation of the Village Administrator and the approval of the governing body.

6.5 Administration.

- A. The approved Comprehensive Pay Plan shall constitute the official schedule of salaries for all classification in the Village to which such Comprehensive Pay Plan is applicable, except for the Village Administrator whose salary will be negotiated by the Mayor and approved by the Council. The rates of pay for all persons in the Village shall be approved by the Village Administrator and no salaries shall be approved unless they conform to the approved Comprehensive Pay Plan.
- B. No employee in the Village shall be paid a salary less than the minimum or greater than the maximum of the salary range for the classification fixed by the Comprehensive Pay Plan unless otherwise provided for in the Rules.
 1. Employees work on an hourly rate basis and shall be paid at the hourly rate.
 2. The entrance rate payable to any employee on first appointment to a position in the Village shall be the minimum rate in any applicable salary range, unless a higher rate is authorized by the Village Administrator because of the candidate's exceptional qualifications, difficulty in recruitment, or other valid reason.
 3. The salary of an employee who is promoted shall be adjusted to the new salary range with a ten (10) percent increase in pay, unless the employee's salary prior to promotion was less than minimum pay rate of the new salary range of the classification to which the employee is being promoted.
 4. The salary of an employee who is demoted for disciplinary reasons or takes a classification reduction shall be reduced by at least one step and by no more than three ranges, but never below the newly assigned range.

5. The salary of an employee who is transferred to a position shall remain the same.
 6. The salary of an employee who is re-employed after being called to active duty shall be at a rate equal to what the employee would have attained had the employee not been called to active duty.
- C. Market adjustments will be awarded based upon a market adjustment formula as approved by the governing body.

6.6 Salary Schedule.

The salary schedule shall include a series of salary ranges to which the various classifications in the Village are to be allocated with the range of each classification consistent with the functions outlined in the job descriptions. Each salary range shall include minimum and maximum rates of pay.

6.7 Salary Increases.

- A. Merit increases shall be considered on an annual basis but shall be granted upon the demonstrated quality of performance. This increase shall be added to the hourly rate.
1. Exempt, classified, regular, and term-regular employees who are considered to be deserving as evidenced by average or above job performance may be granted a merit increase based on a productivity formula as approved by the governing body as may be determined periodically, except those overfilling a position may be granted a merit increase within the limits of the salary range after one (1) year from the date of:
 - a. re-employment;
 - b. initial appointment;
 - c. the last merit increase; or
 - d. promotion.
 2. Any period of leave without pay in excess of thirty (30) calendar days shall not be credited as continuous service toward eligibility for a merit increase.
 3. Service in emergency, term, or temporary status, when followed without a break in service by probationary appointment to the same classification, will be credited toward eligibility for a merit increase.
- B. When an employee's salary reaches the top of the pay rate for his/her position, the employee will be eligible for longevity pay to be paid at the beginning of each fiscal year after his/her fifteenth (15th) consecutive year of service. The rate of pay will be determined by the governing body each year and will be awarded if funding is available.
- C. Professional Development Increases for attaining increased certification will be added to the hourly rate within budgetary limits.

6.8 Salary Decreases.

- A. A Department may decrease the salaries of all employees in any Department uniformly and equitably for budgetary reasons with the approval of the Village Administrator and governing body.
- B. Notice of intention to affect a salary decrease, and a plan for affecting such decrease, shall be given in writing to the Director at least thirty (30) calendar days in advance of the proposed effective date. This notice shall contain a thorough explanation.
- C. Affected employees shall be given at least twenty-eight (28) calendar days notice.
 - 1. In no case shall a salary be reduced below the minimum rate in the salary range.
 - 2. Employee's salary decreases shall be made, when necessary, in the following order:
 - a. Emergency.
 - b. Temporary.
 - c. Probation.
 - d. Term-grant funded.
 - e. Regular.
- D. Restoration of an employee's salary may be made to any rate in the salary range that is not higher than the employee would have attained had the salary not been decreased.

6.9 Classification Reduction.

An employee may, as the result of reorganization or when deemed in the best interest of the Village, receive a reduction from his/her current classification to a lower classification with salary adjustment as set forth in subsection 6.5 B 4.

6.10 Overtime Compensation.

In order to meet the demands of work, employees may be required to work in excess of the hours designated in their normal work week. Overtime compensation will be paid to employees as spelled out below only for actual hours worked.

- A. Any employee, except those designated by the Director to be professional or supervisory, who is authorized and required to work in excess of the normal work week; forty (40) hours, or for police the standard work period, fourteen (14) days or eighty (80) hours, shall be compensated for such excess time at one and one-half (1 ½) times their hourly rate or unless otherwise specified in the Fair Labor Standards Act (FLSA). Such compensation shall be paid at the overtime rate. In the event that the Village elects to award compensatory time in lieu of overtime, such compensatory time shall be accrued at time and one-half. If compensatory time cannot be taken within thirty (30) days of accrual, then the employee shall be paid overtime.
- B. Professional, supervisory, and other employees designated by the FLSA as exempt who work in excess of the normal work week, forty (40) hours, shall not be compensated for such hours unless approved by the Village Administrator. Such compensation shall be paid time on an

hour-for-hour basis. Exempt employees will not be allowed to accrue compensatory time unless approved by the Mayor, on an hour for hour basis.

- C. Any type of non-work time including leave without pay, absence without leave, annual leave, sick leave, compensatory time taken, educational time, travel time, emergency/injury leave, administrative leave, temporary disability leave and military leave shall not be credited towards the normal work week for the purpose of calculating overtime compensation.
- D. In some cases, compensatory time may be granted in lieu of cash payment. Employees who work in public safety or emergency response can accrue up to one hundred twenty (120) hours of compensatory time, while all others may accrue up to sixty (60) hours of compensatory time.
- E. An employee who separates from the Village shall be compensated for all accrued compensatory time in accordance with FLSA 553.27, except for employees designated as FLSA exempt.

6.11 Shift Differential.

Shift differential is intended to compensate those employees who report to work between the hours of 6:00 p.m. and 4:00 a.m. to relieve the previous shift. Shift work is recognized where more than one group of employees report to work during the same twenty-four (24) hour work day to perform the same work.

Employees who normally work a shift between the hours of 6:00 p.m. and 4:00 a.m. shall receive an additional five (5) percent of their hourly salary for the entire shift.

6.12 Holiday Pay.

- A. The holiday schedule as approved in subsection 12.6 is the official holiday schedule. If the employee has the day off as a holiday they are paid for this day at their normal daily rate. In lieu of pay, the employee may be given an additional compensatory day, at the discretion of the Department Director, to be used within the current fiscal year.
- B. All employees who are required to work a holiday shall be compensated at double time for the hours worked. At the discretion of the Department Director an employee may work a holiday at straight time and also, be given an additional compensatory day to be used within a set period, but must be taken within the current fiscal year.

6.13 Call Back and Standby Time

Employees, who are required to report to their jobs after the conclusion of their normal shift and prior to the beginning of their next shifts, shall be compensated at one and one half times their hourly rate for a minimum of two hours.

6.14 Work Breaks.

Departments may provide for work breaks during the working day. No more than two such breaks shall be granted, not to exceed fifteen minutes each, including related travel time. Work breaks shall not be considered to accumulate if they are not taken and shall not be used to shorten the normal workday. The granting of such breaks depends on the constraints of working conditions within each department.

7. CORRECTIVE ACTION, SUSPENSION, DEMOTION, AND SEPARATION

7.1 Tenure of Employment.

The tenure for all employees in the Village shall be continuous during productive behavior as evidenced by satisfactory performance appraisal reports. However, this provision shall not be interpreted to prevent the layoff of an employee by the Village because of just cause, lack of funds or curtailment of work, when made in accordance with these Rules.

7.2 Resignation.

An employee who resigns shall present the reasons in writing to the Department at least two (2) weeks in advance. The original letter of resignation shall be forwarded to the Director. Failure to comply may affect future re-employment with the Village, and/or job references. The Department Director may waive the two (2) week requirement.

7.3 Reduction in Force.

The Department Directors will submit a plan that identifies persons for layoff as a result of a reduction in force to the Village Administrator.

7.4 Order of Layoff.

A. Employees will be laid off by type of appointment in the following order.

1. Emergency.
2. Temporary.
3. Probationary.
4. Term-Grant Funded.
5. Regular.

B. Whenever there are two or more regular employees in the classification from which a layoff is to be made, employees in the classification with a summary performance appraisal of unacceptable for the evaluation period preceding the layoff shall be first laid off.

C. Layoff or reduction in classification in lieu of layoff, for all other employees in that classification shall be in the inverse order or based on summary performance appraisals and seniority.

D. Determination of Seniority. Seniority constitutes length of certified status within a classification of the classified service.

When two or more employees have the same length of time in the classification, the employee with the longest certified Village employment shall be the senior.

7.5 Notice of Layoff.

A. No employee shall be laid off or reduced in classification in lieu of layoff until the employee has been given written notice, personally or by certified mail, of the date upon which the layoff or the reduction in classification will be effective and the reasons for the action. Such notices shall be served at least thirty (30) calendar days before the layoff or reduction in classification become effective.

- B. No layoff or reduction in classification due to reduction in force shall be affected without prior approval of the Mayor and the governing body.

7.6 Verbal/Written Reprimands.

- A. The Supervisor may reprimand an employee for just cause. Verbal reprimands shall be documented by the Director. Written reprimands shall be documented on a form prescribed by the Director, and approved or disapproved for just cause by the Village Administrator upon recommendation of the Department Director.
- B. If after one (1) year the employee has shown improvement, the documentation of the verbal reprimand may be removed from his/her personnel file upon the employee's request. Such requests should be made to the Director and approved by the respective Department Director.
- C. In similar manner, after two (2) years the employee may request that a written reprimand be removed from his/her personnel file. Such requests should be made to the Director and approved by the respective Department Director.
- D. Reprimands will be considered in pay raise evaluations.

7.7 Dismissals, Demotions, and Suspension Procedures.

- A. An employee in temporary or emergency status may be dismissed, suspended, or demoted for any reason the Department Director deems appropriate with at least three (3) days written notice, unless waived by the Village Administrator.
- B. A probationary employee may be dismissed, demoted or suspended for any reason the Department Director deems appropriate with seven (7) calendar days written notice, unless waived by the Village Administrator.
- C. Causes for Disciplinary Action:
 - 1. violation of or failure to comply with the Federal or State Constitution, Statutes, or Village Policies, Rules, and Regulations and Village Ordinances;
 - 2. careless, negligent, unauthorized, or improper use of Village property, equipment, or funds;
 - 3. insubordination, failure to comply with or accept a reasonable proper order/assignment from an authorized supervisor;
 - 4. inability to perform job requirement after repeated attempts to correct the lack of performance;
 - 5. disorderly conduct or threats or abuse of another;
 - 6. chronic tardiness and/or absences;
 - 7. use of undue influence to attempt to gain promotion, favorable leave assignment, or other individual benefit or advantage;
 - 8. being absent from work without permission, or failure to report to the supervisor or Department Director when absent;

9. failure to obtain and maintain a current license or certificate that is a condition of employment;
 10. intentional falsification or mishandling of Village records or documents (written or electronic);
 11. illegal use, sale, or possession of alcohol or illegal drugs, or being under the influence of such substance while on duty;
 12. sexual harassment or physical or mental intimidation of any person;
 13. action which reflects negatively upon the integrity of the Village;
 14. inability to perform duties of job (see section 4.2); or
 15. refusal to submit to a drug and/or alcohol test (see Section 4.13)
- D. The dismissal, demotion or suspension of a regular employee shall be accomplished according to the following procedures and in accordance with the provisions of subsection 8.0.

1. Written Notification

- a. The Department Head or the Department Director shall present the employee with written notification of the intent to suspend, demote or dismiss at least five (5) working days in advance of the proposed action. The notification shall state the reasons for the proposed action, the employee's right to invoke the grievance procedures in subsection 8.0 and time, date and location of the pre-disciplinary hearing.
- b. In cases where Village property, other employees or citizens are at risk because of the employee's actions, the Department Director or Director, with the approval of the Village Administrator may put the employee on administrative leave with pay while the appropriate action is contemplated and until the pre-disciplinary hearing is held.

2. The written notice must:

- a. document the date and time of the pre-disciplinary meeting;
- b. identify the specific allegations;
- c. specify the recommended corrective disciplinary action, if any, to be taken;
- d. specify the effective date of the dismissal, demotion, or suspension which must be at least seven (7) calendar days after the date of the written notice;
- e. inform the employee that the corrective-disciplinary action may be appealed to the Village Administrator, in writing, within fifteen (15) calendar days of the effective date for the dismissal, demotion, or suspension; and
- f. be delivered personally to the employee or by certified mail, with return receipt requested, to the employee's last address on record.

3. The pre-disciplinary hearing shall be held before the Department Director or the Village Administrator in the event the proposed action is initiated by the Department Director. The employee shall have the grounds and the proposed action explained to him/her and

shall have the right to respond. Said hearing will be held, whether or not the employee participates in the hearing. Upon the conclusion of the hearing, a Corrective Disciplinary Action Report shall be prepared and given to the employee, either personally or by certified mail, return receipt requested, to the employee's last address of record.

4. In the event that the proposed discipline or other corrective discipline is imposed, the employee shall be informed that he/she has the right to file a grievance. Said grievance must be filed within seven (7) calendar days from the date of the receipt of the Corrective Disciplinary Action Report.
- E. If, after three (3) years, the employee has shown improvement and no other infractions have occurred, he/she may request that documentation of the suspension or demotion be removed from his/her file.

7.8 Waivers.

- A. If the Department Director believes that it would be in the interest of the Village for the dismissal, demotion, or suspension of a regular employee to be effective immediately, the Department Director may make a written request to the Director for a waiver of the required notices.
1. After a pre-disciplinary interview is conducted and while a written request is being made, the employee may be placed on administrative leave or reassigned duties and responsibilities, pending approval by the Village Administrator.
 2. The Village Administrator may grant a waiver of the notice time periods.
- B. The Department Director shall present written notice to the employee or send a written notice by certified mail, with return receipt requested, informing the employee of the waiver of notice periods.

7.9 Demotion.

An employee may, for disciplinary reasons, be changed from the employee's position in one classification to a position in the same classification with a lower salary range and pay rate for which the employee qualifies.

7.10 Medical Layoff.

- A. The medical layoff of an employee from the Village may be initiated for the following reasons:
1. the certification is obtained from a physician that the employee is physically or mentally incapable of performing the duties of his or her position and such certification shall include a diagnosis; or
 2. the lack of a position for which the employee is physically or mentally qualified.

8. EMPLOYEE GRIEVANCE PROCEDURES

8.1 Purpose.

It is the Village's policy to provide all employees a means of obtaining further consideration of misunderstandings, problems, complaints or grievances when they remain unresolved at a supervisory level, and to establish policies and procedures that provide for timely resolution of grievances.

8.2 Definition.

A "grievance" is a perceived misunderstanding or disagreement regarding the meaning, interpretation, application or alleged violation of the Village's Personnel Ordinance regarding personnel matters or employment practice.

8.3 Grievance Procedure.

Strict adherence to the procedures outlined below is mandatory for all concerned, except that time limits may be extended upon mutual agreement or good cause shown.

Reasonable attempts will be made to resolve the grievance to the mutual satisfaction of the employee and the Village.

- A. Step 1. The employee shall present the grievance in writing to his or her immediate supervisor within five (5) working days of the action which gave rise to the grievance. An employee with a grievance shall first try to resolve it with his/her immediate supervisor and then with his/her department head.
- B. Step 2. If the employee is not satisfied with the decision of the department head, the employee shall submit a written grievance to his/her department head with a copy to the Personnel Director. The department head shall attempt to resolve the matter within five (5) working days from receipt of the written grievance.
- C. Step 3: If the employee is not satisfied that the grievance was resolved by his/her department head, or if the department head took no action within five (5) working days of receipt of the written grievance, then the employee must submit the grievance, in writing to the Personnel Director with a copy to the Village Administrator within twenty (20) working days of the alleged occurrence. This written notice shall include the following: 1) statement of the grievance and relevant facts; 2) remedy sought; 3) reasons for dissatisfaction with the department head's solution.

If the preceding provisions were complied with and the grievance is still unresolved, the Personnel Director shall investigate the grievance, consult with the employee and supervisor/management and make recommendations to the Village Administrator, whose decision shall be final in all instances. The Village Administrator has the prerogative to appoint a grievance committee to hear grievances.

In the event that the employee's grievance does not involve his/her respective supervisors, the written grievance shall be submitted directly to the department head of the employee's department, who shall notify the employee of his/her decision within five (5) working days of receipt of the grievance. However, such grievance, in order to be considered by the department head, shall be submitted to the department head within five (5) working days of the aggrieved action. The decision of the department head may be appealed directly to the Village Administrator, whose decision shall be final.

8.4 Conditions of the grievance.

If the employee fails to proceed to successive level of supervision within the time period specified, the employee shall be conclusively deemed to have waived and abandoned the grievance. If any supervisor fails to render a decision within the time period specified, the employee may appeal to the next level of supervision within the time limits specified.

8.5 Protection against Retaliation.

The Village and its employees will not retaliate against any person who, in good faith, uses the grievance procedure.

8.6 Responsibilities of the Grievance Hearing Committee.

- A. The Hearing Committee conducts a formal hearing which shall consist of interviews with the grievant, respondent, any witnesses, or review of documents or materials relevant to the grievance. The hearing will be taped and the tapes will be maintained by the Personnel Office.
- B. The hearing must be conducted within sixty (60) days of the date the Hearing Committee is appointed and does not have to follow the "Rules of Evidence" as used in courts of law; however, the Hearing Committee may limit testimony that is irrelevant or unduly repetitious. If the failure to hold the hearing within sixty (60) days is a result of delay attributable to the grievant, the Hearing Committee may deny the grievance.
- C. The decision as to allow or disallow testimony will be made by the Hearing Committee.
 1. The Hearing Committee will rule on whether evidence or exhibits may be admitted into the record and on any motions or objections made.
 2. Once the Hearing Committee has ruled on an issue in question, no further argument on the issue will be allowed.
- D. Each party to the grievance may present a statement of his or her case and explanation to the Hearing Committee.
- E. Witnesses pertinent to the grievance may be called and will be sworn in by the Hearing Committee prior to giving testimony.
 1. Witnesses will identify themselves for the records, giving their names, addresses, and any other information that may be pertinent to the grievance.
 2. After a witness has testified, the Hearing Committee shall permit the opposing party to the grievance to examine the witness.
- F. If the grievant has grieved an adverse employment action, the Village shall have the burden of sustaining the action by a preponderance of evidence standard. For any other grievance, the grievant shall have the burden of proving the grievance by a preponderance of the evidence.
- G. The Hearing Committee will prepare Findings of Fact and submit the Findings and a Decision in writing to the Village Administrator (within ten (10) calendar days after the conclusion of the hearing).
- H. The decision rendered by the Hearing Committee is final.

- I. Upon receipt of the decision, the Village Administrator shall notify the Director who shall notify the grievant or his/her representatives and the respondent, if any.

9. POLITICAL ACTIVITY

9.1 Permitted.

All employees:

- A. are encouraged to register and vote;
- B. have a right to express their opinions on all political subjects and candidates;
- C. may serve as convention delegates, provided the employee is on authorized leave or on their own time;
- D. may attend political gatherings or meetings, provided the employee is on authorized leave or on their own time.
- E. may engage in political activity on their own time to include signing nominating petitions and making voluntary contributions to political organizations;
- F. may serve as an election official, provided the employee is on authorized leave or on their own time; and
- G. may be a member of a local education or community college board, which shall not be construed to be either holding political office or being an officer of a political organization, provided the employee is on authorized leave or on their own time.

9.2 Prohibited.

All employees are prohibited from:

- A. using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office, or for any other political purpose;
- B. directly or indirectly coercing, attempting to coerce, commanding or advising an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for a political purpose;
- C. threatening to deny promotion to any employee who does not vote for certain candidates, requiring employees to contribute a percentage of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising events, advising employees to take part in political activity and matters of a similar nature; and
- D. engaging in political activity while on duty.

9.3 Public Office.

- A. Employees covered by the provisions of the Hatch Act may be candidates in nonpartisan elections, if, upon filing or accepting the nomination and during the entire campaign, the employee is on authorized leave.
- B. Employee covered by the provisions of the Hatch Act may not be candidates in partisan elections.

- C. Employees not covered by the provisions of the Hatch Act may be candidates for any public office, if, upon filing or accepting the nomination and during the entire campaign, the employee is on authorized leave.
- D. Employees may not hold political office during employment with the Village.
- E. In accordance with the provisions of Section 10-9-21 (B) NMSA 1978, being a member of a local school board or community college board shall not be construed to be holding political office.
- F. Election to Municipal Office. Any employee elected to municipal office in the Village shall resign from the employ of the Village.

10. PERFORMANCE APPRAISAL

10.1 Performance Evaluations

- A. The performance of each employee will be appraised on an annual basis, based on the fiscal year. This appraisal will be documented on an Annual Performance Appraisal (APE) form submitted by the Department Head with inputs from the immediate supervisor, and will become a part of the employee's personnel record.
- B. The Director will provide a training program in the proper method of appraisal for those supervisory employees who appraise the performance of other employees.

10.2 Acknowledgment of Receipt of Plan.

Employees will acknowledge in writing, receipt of performance and development plans. In instances where an employee declines to sign such acknowledgment, the Department will verify in writing that the employee received the performance and development plan.

10.3 Rebuttal.

Employees may submit rebuttal statements in the comment section of the APE. If this rebuttal is deemed a grievance by the employee, they may use the grievance process in Section 8.

10.4 Annual Performance Evaluations. (APE) in Appendix 1

- A. Annual reviews are based on the Fiscal Year.
- B. New employees will receive an annual performance evaluation after their six month probationary period. If this evaluation occurs after January 31, then the next annual evaluation will coincide with the following fiscal year evaluation cycle.

10.5 Additional Performance Evaluation Plan. (APEP) in Appendix 2

The APEP is meant for an employee who is not meeting standards.

11. TRAINING

11.1 Responsibility.

The prime responsibility for in-service training shall be assumed by Department management. Departments will utilize performance and development plans as an indicator of an employee's need for training. Supervisors should consult with employees during the preparation of their performance and development plans regarding their training needs.

11.2 Needs.

The Director shall assist Departments in determining their training needs and in devising and establishing programs to meet such needs.

11.3 Education and Training Program.

The Director shall develop, implement, and monitor the Education and Training Program for employees. Identified training needs can be accomplished through all available training methods.

12. WORK HOURS AND HOLIDAYS

12.1 Normal Work Week.

The normal work week is Sunday to Saturday and shall consist of forty (40) hours on consecutive days, except for police officers whose work period shall consist of eighty (80) hours in a fourteen (14) day work period.

- A. Hourly employees will keep a daily record of hours worked.
- B. Exempt employees will keep a daily record of hours worked if directed to do so by the Village Administrator or the Governing Body.

12.2 Normal Work Day.

The normal work day or work period shall be determined by the Village Administrator as recommended by the Department Head to best meet the needs of each Department.

12.3 Overtime.

In order to meet the demands of work, employees may be required to work in excess of the hours designated as their normal work week or work period, as applicable. Any employee who is authorized or required to work beyond the normal work week shall be compensated in the manner prescribed in subsection 6.10.

12.4 Other Employment.

During working hours, no employee shall engage in any other employment, public, private, or self-employment during the hours the employee is scheduled to work for the Village without authorized leave. Violations of this section are grounds for corrective disciplinary action.

12.5 Outside Employment.

- A. To assure no conflict of interest exists; employees who engage in employment in addition to their Village employment are required to obtain written approval on an authorization form from the Village Administrator.
- B. Before an employee may work for any other organization or engage in business for himself/herself, approval of the Village Administrator is necessary to determine that:
 - 1. Neither the employee nor his/her subordinates shall conduct any business connected with the employee's outside employment while on duty.
 - 2. There is no conflict between the employee's official duties with the Village and the proposed outside employment.
 - 3. The employee is serving the Village satisfactorily and will be able to continue to do so if he/she undertakes outside employment.
- C. Approval authorizes outside employment for a period of one (1) year from the time of approval.
- D. In the case of injury or occupational disease due to outside employment which prevents the employee from performing his duties with the Village, time off will be taken from the employee's earned accrued sick, annual or compensatory leave.

E. Authorization to engage in outside employment shall be suspended during periods of sick or injury leave.

12.6 Legal Holiday.

A. The following are days which are adopted as legal holidays by the governing body.

1. New Year's Day, January 1;
2. Memorial Day, last Monday in May;
3. Independence Day, July 4;
4. Labor Day, first Monday in September;
5. Columbus Day, second Monday in October;
6. Veterans Day, November 11;
7. Thanksgiving Day;
8. Friday after Thanksgiving Day in lieu of President's Day;
9. One-half day on Christmas Eve, and;
10. Christmas, December 25.
11. Personal holiday (to be used at the employee's discretion) in lieu of Martin Luther King holiday.

B. Whenever a legal public holiday falls on a Saturday, it may be observed on the preceding Friday, and whenever a legal public holiday falls on a Sunday, it may be observed on the following Monday, subject to the approval of the Village Administrator.

C. Employees whose days off falls on the observed holiday are paid for this day at their normal daily rate. In lieu of pay, the employee may be given an additional compensatory day, to be taken within a set period at the discretion of the Department Director, but must be used within the current fiscal year.

D. Employees required to work on the day a holiday is observed shall be compensated for such work in accordance with the provision of subsection 6.12.

13. LEAVE

13.1 Requesting Leave of Absence.

All requests for leaves of absence, with or without pay, shall be made to the immediate supervisor for approval on forms prescribed by the Director (ref: Appendix 3). All requests shall be submitted in advance of the beginning date of the leave as set forth in subsection 13.2B (except requests for unanticipated sick leave which shall be submitted for approval as set forth in subsection 13.3C) and the duration and kind of leaves shall be recorded on the payroll which is subject to the Department Director's approval. Paid leaves of absence are subject to the type of accrued leave balance an employee has and the scheduling of vacation is subject to the control of the Department Director. All requests of leave without pay not in excess of ten (10) working days shall require the approval of the Department Director. All other requests for leave without pay of over ten (10) working days shall be subject to approval of the Department Head, Director and Village Administrator.

13.2 Annual Leave.

This category of leave shall include, in addition to normal vacation time, all other periods of approved absence with pay from regularly scheduled work which are not chargeable to some other category of leave.

- A. Employees in exempt, probationary, regular, classified part-time, and term status are eligible for annual leave accrual and shall accrue annual leave as per hours worked and during paid leave in accordance to the following schedule(s):

<u>hours/month</u>	<u>hours/year</u>
1 st - 5th years	8.0 hours 96 hours
6 th year	9.33 hours 112 hours
7 th year	10.667 hours 128 hours
8 th year & after	13.33 hours 160 hours

- B. An employee eligible to accrue annual leave, pursuant to these Rules, may request and be granted use of accrued leave at the discretion of the Department Director. Annual leave for one (1) day must be requested and approved twenty-four (24) hours in advance. Leave requested for two (2) days or more must be requested and approved by the supervisor and department Director at least five (5) working days in advance. No annual leave shall be advanced by the employer.

- C. Only complete calendar months of service before and after interruptions or breaks shall be counted. In computing the total number of years of service by which an employee is allowed to progress from one graduated rate of accrual to another, the following Rules shall apply:

1. Where he/she has been employed with the Village without any interruption or break in continuity of service, the date from which his/her years of tenure is counted shall be the first day of the first complete calendar month worked.

2. Periods of service as a Village employee prior to a break or interruption in continuity of service shall not be counted except when the break or interruption was of less than twelve (12) months duration and was not the result of disciplinary action.
 3. Periods of leave without pay in excess of thirty (30) days shall not be counted as service.
- D. An eligible employee shall be allowed to progress from one graduated date of accrual for annual leave to the next on the first day of the month immediately following completion of the required total length of service.
 - E. The amount of accrued annual leave that will be allowed to be carried over from one calendar year to the next shall not exceed 320 hours. Exempt employees will be allowed to carry over all unused leave.
 - F. The Village may buy back that portion of an employee's annual leave that exceeds his/her maximum carry-out at the end of each calendar year providing the following criteria is met:
 1. A maximum of eighty (80) hours can be sold back in any one year, providing the balance will remain at the respective maximum carry-over at the end of each calendar year.
 2. The employee must state in writing to the Director, no sooner than March 1st and no later than April 30th of each calendar year his/her intention to sell back the annual leave in excess of the respective maximum carry-over balance.
 3. Sufficient Village funding is available.
 - G. Upon separation of his/her employment, an employee shall be compensated for all unused and unforfeited annual leave.
 - H. Upon death of an eligible employee, compensation for unused total annual leave shall be payable to the employee's estate.

13.3 Sick Leave.

This category of leave shall include any period of approved absence with pay from regularly scheduled work resulting from an:

1. employee having an illness or injury which renders him/her unable to perform his/her duties, or an
 2. employee having a medical examination, consultation, or treatment by a licensed practitioner; or an
 3. employee's immediate family member requiring his/her presence because of injury, illness or medical treatment.
- A. Employees in exempt, probationary, regular, classified part-time, and term status are eligible for sick leave as per hours worked and during paid leave in accordance to the following schedule:

<u>hours/month</u>	<u>working days/year</u>
8.0 hours	12 days (96 hours)

- B. An employee eligible to accrue sick leave, pursuant to these Rules and regulations, may request and be granted use of accrued leave provided that such use is applicable sick leave.

An employee who abuses sick leave by using it for a purpose other than those authorized in subsection 13.4 shall have the absence changed as Leave Without Pay and may be subject to corrective disciplinary action.

- C. Employees, except police officers, who are absent from duty for reasons which entitle them to sick leave shall ensure that their respective supervisors are notified by their normal scheduled reporting time. Police officers shall report such reasons no later than five (5) hours before their normal scheduled reporting time. The Department Director may require an employee to furnish a physician's statement for sick leave taken at any time. An employee shall be required to furnish a physician's statement after three (3) consecutive days of sick leave. Refusal by an employee to provide a physician's statement shall result in corrective disciplinary action.
- D. The Village may buy back sick leave on a yearly basis providing the following criteria is met:
 - 1. An employee shall have and/or maintain a minimum balance at the end of each calendar year of seven hundred (700) hours before a buy-back may occur.
 - 2. An employee must state in writing to the Director, no sooner than March 1st and no later than April 30th of each calendar year, his/her intentions to sell back the sick leave.
 - 3. A maximum of ninety-six (96) hours may be sold back in any one year, never allowing the balance to drop below the minimum.
 - 4. The conversion ratio shall be one (1) hour of pay for every three (3) hours sick leave.
 - 5. Sufficient Village funding is available.

13.4 Leave Without Pay.

- A. A Department Director may approve justifiable leave without pay for up to ten (10) working days upon the written request of the employee. A request by an employee for justifiable leave without pay in excess of ten (10) working days must also be approved by the Director and Village Administrator.
- B. Leave without pay, when requested, may be granted only when the Department Director can assure a position of like status and pay, at the location, upon the return of the person from leave without pay.
- C. If the Department cannot assure a position in the same location, and the employee agrees in writing to waive that requirement, leave without pay may be granted.
- D. Leave without pay may not exceed thirty (30) consecutive calendar days in the case of a probationer or six (6) consecutive months in the case of a regular employee. Either period may be extended for justifiable reasons by the Department with the approval of the Director and Village Administrator upon request of the employee.
- E. Employees on leave without pay in excess of thirty (30) calendar days will be credited with only thirty (30) calendar days towards eligibility for a productivity increase or regular status, except for employees who were called to active duty in accordance with the provisions of subsection 3.8.
- F. Employees shall not accrue sick or annual leave while on leave without pay.

- G. Leave without pay will be reported on a Personnel Action Request Form only if it exceeds ten (10) working days, otherwise it shall be reported on the standard Leave Request Form.
- H. Failure to report to work upon the expiration of approved leave without pay may be grounds for corrective-disciplinary action in accordance with the provisions of subsection 7.7.
- I. Return from leave without pay in excess of ten (10) working days will be reported on a Personnel Action Request Form.

13.5 Absence without Leave.

- A. Employees who fail to appear for work without authorized leave may be considered to be absent without leave. Unauthorized absence may be grounds for corrective disciplinary action in accordance with the provisions of subsection 7.7.
- B. An employee who fails to appear for work after three (3) consecutive days may be considered to have abandoned his/her position and is considered to have resigned.

13.6 Administrative Leave.

- A. The Director or a Department Director may recommend an employee for leave with pay, under unusual circumstance, when it is in the best interests of the Village to do so for a period not to exceed five (5) consecutive days with the approval of the Village Administrator.
- B. In accordance with the provision of Section 1-12-42 NMSA 1978, employees who are registered voters may absent themselves from work for up to two (2) hours for the purpose of voting between the opening and closing times of the polls.
 - 1. The Department Director may specify the hours during this period in which the employee may be absent.
 - 2. These provisions do not apply to any employee whose day begins more than two (2) hours subsequent to the opening of the polls, or ends more than three (3) hours prior to the closing of the polls.
 - 3. An employee who abuses administrative leave by requiring its use for purposes other than traveling to and from the polling place and voting may be charged with Leave Without Pay and subject to corrective disciplinary action.
- C. Jury Duty: A person shall be entitled to administrative leave with pay for serving on a jury. Fees received as a juror, excluding reimbursement for travel, shall be remitted to the Finance Department. If an employee is scheduled for jury duty on a day off, then he/she will keep these jury fees.

An employee who is released from jury duty shall report to work upon release or contact their supervisor if it would not be feasible to return to work.

- D. An employee may be excused from duty with pay, only for the normal work day or portions thereof, in emergency situations. Examples of emergencies would be extreme weather conditions, disasters such as fire, flood or other natural phenomena at work, breakdown of machinery or equipment, and emergency rescue or protection work.
- E. An employee under unique circumstances, such as an investigation purporting to be a conflict of interest with his city work or other civil or criminal action by the Village or other parties, may be granted administrative leave or reassigned duties at the discretion of the Village

Administrator pending the outcome of a formal investigation or judicial proceeding. Leave so granted will not exceed the time period listed in paragraph "A" above unless the Village Administrator deems it in the best interests of the Village to grant additional leave beyond the five (5) day period.

13.7 Educational Leave.

- A. The purpose of such leave is to permit an employee to pursue special training directly related to the employee's employment, which will improve the employee's competence and capacity with the Village. Such training must be directly job related and limited to providing knowledge or skill which cannot be provided through available in-service training, pursuant to the Village's Education and Training Program procedures.
- B. A Department Director, with the approval of the Village Administrator, may grant an employee educational leave with pay in accordance with the Education and Training Program procedures.
- C. An employee may request up to three (3) hours educational leave per week for class attendance for courses that are scheduled during normal working hours, with the approval of the Village Administrator.

13.8 Military Leave.

- A. In accordance with the provision of Section 20-4-7 NMSA 1978, all employees except those in temporary or emergency status, who are members of organized units of Army, Air National Guard or Air Force, Coast Guard, Navy or Marine reserves, shall be given up to fifteen (15) working days military leave with pay per federal fiscal year in addition to other authorized leave when they are ordered to duty for training with such organized units.
- B. In accordance with the provisions of Section 20-5-14 NMSA 1978, all employees, except those in temporary or emergency status, who are members of the National Guard (State Defense Force) shall be given up to fifteen (15) working days military leave with pay per federal fiscal year in addition to other authorized leave when they are ordered by the Adjutant General to cadre duty with such organized units.
- C. In all instances where such leave with pay is granted, the Director shall maintain a copy of the official orders in the employee's personnel folder.

13.9 Emergency/Bereavement Leave/Injury Leave.

- A. In the event of death in the immediate family, an employee may be granted paid emergency leave, not to exceed three (3) working days for in-state and five (5) working days for out-of-state, per occurrence. Employees may use additional hours with the approval of their supervisor.
- B. If additional time is necessary, it shall be taken as annual or sick leave (or unpaid leave if annual or sick leave has been exhausted) with advance authorization by the appropriate Department Head and/or Administrator's office. Time for attendance at funeral or bereavement of others (not immediate family) may be authorized with approval of the Department Head or Village Administrator. If authorized, such time shall be charged to annual or sick leave (or unpaid leave if annual or sick leave has been exhausted).
- C. An employee sustaining an on-the-job injury shall be subject to the following injury leave provisions:

1. If the injury or occupational disease prevents an employee from returning to work, injury leave shall be granted as follows: the first seven calendar days from the day the injury shall be accounted for as sick leave or leave without pay as appropriate under the same terms and conditions as non-job related sickness;
2. While on injury leave, an employee shall not accrue sick, holiday or annual leave.
3. No employee shall be otherwise employed nor gainfully occupied while he/she is on injury leave.
4. Doctor's statement - Any work related injury which does result in injury leave shall require the employee to promptly submit a form specified by the Director from the treating physician stating the cause and nature of the injury and the probable duration of the disability. Upon returning to work, or earlier if possible, the employee shall submit the physician's statement stating the date when the employee became fit for either regular or restricted duty, and if restricted duty, the nature of the work which can be performed and the probable duration of fitness for regular duty shall be submitted upon medical eligibility. Copies of these statements shall be placed in the employee's worker's compensation file.
5. Any employee injured on the job shall immediately report the injury to his/her supervisor who shall report the injury to the Director. An accident report shall be completed by the employee or supervisor and submitted to the Director within twenty-four (24) hours of the accident. If medical attention is required, the procedures set forth in administrative regulation shall be followed.
6. When injury leave is exhausted, the employee is eligible to take annual or other accrued leave or to take temporary disability leave (leave without pay) according to the regulations governing each type of leave until the employee shall receive from the worker's compensation fund any disability or worker's compensation monies due.
7. Notwithstanding the above, should the employee by the willful failure or neglect of his/her actions be responsible for the accident, he/she will be subject to corrective disciplinary action.

13.10 Temporary Disability Leave.

- A. Temporary disability leave shall constitute a period of leave without pay during which the employee shall retain his or her position and status as an employee with the Village. Temporary disability leave shall not exceed ninety (90) calendar days and, if the period of leave exceeds beyond fourteen (14) calendar days, the employee will not accumulate leave, nor will the employee accumulate credited hours of service for purposes of seniority or step increases. The employee will not be subsidized for any benefits; however, if the employee wishes to pay for insurance coverage, he/she must contact the Director to arrange to do so.
- B. Only exempt or regular employees who have completed their probationary period and who meet the following conditions shall be eligible for this leave. Any eligible employee wishing to take temporary disability must provide the Director and Department Director with a doctor's statement of the medical reason for the temporary disability leave.
 1. an employee who has sustained an on-the-job injury and has exhausted injury leave;
 2. An employee who, for reasons of pregnancy, childbirth or other related medical condition elects to take a temporary leave of absence;
 3. An employee who has become ill.

- C. Before electing to take temporary disability leave, an employee meeting any of the conditions cited in paragraph B may choose to exhaust any accrued leave, unless the employee has first exhausted injury leave. The decision to first use accrued leave shall rest with the employee.

14. RECORDS AND REPORTS

14.1 Village Personnel Records.

The official personnel records for each employee of the Village shall be maintained in the office. Such records shall include a copy of the employee's applications, the original copy of each Personnel Action Request Form, performance appraisal reports, and any other pertinent information. Such records shall be made available to the employee, his/her supervisors, or any person employed by the Village authorized by the Director for inspection.

14.2 Rights.

Employees shall be provided a copy of any material placed in their official or unofficial personnel record upon written receipt and may present a written response to any material in the record to be attached to the original material.

14.3 Department Personnel Records.

Department may maintain unofficial personnel records for their employees, which may include a copy of each Personnel Action Request Form, attendance and leave records, performance appraisal reports, and other pertinent information. Such records shall be made available for inspection by the employee and by any person employed by the Village authorized by the Director to do so.

14.4 Confidentiality of Records.

- A. Personnel records are not subject to public inspection unless designated as such under state law or the Federal Freedom of Information Act. Supervisors within the employee's chain of command may inspect the employee's record without the employee's permission.
- B. For the purpose of preserving the confidentiality of records, certain records may be publicly inspected only with the written permission of the employee. These records include:
 - 1. records pertaining to physical or mental examinations and medical treatment of person confined to any institution;
 - 2. letters of reference concerning employment, licensing, or permits.
 - 3. letters or memoranda which are matters of opinion;
 - 4. documents concerning infractions and disciplinary action;
 - 5. performance appraisals;
 - 6. college transcripts, and
 - 7. military discharge if other than honorable.

15. MODIFICATIONS AND REVISIONS

15.1 Temporary Modifications.

The governing body may temporarily modify or waive any of these Rules and Regulations, if it would be reasonable, appropriate, lawful and necessary for the orderly and efficient administration of the Village.

15.2 Revisions.

- A. Proposed revisions of these Rules shall be circulated by the Director to all Departments at least fourteen (14) calendar days in advance of consideration for final approval by the governing body. Such notice shall provide opportunity for comment and shall include the date and place of the meeting at which the governing body intends final consideration.
- B. Revisions to the Rules shall become affective upon approval by the governing body by a duly adopted resolution.

ANNUAL PERFORMANCE EVALUATION

Employee Name _____

Position _____ Evaluator _____

Evaluation Period: From _____ To _____

Performance Factor	Above Standard	Meets Standard	Nearly Meets Standard
Job Knowledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Initiative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judgment and Analytical Ability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Productivity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Team Work and Flexibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety Practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attendance and Punctuality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EVALUATOR COMMENTS: Provide supporting information for overall assessment.

Goals/Objectives for coming year (Establish specific performance goals/objectives. When possible, give measurable recommendations as to how the objectives might be met.)

Overall Assessment (Check ONE statement that best describes Employee's overall performance)

Above Standard: Generally exceeds the requirement /expectations for the position. (Examples must accompany a rating in this category.)

Meets Standard: Fully meets all requirements/expectations for the position; characteristic of the performance expected for the position.)

Nearly Meets Standard: Requires more supervision than should be necessary **and/or** does not meet requirements in one or more performance areas **and/or** is inconsistent. (Examples must accompany a rating in this category). ***This employee will receive an Additional Performance Evaluation Plan review within 90 days.***

Reviewed by Village Administrator:

Signature: _____

Date: _____

Signature does not necessarily signify agreement with review, but acknowledges receipt of review.

Evaluator Signature

Date: _____

Employee Signature

Date: _____

Employee Comments: (You are encouraged, but not required to comment on this performance review in the space below or on a separate page.)

ADDITIONAL PERFORMANCE EVALUATION PLAN

TO: _____

FROM: _____

DATE: _____

RE: Additional Performance Evaluation Plan

CC: Personnel Director, Supervisor, Village Administrator, Personal File

The purpose of this memo is to summarize your current job performance and to provide you a performance goals plan.

I. Performance

Changes in your performance must be made to meet current goals established at your annual evaluation. You will need to make the following changes:

Initiative: _____

Communication: _____

Judgment & Analytical Ability: _____

Productivity: _____

Job Knowledge: _____

Teamwork & Flexibility: _____

Attendance & Punctuality: _____

Safety Practices: _____

II. Additional Training (to enhance your future goals): _____

III. Performance Goals

To assist you in improving your performance in these areas, I am providing the following new performance goals that shall be effective immediately. You need to achieve each of these goals:

SMART (Specific, Measurable, Achievable, Relevant, Time Bound) GOALS:

1. _____

Next Review Date: _____

2. _____

Next Review Date: _____

3. _____

Next Review Date: _____

4. _____

Next Review Date: _____

IV. Evaluator Comments (Include one area you would like this person to develop, (not necessarily a weakness) before the next review): _____

Evaluator Signature
Date: _____

Employee Signature
Date: _____

Reviewed by Personnel Department: _____



LEAVE REQUEST FORM

DATE SUBMITTED: _____

EMPLOYEE NAME: _____

- LEAVE REQUESTED:
- Vacation (Annual) Leave
 - Sick Leave
 - Leave Without Pay
 - Educational Leave
 - Military Leave
 - Emergency/Injury Leave
 - Temporary Disability Leave

DATES REQUESTED Beginning date: _____

Ending date: _____

EMPLOYEE SIGNATURE: _____

APPROVED

DISAPPROVED

Supervisor

Village Administrator (if exceeding 10 days)

Employee Position Change Form

Employee Name	Department	Job Title
Date of Hire	Date of Last Review	Date of Next Review

For Continued Employment (Check one):

- | | |
|---|--|
| <input type="checkbox"/> 6 month review | <input type="checkbox"/> Annual Review |
| <input type="checkbox"/> Promotion | <input type="checkbox"/> End of Probation Period |

Action Plan:

- Monetary _____
 Non-Monetary
 Other
 No Action

For Separation (Check one):

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Resignation | <input type="checkbox"/> Retirement |
| <input type="checkbox"/> Dismissal | <input type="checkbox"/> Other _____ |

Reason for Termination:

- | | | | |
|---|--------------------------------------|-----------------------------------|--------------------------------------|
| <input type="checkbox"/> Absenteeism/Tardiness | <input type="checkbox"/> Job Change | <input type="checkbox"/> Personal | <input type="checkbox"/> Performance |
| <input type="checkbox"/> Violation of Policies/Procedures | <input type="checkbox"/> Other _____ | | |

Additional Comments: _____

Has this report been discussed with Employee?

YES

NO

If No, Reason why: _____

If Yes, Employee's comments: _____

Supervisor Signature

Date

Village Administrator

Date

Personnel Director

Date

Employee Signature

Date

CONSENT TO DRUG AND ALCOHOL TESTING PRE-EMPLOYMENT

If you are offered and accept employment with the Village of Taos Ski Valley, you will be required to be tested for drug and/or alcohol use.

I, _____, have been fully informed of the reason for testing for drugs and/or alcohol and the procedures involved. I have been given a copy of the Village's drug and alcohol testing policy. I hereby freely give my consent to be tested. I understand that the results of the test will be forwarded to the Village of Taos Ski Valley and become part of my medical record with the Village.

I hereby authorize the test results to be released to the Village of Taos Ski Valley.

Signature: _____ Date: _____

Witness: _____ Date: _____

Applicant's Date of Birth _____

Applicant's Social Security Number _____

CONSENT AUTHORIZATION FORM FOR DRUG AND ALCOHOL TEST

I, _____, having been notified of the Village of Taos Ski Valley's (Village) drug testing policy, Village Personnel Ordinance No. 12-33, Section 4.18.B, do hereby authorize the Village to do a drug and alcohol screening on me as part of the pre-employment medical examination or as part of the current employee testing for reasonable suspicion. I permit the release of the test results to those Village officials with a need to know.

I may at this time provide a list of those medications that I have recently used. The list of medication, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a positive test result, the list of medications shall only be disclosed to the medical official who will determine whether the positive result was due to the lawful use of any of the listed medications. I may choose to provide such a list after being notified of a confirmed positive result.

Confirmation of Initial Positive Test Result:

An employee or candidate whose drug test yields a positive result shall be given a second test using a gas chromatography mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee or candidate for use in the first test.

If the second test confirms the positive test result, the employee or candidate shall be notified of the results in writing by the appropriate Department Director or Director. The letter of notification shall identify the particular substance found and its concentration level.

An employee or candidate whose second test confirms the original positive test result may, at the employee's or candidate's own expense, have a third test conducted using the same sample at the laboratory selected by the Village.

Consequences of a Confirmed Positive Test Result:

Candidate: Candidates will be denied employment with the Village if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

Employees: If an employee's positive test result has been confirmed, the employee is subject to corrective disciplinary action up to and including termination. Factors to be considered in determining the appropriate corrective-disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past corrective disciplinary actions.

I understand that I have the right to explain a confirmed positive test result and that an appeal procedure is available through a grievance procedure.

If I am a candidate and I refuse to undergo a drug and alcohol test I will be denied employment with the Village.

If I am an employee and I refuse a drug and alcohol test when reasonable suspicion of drug and alcohol use has been identified I am subject to corrective disciplinary action up to and including termination. As an employee, upon written request to the appropriate Department Director within two (2) days of my refusal, shall be entitled to a hearing before the Village Administrator prior to the Village's decision that such refusal warrants corrective disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate corrective-disciplinary action.

Signature of employee or candidate

Date

**CONSENT TO
DRUG AND ALCOHOL TESTING
REASONABLE SUSPICION
CURRENT EMPLOYEE**

I, _____, have been fully informed of the grounds to request that I consent to be tested for drugs and/or alcohol and the procedures involved. I have been given a copy of the Village's drug and alcohol testing policy. I understand that if I refuse to consent I may be subject to discipline, including dismissal. I hereby give my consent to be tested. I understand that the results of the test will be forwarded to the Village of Taos Ski Valley and become part of my medical record with the Village.

I hereby authorize the test results to be released to the Village of Taos Ski Valley.

Signature: _____ Date: _____

Witness: _____ Date: _____