

# **VILLAGE OF CIMARRON**

## **PERSONNEL POLICIES AND WORK RULES**

# VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES

## CHAPTER 1A EMPLOYEE CONDUCT

- 1A.1 Employee Behavior: The Village of Cimarron expects that the behavior of each of its employees shall be proper and above reproach. Conduct that interferes with the Village's operations, that brings discredit to the Village, or that is generally offensive to the public or fellow employees will not be tolerated.
- 1A.2 Attendance and Punctuality: All Village employees are expected to adhere to their work schedules with regularity and punctuality. There may be times, however, when employees will be unable to report for work or to report on time due to illness, accident, or emergency situation. Such occurrences must be kept to a minimum.
- A. When employees anticipate an absence, they must give their supervisor as much advance notice as possible, providing all of the particulars.
1. In the event a situation develops suddenly, making it impossible for the employee to report to work, the supervisor must be notified as soon as possible, but no later than one (1) hour after the employee's starting time.
  2. If it is not possible to notify the supervisor, the employee must notify the Village Clerk at the earliest opportunity, providing all the pertinent information.
  3. If the absence continues for more than one (1) day, the employee must advise the supervisor of the anticipated length of absence as soon as possible and the actual period of absence, when determined.
  4. Confirmation and/or documentation of the need for the absence may be required by either the supervisor, department director, or the Village Clerk prior to the employee's return to work.
- B. An employee is considered tardy if he/she is not ready for work at the scheduled starting time. Three (3) instances of tardiness within a ninety (90) day period shall be considered excessive and subject to corrective action.
- 1A.3 Absence Policy:
- A. When employees are absent from work, the Village's operation is disrupted and an additional burden is placed on co-workers. The purpose of this policy is to provide guidance to employees and supervisors regarding unacceptable levels of absenteeism.

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- B. Absences under this policy do not include; vacation, Village holidays, funeral leave, jury duty or Village required court appearances, administrative leave, compensatory time, PAL and required military training up to fifteen (15) working days per year.
- C. An unexcused absence is an absence which is not reported in a timely manner, i.e.; within one hour of the normal starting time unless in an emergency; or an absence for which the supervisor requested documentation before the employee returned to work and the employee did not provide satisfactory proof. A supervisor, or designee, may request documented proof of any absence at the time of notification or at any time prior to the employee's return to work.
- D. An excused absence is one which is reported in a timely manner and is for an acceptable reason. The Village understands that employees may encounter situations which will cause them to be absent. However, any absence is disruptive and excessive absenteeism or use of sick leave may be grounds for corrective action.
  - 1. In most circumstances, six (6) days of absence in the last twelve (12) month period of time shall be considered excessive.
  - 2. Upon the occasion of the sixth absence, the supervisor shall examine the employee's attendance and determine whether counseling is warranted. The supervisor shall take into account the employee's length of service, reasons for the absences and the pattern of the absences. If the supervisor determines that the absences are excessive, the supervisor shall issue a written warning to the employee.
- E. In the event an employee has a serious chronic medical condition which requires numerous absences for treatment, as certified by a written statement from the employee's physician, such situation shall be evaluated on its merits.

1A.4 Safety Practices: All employees shall perform their duties in a safe and careful manner and shall follow all safety precautions and all federal, state, and local regulations, so as not to endanger themselves or their co-workers.

- A. Employees must wear safety apparel and use all required safety equipment. All safety apparel, equipment, or other safety apparatus which are required shall be furnished by the Village.

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- B. Any employee involved in a work-related accident shall report it to the supervisor immediately. The employee shall prepare, or request the supervisor to prepare for the employee's signature, a report to the department director and the Village Clerk. Failure to report an accident in a timely manner may result in the loss of benefits to the employee and corrective action.
  - C. Any employee having knowledge of an accident shall, whether personally involved or not, similarly report the facts. The supervisor or department director shall investigate all known accidents to determine the facts and shall consult the Village Clerk as appropriate in connection with such investigation.
- 1A.5 Personal Appearance: In order to project the proper image to the public, it is essential that all employees be neatly groomed and appropriately dressed at all times. Department directors shall determine the appropriate attire for employees. Employees who fail to follow the established guidelines shall be subject to corrective action.
- 1A.6 Telephone Usage: Employees using the telephone in the performance of their duties must exercise common courtesy and good telephone manners. Use of the telephone during working hours is restricted to conducting Village business. Employees should not make or receive personal calls during business hours. Urgent personal calls should be kept as brief as possible.
- 1A.7 Political Activity: The following policy of political activity applies to all employees:
- A. All employees on their own time:
    - 1. are encouraged to register to vote;
    - 2. have a right to express their opinions on all political subjects and candidates;
    - 3. may serve as convention delegates;
    - 4. may attend political rallies;
    - 5. may sign nominating petitions and make voluntary contributions to political organizations;
    - 6. may engage in political activity;
    - 7. may serve as an election judge, clerk, translator, challenger, watcher or observer. However, this provision does not apply to employees in the Village Clerk's office or the Department of

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### Public Safety.

- B. All employees are prohibited from:
1. 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;
  2. directly 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 political purpose;
  3. 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;
  4. engaging in political activity while on duty;
  5. functioning as an officer of a political organization while on duty;
  6. being an elected official where such service conflicts with the employee's duties and responsibilities with the Village.
- C. No employee shall carry out activities that are in violation of the Hatch Act.

1A.8 Alcohol and Drugs: As a federal funds grantee and a municipal employer, the Village complies with "The Drug-Free Workplace Act" and the Federal Highway Administration (FHWA) drug and alcohol testing rules. Pursuant to that Act the Village will establish and maintain an ongoing drug-free awareness and drug and alcohol testing program and establishes the following rules and regulations which apply to all Village employees.

- A. During working hours, no employee shall consume alcohol, or use controlled substances or any physician prescribed medication that may impair the employee's ability to perform the required job duties. The use, possession, manufacture or distribution of any alcoholic beverage or controlled substance by any employee during working hours, on Village premises, or in Village uniform any time is prohibited.
1. Any employee suspected of being under the influence during working hours will be required to submit to the appropriate

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detection test(s) to determine the presence of drugs or alcohol. The order for the administration of the detection test(s) shall be given by the department director and coordinated with the Office of the Village Attorney and the Human Resources Department.

2. The prohibition of the consumption of alcohol during working hours may be modified relative to Public Safety officers engaged in assigned undercover operations.
- B. Public employees shall respect all elements of the criminal justice system. Their conduct shall reflect professional judgment, prudence, and the interests of the Village and shall promote public confidence. The use, possession, sale, trade or delivery of illegal drugs or nonprescribed controlled substances by an employee during nonworking hours affects the efficient and credible administration of the Village and the safety and welfare of the public and co-workers and is a violation of this policy.
- C. Any employee convicted of a criminal drug statute must notify the Village Clerk, in writing, no later than five calendar days after such conviction. The Village, after receiving such notification, shall take appropriate action including notifying the federal grantor agency within ten calendar days if the violation occurred in the workplace.
- D. Under the FHWA rules, all employees in safety sensitive positions in transportation who drive vehicles requiring a Commercial Drivers License (CDL) are required to be tested for the presence of alcohol and drugs. Consistent with those rules the Village will test the affected employee group under the following conditions.
1. Alcohol testing will be conducted on a) a random basis at an annual rate as set by the FHWA and b) post-accident involving a fatality or moving violation and c) upon reasonable suspicion by a supervisor. Alcohol test are considered to be positive and in violation of this policy when the BAC results are .02 or greater.
  2. Drug testing will be conducted on a) a random basis at an annual rate as set by FHWA and b) post-accident involving a fatality or moving violation citation and c) upon reasonable suspicion by a supervisor and d) pre-employment. Positive test results at the levels established under the federal guidelines of the Substance Abuse and Mental Health Services Administration (SAMSHA) for marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) are considered to be a violation of this policy.

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- E. Employees who violate this policy are subject to disciplinary action up to and including termination of employment.

### 1A.9 Smoking:

- A. In an effort to consider the needs and concerns of smokers and nonsmokers alike, and to provide a healthful working environment, this smoking policy will take effect upon adoption. All Village of Cimarron employees, customers and visitors are expected to comply with the smoking regulations detailed in this policy.
- B. Smoking Prohibited. Smoking is prohibited in any Village vehicle and in any Village building as of the date of the adoption of this policy.
- C. Enforcement
  - 1. Employees: Violations of this policy shall be construed as insubordination and shall be just cause for disciplinary action under the Village of Cimarron Personnel Policies and Work Rules.
  - 2. Non-employees: The Village employee in charge of any area or facility shall advise violators of this policy. If the violator persists, the Village employee shall ask the violator to leave. If the violator refuses to leave and persists in violating this policy, the Village employee shall request the assistance of the Department of Public Safety to remove the violator from the Village premises. Utmost courtesy will be exercised in carrying out this policy.

1A.10 Public Relations: All employees shall deal with the public and fellow employees in a patient, courteous, and helpful manner and shall represent the Village in a positive way.

1A.11 Code of Conduct: It is extremely important that all employees conduct their employment duties and their personal affairs in such a way as to avoid discredit or embarrassment to themselves or the Village. All employees' conduct shall be in conformance with the following rules:

- A. Employees shall not conduct personal or commercial business while on duty.
- B. Employees shall not engage in any activity which conflicts in any way with their Village employment.
- C. Employees shall not use their positions with the Village in an attempt to

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- coerce or influence anyone for personal gain or benefit, nor shall employees use Village employment as leverage for favors from suppliers.
- D. Employees shall hold any confidential communications derived through their Village employment, in strict confidence and shall not share, reveal or use such, unless it is subject to public disclosure, necessary to conduct Village business, or to prevent death or serious bodily injury.
  - E. Employees shall not commit any dishonest or fraudulent act against the Village, including falsifying any Village document, record or report.
  - F. No employee shall directly or indirectly accept or benefit from any gift, gratuity, or hospitality from any source that would affect the employee's official conduct, or give the impression of such.
  - G. Employees shall not post any personal or commercial written notices on Village premises, without first obtaining the written approval of the director of the department where the posting will be made.
  - H. Employees shall not carry nonofficial or unauthorized passengers while operating a Village vehicle. Authorized passengers shall be determined by the department director.
  - I. Employees shall carry out direct instructions from their supervisor, shall perform the duties and responsibilities stated in their job description, including related work assigned by their supervisor, and shall comply with these rules and other departmental rules. Failure to do so shall subject the employees to corrective or disciplinary action up to and including termination of employment.
  - J. Employees shall refrain from engaging in malicious conduct, which includes, but is not limited to, gossiping or rumoring.
  - K. Employees shall refrain from the use of force, threats of the use of force, harassing behavior, appearances of impropriety, use of obscene language, and inappropriate conduct while engaged in the performance of their job, while representing the Village, while wearing Village uniforms or driving a Village vehicle, or where such conduct reflects adversely on the image of the Village.
  - L. Employees shall not use or allow members of the public to use Village property, equipment, or materials for personal use.
  - M. Damage to Village property due to negligence or willful destruction may be cause for corrective or disciplinary action and reimbursement to the Village to



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the extent of the damage.

- N. Possession of unauthorized firearms or weapons on Village property or facilities is strictly prohibited.
- O. All Village employees shall follow and support these Personnel Policies and Work Rules and/or the policies established by the Village. In the event an employee believes a violation of these Personnel Policies and Work Rules and/or the policies established by the Village has occurred, the employee may utilize the dispute resolution procedure established by the Village.

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### CHAPTER 1B DEFINITIONS

As used in these Rules and Procedures, the following words and terms shall be defined as follows:

- 1B.1 **"Allocation"** means the action taken to assign a position to an appropriate class.
- 1B.2 **"Anniversary Date"** means the date upon which the performance evaluation occurs. This date initially corresponds to the hire date, but may be changed by subsequent promotions, demotions, transfers or other personnel actions.
- 1B.3 **"Application"** means all written material submitted by an individual to indicate interest in a position with the Village.
- 1B.4 **"Appointment"** means the action for employment as the department director of Clerk/Administrator, Municipal Judge or Municipal Attorney in which the Mayor recommends the appointment and the Governing Body approves.
- 1B.5 **"Break in Service"** means any period following termination of employment of at least one normal work day and shall affect the employee's anniversary date.
- 1B.6 **"Candidate"** means any person who has qualified under these Rules for employment to a position in a specified classification.
- 1B.7 **"Classification"** means one or more positions in the Village sufficiently similar in duties and responsibilities, degree of supervision exercised or received, and minimum qualifications, so that the same descriptive title may be used to designate them and the same salary grade applied to all such positions.
- 1B.8 **"Classified 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 and may or may not be exempt under the Fair Labor Standards Act.
- 1B.9 **"Compensation Plan"** means a series of salary grades. Each position is assigned to a grade, based upon the evaluation of the position.
- 1B.10 **"Confidential"** means work related communication that is not intended to be disclosed to other persons, other than those with a certified need to know.
- 1B.11 **"Controlled Substance"** includes, but is not limited to, heroin, marijuana, cocaine, PCP and "crack" as well as "legal" drugs not prescribed by a licensed physician.

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- 1B.12 "Corrective Action" means oral or written warnings or written reprimands.
- 1B.13 "Demotion" means the change of an employee, for disciplinary or other reasons, from a position in one class to a position in a class with a lower salary grade, for which the employee qualifies.
- 1B.14 "Department or Office" means the administrative grouping of divisions, sections, units and subunits as specified by the current Village organizational chart as adopted by the Governing Body.
- 1B.15 "Deputy or Assistant Director" means an employee who serves as an assistant to the department director and who is empowered to act in the absence of the director.
- 1B.16 "Director or Department Director" means the head of a department of the Village.
- 1B.17 "Disability" means the temporary physical or mental inability of a current employee to perform the essential job duties.
- 1B.18 "Disabled Person" means anyone who has a medically documented physical or mental impairment which substantially limits one or more major life activities or has a record of such impairment or is regarded as having such impairment. "Life activities" are those that affect employability; "substantially limits" means that a person is likely to have difficulty getting, keeping, or advancing in a job because of an impairment.
- 1B.19 "Discharge" means the involuntary termination of an employee for disciplinary reasons.
- 1B.20 "Disciplinary Action" means suspension, demotion or discharge.
- 1B.21 "Dispute" means an expression of dissatisfaction and a request for a review by an employee of a possible violation of a Village Personnel policy or procedure.
- 1B.22 "Employee" means any person placed on the Village payroll to perform work for the Village for which compensation is received.
- 1B.23 "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 executive, supervisory, or other employees.
- 1B.24 "Employment" means the hiring of a person into a position.
- 1B.25 "Equal Employment Opportunity" expresses the commitment of the Village to provide equal access to job opportunities for applicants and employees regardless of race, religion, color, national origin, ancestry, sex, physical or mental handicap or medical condition.

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- 1B.26 **"Exempt Position"** means any Village office, job, or position of employment determined by the Administration to be exempt from application of the Fair Labor Standards Act and for which the Village is not obligated to compensate for work in excess of 40 hours per week.
- 1B.27 **"Fact Finding"** means the official identification of the major issues in a particular dispute and the official review of the position of the parties for the resolution of formal differences by one or more impartial fact finders, as authorized.
- 1B.28 **"Fair Labor Standards Act (FLSA)"** means the federal law enacted by the U.S. Congress in 1938, as amended, to regulate minimum wages, overtime pay, equal pay, record keeping and child labor standards.
- 1B.29 **"Good Standing"** in the case of a terminated employee, will be determined by examining the employee's past employment history, including but not limited to; sufficient notice of resignation, past performance appraisals, disciplinary actions, the exit interview and other pertinent documentation.
- 1B.30 **"Hatch Act"** means that federal law (5 USC Sections 1501 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.
- 1B.31 **"Immediate Family"** means the parent, stepparent, grandparent, spouse, child, stepchild, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law or grandchild of the employee and shall also include persons with whom the employee has a legal custodial relationship, or who, through life-style accommodations, have the substantial equivalent of a family relationship.
- 1B.32 **"Just Cause"** means any behavior relating to the employee's work, which is inconsistent with the employee's obligation to the Village. Just cause includes but is not limited to: inefficiency; incompetency; misconduct; negligence; insubordination; performance which continues to be inadequate after reasonable efforts have been made to correct it; or conviction of a felony or misdemeanor where the provisions of the Criminal Offender Employment Act apply.
- 1B.33 **"Layoff"** means the involuntary separation, without prejudice, of an employee when a position has been abolished because of insufficient funds, or because of lack of work resulting in a reduction in force or reorganization.
- 1B.34 **"Leave of Absence"** means a period of approved absence from active work during which the employee is not separated from service with the Village. Such leave may be paid or unpaid as defined under the applicable section of Chapter 8 of these rules.

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- 1B.35 **"Management"** means the collective body of those who direct, supervise, or administer within the Village's organization of departments, divisions, and sections.
- 1B.36 **"Mandate"** means any federal law, federal regulation, state law, state regulation, Colfax County ordinance, municipal ordinance of the Village of Cimarron, resolution of the Village of Cimarron, approved motion of the Governing Body, personnel rules and regulations, departmental rules and regulations, and rulings of federal, state, metropolitan, and municipal courts.
- 1B.37 **"Nepotism"** means to employ in a subordinate position a person related by blood or marriage. (10-1-10, 10-1-11 NMSA 1978, as amended.)
- 1B.38 **"Nonexempt Position"** means any Village job or position that is subject to the terms and provisions of the Fair Labor Standards Act and requires the payment at one-and-one-half (1-1/2) times the employee's base rate of pay for all overtime hours worked.
- 1B.39 **"Part-time Employee"** means a position by an employee who works less than thirty two (32) hours per week and is not entitled to any benefits.
- 1B.40 **"Position Description"** means a written statement of duties and responsibilities which are characteristic of a position and includes the education, experience, knowledge, and ability required to perform the duties of the position.
- 1B.41 **"Probation Period" or "Probationary Period"** means a period of at least six (6) but not more than twelve (12) months served by an employee, during which the employee demonstrates the ability to adequately perform the job.
- 1B.42 **"Promotion"** means the change of an employee from a position in one class to a position in a class with a higher salary grade.
- 1B.43 **"Reclassification"** means a change of a position from one classification to another.
- 1B.44 **"Reemployment"** means the employment of a former employee in any position with a new employment date.
- 1B.45 **"Reinstatement"** means the return of an employee, who was on a leave of absence, to employment in any position without a break in service.
- 1B.46 **"Resignation"** means a voluntary termination from employment at the request of the employee.
- 1B.47 **"Resolution"** means the full permanent record of an official action, policy, or position adopted by an affirmative vote by a majority of all members of the Governing Body, and having the force of law upon the employees and operations of the Village.

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- 1B.48 **"Rules"** means the Personnel Policies and Work Rules as may be amended, distributed in accordance with the provisions of the Village's personnel ordinance.
- 1B.49 **"Salary Grade"** means a division of the wage and salary schedule to which a salary range is assigned.
- 1B.50 **"Selection"** means the choosing of a candidate for employment.
- 1B.51 **"Seniority"** means length of continuous service.
- 1B.52 **"Status"** means the rights and privileges of a position.
- 1B.53 **"Supervisor"** means an employee who manages a recognized work unit and who customarily and regularly directs the work of two or more other employees. Direction includes performing or making recommendations, which are given particular weight, in such areas as; training, establishing work schedules and authorizing overtime, appraising performance, hiring, promoting, disciplining or terminating employees.
- 1B.54 **"Suspension"** means the involuntary leave without pay of an employee for disciplinary reasons. In no event shall a suspension exceed thirty (30) calendar days.
- 1B.55 **"Temporary Position"** means a position for which the services performed by an employee are required for a period of no more than nine (9) months.
- 1B.56 **"A Term employee"** individuals employed for a specific period of time.
- 1B.57 **"Termination"** means the discontinuation of employment with the Village, whether due to layoff, resignation, discharge, or other reason.
- 1B.58 **"Test"** means a method of measuring qualifications, fitness and ability, and includes examinations that are written, rated, oral, physical or in the form of a demonstration of skill or ability, or any combination thereof.
- 1B.59 **"Transfer"** means the movement of an employee from one classified position to another classified position within the same salary grade, or from the employee's current position to the same position in another department, without a break in service.
- 1B.60 **"Unexcused Absence"** means an absence which is not reported in a timely manner, i.e., within one hour of the normal starting time unless in an emergency, or an absence for which the supervisor requested documentation before the employee returned to work and the employee did not provide satisfactory proof.

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- 1B.61 **"Unscheduled Absence"** means any absence from work which was not scheduled with the supervisor at least 72 hours in advance, with the exception of sick or bereavement leave.
- 1B.62 **"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 or under hardship conditions shall be considered a veteran.
- 1B.63 **"Working Day"** means a normal business day upon which Village offices are open to the public; specifically, Monday through Friday, except those days declared legal holidays.

# VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES

## CHAPTER 2 GENERAL PROVISIONS

- 2.1 Adoption: Pursuant to 3-13-4 NMSA 1978, as amended, the following Personnel Rules and Procedures are adopted by the Governing Body of the Village of Cimarron by Resolution No. 2008-35 and take effect August 21, 2008.
- 2.2 Prior Rules: The Personnel Policies and Work Rules with all amendments thereto in effect prior to the adoption of these Policies and Rules are hereby superseded.
- 2.3 Compliance: All persons covered by the provisions of these Personnel Policies and Work Rules shall conform to, comply with and aid in all proper ways in carrying out the provisions of these Policies and Rules.
- 2.4 Penalties: Any employee, who, alone or with others, willfully violates any provisions of these Rules and Procedures, in addition to any other penalty imposed for such violations, is subject to disciplinary action, including suspension or termination.
- 2.5 Purpose: These Policies and Rules are set forth for the purpose of implementing and maintaining the merit personnel system, thereby promoting efficiency in the conduct of public business and assuring fair and impartial treatment for all Village employees and applicants for employment.
- 2.6 Coverage of These Policies and Rules: These Policies and Rules shall apply to all positions and employees except:
- A. Officials elected by popular vote or appointed to fill vacancies in elective offices;
  - B. Members of Village boards and commissions;
  - C. Those on a professional services contract;
  - D. Those that have been hired on a temporary or emergency basis;
- 2.7 Merit Principles: The principles of the merit system of personnel administration are as follows:
- A. Recruiting, selecting, and advancing employees will be on the basis of their relative ability, knowledge, and skills, including consideration of qualified applicants for initial employment;



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- B. Equitable and adequate compensation will be provided;
  - C. Employees will be trained, as needed, to assure high quality performance and on-the-job safety;
  - D. Employees will be retained on the basis of adequacy of their performance, and provisions will be made for correcting inadequate performance and terminating employees whose inadequate performance cannot be corrected;
  - E. Employees and applicants will be assured fair treatment in all aspects of personnel administration without regard to race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, medical condition or political affiliation and proper regard for their privacy and constitutional rights as citizens, will be assured; and
  - F. Employees will be protected against coercion for political purposes and will be prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.
- 2.8 Interpretations and Matters Not Covered: The Village Governing Body may issue such administrative policies as are necessary to implement the provisions of these Policies and Rules.
- 2.9 Technical Rules: These Policies and Rules relate to the matters of personnel administration and may not cover every department's procedures, standard practices, standing orders, or other technical matters. A department director shall make such departmental rules and procedures as are not in conflict with these Policies and Rules, provided such departmental rules and procedures shall be subject to approval by the Village Governing Body. Upon adoption, the department director shall file a copy of the departmental rules and any amendments or changes with the Village Governing Body.
- 2.10 Changes, Modifications and Revisions of These Rules:
- A. Changes: These Policies and Rules are issued by authority of the Governing Body and may be amended by resolution. Suggestions for amendments to or changes in these Policies and Rules are welcome and may be submitted in writing to the Village Governing Body.
  - B. Temporary Modifications: The Governing Body may temporarily modify, suspend or waive any of these Policies and Rules if it would be reasonable, appropriate, lawful and necessary for the orderly and efficient administration of the Village.
  - C. Revisions: Proposed revisions of these Policies and Rules shall be circulated by the Clerk

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to all department directors, and notices posted in areas accessible to Village employees, 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, time, and place of the meeting at which the Governing Body intends final consideration. Revisions to these Policies and Rules shall become effective upon approval by the Governing Body.

- 2.11 Distribution of Personnel Policies and Rules: Copies of these Policies and Rules and all amendments there to shall be issued to all employees. Directors shall maintain a copy in their respective departments. Employees shall be responsible for inserting changes as they are issued. New employees shall be given a copy of these Policies and Rules.
- 2.12 These policies do not create a contract between the Village of Cimarron and any employee, or grant to any employee the right to be continued in the employment of the Village of Cimarron, or limit the right of the Village of Cimarron to discharge employees.

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## **CHAPTER 3 EMPLOYMENT POLICIES**

- 3.1 **Recruitment and Selection:** The Village Clerk shall be responsible for ensuring compliance with Village policies and rules concerning the recruitment and selection of Village employees as follows:
- A. The department director shall submit a Personnel Requisition form to the Village Clerk;
  - B. Criteria for selection shall be established for each position for which recruitment is being conducted; such criteria shall be determined solely on the basis of the duties of the position;
  - C. It is Village policy, whenever possible, to fill vacancies from within the ranks of Village employees following the criteria outlined in subsection D. To achieve this objective, the Village Clerk shall post notice of vacancies in locations available to eligible Village employees;
  - D. As vacancies occur, they shall be filled by applicants who best fit the requirements of the position. Where qualifications are relatively equal, the following preferential order will be used in making the selection:
    - 1. present regular status employees;
    - 2. former Village employees who were terminated due to job abolition and/or a reduction in force;
    - 3. returnees from leave of absence without pay status;
    - 4. former employees who left employment with the Village in good standing;
    - 5. probationary employees and non-employee applicants.
  - E. Recruitment shall include advertisements in local, regional, or national news media to obtain an adequate number of candidates for the position, and may include posting public notice of the vacancy in locations available to the general public. Position announcements shall include position title, salary range, position requirements, basic qualifications, and other pertinent information;
  - F. The Village Clerk shall coordinate all recruitment efforts and shall receive all applications;

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- G. Selection shall be based on review of the applicant's qualifications to perform the duties of the position and shall, as determined by the Village Clerk, include all of the following:
  - 1. review of written applications and/or resumes;
  - 2. inquiry of prior employers and/or references provided by applicants;
  - 3. examination of applicants by interview, skills or written tests, or by other impartial means.
- H. The Village Clerk shall submit to the department director the applications of candidates meeting the minimum requirements for the position.
- I. The selection of the successful candidate shall be made by the department director or Mayor, as appropriate. The selection of a department director must be confirmed by appointment by the Governing Body. The department director shall notify the Village Clerk of the selection, and the Village Clerk shall make the official written offer of employment to the candidate.
- J. Candidates for employment who were interviewed, but not selected, shall be notified of the decision as early as possible, preferably within a week.
- K. The Village Clerk shall keep on file all recruitment and selection records of all candidates for the period of time required by State and Federal Law.

3.2 **New Employee Orientation:** The Village Clerk and the supervisor shall conduct an orientation for all new employees.

- A. On the new employee's first day at work, the new employee will report to the Village Clerk for orientation. This will include an explanation of the benefits available to employees, the completion of the necessary employment forms, and a review of these Personnel Policies and Rules. Upon completion of this orientation, the employee will be directed to his/her supervisor.
- B. The new employee's supervisor will introduce the new employee to co-workers, acquaint the employee with the physical environment of the work area, review any technical rules applicable, explain the employee's duties and standards of performance, and provide training in safety practices, including hazardous materials.

3.3 **Employment Categories:** Employment of persons covered by these rules shall be of the

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following types:

- A.        **Probationary Employees:**
1.        All persons employed by the Village of Cimarron, on other than a temporary basis, shall serve a probationary period of no less than six (6) months but not to exceed twelve (12) months. During this probationary period, employees may be terminated at any time for any legal reason, and such employees shall have no appeal rights as provided in Chapter 7 of these rules.
  2.        The probationary period will include up to a maximum of 6 months time served in a temporary position if the employee is hired into a regular position in the same classification, within the same department, provided there is no break in service.
  3.        If the employee takes a leave of absence without pay in excess of fourteen (14) calendar days during the probationary period, the probationary period will be extended by the number of days that the leave exceeded the fourteen (14) days.
  4.        While on probation, an employee may not apply for a transfer, promotion, or demotion without the approval of his/her department director. The department director must prepare, or have prepared, a performance evaluation covering the employee's term of employment prior to consideration. The rating on the performance evaluation must be no lower than "meets expectations" on any performance criteria. The Village reserves the right to reject any bid for promotion, transfer, or demotion by an employee on probation. Status changes will in no case shorten the original probationary period.
- B.        **Regular Employees:** Upon satisfactory completion of the probationary period, employees will be considered regular employees with full rights and privileges under these rules.
- C.        **Temporary Employees:** The Village may employ individuals on a temporary employment status, which shall be limited to no more than nine (9) months in duration. Temporary employees shall not be eligible for, nor receive, any of the benefits provided by these rules.
- D.        **Term Employee:** Individuals employed for a specific period of time. Employees in this category are not eligible for bargaining unit membership, but will be subject to the personnel policies. Employees in this category will

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not have the right to appeal termination at the end of the agreed upon term of employment.

- E. **Full-Time and Part-Time Employees:** The positions described in A, B, and C, above, may be full-time or part-time.

3.4 **Hours of Work:** The Village establishes working hours as required by the work load, work flow, and the efficient utilization of human resources.

- A. **Regular Work Schedule:** The workweek for all employees begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday. The normal schedule for full time employees shall consist of forty (40) hours. The exact schedule of working hours shall be determined by each department director, and the employees shall be informed of their daily work schedule.
- B. **Part-time Work Schedule:** The normal schedule for part-time employees shall consist of less than thirty two (32) hours in a work week. Part-time employees will work the hours designated by their department director.
- C. **Overtime:** There may be occasions when nonexempt employees (as defined in the FLSA) will be required to work more than their normal schedule. Overtime will be assigned by the supervisor to employees performing the particular job function which requires the overtime. However, no employee is permitted to work overtime unless authorized in advance by the supervisor with the approval of the department director, except that where operations are continuous, an employee shall remain at the work place until replaced by the next shift employee or the supervisor.
- D. **Call Back Work Schedule:** In the event a nonexempt employee is called in to work outside the normal work schedule, the employee will be paid for a minimum of two (2) hours or the actual time worked, including travel time, whichever is greater.
- E. **Rest Breaks:** Employees are entitled to one (1) noncumulative fifteen (15) minute rest break approximately midway through the first half of their shift, if that half equals or exceeds three (3) hours. They are entitled to a second rest break, under the same conditions, during the second half of their shift. Breaks shall not be taken at the beginning of the workday, at the end of the workday, or in conjunction with the lunch period. Employees shall not engage in any conduct during the break, which in any way disrupts the duties and responsibilities of any other employee.
- F. **Emergency Work Schedule:** If a mobilization for emergency response has been called by the presiding officer of the Village, any employee tasked with

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emergency duties must report to work when called. Willful failure to report when called subjects the employee to penalties, which include termination, as set forth in paragraph 204 of these Policies and Rules.

### **3.5 Reporting for Work:**

- A. Employees are to be at the designated work place at the times determined by the supervisor, unless permission has been granted by the supervisor to leave the work place.
- B. Employees are to be at work in a capable condition, both physical and mental.
- C. Employees are expected to adhere to the work schedules with regularity. However, when an employee anticipates an absence, he/she must notify the supervisor as early as possible. Additional detail on the attendance and punctuality policy is included in Chapter 10 of these Policies and Rules.

### **3.6 Employment of Relatives:** Applications for employment with the Village from relatives of current Village employees will be considered on the same criteria as the public at large. However, no person shall be hired, promoted or transferred to a position, which is under the supervision of a relative as defined in subsection (B) of this section.

- A. In the event two employees within the same department establish a relationship by marriage and are not in positions of supervision, both may continue in their current positions. However, if two employees are in positions of supervision or are in any chain of command and these two employees establish a relationship by marriage, the Village Clerk may transfer one of the employees to a position removed from the supervisory control of the other if it is determined that such transfer is in the best interests of the Village. If such transfer is determined to not be in the best interests of the Village, the affected employees shall determine which one shall resign from Village employment.
- B. For the purpose of this provision, relatives shall include immediate family.

### **3.7 Outside Employment:** The Village depends on its employees to devote their full attention and efforts to the duties which they are assigned. Therefore, employees are requested to refrain from working at a second job elsewhere, if at all possible.

- A. Should any employee find it necessary to take on an additional job, the employee must submit a written request, which specifies all conditions and other particulars concerning the job to the department director prior to accepting the job. If the department director approves the request, it will be taken to the Village Clerk for final approval. In considering such requests, attention will be focused on such questions as:

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1. will the outside job in any way lessen the employee's efficiency in his/her Village employment;
  2. would the outside job involve any possible conflict of interest; and
  3. would the outside job expose the Village to any liability.
- B. Employment with the Village is the employee's primary responsibility. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, or refusal to work overtime. Should outside employment cause or contribute to any of these situations, it must be discontinued or the employee will be terminated.
- C. Any employee who has been granted approval for outside employment must report any significant changes, which may have occurred in the conditions of the outside job from those existing at the time approval, was granted. Such report must be in writing to the employee's department director, with a copy to the Village Clerk.
- 3.8 **Residence:** Unless the position is funded by a grant which stipulates residence as a requirement, no applicant or employee must reside within the Village limits. However, any employee subject to emergency call back will be expected to reside within a twenty (20) minute response and drive time.
- 3.9 **Physical Examination:** Where physical condition is a bonafide requirement for the job, the applicant may be required to undergo a physical examination at the expense of the Village prior to appointment.
- 3.10 **Use of Municipal Vehicles, Tools, Etc by Employees for Self or Others:** Municipally owned vehicles and tools shall be used exclusively for municipal purposes. Permission to take such vehicles or tools home shall be by written authority of the Mayor. No unauthorized personnel such as family, friends, may ride in municipal vehicles.
- 3.11 **Felony Charge and Conviction:** In the event any Village employee is officially charged with a felony involving moral turpitude, such employee shall be suspended without pay until such time as there is a final determination of his or her guilt by a court of competent jurisdiction. In the event any Village employee is convicted of a felony by a court of competent jurisdiction, such employee shall be immediately dismissed, without the right of appeal of the dismissal. If the charged employee is found not guilty of the felony or if the charge is dismissed by a court of competent jurisdiction, the employee shall be reinstated upon his or her request to the same position he or she formerly held with the same pay and status prior to arraignment, but shall not be paid for the time since suspension.



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- 3.12 **Military Leave:** Military leave with pay will be authorized for employees who are members of the National Guard of Air National Guard of New Mexico or any organized reserve unit of the Armed forces of the United States to include the Public Health Service for a period not to exceed fifteen (15) calendar days in each calendar year in addition to other authorized leave when they are ordered to Active Duty Training with such units. Permanent employees called to active duty in emergencies declared by the Governor or the President for short periods of time not to exceed twenty five (25) days may be granted military leave. Employees shall be compensated for any difference in pay between their military pay and their Village pay, not to exceed fifteen (15) days. Permanent employees who enter military shall be reinstated within a reasonable time in the same position or to a position of like seniority, status and pay upon application within ninety (90) days after being relieved from active duty in the military service.

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## PERSONNEL POLICIES AND WORK RULES

### CHAPTER 4 CLASSIFICATION PLAN

- 4.1 Classification Plan: All Village positions, except elected officials or appointees to boards, committees, commissions or authorities, whether occupied or vacant, are allocated to classifications of work in accordance with the actual duties and responsibilities of the positions. There may be one or more positions in a classification. The Classification Plan is adopted by resolution and may be modified by resolution.
- 4.2 Duties of the Village Clerk: The Village Clerk shall have the primary responsibility to maintain the Village Classification and Compensation Plans. On a continuing basis, the Village Clerk shall review the classifications for their appropriateness and shall make recommendations to the Governing Body for action.
- 4.3 Job Descriptions: A description of duties shall be maintained for each classification as follows:
- A. Job descriptions for new classifications shall be adopted by resolution.
  - B. The Village Clerk shall review job descriptions on an ongoing basis. Minor changes shall be approved by the Mayor. Changes of a substantial nature, as determined by the Mayor, shall be made by resolution.
  - C. Job descriptions shall be written to incorporate the essential functions of the job which must be performed unaided or with reasonable accommodation.
- 4.4 Change in Employee Status and/Or Anniversary Date: Any change in employee status must be approved by the Village Clerk. In cases of promotion, transfer, or demotion, the effective date of the status change will usually become the employee's anniversary date for purposes of pay adjustments. Such status changes shall include:
- A. Promotion: A promotion is the advancement from a position in one salary grade to another position in a higher salary grade. An employee shall meet all requirements of the new position before being promoted and with the exception of certified officers and non-certified dispatchers, will be on promotional probation in the new position for six (6) months. Certified officers, promoted within the ranks, and non-certified dispatchers will be on promotional probation for twelve (12) months.
    - 1. Nonexempt employees: An employee being promoted to a nonexempt position will be paid at the minimum of the new range or receive a pay increase of 5%, whichever is greater.
      - a. If the effective date of the promotion is 120 calendar days or less before the employee's current anniversary date, the scheduled merit

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pay increase will be pro-rated and then the promotional increase will be calculated. A higher increase, of up to an additional 3%, may be recommended by the department director and the Village Clerk and approved by the Village Governing Body. Any additional increase due to special circumstances must be approved by the Village Governing Body.

- b. The effective date of the promotion becomes the employee's new anniversary date. If it is determined that the employee will be unsuccessful in passing probation in the new position, the employee will have the "right of first refusal" for any positions in the prior classification for thirty (30) calendar days. If no appropriate position becomes available, the employee will be laid off, but retains the same re-employment rights for an additional ninety (90) calendar days.
- 2. Exempt employees: Upon promotion to an exempt position, the employee will receive a pay increase within the grade of the new position. The amount of the increase, up to a maximum of 15%, will be determined upon recommendation by the department director and the Village Clerk and approved by the Village Governing Body. Any promotional increase above that limit must be approved by the Village Governing Body. The effective date of the promotion becomes the employee's new anniversary date. If the employee is unsuccessful in passing probation in the new position, the employee will be returned to the prior position, if available, or will be terminated.
- B. Transfer: A transfer is the movement of an employee from one classified position to another classified position in the same pay grade, without a break in service. Such movement shall usually not involve a pay rate adjustment. Lateral transfers are subject to the same probationary period and re-employment rights as promotions.
- C. Demotion: A demotion is the movement of an employee from a position in one pay grade to a different position in a lower pay grade. This movement may occur voluntarily or for disciplinary reasons. The employee's pay will usually be reduced.
- D. Reclassification: If, as a result of a desk audit conducted by the Village Clerk, it is determined that the duties being performed in a specific position are not appropriate to that classification or grade level, the position will be reclassified and the following will apply:
  - 1. If the position is assigned to a higher salary grade, the incumbent(s) shall receive an increase in pay to the minimum of the new range, or receive a pay increase of 5%, whichever is greater. A higher salary increase, of up to an additional 3%, may be recommended by the department director and the Clerk and approved by the Village Governing Body. Any additional increase due to special circumstances must be approved by the Village Governing Body.

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2. If the position is assigned to a lower salary grade, the incumbent will be transferred to the new grade at the current pay rate. If the incumbent's pay rate is above the maximum of the new range, the pay rate will be frozen until adjustments to the compensation plan have increased the salary range to include the employee's rate.

E. Modification:

1. A change in an employee's status from part-time to full-time or from full-time to part-time shall not affect the employee's pay rate. Such a change in an employee's status shall not affect the employee's anniversary date for pay adjustments under the provisions of this policy.
2. A change in salary due to a market adjustment shall not affect the employee's anniversary date. For further information on market adjustments see Section 502 C.

F. Temporary Assignments:

1. An employee may be assigned to fill a vacant position on a temporary basis. If the vacant position is in a salary grade, which is lower than the position of the employee temporarily assigned, the employee shall not suffer a reduction in pay, but shall continue to receive the regular rate of pay during the temporary assignment.
2. If the position to which the employee is temporarily assigned is in a salary grade, which is higher than said employee's regular position, the employee shall receive a pay adjustment in accordance with the following:
  - a. The temporary assignment must be for a period of more than thirty (30) calendar days;
  - b. The employee shall be paid at the minimum of the range for the temporarily assigned position or be granted an increase of 5%, whichever is greater.
  - c. This pay adjustment will be effective on the date the employee assumes the temporary assignment.
3. If the position to which the employee is temporarily assigned is FLSA exempt, and if the assignment is for a period of more than thirty (30) calendar days, and if the employee receives a temporary increase in pay, said employee will be

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considered FLSA exempt for the duration of the temporary assignment.

4. If the temporary assignment consists of the addition of higher-level responsibilities, but not placement in a vacant position, the amount of the pay adjustment shall be recommended by the department director and the Village Clerk and approved by the Village Governing Body.
5. At the conclusion of the temporary assignment, the employee shall return to the former position and rate of pay, adjusted for any intervening COLA's or anniversary increases.

# VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES

## CHAPTER 5 COMPENSATION PLAN

5.1 Objectives: In an effort to hire and retain the most qualified staff available, the Village of Cimarron has developed a formal salary administration program. The fundamental objective of this program is to ensure that employees are paid in relation to the value of the work they perform. The intended result is that all employees receive proper compensation for their efforts and abilities. Other goals of the program include:

- A. To pay wages and salaries which are competitive in the market place as a basis for attracting and retaining employees and encouraging them to put forth their best efforts.
- B. To establish and maintain a just and fair relationship in the wages paid for the variety of work performed for the Village.
- C. To establish and maintain salary ranges for the respective salary grades which provide ample latitude for recognizing and encouraging improved performance as well as superior performance.
- D. To establish and maintain a sound wage and salary structure that provides strong incentive to individuals to advance and assume greater responsibilities.

All provisions of these objectives are contingent upon the availability of funds.

5.2 Rate Schedule(s): The Village of Cimarron will maintain wage rate schedule(s) setting forth a series of salary grades, numbered from the lowest to the highest.

- A. Each salary grade will have a salary range, the minimum of which corresponds to the lowest rate usually paid to a fully qualified employee; a midpoint, which is set at a competitive level for the position in the community; and a maximum which is the greatest value the position has to the Village. Every position shall be assigned to a salary grade.
- B. Annually, the Mayor and the Village Council shall review the competitive rates of pay for Village positions, and the Consumer Price Wage Earners Index figure, and, subject to the availability of funds, shall make any necessary adjustments in the rate schedule, to be effective for the next fiscal year. Temporary employees are not eligible for any cost of living increases granted by the Village Governing Body.

5.3 Hiring Rate:

- A. A new full-time or part-time employee shall normally be paid at the minimum of the

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salary range in which the position has been placed. In rare situations in which a candidate for employment has exceptional qualifications, such candidate may be considered to receive a rate of pay between the minimum and the midpoint of the range. Such exceptions must be approved by the Village Governing Body upon the recommendation of the department director. Any hiring rate above the midpoint of the range must be approved by the Village Governing Body.

- B. Pay for temporary employees shall be at or near the minimum of the range set forth in the wage and salary schedule for positions with similar duties. If a temporary employee is hired for a position, which does not have similar duties to an existing position, the pay level shall be at a rate recommended by the department director, and approved by the Village Governing Body based upon market value and qualifications.

### 5.4 Payroll Procedures:

- A. Paydays: The pay periods for Village employees are biweekly. Employees receive their paychecks on the Friday following the close of the pay period. In the event that a payday Friday is observed as a holiday, every effort will be made to distribute the paychecks to employees on the workday preceding the holiday.
- B. Recording of Hours: All Village employees shall keep a record of their time in accordance with Federal and State Statutes and Village policy. In those departments utilizing time clocks, the hours worked will be transferred to the time record at the end of the pay period. Each employee shall sign the time record verifying its accuracy. The time records are to be given to the employee's supervisor at the beginning of the first workday following the end of the pay period.
- C. Overtime Provisions:
  - 1. Nonexempt employees who work more than forty (40) hours in any work week shall be paid at one-and-one-half (1-1/2) times their base rate of pay or shall be credited with compensatory time at one-and-one-half times for all hours worked in excess of forty (40) in any work week.
  - 2. Overtime for nonexempt Public Safety Officers and Emergency Fire and Medical Service employees shall be paid in accordance with the FLSA and other appropriate policies and rules.
  - 3. Exempt employees, including department directors, are not entitled to receive overtime pay for work in excess of forty (40) hours in any workweek. Exempt employees generally accomplish their work within the regular workweek. When necessary, they may adjust their schedule to accommodate the requirements of the job. However, it is recognized that in time of peak workload, an individual's schedule may not be flexible enough to accommodate the demands of the job

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within the usual workweek. In recognition of these situations, exempt employees shall be credited with sixty (60) hours of "Personal Administrative Leave" (PAL) per year in lieu of all other compensation for their extended work schedule.

- a. PAL hours will be credited on January 1 of each year. Employees hired after January 1 will be credited with a pro-rata number of PAL hours.
  - b. If unused, PAL will be forfeited on December 31 of the same year or upon termination.
  - c. Requests for use of PAL hours shall be in the same manner as for the use of vacation leave.
  - d. In cases where a position requires overtime of a significant nature, the Village Governing Body may authorize additional PAL hours.
4. Part-time employees will be paid at their straight time hourly rate for all hours worked up to and including forty (40) in a workweek. However, upon agreement between the employee and the department director, employees who work more than their scheduled hours, but not more than forty in a work week, may accrue compensatory time at straight time for those hours worked in excess of their scheduled hours in a work week.
  5. Hours paid for but not worked, such as vacation, holidays, sick leave, etc., shall not be counted in computing overtime or compensatory time. Administrative leave with pay shall be counted as hours paid and worked.
  6. Nonexempt employees may be permitted to accrue up to two hundred and forty (240) hours of compensatory time.

### **5.5 Merit Pay Increases:**

- A. Annually, the Governing Body will determine the percentage or range of percentages available for merit pay increases.
- B. Upon successful completion of one year of employment in the current position, and on each subsequent anniversary date, the employee will receive a performance evaluation and consideration for a merit salary increase. The granting of said increase will be dependent upon meritorious performance, budgetary limitations and policies as established annually by the Governing Body and position within the salary range. Increases will be based upon recommendations by the department director and approved by the Village Governing Body.



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- C. An employee whose performance may not merit a pay increase should be counseled on the level of achievement necessary well in advance of the review date to allow the employee the opportunity to improve to the desired level. If the employee's performance, during the last few months of a review period, declines to a level not meriting a pay increase, the supervisor or department director shall:
1. counsel the employee in an attempt to discover the reason for the decline and explain the required standards;
  2. place the employee on a period of close supervision, not to exceed six (6) months; and
  3. if the performance is sufficiently improved, as measured by the supervisor or department director, grant the merit pay increase and establish a new anniversary date.

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## PERSONNEL POLICIES AND WORK RULES

### CHAPTER 6 PERFORMANCE EVALUATION

- 6.1 Objectives: The major objective of a performance evaluation program is to create and maintain a climate of mutual understanding and respect between supervisors and their employees. Such a climate is conducive to open communication and provides the motivation for employees to put forth their best efforts. Supervisors must also establish a relationship that is supportive of their employees and one that aids in their growth and development. Other objectives of performance evaluation include the following:
- A. Performance evaluations are used as counseling tools. This includes both a positive and negative critical review, as appropriate, for past events and sets a shared perspective for the future.
  - B. Performance evaluations facilitate manpower planning. Much of the necessary information on which judgments about employee potential are based come from performance evaluations.
  - C. Performance evaluations provide vital documentation for various employee actions.
  - D. Performance evaluations help supervisors rate themselves. Employee's reactions to the performance evaluation procedure can provide an indication as to whether the supervisory techniques are accepted or resented by the employees.
  - E. Performance evaluations can have a positive effect on productivity. When employees know what is expected of them, when they receive deserved praise and are counseled on performance areas needing improvement, they are motivated to greater productivity.
- 6.2 Performance Evaluation Procedure: All employees of the Village of Cimarron will receive an evaluation of their performance at least once each year, no later than their current anniversary date.
- A. Distribution of Forms: Approximately one (1) month prior to the employee's anniversary or probationary date in the current position, the Village Clerk will send the Performance Appraisal form to the employee's department director.
  - B. Completion of Forms: The supervisor will complete the Performance Appraisal and will notify the employee of the date, time, and place of the meeting to review the evaluation with the employee. At this meeting, the parties will discuss the evaluation of the employee's past performance. In the case of management employees, the supervisor and the managerial employee will jointly establish and set forth on the Performance Appraisal form the critical goals and objectives and major areas of

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accountability upon which the employee's performance will be evaluated during the next evaluation period. It is important that throughout the review process the employee and supervisor be honest and objective in their comments and base them on documented facts. Both the supervisor and the employee will sign the Performance Appraisal form. The Appraisal Form and any pertinent attachments shall be given to the next level of supervision for review. The employee shall be given a copy of the Performance Appraisal. After being reviewed by the department director, all pertinent documents shall be sent to the Village Clerk.

- C. Intermediate Performance Monitoring: While the above procedure relates to the annual formal evaluation process, supervisors must continually monitor the performance of their employees throughout the year. Supervisors must provide employees with praise and recognition as incidents warranting them occur. Likewise, if the supervisor observes unsatisfactory performance or unacceptable behavior of an employee, appropriate steps must be taken immediately to correct the situation.
  
  - D. Probationary Employees:
    - 1. In the case of an employee being formally evaluated for the first time at the end of the probationary period (normally at six (6) months not to exceed twelve (12) months), it is imperative that all phases of the evaluation procedure be completed prior to that date. It is this first performance evaluation which will finally determine whether or not the employee will be retained and granted regular status. This final decision must be made and the appropriate action taken prior to the actual date.
  
    - 2. In the case of promotion, transfer, or demotion, the supervisor of the position the employee is leaving will provide an intermediate performance evaluation of that portion of the employee's probationary period.
  
  - E. Job Descriptions: A copy of the job description on file in the Village Clerk Office will be attached to the Performance Appraisal form when it is sent to the department director. During the evaluation process, the employee and the supervisor shall review the job description. If any changes are necessary, they shall be made and a copy of the revised job description will be sent to the Village Clerk. If no changes are required, the copy of the job description shall be returned to the Village Clerk marked "Received - No Change".
- 6.3 Performance Evaluation Results: If the supervisor rates performance as exceeding expectations, needing improvement, or unsatisfactory, the supervisor shall justify that rating by describing how the employee's performance exceeds, or falls short of, the basic expectations and citing specific examples.
- A. Performance Needing Improvement: It is not realistic or fair to wait until an employee's

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performance evaluation to inform the employee that performance needs improvement. Employee's performance should be monitored on a continuing basis. If this is done, problems or difficulties which will lead to a low rating will be recognized and dealt with as they occur. However, if the supervisor rates the employee's performance as unsatisfactory or needs improvement on the evaluation, the supervisor should follow these procedures:

1. Specifically describe on the evaluation form those areas and functions that need improvement or are unsatisfactory.
  2. Counsel the employee in an effort to understand and resolve the problem(s) creating the unsatisfactory performance.
  3. Inform the employee of what is required to attain full performance and be certain that the employee understands the requirements.
  4. Set a reasonable date by which acceptable improvement must be made and inform the employee.
  5. Document the above steps and provide the employee with a copy.
  6. Work with the employee during the interim period to give the employee every opportunity to succeed.
- B. Performance Exceeding Expectations: While it is recognized that some employees consistently perform at a high level, it should be kept in mind that a top rating allows no room for employee improvement. Such a rating should be used with discretion and shall be justified by describing the performance.
- 6.4 Confidentiality: Performance evaluations, being matters of opinion, are not open to public review. They are protected as confidential documents under 14-2-1C NMSA 1978, as amended. However, since performance evaluations are considered a necessary part of each employee's employment history, such documents may be reviewed by appropriate supervisory personnel.

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## PERSONNEL POLICIES AND WORK RULES

### CHAPTER 7

#### CORRECTIVE AND DISCIPLINARY ACTIONS, DISPUTE RESOLUTION PROCEDURE

- 7.1 Corrective and Disciplinary Action: Reasonable rules of employee conduct are necessary for the orderly and effective operation of the Village as well as to protect the rights of employees and to inform them of what behavior the Village expects from employees. It is the responsibility of each supervisor to keep employees informed concerning Village policies and rules of conduct. The employee is also responsible for staying informed.
- A. The Village promotes a system of progressive counseling to be used with employees who violate or fail to comply with Village policies, procedures and rules or who have other performance problems. This procedure is designed to correct the infraction rather than penalize employees. Progressive corrective counseling is used to give employees notice that:
1. they will not be treated in an arbitrary manner for making a mistake;
  2. repeated violations of rules and policies will not be tolerated;
  3. unacceptable performance may result in discharge;
  4. the Village will pursue a fair and consistent approach to situations warranting corrective action;
  5. corrective and disciplinary actions will be administered appropriately for the particular violation and corrective and disciplinary actions will be administered in a progressively escalating manner for similar subsequent violations.
- B. Each situation which requires some form of corrective action should be judged on its own merits. It is not mandatory to follow the types of progressive action as outlined below. The appropriate action should be determined based upon the circumstances surrounding the situation and the severity of the infraction. Situations may arise, for example, in which immediate discharge is warranted. Supervisors who desire guidance relative to the appropriateness of any form of corrective action are encouraged to contact the Village Clerk.
- C. In every situation involving any form of corrective or disciplinary employee action, it is of the utmost importance that proper documentation be prepared. Documentation is required to accurately record the facts of the situation while they are fresh in the minds of all concerned, in case future reference becomes necessary. All documentation given to an employee should be signed by the employee to acknowledge receipt. If the employee refuses to sign, another employee should be called in to sign the form and witness the fact that the counseled employee received the documentation, but refused

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to sign it.

1. Types of Corrective or Disciplinary Action: Depending upon the nature and severity of the cause, an employee may be subject to any of the following:
  - a. Corrective Action:
    - (1) oral or written warnings;
    - (2) written reprimands;
  - b. Disciplinary Action:
    - (1) suspension;
    - (2) demotion;
    - (3) discharge.
2. Authority to Take Corrective or Disciplinary Action: Supervisors of departments may take corrective action and maintain written documentation in support of the action and may recommend suspensions, demotions, and discharges. However, only the Village Governing Body may proceed with any disciplinary action that includes suspensions, demotions, or discharges.
3. Administrative Leave: Administrative leave with pay may only be granted by the Village Governing Body, in those instances in which the nature of the employee's conduct may warrant immediate intervention or action.
  - a. This administrative leave may be granted for a period of time until the written notice of final decision of the disciplinary action is issued, but not to exceed ten (10) working days.
  - b. Further extensions of administrative leave may be granted by the Village Governing body.
4. Department Directors: The Village Clerk may suspend or otherwise discipline directors of Village departments. Discharges of department directors must be approved by the Village Governing Body.
5. Disciplinary Actions, Regular Classified Employees: Proposed disciplinary actions as defined in section 1B.20 of these rules shall be according to the following process:

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

- a. Notice of Contemplated Disciplinary Action.
  - (1) To initiate disciplinary action against an employee, the department shall serve a notice of contemplated disciplinary action on the employee. This notice shall:
    - (a) cite the specific incidents constituting just cause;
    - (b) cite violation of any statute, ordinance, rule or mandate;
    - (c) provide an explanation of the documentation, evidence and/or facts relied upon by the department;
    - (d) specify the contemplated disciplinary action;
    - (e) state that the employee has five (5) working days from service of the notice of contemplated disciplinary action to respond in writing or to request an informal meeting with the department director.
- b. Employee Representation. A representative of the employee's choice may respond to the notice of contemplated disciplinary action and may be present at all stages of the proceedings.
- c. Informal Meeting.
  - (1) If the employee requests an informal meeting in response to the notice of contemplated disciplinary action, the department director shall notify the employee of the date, time and location of the informal meeting; such meeting shall be held within five (5) calendar days of receipt by the department of the request for informal meeting.
  - (2) The employee and department director may agree in writing to an alternate date, time or place for the informal meeting.
  - (3) The employee may be accompanied by a representative of the employee's choosing, but the conduct of the informal meeting shall be between the department director and the employee. The purpose of the informal meeting is to allow the employee to respond to the allegations in the notice of contemplated disciplinary action and to offer explanations and/or present evidence in mitigation. No witnesses shall be presented at the

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informal meeting.

- (4) If a written response is filed with the department director and the employee participates in an informal hearing with the department director, the department director shall consider the written response (if filed) and information received during the informal meeting in arriving at a final disciplinary action.

d. Notice of Final Action.

- (1) The department director shall serve written notice of final action on the employee no later than five (5) working days from the date of receipt by the department director of any written response or the date of the informal hearing whichever is later.
- (2) The notice of final action must include:
  - (a) the final action to be taken;
  - (b) the incidents constituting just cause which shall be limited to those incidents alleged in the notice of contemplated disciplinary action.
  - (c) cite the specific statute, ordinance, rule or mandate violated by the employee;
  - (d) a discussion of the employee's defenses as stated in any written response or in the informal meeting;
  - (e) the date of delivery of the notice of contemplated disciplinary action; and
  - (f) inform the employee that the final disciplinary action may be appealed to the Village Governing Body within five (5) working days pursuant to Section 704 of these rules.

### 7.2 Dispute Resolution Procedure:

Addressing employee's concerns is important to the efficient operation of the Village of Cimarron and reasonable efforts will be made to resolve all employee disputes in a timely manner. The parties should resolve all employee disputes at the lowest possible level. All unresolved disputes are required to pass through all appropriate levels of the procedure. No steps may be skipped. The disputant may, however, withdraw the dispute at any point in the



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procedure. The request to withdraw the dispute must be in writing. Informal resolution is always encouraged. Employees participating in the dispute resolution procedure will not be subject to any retaliation for such participation, but are not exempt from disciplinary action for violations proven or admitted.

### 7.3 Definition:

Disputes may arise between employees in the interpretation of a Village policy or procedure or regarding a disciplinary action. Disputes concerning the interpretation or application of a collective bargaining agreement may not utilize this dispute resolution procedure. All such claims shall be referred to the Village Governing Body. As members of the management team, department directors recommend and interpret Village policies and procedures and are at will employees, therefore, this procedure is not applicable to them. The dispute resolution procedure shall be divided into the following two classifications:

- A. Class I: Management actions questioned by the employee which result in discharge, demotion with a loss of pay or suspension of more than forty (40) work hours. Only regular status, non-probationary employees may file a Class I dispute.
- B. Class II: All other management actions not involving policy decisions questioned by the employee, including corrective actions which do not qualify as Class I disputes. Class II disputes may be filed by non-temporary employees with at least 90 days of service.

### 7.4 Class I Dispute Resolution Procedure:

#### A. Appeal to Village Governing Body:

- 1. Within five (5) working days following the date of the final notice provided in Section 701, a written appeal may be filed by filing a notice of appeal with the Village Governing Body, through the Village Clerk office, and serving copies on the Village department director.
- 2. Within five (5) working days after receiving the written request from the employee, the Village Governing Body shall issue a scheduling order. The Village Governing Body shall promulgate rules of procedure for such hearings. The Village Governing Body shall conduct the hearing and accept documentary and testimonial evidence in accordance with such rules of procedure. (Until such rules are promulgated, the Village Governing Body shall conduct hearings under the general common law of administrative proceedings and shall apply the Rules of Procedure for the District Court [SCRA 1-001 et seq., NMSA 1978] only to the extent necessary to permit adequate discovery and a complete record.) The hearing conducted by the Village Governing Body shall generally take place during normal working hours.

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3. In cases heard before the Village Governing Body, the Village Clerk within thirty (30) calendar days after concluding a hearing shall transmit a full record of the hearing, including findings of fact, conclusions of law to the Village Governing Body.
4. When deliberating on an appeal the Village Governing Body shall not hear any presentations or evidence aside from the record of the hearing and any findings and recommendations. As soon as possible after the Village Governing Body has received the record, it shall act; such action shall normally be within thirty (30) calendar days of transmittal of the report and the record. A tie vote on the decision upholds the department director. In acting, the Governing Body may take one of the following actions:
  - a. Accept the department director's decision;
  - b. Modify the department director's decision;
  - c. Reject the department director's decision; or
  - d. Remand the matter to a hearing officer for further hearing.

The decision of the Village Governing Body shall be the final step in the administrative process provided for by these Policies and Work Rules.

5. The decision of the Village Governing Body shall be reviewable in the District Court for the County of Colfax:
  - a. When the decision is arbitrary or capricious;
  - b. When the decision is not supported by substantial evidence on the record as a whole; or
  - c. When the decision is in excess of the statutory authority or jurisdiction of the Governing Body.

Appeal of the decision of the Village Governing Body to District Court by the employee or the Village shall be taken within thirty (30) calendar days of the final decision of the Governing Body.

### 7.5 Class II Dispute Resolution Procedure:

#### A. Informal Resolution:

1. Within five (5) working days following the date of the incident giving rise to the

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

dispute, an employee will seek to informally resolve it directly with the party or parties involved, including supervisors or co-workers.

2. If no attempt is made to resolve the problem informally, further review may be denied.
3. Documentation of informal attempts to resolve the dispute may be recorded on the Dispute Resolution form, or in a memorandum and shall include at a minimum the date, time, place of the meeting, identification of the parties attending the meeting, a statement of the problem, and a summary of the discussion including any proposed resolution.
4. If the dispute is with a department director or a supervisor who reports to the Village Clerk and the informal resolution is not effective, the dispute shall proceed directly to the Village Clerk.

### **B. First Level:**

1. If the disputant determines that the informal resolution is not satisfactory, the employee may pursue formal review by submitting a written request for review, which shall include:
  - a. the date, time, and place of the informal meeting,
  - b. identification of the parties attending the meeting,
  - c. a statement describing the problem,
  - d. a discussion of the outcome of the attempt to resolve, and
  - e. any other facts or information the disputant considers pertinent.
2. The dispute resolution request shall be submitted to the employee's supervisor within five (5) working days following the date the informal resolution attempt is completed, with a copy to the Village Clerk.
3. The supervisor receiving the dispute resolution request shall:
  - a. note the date and time received,
  - b. review the documentation materials, and
  - c. interview and investigate as appropriate.

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

4. The supervisor shall issue a written decision within five (5) working days following the date of receipt of the dispute resolution request and may attach additional information or explanation as necessary to the parties involved. A copy shall be filed with the Village Clerk.

### **C. Second Level:**

1. If the disputant determines that the decision made at the previous level is not satisfactory, the decision may be appealed by submitting, within five (5) working days following the date of that decision, the dispute resolution request and the previous level response to the department director.
2. The department director receiving the dispute resolution request shall:
  - a. note the date and time received,
  - b. review the documentation materials, and
  - c. interview and investigate as appropriate.
3. The department director shall issue a written decision within five (5) working days following the date of receipt of the dispute resolution request and may attach additional information or explanation as necessary to the parties involved. A copy shall be filed with the Village Clerk.

### **D. Final Level:**

1. If the disputant believes that the previous decision is not satisfactory, the decision may be appealed by submitting, within five (5) working days after the date of this decision, the dispute resolution request and the previous responses to the Village Clerk.
2. The Village Clerk shall:
  - a. note the date and time received,
  - b. review the documentation materials, and
  - c. interview and investigate as appropriate.
3. The Village Clerk shall issue a written decision within five (5) working days following the date of receipt of the dispute resolution request and may attach additional information or explanation as necessary to the parties involved.

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4. In any case, the Village Clerk shall be the final source of review of any unresolved Class II dispute within the Village.
  
- E. The Village Clerk as the Dispute Coordinator: The intent is that each department's appropriate chain of supervision be exhausted in review of the dispute following the time limits as set out above. In case there is any question regarding this flow of review, the disputant may consult with the Village Clerk for proper referral. In all cases, the Village Clerk should receive copies of all documentation related to the dispute once it progresses beyond the informal resolution stage.
  
- F. Time Limits:
  1. With the written consent of the parties, the time limits for review of a dispute at any level may be extended for a reasonable time to allow for a fair review.
  2. If the reviewing supervisor or reviewing individual fails to respond within the designated time limits or any extension agreed to, the dispute shall be considered denied and shall be returned to the disputant.
  3. If the disputant fails to proceed to the next level, the dispute is considered resolved. Any dispute resolved by this method shall not be subject to further review.
  
- G. Termination of Dispute: If the disputant resigns from employment with the Village, the dispute resolution request previously filed and in process at the time shall be considered terminated. The individual reviewing the dispute resolution request at that time shall forward all pertinent documentation to the Village Clerk for filing in the disputant's personnel file.
  
- 7.5 Disposition of Records: All official notices of proposed or final disciplinary action shall be kept in the employee's personnel file.
  
- 7.6 Dispute Structure:

First Level	CLERK/MARSHAL/JUDGE
Second Level	MAYOR
Highest Level	GOVERNING BODY

# VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES

## CHAPTER 8 EMPLOYEE BENEFITS

- 8.1 Vacation: All regular and probationary employees earn and are eligible to use paid vacation from the date of hire as follows:
- A. Full-time employees shall accrue vacation from their date of hire, and such vacation shall be credited for each biweekly pay period in which the employee receives pay in accordance with the following schedule:
    - 1. From date of hire through fourteen years - 4.62 hours a pay period or 15 days per year
    - 2. Fifteen years and above - 6.15 hours a pay period or 20 days per year
  - B. Part-time employee's working on an average of less than thirty two (32) hours per week are not entitled to vacation benefits.
  - C. No employee will be granted vacation in excess of the amount accrued at the time requested. Employees may carryover accrued but unused vacation from one fiscal year to the next. However, the amount to be carried forward may not exceed an amount equivalent to two hundred and forty (240) hours. Any unused vacation benefits in excess of the allowed limit as of the end of the fiscal year will be forfeited except where the employee was prevented from taking vacation at the direction of the department director. In such event, carryover of additional vacation hours will be permitted for six (6) months upon written request by the employee and authorization by the employee's department director and the Village Clerk.
  - D. No employee may receive pay for vacation in lieu of time off, except upon termination of employment.
  - E. All vacations are subject to the approval of the department director. Employees shall submit a written request for vacation to their department director at least one (1) month in advance of the dates desired, except in cases of emergency. Every effort will be made to accommodate the employee's request, but final approval will depend upon the Village's needs being fully met.
  - F. Upon termination of employment for any reason, the employee shall be paid for all vacation accrued but not taken as of the last day worked.
  - G. In the event a recognized holiday(s) occurs during an employee's vacation, the employee will be paid for the holiday and the time not charged to vacation time.
  - H. If an employee suffers a death in the immediate family while on vacation, the amount

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of time may be applied to Funeral Leave. The employee must notify the department director and the Village Clerk, in writing, of this fact within one (1) week of the return to work.

- I. Employees who become disabled, due to illness or injury while on vacation may convert the period of disability from vacation to sick leave, provided they have sufficient sick leave accrued. The employee must submit a written request for this conversion to the department director and the Village Clerk together with a statement from the attending physician verifying the disability within one (1) week after returning to work.

8.2 Holidays: The Governing Body of the Village of Cimarron shall annually set the holiday schedule to be observed by the Village. Special holidays as decreed by the President of the United States will also be observed. The list of holiday observances will be posted in each department.

- A. Full-time employees shall be paid holiday pay at their straight time rate for the holiday hours observed on each of the designated holidays.
- B. Part-time employees will not be paid for the holidays.
- C. If a designated holiday falls on Saturday, it will be observed on the preceding Friday. Holidays falling on Sunday will be observed on the following Monday.
- D. Nonexempt employees who are required to work on a designated holiday will be paid at their straight time rate for the hours worked in addition to receiving holiday pay.
- E. In order to be eligible for holiday pay, employees must work their regularly scheduled shifts immediately preceding and following the holiday, or be on approved paid leave.
- F. If an employee is on paid leave on a designated holiday, no deduction will be made from the applicable leave.

8.3 Sick Leave: In order to ease the financial burden to employees brought about by inability to work due to a disabling illness or injury, the Village grants to employee's sick leave benefits as described below:

- A. Full-time employees shall accrue sick leave from their date of hire at the rate of 3.70 hours a pay period or twelve (12) days a year.
- B. Part-time employees are not eligible for sick leave benefits.
- C. Sick leave will carry over into the next calendar year.
- D. Accrued sick leave over six hundred (600) hours, may be paid at a rate equal to 50% of the hourly wage, once each fiscal year, not to exceed 120 hours a year, either the first

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

full pay period in January or July. Cash conversion of sick leave cannot occur at any other time during the year, unless you retire.

- E. Immediately prior to retirement from service, a permanent employee entitled to be paid for accrued sick leave in excess of six hundred (600) hours at the same rate as above, not to exceed four hundred (400) hours.
- F. Sick leave may be granted only for absence from duty because of personal illness, legal quarantine, temporary disability or medical, dental or optical appointments. It may be allowed to attend a funeral of a member of immediate family, which includes spouse, child, parent, brother, sister, grandparent, mother in-law, father in-law, brother in-law, sister in-law or illness of spouse, child or parent. Sick leave in excess of three (3) days must be supported by a certificate from a licensed physician.
- G. In case of extended medical absence in excess of accumulated sick leave, vacation leave may be applied to sick leave, but in no event will sick leave be applied to vacation leave. The employee claiming sick leave shall cooperate in any investigation by the Village by his or her claim for sick leave. Any employee who signs a claim for sick leave containing a false statement shall not be entitled to sick leave claimed with pay and shall be subject to disciplinary action.
- H. The Village retains the right to request a statement from a qualified professional to verify the disability. Employees who have been absent due to a disabling illness or injury may be required to provide a statement from their physician releasing them to return to their normal duties.
- I. Emergency sick leave should be reported by the employee or household member on the first working day absent. Planned use of sick leave must be approved one working day in advance.

### **8.4 Medical Leave:**

- A. FMLA leave: A non-temporary employee may request a leave of absence for personal or family illnesses, or for the birth or placement of a child for adoption or foster care for up to twelve (12) weeks in any consecutive twelve (12) month period of time in accordance with the provisions of the Family and Medical Leave Act of 1993. Any leave in excess of twelve (12) weeks must be approved by the Village Clerk.
  - 1. The twelve (12) weeks of leave do not need to be consecutive, but may be taken, as necessary, subject to the following conditions.
  - 2. Employee will use accrued sick leave. When this is exhausted, employee will use accrued annual leave. Thereafter, any additional leave will be unpaid leave.



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3. In the event of a medical disability, the employee must provide to the department director a statement from the treating physician verifying the medical reason for the disability and indicating the estimated length of disability. Where foreseeable, this notice shall be provided at least thirty (30) days in advance of the leave.
  4. If the requested leave is for the birth or placement of a child for adoption or foster care and both parents are employees of the Village, the leave shall be for a combined total of twelve (12) weeks. The employees shall decide between themselves how the time off shall be split.
  5. Employees will be eligible to maintain their benefits during the leave of absence provided they continue to pay the employee portion of the premium to the Village on a timely basis.
  6. For the first twelve (12) weeks, return to the same or an equivalent position is guaranteed. In the case of a leave in excess of twelve (12) weeks, the Village will make every attempt to hold the employee's position open unless, due to business necessity, it is necessary to fill the position on a regular basis. Business necessity will be determined by examining the anticipated length of the absence in light of the availability of a temporary replacement and the anticipated recruitment period needed to fill the position.
- B. In the event of an on-the-job injury or occupational illness, the employee will be paid their full regular pay, with appropriate deductions, for the waiting period as described under the New Mexico Workers Compensation Act until the commencement of temporary total disability, partial disability. Payment will be made under this section only when the employee is absent for the entire waiting period as defined in the Act. This pay will be provided without deductions from the employee's accrued leave or the Leave Bank.
1. For the duration of the disability, the employee may continue to use accrued sick leave, integrated with the Worker's Compensation benefits, in order to receive 100% of usual weekly compensation, excluding overtime.
  2. All payments and procedures are in accordance with the provisions of the New Mexico Worker's Compensation Act. All other conditions are in accordance with Section A above.

### 8.5 Military Leave: Leave for military purposes shall be granted as follows:

- A. Any employee who is inducted into or enlists in any branch of the Armed Forces of the United States will be granted a military leave of absence without pay. Employees who

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have been granted such military leave of absence shall be reinstated by the Village in accordance with all applicable Federal and State Laws.

- B. Any employee who is a member of any Armed Forces Reserve component or National Guard unit shall be granted military leave of absence for all required military duty including examinations, drills, training and emergency obligations. Full-time employees and part-time employees who are granted a military leave under this provision shall be eligible to receive pay not to exceed fifteen (15) working days in any consecutive twelve (12) month period of time. Should the employee's obligation exceed 15 working days, the employee may use other accrued leave or take the remainder of the leave without pay.
- C. Immediately upon receipt of orders to report for military duty, employees must submit a copy of the orders, together with a written request for a military leave of absence, to their department director. The department director must then notify the Village Clerk.
- D. Employees will be eligible to maintain their benefits when called to active duty provided they continue to pay the employee portion of the premium to the Village on a timely basis.

8.6 Funeral Leave: The Village of Cimarron recognizes the need of its employees for time off in the event of a death in their immediate family or a colleague in Village government.

- A. In the event of the death of the employee's parent, sibling, spouse, child, or stepchild, the Village will grant the employee up to five (5) days absence with pay. Up to three (3) days absence with pay shall be granted due to the death of other immediate family members.
- B. If out-of-state travel is required to attend the funeral of an immediate family member, up to two (2) additional days absence with pay may be granted by the department director.
- C. In the event of the death of a colleague within the Village, an employee may take funeral leave, not to exceed three hours, for the time required to attend the funeral.
- D. Full-time employees will be paid at their straight time rate. Part-time employees who work an average of twenty (20) or more hours per week will be paid for the hours they were scheduled to work but did not due to the death of the family member.
- E. Employees shall immediately notify their supervisor or department director of their need for funeral leave and specify the relationship of the family member. The department director must then notify the Village Clerk.
- F. Additional time off may be requested and the granting of such requests will be at the

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discretion of the department director. The additional time off may be charged to other paid leave or taken as leave without pay.

- 8.7 Court Leave: The Village acknowledges the obligations of employees to serve when called as a juror or witness in court. Employees must notify the supervisor or department director and the Village Clerk immediately upon receipt of the notice to report to court. Appearances in court related to personal, not job related matters, are not compensated or covered under this policy. Such time off as may be required may be charged to other paid leave or must be taken as leave without pay.
- A. Full-time employees and part-time employees who work an average of twenty (20) or more hours per week will be paid at their straight time rate for the hours they were scheduled to work but did not work due to their court appearance.
  - B. Any fees or allowances paid to the employee as a result of jury duty, litigation-related testimony or statements, (except for reimbursement for travel and actual out-of-pocket expenses) for which payment was made by the Village to the employee, shall be remitted to the Village Clerk, but not to exceed the base wages paid to the employee.
  - C. When an employee is released from court service, temporarily or permanently, the employee shall return to work to complete the remaining hours of the workday.
  - D. In the event an employee is required to appear in court in connection with the employee's job duties, such hours will be counted as hours worked for purposes of weekly overtime.
- 8.8 Voting Time: The Village considers the casting of one's ballot in all elections both a right and a duty of the individual. Therefore, employees are encouraged to register and to vote in all elections.
- A. State law allows employees up to two (2) hours of absence during normal working hours, excluding the lunch hour, for the purpose of casting the ballot in general, primary, and special elections. Employees will be granted this time, up to a maximum of two (2) hours, with pay, however, employees are not entitled to this time off to vote if the normal starting time is more than two (2) hours after the polls open or if the normal quitting time is more than three (3) hours prior to the closing of the polls.
  - B. Employees who wish to exercise the right to vote during working hours must advise the supervisor or department director in advance of Election Day, in order for the period of absence to be scheduled to assure a smooth flow of work. The supervisor or department director may specify the period during the workday when each employee may be absent.
- 8.9 Leave with Pay: This leave may be granted to employees for the purpose of participation in

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conferences, training, examinations and institutes directly related to the employee's work duties, and for other work related matters, provided advance approval is granted by the department director. All leave in excess of one (1) week shall be approved by the Village Clerk.

- 8.10 Personal Leave without Pay: For compelling personal reasons, a non-temporary employee may request and may be granted a personal leave of absence without pay, not to exceed nine (9) months.
- A. An employee must submit a request in writing, setting forth the inclusive dates and the reason(s) for the leave requested, to the department director. Such request must be approved by the department director and the Village Clerk.
  - B. An approved personal leave of absence shall not result in the employee's loss of seniority or benefits, provided the employee has made prior arrangements for the necessary premium payments. These payments shall be calculated at the full cost of the insurance, unsubsidized by the Village. The leave of absence shall not count as time worked for accrual of benefits based on active service with the Village, i.e., vacation, sick leave, etc.
  - C. Employees who fail to return to work by the expiration of the leave of absence shall be considered to have voluntarily resigned from employment with the Village.

8.11 Other Benefits:

- A. The Village of Cimarron shall provide such other benefits, as are required by law and as may be, from time to time, approved by the Governing Body and for which monies are appropriated. These benefits may include any or all of the following, and the Village may share with the employee in the cost of some or all of the benefits provided:
  - 1. Retirement plan;
  - 2. Health insurance benefits;
  - 3. Dental insurance benefits;
  - 4. Vision insurance benefits;
  - 5. Life insurance benefits;
  - 6. Accidental Death and Dismemberment insurance benefits;
  - 7. Disability insurance benefits;
  - 8. Worker's Compensation benefits;

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- 9. Unemployment Compensation benefits; and,
  - 10. Medicare portion of Social Security.
- B. Part-time employees are not eligible for any of the above benefits except Worker's Compensation, Unemployment Compensation, Medicare and either PERA or Social Security, as appropriate.
- C. Participation in the above listed benefits by eligible employees is voluntary except for the Retirement Plan, Worker's Compensation, Unemployment Compensation and Medicare, which are mandatory for all eligible employees.
- D. The Village's insurance and other benefits are subject to the terms and conditions established by law or set out in contracts with the providers, and information concerning these benefits may be obtained from the Village Clerk.
- 8.12 The Governing Body reserves the right to modify, change, add, or delete benefits at any time.

# VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES

## CHAPTER 9 TERMINATION OF EMPLOYMENT

- 9.1 Termination of employment with the Village of Cimarron may be brought about by the employee's resignation, release, retirement, layoff, discharge, or death.
- A. Resignation: An employee will be considered to have resigned if the employee:
    - 1. Submits a letter of resignation to his/her department director or supervisor designating the last day of work. The letter should include the reasons for leaving. Employees must give notice at least ten (10) working days prior to their last day of work. The department director may elect to have the employee work the notice period or to pay the employee not to exceed two (2) weeks pay and have the employee leave immediately;
    - 2. Leaves the job without authorization;
    - 3. Is absent from work for three (3) consecutive days without notification and satisfactory reasons.
  - B. Release: The release of an employee at the end of temporary employment. No notice is required.
  - C. Retirement: Employees who are contemplating retirement should contact the Benefits and Claims Division of PERA between six (6) months and one (1) year prior to their anticipated retirement date in order to secure an estimate of benefits. The Village Clerk should also be notified at this time in order to assist in the process and facilitate a smooth transition.
    - 1. Once PERA has verified the employee is eligible to receive retirement benefits, the employee should then send a written request to PERA for benefits, stating their actual date of retirement.
    - 2. This request should be sent to PERA between 45 and 60 days prior to their retirement date.
  - D. Discharge: Discharge for unsatisfactory performance, misconduct, or other reasons deemed appropriate by the Village. (See Chapter 7 for discharge provisions).
  - E. Death: In the event of the death of an employee, the employee's final pay, including any accrued compensatory time and/or vacation, shall be paid to the person's estate.
  - F. Abolition of Positions and Layoff: In the event of determination by the Governing Body that the abolishment of one or more regular positions due to a lack of funds, lack of work, reorganization or other reason is necessary, the Mayor, after consulting with the

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

department director(s) and the Village Clerk, shall decide which employee(s) will be laid off.

1. Selection of employees for layoff shall be on the basis of qualifications and performance as recommended by the department director. If such are substantially equal, length of service shall be a determining factor.
2. Employees whose positions are abolished shall be given notice of not less than ten (10) working days. Such employees shall be given consideration for other available employment opportunities with the Village, for which they are qualified.
3. In the event there are no other employment opportunities available or the employee does not have the necessary qualifications, said employee shall be terminated.
4. Employees who have been so terminated shall, for a period of six (6) months from the date of termination, be given consideration for Village positions for which they are qualified prior to advertising to the general public.
5. In the event such employee declines a job offer or fails to respond to the notice of the opening, the employee will be removed from the preferential list.

9.2 Exit Interview: The Village Clerk shall conduct an exit interview with each terminating employee. The exit interview shall take place on or before the employee's last day of work.

9.3 Final Pay: Pay to discharged employees is due immediately and shall be paid within five (5) days of such discharge. When an employee resigns, all wages are due no later than the next succeeding pay day. The employee's final paycheck should be issued by the Village Clerk.

9.4 Return of Village Property: At the time of termination, employees must return all tools, uniforms, keys, employee rule book, identification badge, and/or any other items of Village property issued to them. Deductions from the employee's final pay may be made if Village property is not returned.

# VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES

## CHAPTER 10 MISCELLANEOUS

- 10.1. Equal Employment Opportunity: It is the policy and practice of the Village of Cimarron to provide equal opportunity in all personnel actions for all persons who are qualified based on job related standards of knowledge, skills, ability, education and experience. Moreover, the Village does not unlawfully discriminate against any employee or applicant for employment because of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or medical condition, provided the individual is qualified to perform the work available. This policy of nondiscrimination applies not only to initial recruitment and selection of employees, but it is also an integral part of the overall Village operation. It applies to all matters of compensation, benefits, promotions, transfers, layoffs, training, and all other terms and conditions of employment.
- 10.2. Harassment: The Village of Cimarron is committed to offer employment opportunity, based upon ability and performance in a productive climate, free of discrimination and to provide a workplace in which employees are treated with dignity and respect. Therefore, it is the policy of the Village that any employee or supervisor shall not harass another employee or member of the public.
- A. Harassment includes racial or ethnic slurs and other verbal, visual or physical abuse relating to a person's race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or medical condition or any other behavior that interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
  - B. Harassments of an employee of any kind will not be tolerated. Any employee experiencing or witnessing such harassment shall report such instance immediately to the supervisor, department director, or the Village Clerk. Noncompliance with this policy by any Village employee will result in disciplinary action which may include termination.
  - C. Employees who believe they have been a victim of harassment are also strongly encouraged to utilize the provisions of the Dispute Resolution Procedure set forth in Chapter 7 of these Rules and Procedures or to contact the Village Clerk.
  - D. No employee shall be subjected to any form of intimidation or threat of retaliation for exercising his/her rights under the law of these Rules and Procedures.
- 10.3. Sexual Harassment:



## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

- A. Sexual harassment warrants special emphasis, in addition to the policy and procedures set forth in Section 1102.
  - B. Sexual harassment is interpreted to be any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature by a Village employee or non-employee when:
    - 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
    - 2. submission to or rejection of such conduct by an individual is used as a factor in employment decisions affecting the individual; or
    - 3. such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
  - C. Sexually harassing conduct includes:
    - 1. sexual flirtation, touching, advances or propositions;
    - 2. verbal comment of a sexual nature;
    - 3. graphic or suggestive comments about an individual's dress or body;
    - 4. sexually degrading words to describe an individual;
    - 5. display in the workplace of sexually suggestive objects or pictures, including nude or semi-nude photographs.
  - D. Any employee having knowledge of a violation of this policy shall report it to their supervisor or to Personnel who will take prompt and appropriate action.
- 10.4. Reporting of Other Incidents: If any employee should become involved in or aware of any incident or occurrence which involves the use of force, threats of use of force, appearances of impropriety, or use of obscene language between Village employee(s) in the performance of their job, or with the public; said employee must report any such incident to the supervisor within twenty-four (24) hours of first knowledge.
- A. The employee and the supervisor shall immediately reduce to writing the description of the event and shall present it to the department director, who shall take appropriate action.

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

- B. The Village Clerk shall be provided with a copy of the written report and shall be advised as to the action to be taken by the department director.

### 10.5. Personnel Records:

- A. Personnel records for each employee in the Village shall be maintained by the Village Clerk.
  - 1. Such records shall include the employee's application, a copy of each Payroll Status Change, performance appraisal reports and any other pertinent information.
  - 2. Employees may inspect their own personnel file in the Village Clerk by appointment.
  - 3. Employees may receive a copy of documents contained in their file upon payment of the current fee charged by the Village to members of the public for copies of public documents. A first time copy will be provided at no charge.
  - 4. If an employee discovers an item in their own file that he/she believes to be inaccurate, irrelevant or incomplete, a written response and a request for a correction may be made. The Village Clerk shall make the correction or notify the employee in writing of the reason for the refusal. This request and the refusal will become part of the employee's personnel file.
- B. The personnel records maintained by the Village Clerk shall be the official documents for legal and reference purposes.
- C. In addition to the employee, only those persons authorized by the Village Clerk, and who have a legitimate interest, shall have access to the personnel records.

### 10.6. Department Records:

- A. Departments may maintain a personnel record for each of its employees which should include a copy of each Payroll Status Change, attendance and leave records, performance appraisal reports, and other pertinent information.
  - 1. Such records shall be made available for inspection by the employee and by only those persons with a legitimate interest

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

who have been granted authority by the Village Clerk.

2. A copy of any appropriate record held in a departmental personnel file shall be provided to the Village Clerk.
- B. Upon request, employees shall be provided with a copy of material placed in the record and may present a written response to any material in the record to be attached to the original material.
- 10.7. Confidentiality of Records: Not all documents in personnel records are subject to public inspection. However, such records may be inspected with the written permission of the employee. For the purpose of preserving the confidentiality of records, the material listed below shall be regarded and treated as confidential:
- A. records pertaining to physical and mental examinations and medical treatment of employees or their dependents;
  - B. letters of reference concerning employment, background investigations, licensing or permits;
  - C. letters or memoranda which are matters of opinion;
  - D. documents concerning rule infractions and disciplinary actions, disputes or other complaints;
  - E. performance appraisals;
  - F. opinions concerning a person's reemployment status or why a person was not reemployed;
  - G. personal information, such as home address or phone number; and
  - H. any other documents regarded as confidential by law or for which a need to know is not established to the satisfaction of the record holder.
- 10.8. Employee Information: In order that personnel records are kept current, all employees shall notify the Village Clerk in writing concerning any changes in their personal status. Such status changes include:
- A. change of name,
  - B. change of address,
  - C. change in telephone number,

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

- D. change in marital status and/or number of dependents,
  - E. change of persons to be notified in cases of emergency, and
  - F. change of beneficiary.
- 10.9. Transportation Costs: Costs for authorized out-of-town travel on Village business shall be in accordance with the Per Diem and Mileage Act. Mode of travel to be taken must be approved in advance by the department director.
- 10.10 Use of Automobiles: Whenever an automobile is used for necessary travel by an employee on Village business, every effort should be made to use a Village vehicle. Details of the procedures to be followed in driving a vehicle on Village business may be found in the Village of Cimarron Administrative Policies, Chapter 9.
- 10.11 Cell Phone, Cell Phone Texting and Telephone Policy:
- A. CELL PHONE POLICY:
    - 1. Cell Phones may not be purchased, connected or updated without the prior approval of the Clerk.
    - 2. A request outlining the need for a cell phone shall be turned in to the Clerk-Administrator.
    - 3. The Clerk shall review the request for its need and if it is affordable. The Clerk shall then make recommendations to the Village Council.
    - 4. Upon the approval of any cell phone, the Clerk shall approve a purchase requisition; the Financial Clerk may then order the cell phone with the purchase order number, and any other required paperwork.
    - 5. The Village of Cimarron will pay for the minimum of the cell phone.
    - 6. The cell phone use log will be reviewed on the bill. Any irregularities involving personal nature use shall be questioned and paid by the person issued the cell phone; unless there is an extreme emergency, proper documentation and justification is proven, the Village may pay the difference.
    - 7. Should a department share a cell phone; a check out log will be provided by the Village. The check out log will include the date, time and the person checking it out and when it is returned. That person must sign for it. This list must be turned in monthly to the Financial Clerk.
    - 8. Upon departure of capacity with the Village of Cimarron; such as termination of

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

position; the cell phone shall be turned into the Clerk or Deputy. They then will write down the cell phone model, serial number, date of return, their signature and the signature of the person who was issued the cell phone.

9. Should an employee want to purchase their personal cell phone and can prove that it is used more for Village use; upon following the same procedure as the request for the Village to provide them one; the Village may pay for the minimum bill; providing a copy of the bill is turned in with the usage log.
10. Use of personal cell phones is limited to break time and meal time.

**B. CELL PHONE TEXTING:**

Cell phone text messaging shall only be allowed when normal voice messaging is disabled.

**C. TELEPHONE POLICY:**

1. The Clerk is responsible to select the long distance carrier for the Village of Cimarron. At no time shall any unauthorized person call and or approve a long distance carrier.

2. The telephone long distance call billings will be reviewed each month by the Financial Clerk; and any long distance telephone call, determined to be personal will be billed to the person making the call.

**D. VIOLATION OF POLICY**

Should this policy be violated in any manner, the employee shall pay for calls made for their personal use and in addition may be reprimanded or termination recommended to the Village Council.

**E. PERSONAL CELL PHONES & PHONE CALLS:**

Use of a personal cell phone at work is discouraged and is allowed for emergency situations. Personal calls coming through the Village phone system is discouraged and should be kept to a minimum.

**10.12 E-Mail / Internet and Voice Mail Policy:**

**SECTION I. Purpose**

As a result of the unique nature of E-mail, Internet and voice mail and because of the Village of Cimarron's desire to protect its' interest with regard to its electronic records, the following rules have been established to address oral, wire or electronic communications usage by all employees.

**SECTION II. Definition**

Electronic mail ("E-mail") is defined as an office communications tool whereby electronic Messages are prepared, sent and retrieved on personal computers. On-line services, such as the Internet, are defined as a communications tool whereby business information, reference material and messages are sent and

## **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

retrieved electronically on personal computers. A telephone message (voice mail) is a communications tool whereby business information and messages are sent and retrieved through the telephone system.

### **SECTION III. Policy**

The E-mail/Internet and voice mail systems are a part of the Village's business equipment and shall be used for Village purposes only. Employees do not have a personal privacy right in any matter created on, received through or sent through the Village E-mail/Internet or voice mail systems. Electronic communications are not secure, even with the use of a personal access code or password and even after they are deleted.

The Village, in its discretion, reserves the right to monitor and access any matter created on, received through or sent from the E-mail/ Internet or voice mail systems to assure compliance with the Village policies, monitor employees' service and effectiveness with customers and clients, and conduct investigations of any activity that may be illegal or adversely affect employees or the Village.

No E-mail/Internet or voice mail messages shall be created or sent that may be derogatory, defamatory, or obscene or otherwise inappropriate, or that may constitute verbal abuse, slander, or defamation of employees, customers, citizens, vendors or any other person or entity.

No E-mail/Internet or voice mail messages shall be created or sent that constitute intimidating, hostile or offensive material based on race, national origin, marital status, sex, age, ancestry, physical or mental handicap or serious medical condition, disability, religious or political beliefs, or any other characteristics protected by federal, state or local law.

The Village further reserves the rights to repair, inspect and service the computer, the right to review and disclose all information transmitted by or stored in the system, and the right to establish electronic communications' retention and destruction rules.

The Village's policies against sexual or other harassment apply fully to any E-mail/Internet or voice mail.

Transmission of information including writings, verbal messages or sounds or visual images of any kind which could be considered indecent, immoral, sexually explicit, lewd or lascivious is prohibited. Users of the Village's system are prohibited from connecting to, posting or downloading sexually oriented information; engaging in computer-hacking or related activities; reproducing copyrighted information; posting confidential, sensitive or proprietary information on the Internet; and attempting to compromise the security of information contained in the Village's computers.

### **SECTION IV. Disciplinary Action**

Violation of this policy will subject the offender to discipline, up to and including termination.

# **VILLAGE OF CIMARRON PERSONNEL POLICIES AND WORK RULES**

## 10.13. Children at Work

### **SECTION I. Purpose**

While the Village of Cimarron is understanding of and compassionate with its employees when the unexpected occurs, it is the expectation of the Village that children will not be brought into the workplace. In the event of an extreme emergency, the child/children may be brought into the workplace for a limited time to allow the parent to make alternative care arrangements. Adherence to this expectation will minimize job performance interference and contribute to the Village's appearance of professionalism.

### **SECTION II. Definition**

**CHILD:** For the purpose of this policy only, a child is a person between the ages of 6 months and 18 years who is in the legal custody of an employee of the Village.

**PARENTS:** Full-time, benefits-eligible employee of the Village who are mothers or fathers or legal guardians.

### **SECTION III. Policy**

1. Generally, parents should avoid bring the child/children to work and this option should only be used as a last resort. The Village provides leave time which can be used to manage personal issues.
2. The employee will notify his/her supervisor as soon as possible. When a child/children are present under these circumstances, the employee is expected to assure that the child/children do not interfere with the work processes of the staff and clients.
3. If, in the determination of the supervisor the child/children are disruptive, then the supervisor may direct the employee to remove the child/children from the workplace. This may require that the employee use leave time, compensatory time or leave without pay.
4. If an employee brings a child/children to the workplace in order to make other care arrangements and is unable to do so and so therefore must depart, the supervisor may ask the employee to remain in order to complete a task or perform other essential duties. In this case, if the supervisor asks the employee to remain, the supervisor does so knowing that the child/children must also remain.
5. Any travel time needed to transport the child/children to or from the workplace must be covered by the use of vacation leave, accrued compensatory time, rearranged time or leave without pay. Break time may not be used. An uncompensated meal break may be used. This applies to non-exempt employees.
6. Sick children must not be brought to the workplace.
7. Children are not to use Village equipment (for example, computers and phones). Children are to be quietly engaged in activity that is not distracting to others, including employees, clients, customers, or the parent.
8. Children brought into the workplace are not covered by workers' compensation. The safety and well-being of the child/children are the sole responsibility of the employee bringing the child/children into the workplace. To minimize disruption to other employees' as they perform their duties and to ensure that Village equipment and personal property are not damaged, the child/children must be under the employee's supervision in the immediate location of the employee's workstation at all times.

**VILLAGE OF CIMARRON  
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9. Situations may arise after office hours or on weekends which necessitate an employee bringing a child/children to the workplace. It is the expectation of the Village that during these times the child/children will be supervised by the employee at all times and that consideration will be given to other working employees.
10. The Village recognizes that children may visit employees on special occasions. However, the expectation is that all visiting children will be accompanied by a supervising adult who will be responsible for the visiting child/children at all times.

**ACTION**

This policy supersedes all other existing Village of Cimarron policy on this topic. (August 12, 2009)



# VILLAGE OF CIMARRON

## PERSONNEL POLICY ACKNOWLEDGEMENT

I HAVE RECEIVED AND READ THE CHAPTER 11 UPDATE TO THE VILLAGE PERSONNEL POLICY OF THE VILLAGE OF CIMARRON. ANY QUESTIONS OR CONCERNS HAVE BEEN ANSWERED AND DISCUSSED

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**SIGNATURE**

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**DATE**

## **VILLAGE OF CIMARRON**

### **Time Clock Laws and Procedures**

Hourly Employee Laws for Time Clock: Salaried employees are generally paid a set wage each pay date and are therefore not required to use a time clock. To keep track of hourly employees' time, hourly employees are required to use a time clock. The time clock is located in the Village of Cimarron's main office or Village Hall.

- A.           Time-keeping System  
The FLSA does not require an employer to use a particular time-keeping system. The employer can use whichever system they want as long as it is correct and complete. However, many employers with hourly workers often use a time clock to record the hours. The time clock helps to ensure that the employee clocks in at the actual time they arrive to work, take breaks and leave for the day. It also helps to reduce falsification of time because, once punched, the time clock imprints the time on the card.
  
- B.           Rounding  
The FLSA permits employers to round employees' time up and down to the closest quarter hour. For instance, if the employee clocks in at 8:06 a.m. and leaves at 5:09 p.m., the time should be rounded down to 8 a.m. and rounded up to 5:15 p.m., respectively. The employer is in violation of the minimum wage and overtime income criteria if they consistently rounds down. In rounding up and down, the employee may have slightly more or fewer minutes.
  
- C.           Overtime  
If the employee gains overtime because of rounding, the employer must pay them the overtime at their overtime rate. For instance, say the employee's time card for Monday to Friday shows in at 7:50 a.m., lunch in at 12 p.m., lunch out at 1 p.m., and out at 5:09 p.m. The employee has a total of 9.50 hours for each day. Subtract one hour for unpaid lunch, equaling 8.50 hours for each day. The employee should be paid overtime for any hours in excess of 40 hours for the work week.
  
- D.           Record-keeping  
The United States Department of Labor notes that employers should retain time cards, or any other method on which wage computation is based, for at least two years. The employer must allow the Wage and Hour Division to inspect these records if they require it.
  
- E.           Termination  
Generally, the employer devises his own time clock rules as well. There is often a strict warning in the company's policy manual regarding falsifying time cards, which is ground for immediate termination.

## **VILLAGE OF CIMARRON**

### **Time Clock Laws and Procedures**

Procedures for Employers: Time is money is a frequently heard saying, but time incorrectly recorded is either money underpaid or overpaid. To avoid this problem, employers should follow guidelines set by the U.S. Department of Labor. Using a time clock and giving employees a chance to review their time worked each week can help save time and money auditing work schedules to determine if pay is missing.

- A.           Not Legally Required  
Employers are not required to use time clocks to record the time worked by employees, according to the U.S. Department of Labor Regulation 29 CFR 785.48 - Use of time clocks. It is up to the employer to determine the method used for recording time worked. If the employer chooses to use electronic time clocks, a time card will be used and scanned as the employee starts work.
  
- B.           Rounding  
Rounding an employee's clock-in or clock-out time to the nearest tenth of an hour, quarter of an hour, or five minutes is permitted according to 29 CFR 785-48. If the employees can prove that the rounding regularly reflects less time on the clock than the time the employees actually worked, this process can be challenged. In general the policy believes that the rounding will even out over time.
  
- C.           Punching in Early or Punching Out Late  
An employee is permitted to punch in a few minutes before or a few minutes after their normal starting and ending times. This is permitted as long as no work is performed during the time before or after their official start time. To avoid confusion though, the policy suggests that employers monitor this and limit the punches to only a few minutes before or after a shift and avoid allowing employees to be "on the clock" for significant periods before a work shift starts or after it ends.
  
- D.           Verification  
At the end of each pay period, the employer should give the employee an opportunity to audit their time card. This will allow them to verify that all the punches were correct and that vacation, sick or administrative time off is applied properly to the time card. The employee and their direct supervisor will both verify that the time card is correct.

## **VILLAGE OF CIMARRON**

### **Time Clock Laws and Procedures**

#### Work Schedules and Recording of Work Time:

- A.           Work Schedules  
The Village expects all employees to follow their assigned work schedules unless they have made prior arrangements with their supervisors to work at different times. Employees should not clock in no more than five (5) minutes prior to their assigned start times, nor should they clock out later than five (5) minutes later than their assigned ending times, unless they have been instructed by a supervisor to start work early or stop work late. Likewise, employees should not clock in until they are ready and prepared to begin their assigned tasks, and should not clock out unless they have completely finished with their work for the day.
  
- B.           Time Records (Cards)  
The Village maintains accurate time records on all employees, and each employee bears primary responsibility for enabling the Village to do that. The following procedure in 11.4 explains the proper way to swipe your time card to clock in and out. Employees must follow those procedures exactly. Failure to properly clock in and out is an imposition on the other employees who must handle such negligence and will result in corrective action as outlined below, and may adversely affect raise reviews and performance evaluations as well.
  
- C.           Recording of Work Time  
Each hourly employee must fully and accurately record all time that they work each day, without exception. No employee may alter or otherwise modify their time record, record work time for another employee, or alter or modify in any way the time record of another employee, unless specifically instructed or allowed to do so by a supervisor. No employee may work without properly recording the time worked. At the end of each pay period, the employee must sign a certification on the time record that the record accurately and completely reflects all time worked during the period in question and that no hours were worked that do not show up in the record.
  
- D.           Violations  
Any violation of this policy, any form of tampering with the time clock or forging false time cards qualifies as theft and may lead to criminal prosecution and disciplinary action, up to and potentially including termination of employment, depending upon the severity or repeat nature of the offense.

## **VILLAGE OF CIMARRON**

### **Time Clock Laws and Procedures**

#### How to use the time clock:

Verify that the time on the work clock is correct before you clock in or out. If the time clock is down use a time sheet to record your time and place it in the time card rack along with your time card. Contact the Clerk Administrator to report any issues with the time clock if it is not working correctly. Time cards can only be corrected by your direct supervisor.

Read the time that flashes on the work time clock when you clock in. This is the time you started or clocked out.

Insert the time card so the line to be printed on aligns with the gray strip under the time display on the face of the time clock.

The time clock will stamp the card.

Return your time card in the time card wall basket.

**TIME CARDS MUST NOT LEAVE THE TIME CLOCK AREA. THIS CAN ONLY BE DONE BY THE CLERK ADMINISTRATOR, MAYOR OR FINANCIAL CLERK WHO IS PROCESSING THE PAYROLL.**

#### How to deal with problems:

Even the most reliable time clock can break down or fail to record hours properly due to a time change, power outage or mechanical failure. To deal with time clock problems, the Village has chosen to have this back-up system in place.

If the time clock breaks down or fails to operate properly employees will manually fill out a time sheet and speak to their supervisor at the beginning and end of each shift to record attendance.

**VILLAGE OF CIMARRON**  
**Time Clock Laws and Procedures**

I HAVE RECEIVED AND READ AND RECEIVED TRAINING ON THE PROPER USE  
OF THE TIME CLOCK. ANY QUESTIONS OR CONCERNS HAVE BEEN  
ANSWERED AND DISCUSSED

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SIGNATURE

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DATE