

SAN JUAN COUNTY EMPLOYEE HANDBOOK

"Building a Stronger Community"

**SAN JUAN COUNTY, NEW MEXICO
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TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
SHORT TITLE	1
APPLICABILITY.....	1
EMPLOYMENT CLASSIFICATIONS.....	1
PRE-EMPLOYMENT REQUIREMENTS	3
MEDICAL EXAMINATION	3
PRE-EMPLOYMENT DRUG TESTING	3
PRE-EMPLOYMENT BACKGROUND CHECK	4
IMMIGRATION LAW COMPLIANCE	4
PRIVACY OF SOCIAL SECURITY NUMBERS	4
NEW EMPLOYEE ORIENTATION.....	4
TRIAL PERIOD	4
CONDITIONS OF EMPLOYMENT	5
HOURS OF WORK/BREAKS.....	5
ATTENDANCE AND ABSENTEEISM.....	6
TARDINESS.....	6
INCLEMENT WEATHER	6
CHILDCARE AND/OR THE PRESENCE OF CHILDREN OF COUNTY EMPLOYEES DURING WORK HOURS.....	7
DRESS AND PERSONAL APPEARANCE	7
POLITICAL PARTICIPATION	8
GRATUITIES.....	8
SOLICITATION	8
OUTSIDE EMPLOYMENT	8
RESPONSIBILITY FOR COUNTY PROPERTY	9
CARE AND USE OF COUNTY EQUIPMENT AND VEHICLES.....	9
MAINTENANCE OF MINIMUM QUALIFICATIONS	9
REIMBURSEMENT OF COUNTY-SPONSORED TRAINING OVER \$2000	10
NEPOTISM	10
IMPROPER FRATERNIZATION OR DATING	10
PERSONAL USE OF COUNTY PROPERTY	11
CONFLICTS OF INTEREST	11
CRIMINAL ACTIVITY.....	12
GOVERNMENTAL CONDUCT ACT	12
OTHER COUNTY POLICIES.....	12
USE OF PHOTOGRAPHS OR LIKENESS	12
SOCIAL MEDIA.....	12
POST-EMPLOYMENT BACKGROUND CHECK.....	12

EMPLOYMENT RECORDS.....	13
PERSONNEL FILE	13
INSPECTION OF PERSONNEL FILE.....	13
ACCESS TO PERSONNEL FILES	13
INQUIRIES CONCERNING PRESENT & FORMER COUNTY EMPLOYEES....	13
MEDICAL FILES	13
EMPLOYEE DATA CHANGES	13
NOTE ON EMPLOYMENT APPLICATIONS.....	14
VACATION	14
ELIGIBILITY	14
ACCRUAL – Hourly Employees.....	14
ACCRUAL – Salaried Employees	15
MAXIMUM ACCUMULATION ALLOWED.....	15
REQUESTING VACATION, USE OF COMPENSATORY TIME, OR PERSONAL LEAVE	15
VACATION COMPENSATION.....	15
COMBINING A VACATION WITH A HOLIDAY.....	16
SICK LEAVE.....	16
ELIGIBILITY	16
ACCRUAL.....	16
REQUESTING SICK LEAVE	16
PHYSICIAN'S STATEMENT	16
COMPENSATION WHILE ON SICK LEAVE	17
ABUSE OF SICK LEAVE	17
DONATION OF LEAVE OR COMPENSATORY TIME	17
HOLIDAYS.....	19
ELIGIBILITY.....	19
COMPENSATION DURING A HOLIDAY	19
WORKING DURING A HOLIDAY	19
OTHER LEAVE.....	19
PERSONAL LEAVE	19
BEREAVEMENT LEAVE	20
MILITARY LEAVE	20
COURT DUTY.....	20
BOARD OR COMMISSION LEAVE	20
ADMINISTRATIVE LEAVE WITH PAY	21
ADMINISTRATIVE LEAVE WITHOUT PAY.....	21
LEAVE WITHOUT PAY FOR PERSONAL REASONS	21
FAMILY AND MEDICAL LEAVE	22
DOMESTIC ABUSE LEAVE	23
VOTING LEAVE.....	23
BENEFITS MANDATED BY LAW.....	23

GROUP INSURANCE BENEFITS	23
MEDICAL, VISION, DENTAL, LIFE AND DISABILITY INSURANCE.....	23
EMPLOYEE ASSISTANCE PROGRAM	24
HIPAA PRIVACY AND SECURITY RULES	24
MISCELLANEOUS BENEFITS	24
WORKERS' COMPENSATION PROGRAM	24
RETIREMENT BENEFITS	25
EDUCATIONAL ASSISTANCE	26
UNIFORM POLICY	28
FITNESS ACTIVITIES	30
PERFORMANCE EVALUATION	31
INTRODUCTION.....	31
EVALUATION PROCEDURE.....	31
OBJECTING TO A PERFORMANCE EVALUATION.....	31
EFFECT ON SUBORDINATE OF FAILURE TO EVALUATE	31
EFFECT ON DEPARTMENT HEAD/ELECTED OFFICIAL OF FAILURE TO EVALUATE	32
COMPENSATION.....	32
COMPENSATION SYSTEM	32
ON-CALL AND STANDBY PAY	33
WAGE AND SALARY REVIEW	34
OVERTIME	34
COMPENSATORY TIME	36
OVERTIME/COMPENSATORY TIME – SALARIED EMPLOYEES.....	36
PAY PERIODS, PAY, AND TIMEKEEPING.....	36
SAFETY AND ACCIDENT PREVENTION.....	37
SAFETY PROCEDURES.....	37
WORKING SAFELY	37
DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS.....	38
SUPERVISION.....	38
SAFETY TRAINING	38
INJURIES ON THE JOB	39
MOTOR VEHICLE ACCIDENTS.....	39
ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT.....	39
SMOKING.....	39
SMOKING POLICY	39
SMOKING PROHIBITED	39
APPLICATION	39
COMPLAINTS.....	39
VIOLATIONS.....	39
NON-DISCRIMINATION	39

SMOKING CESSATION PROGRAMS.....	40
DRUG AND ALCOHOL USE	40
DRUG- AND ALCOHOL-FREE WORKPLACE	40
PRESCRIPTION MEDICATION.....	40
DRUG AND ALCOHOL TESTING	40
DRUG- AND ALCOHOL-RELATED CONVICTIONS	44
DRUG OR ALCOHOL DEPENDENCY	44
MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S/DWI'S.....	44
HARASSMENT AND DISCRIMINATION.....	45
FREEDOM FROM DISCRIMINATION AND HARASSMENT.....	45
DEFINITIONS	45
EMPLOYEES ENGAGING IN DISCRIMINATION OR HARASSMENT TO BE DISCIPLINED.....	46
MAKING A FORMAL CHARGE	46
EQUAL EMPLOYMENT OPPORTUNITY.....	46
EQUAL EMPLOYMENT OPPORTUNITY POLICY	46
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.....	47
VIOLATIONS.....	47
EQUAL EMPLOYMENT OPPORTUNITY OFFICER	47
COMPUTER, INTERNET, E-MAIL AND CELL PHONE USE	48
SECURITY CAMERAS AND AUDIO/VISUAL RECORDING.....	48
ADA/ADAAA POLICY	48
PETS AND SERVICE ANIMALS	49
DISCIPLINE AND DISCIPLINARY TERMINATION.....	49
EMPLOYEE CONDUCT	49
AUTHORITY TO TAKE DISCIPLINARY ACTION.....	49
FORMS OF DISCIPLINARY ACTION.....	50
GROUNDS FOR DISCIPLINARY ACTION	52
ABUSE OF SICK LEAVE	53
PROCEDURES FOR DISCIPLINARY TERMINATION.....	53
GRIEVANCES	54
DEFINITION.....	54
GRIEVANCE ELIGIBILITY	54
GRIEVANCE PROCESS	55

VOLUNTARY TERMINATION	56
RESIGNATION	56
RETIREMENT	56
RETIREMENT AS A RESULT OF DISABILITY	56
RE-EMPLOYMENT	56
TRANSFER.....	56
PROMOTION.....	56
RECLASSIFICATION.....	56
INVOLUNTARY TERMINATION WITHOUT CAUSE.....	57
LAYOFF	57
FURLOUGH.....	57
ABOLISHMENT OF POSITION	57
POST-EMPLOYMENT MATTERS.....	57
EXIT INTERVIEW	57
CONTINUANCE OF MEDICAL COVERAGE (COBRA).....	57
COMPENSATION: ACCRUED VACATION & SICK LEAVE UPON TERMINATION	58
FINAL PAY.....	58
EFFECTIVE DATE	58
INDEX.....	59
APPENDIX.....	67

SAN JUAN COUNTY EMPLOYEE HANDBOOK

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

accrue based upon hours worked. Premiums for insurance benefits will be the same as for full-time regular employees.

- 3.8 **SALARIED EMPLOYEE.** A salaried employee is an employee whose compensation is not based on the actual number of hours worked but is based on the type of work the employee performs. The County expects salaried employees to work an average of 40 hours per week. Salaried employees do not receive overtime. Salaried employees must be exempt under the Fair Labor Standards Act.
- 3.9 **TRIAL PERIOD EMPLOYEE.** An employee is classified as a “trial period” employee until successful completion of one year of service in the position for which he or she was hired. An employee serving a trial period is an at-will employee whose employment may be terminated without cause or advance notice.
- 3.10 **UNCLASSIFIED EMPLOYEE.** An unclassified employee is an employee who is not hired through the normal personnel selection procedures, such as an employee of an Elected Official who fills a statutory position such as Deputy Clerk, Deputy Treasurer, Deputy Assessor, Undersheriff, or Sheriff’s Office Executive Office Assistant; or a contract employee such as County Manager. An unclassified employee is not a classified employee or a regular employee and an unclassified employee’s employment with the County is generally not governed by this Employee Handbook. If a given policy is silent as to its application to unclassified employees, it does not apply. An unclassified employee is an at-will employee and an unclassified employee’s employment may be terminated at the will of the Elected Official with or without cause and advance notice. Therefore, unclassified employees are not protected by the termination or grievance procedures set out herein at Sections 24 and 25. Unclassified employees are eligible to receive certain benefits from the County, but only as specifically set forth herein.
- 3.11 **TEMPORARY EMPLOYEE.** A temporary employee is an employee who is hired for a specific seasonal position or special project. A temporary position is created to last no more than nine (9) consecutive months and temporary employees are not entitled to County benefits. A temporary employee may remain employed by the County after nine months either as a regular employee or a contract employee. If the Department Head or Elected Official does not take sufficient steps to convert a temporary employee to either regular or contract status prior to the end of the temporary period, the employee shall be terminated. Prior to the expiration of nine months, the County Manager may extend the period of temporary employment.
- 3.12 **CONTRACT EMPLOYEE.** Contract employees are not hired through the normal hiring procedures but at the discretion of the Board of County Commissioners and/or the County Manager. Unless otherwise specified in the contract or this Employee Handbook, this Handbook applies to contract employees.

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

4 PRE-EMPLOYMENT REQUIREMENTS

- 4.1 **MEDICAL EXAMINATION.** Each person who is offered employment may be required to successfully undergo a pre-employment medical examination as a condition precedent to actually obtaining employment. The medical examination shall be performed by a health professional of the County's choice, at the County's expense. If the medical examination shows the employee is not in fact qualified for the position sought, the offer of employment will be withdrawn. The examination shall be limited to those physical requirements set forth in the job description.
- 4.2 **PRE-EMPLOYMENT DRUG TESTING.** Each person who is offered employment must successfully undergo pre-employment drug testing as a condition precedent to obtaining employment. The drug testing shall be performed by a health professional of the County's choice, at the County's expense. Non-CDL applicants who receive a positive test will be denied employment and shall not be considered for employment for another County position for thirty (30) days. An applicant receiving a positive test may be given the opportunity to demonstrate a positive test was indicative of legal use of a drug. For purposes of this section, the word "drug" refers to substances whose use is illegal under the laws of the State of New Mexico, or of the United States, or whose use is legal, but which is misused or used illegally.

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

If the trial period does not allow sufficient time to thoroughly evaluate the employee's performance, the trial period may be extended for up to an additional one-hundred eighty days (180) days at the discretion of the Department Head or Elected Official. In the event an employee's trial period is extended beyond the initial one-year term, the extension shall be in writing and shall be accompanied by a written performance improvement plan (PIP), a copy of which shall be promptly delivered to the Chief Human Resources Officer. To prevent excessive turnover, the County Manager may designate a position as one in which an employee selected for the position shall not be eligible to compete for another position within the County during the employee's trial period.

5 CONDITIONS OF EMPLOYMENT

5.1 HOURS OF WORK/BREAKS

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

5.1.2 **FOUR-DAY WORKWEEK.** Certain County departments designated by Resolution of the Board of County Commissioners operate on a four-day workweek. The normal schedule is 7:00 a.m. to 5:30 p.m. Monday through Thursday with 30-minute lunch breaks.

In the event a holiday falls on a Friday or Saturday, employees required to work four ten-hour shifts, not including Friday, shall be entitled to an additional paid day off to be taken some time during the pay period in which the holiday occurs. This day must be approved and scheduled with the employee's supervisor. Any day not so taken shall be deemed forfeited.

Pursuant to federal law, exempt employees must be paid for a full day for holiday pay based upon that employee's schedule. Employees working a four-day workweek shall be compensated for personal leave in the same manner as holidays.

- 5.1.3 **REMOTE WORK.** Remote work will be allowed for certain positions under certain circumstances. Employees deemed remote work eligible will be required to follow the policies and procedures outlined in the Remote Work Policy and Procedure, attached hereto as Appendix A.
- 5.1.4 **BREAKS.** Lunch breaks are without pay (with the exception of commissioned Sheriff's officers) and are normally thirty (30) minutes, except for departments with established one (1) hour lunch breaks. Any employee who does not receive a meal break shall be paid for that time. In addition, each employee may be granted two (2) breaks per day, each for a period of fifteen (15) minutes. Breaks are not required by law (See NMSA 1978, Section 50-4-30) and supervisors may limit or delay breaks if, in their opinion, continuous work is required. Breaks will not be accumulated.
- 5.1.5 **USE OF BREAST PUMP.** Any employee who is also a nursing mother shall be allowed flexible break times in order to allow the use of a breast pump. The County shall provide appropriate clean and private space (not a bathroom) near the employee's workplace but shall not be responsible for storage of the breast milk or for additional compensation beyond two fifteen-minute breaks. An Employee should coordinate break times with his or her supervisor.
- 5.2 **ATTENDANCE AND ABSENTEEISM.** Employees are expected to report for work promptly. Employees will be paid for time actually worked, unless absences fall under leave provisions. If an employee expects to be absent from work for any reason, the employee shall report that fact and the reason for the proposed absence to the employee's immediate supervisor, or other person as designated, prior to the time the employee is to report to work.
 - 5.2.1 **TARDINESS.** Tardiness (i.e., late arrival, early departure, or other shift interruption) is considered an occurrence of unsatisfactory performance/behavior for documentation under the County's Progressive Discipline Policy. On occasion, and with prior approval by the supervisor, an employee who is tardy may adjust that day's schedule to work an equivalent amount of time at the end of the shift.
 - 5.2.2 **INCLEMENT WEATHER.** In the event that significant weather conditions exist and no Executive Office order for closure or delay has been given, employees must use their best judgment as to when and how to get safely to work. When an hourly employee misses work due to inclement weather, the employee must either: (1) make arrangements to make up the missed work time; or (2) use vacation or compensatory time for the work time missed. If an employee desires

to make up the work time missed, he or she may do so but it must be done within the same workweek of the date of the inclement weather. If the time missed occurs on the last day of a workweek, then the employee must utilize vacation or compensatory time. Department Heads shall manage this process to ensure that there is a fair and clear understanding regarding the expectations to either take leave or make up lost time from work.

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

5.3.1 **PURPOSE.** To establish and maintain policy regarding the presence of children of County employees and other family members on County property during working hours, and to delineate the County's expectation regarding this matter. To prevent the possibility of injury or harm to County employees' children, to lessen the exposure of liability to the County.

5.3.2 **SECTION.** The County does not and cannot provide day care services for its employees' children. This service is not available and is not a benefit to County employees. Children of County employees shall not accompany their parent(s) to work under any circumstances. If an employee cannot arrange for care of the child(ren), the employee must contact the Department Head or Elected Official and arrange for their absence from work. This section should not be construed as forbidding the occasional visit of family members or the children of County employees as long as the visit is not disruptive to the work environment and the child is not left in the care of the County employee while on duty. Any violation may result in disciplinary action up to and including termination.

5.4 **DRESS AND PERSONAL APPEARANCE.** Employees should present the best possible image to the public and should always be as clean and neatly dressed as the work assignment allows. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty. Failure to wear designated uniforms while on duty will be considered insubordination. Employees who report for work inappropriately dressed will be sent home and directed to return to work in proper attire, and the time away from work to change attire will not be compensated. No employee shall wear beach-style flip flops while working.

5.4.1 **DEPARTMENTAL DRESS CODES.** Departments may establish dress codes to meet the specific needs of the department. Departmental dress codes are subject to approval by the County Manager. Departmental dress codes may address the applicability of 5.4.2 within the department.

5.4.2 **TATTOOS, PIERCINGS, AND BODY ART.** A Department Head or Elected Official may require that tattoos, piercings, and body art showing vulgar language or images, gang affiliation, or promoting illegal activity be covered or removed while on duty. If the employee disputes the decision of the Department Head or Elected Official, the employee may appeal a Department Head or Elected

Official's decision to the County Manager or the Chief Human Resources Officer. Failure to abide by the decision of the County Manager or Chief Human Resources Officer may result in disciplinary action to include insubordination. Law enforcement and Detention departments may have more restrictive policies if constitutionally permissible.

5.4.3 **I.D. BADGES.** Employees shall wear an I.D. badge at all times except in the case of safety concerns or when other departmental identification is provided. Badges must be worn in a manner that may be seen. If lost, an employee may be charged for a replacement badge. An employee shall surrender his or her I.D. badge to a supervisor or the Human Resources Department upon suspension or termination.

5.5 **POLITICAL PARTICIPATION**

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

5.5.2 **ELECTED OFFICE.** Employees may not hold an elected political office with County Government during employment by the County. Being a member of a local school board or an elected board member of any post-secondary educational institution or municipal government shall not be construed as holding a political office for purposes of this Section. A County employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants may be required to comply with the provisions of the federal Hatch Act (5 U.S.C. Section 7321-7328).

5.5.3 **VOTING RIGHTS.** San Juan County encourages employees to vote. Refer to section 10.11 for the County's Voting Leave policy.

5.6 **GRATUITIES.** Employees are prohibited from accepting gifts and/or other considerations given with the intent of modifying the employee's performance of duties or encouraging the employee to make purchases of goods, material, or services.

5.7 **SOLICITATION.** Solicitors shall not be allowed to consult with employees during work hours other than through prescribed purchasing procedures.

5.8 **OUTSIDE EMPLOYMENT.** Employees may obtain part-time outside employment if there is no conflict in working hours, the employee's efficiency is not reduced, and outside employment does not cause a conflict of interest. If an employee's

outside work interferes with the performance of his or her position with the County, the employee will be required to terminate the outside employment immediately. Outside employment that constitutes a conflict of interest is prohibited. An employee must notify his or her supervisor in writing if outside employment is obtained.

- 5.9 **RESPONSIBILITY FOR COUNTY PROPERTY.** Each employee is responsible for County equipment or property which he or she uses and must abide by County policies for use of any County equipment or property, including vehicles, tools, computers, cell phones, or other property or equipment made available by the County for the employee's use. Each County department shall maintain a document detailing the County property assigned to each employee, including employee signatures, and updated to show any new or replacement equipment. Copies of these documents shall be forwarded to the Human Resources Department. The employee assumes the sole and complete responsibility for the condition and use of equipment or property entrusted to the employee. The employee is responsible for notifying the employee's supervisor within 24 hours of any damage, theft or other loss of County property. If an employee suspects the theft or loss of an electronic device that has the capability to have County data on it (e.g. cell phone, laptop, etc.), the employee must report the suspected loss to their supervisor and to the I.S. department immediately. The cost of repairing or replacing property or equipment not returned at the end of employment or damaged by negligent or intentional acts of an hourly employee may be deducted from the employee's net pay provided the employee has been notified of such deduction, has signed a written authorization for the deduction, and the deduction will not reduce the employee's pay below minimum wage or overtime pay that is due.
- 5.10 **CARE AND USE OF COUNTY EQUIPMENT AND VEHICLES.** Each employee who is entrusted with the use of County equipment or motor vehicles is expected to exercise reasonable care in their use, perform regular maintenance, and follow all operating instructions, safety standards, and guidelines. Any improper, careless, negligent, destructive, or unsafe use or operation of equipment or a vehicle may be considered to be unsatisfactory performance of duties and result in disciplinary action. Each employee must notify the supervisor if any equipment, machine, tool, or vehicle appears to be damaged, defective, or in need of repair. This is essential to prevent the deterioration of equipment and possible injury to the employee or others. The supervisor can answer any questions about an employee's responsibilities with respect to a particular piece of equipment.
- 5.11 **MAINTENANCE OF MINIMUM QUALIFICATIONS.** All employees in positions that require certification, license, continuing education units (CEU's), etc. are required to maintain such certification, license, CEU's, etc. as a condition of employment. Failure to maintain the required minimum qualification may result in termination of employment.

- 5.11.1 **DRIVER'S LICENSES.** Any employee whose duties require that the employee drive a motor vehicle on County business must possess a valid New Mexico State Driver's License of the appropriate classification. An employee with a valid out-of-state Driver's License shall obtain a New Mexico State Driver's License within six (6) months of employment. The County Manager may waive this requirement with proof of out-of-state residency and a valid out-of-state Driver's License. If an employee's driving privileges are suspended or revoked, the employee must immediately notify his or her supervisor and immediately discontinue driving any motor vehicle on County business. Any employee who fails to report a suspension or revocation may be subject to disciplinary action, up to and including termination. By accepting employment with San Juan County, employees consent to periodic driving record checks.
- 5.11.2 **CDL LICENSES AND ENDORSEMENTS.** Any employee whose duties require him or her to hold a Commercial Driver's License (CDL) and endorsements is responsible for maintenance of that license and endorsements. In addition, holders of CDL licenses and operators of commercial motor vehicles are subject to special rules detailed in the Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles, Appendix B. Each person holding a CDL license should consult that policy for further information.
- 5.12 **REIMBURSEMENT FOR COUNTY-SPONSORED TRAINING OVER \$2,000.** Any employee approved to attend a training class or program having a cost to the County of more than \$2,000, including lodging, meals, transportation, and tuition, may be required by the Department Head to sign an agreement requiring the reimbursement of all costs associated with the training if the employee voluntarily leaves employment within one year of completion of the training or if the employee fails to complete the training and the County is unable to receive a refund for costs already paid.
- 5.13 **NEPOTISM.** The employment of immediate relatives in the same department or office is strongly discouraged and strictly monitored to avoid interpersonal conflicts and favoritism. No person shall be employed who is to supervise or be supervised by a person related by blood or marriage unless first approved by the Board of County Commissioners. In cases where a conflict or potential conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. For purposes of this policy, an "immediate relative" is a spouse, child, parent, sibling, grandparent, grandchild, immediate stepfamily member, in-law, foster child or parent, co-habitant, and includes the spouse of any of those identified in this paragraph. Employees must notify the Human Resources Department of the employment of immediate relatives at the County at the time of hiring, or within thirty calendar days of becoming an immediate relative of another employee.
- 5.14 **IMPROPER FRATERNIZATION OR DATING.** San Juan County does not encourage dating or improper fraternization among employees within the same

department. It is against County policy to date employees directly supervising, or directly supervised by, the other party to the dating relationship. It is prohibited for a supervisor to engage in a romantic or sexual relationship with an employee under his or her direct supervision. Employees must notify the Human Resources Department of the dating relationship at the time of hiring, or within thirty calendar days of entering into a dating relationship with another employee.

5.15 **PERSONAL USE OF COUNTY PROPERTY.** An employee shall not use County property for personal use, for profit, or as part of secondary employment. Use of County property in violation of this policy may result in termination. Some limited personal use of County property is permitted. Examples of authorized personal use include use of an assigned County vehicle to drive to lunch, diverting from an assigned task to run a personal errand when it can be done on the way to or from the assigned destination, and other nominal personal uses as permitted by the County Manager on a case-by-case basis. County telephones may be used for personal business on a limited basis. An employee may receive personal telephone calls at work, but the calls must be brief, of a limited number, and must not interfere with the employee's work. No personal toll calls are allowed.

5.16 **CONFLICTS OF INTEREST**

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

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

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

- 5.17 **CRIMINAL ACTIVITY.** All complaints or allegations of criminal conduct on the part of any employee will be referred to the Sheriff's Department or other appropriate outside agency for investigation. Employees have an affirmative duty to report to Human Resources any conviction of a felony that is adjudicated after employment begins. Any employee who engages in criminal activity or fails to report a felony conviction may be subject to termination.
- 5.18 **GOVERNMENTAL CONDUCT ACT.** All employees shall comply with the New Mexico Governmental Conduct Act. A copy of the Act is attached as Appendix G.
- 5.19 **OTHER COUNTY POLICIES.** From time to time the County has and may adopt other policies and procedures that are not included in this Handbook. Employees are responsible for abiding by all County policies even if not incorporated into this Handbook.
- 5.20 **USE OF PHOTOGRAPHS OR LIKENESS.** Photographs may be taken of any employees while attending public events or meetings or otherwise engaged in County business. All photographs taken by San Juan County will become the property of San Juan County and may be copied, published, and distributed for such purposes as publicity, marketing, and the promotion of the County and its various departments, programs, and projects by means of various media, including video presentations, television, newsletters, signs, brochures, websites, social networking sites, or newspapers. Employees are not entitled to any royalties or other compensation arising from or related to the use of their photograph or likeness. Employees who do not wish to have their photo taken may stand aside and not pose for photos and inform the photographer at the time he or she is taking photos, but there is no guarantee that any employee's image will not inadvertently be captured and published.
- 5.21 **SOCIAL MEDIA.** It is prohibited to use social media to post or display comments about the County, coworkers, or supervisors that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's policies against discrimination, harassment, or hostility based on age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic or a violation of HIPAA to disclose confidential information.
- 5.22 **POST-EMPLOYMENT BACKGROUND CHECK.** Any current employee who is offered transfer employment to a secure facility may be required to successfully undergo post-employment background investigation as a condition precedent to obtaining transfer employment. In addition, any current employee who works at a secure facility or who frequently accesses a secure facility or secure Information Systems infrastructure to perform their job duties shall be subject to post-employment background checks. Post-employment background checks shall comply with all state and federal laws and shall be performed on any employee who may be assigned to work at the Juvenile Services center as required by state or federal law.

6 EMPLOYMENT RECORDS

- 6.1 **PERSONNEL FILE.** A personnel file will be maintained on each employee. The personnel file shall be maintained by the Human Resources Department in a secure location. The personnel file shall include the employee's job application, resume, test results, training records, performance appraisals, disciplinary records, employment agreements, and a copy of each Personnel Action Form issued to the employee as well as other employment materials.
- 6.2 **INSPECTION OF PERSONNEL FILE.** Each employee shall be permitted to review his or her personnel file. The Human Resources Department may establish reasonable rules to govern when, and in what manner, such a review may be accomplished. The employee shall not be permitted to remove anything from the personnel file but may add a separate supplemental statement to rebut negative statements found therein or make photocopies.
- 6.3 **ACCESS TO PERSONNEL FILES.** Personnel files are the property of San Juan County, and access to the information they contain is strictly restricted by law. Accordingly, access to an employee's personnel file will be limited to persons with a legal right to examine the file. A supervisor shall be permitted to examine the personnel file of an employee under his or her direct supervision, but only if there is a legitimate business reason to do so.
- 6.4 **INQUIRIES CONCERNING PRESENT AND FORMER COUNTY EMPLOYEES.** Only the Human Resources Department is authorized to respond to inquiries regarding present and former employees. Responses to such inquiries will confirm dates of employment and position(s) held *only*. No further information will be released without a written authorization and notarized release signed by the individual who is the subject of the inquiry except as required by law.
- 6.5 **MEDICAL FILES.** Medical information on each employee and his or her dependents which is obtained by the County will be maintained in a separate medical file. The medical file is a confidential file and may be inspected only by those with a legal right to do so. Any employee who is permitted to inspect such a file has a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately inspecting a medical file, or disclosing its contents, is subject to disciplinary action, up to and including termination of employment.
- 6.6 **EMPLOYEE DATA CHANGES.** Each employee must promptly use the Employee Self Service portal to update changes in the employee's mailing address, telephone number, personal or County-issued e-mail address, number and names of dependents, individual(s) to be contacted in the event of an emergency, educational accomplishments, and other relevant information. This information may be subject to disclosure under the Inspection of Public Records Act. Upon separation, a personal e-mail address is required.

6.7 **NOTE ON EMPLOYMENT APPLICATIONS.** San Juan County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in San Juan County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

7 VACATION

7.1 **ELIGIBILITY.** Each full-time and part-time regular employee, each full-time and part-time trial-period employee, and each unclassified employee is eligible to earn and accrue vacation time from the date the employee becomes an employee of the County.

7.2 **ACCRUAL.** All employees must utilize the employee self-service portal to access accrual balances, pay stubs, W-2's and 1095s (if applicable). Accrual begins at the next highest rate on the third pay period following the accrual start date. Accrual anniversary is based on hire date.

7.2.1 **Hourly Employees.** An hourly employee accrues vacation time for each hour actually worked, excluding overtime, and for each hour spent on vacation or sick leave, up to 40 hours per week (or 106 hours per pay period for FLSA 106 hour employees) according to the schedule below. If an employee works a full 40 hours per week (or 106 hours per pay period for FLSA employees), the employee will accrue 2 weeks of vacation each year of the employee's first four years of employment, 3 weeks during years 5 through 9, and 4 weeks beyond 10 years.

Vacation Earning Schedule
Hourly Employees

YEARS OF ELIGIBLE SERVICE	VACATION HOURS ACCRUED PER HOUR OF WORK
0 thru 4 years inclusive	.0385
5 thru 9 years inclusive	.0577
10 years or more	.07687

7.2.2 **FLSA 106 Hour Employees Accrual Adjustments.** Upon being transferred, promoted, or otherwise reclassified from an FLSA 106 hour position to a regular hourly or salaried position within the County, or vice versa, the employee's accrued leave balances (including vacation, sick, and compensatory time) will be adjusted proportionally to the non-FLSA rate that corresponds to the specific FLSA 106 hour position they are leaving or entering.

7.2.3 **Salaried Employees.** Each salaried employee earns and accrues vacation time for each day actually worked or spent on vacation or sick leave, according to the following schedule:

Vacation Earning Schedule
Salaried Employees

YEARS OF ELIGIBLE SERVICE	MAXIMUM PER PERIOD ACCRUAL
0 thru 4 years inclusive	3.08 hours
5 thru 9 years inclusive	4.62 hours
10 years or more	6.15 hours

7.2.4 **Sheriff’s Office Lateral Transfer Employees.** Employees of the Sheriff’s Office who have made a lateral transfer from another law enforcement agency shall accrue vacation as determined by Resolution No. 21-22-08, attached hereto as Appendix H.

7.3 **MAXIMUM ACCUMULATION ALLOWED.** An employee may accumulate no more than 320 hours. If accumulated vacation time exceeds 320 hours, the excess vacation time will be forfeited. Forfeiture shall occur as of the date of retirement, termination, or the end of the last pay period ending on or before June 30. Excess vacation time existing as of January 6, 2013 shall not be subject to forfeiture. Hours in excess of 320 which accrue before the start of the last pay period ending on or before June 30 of any year may be used and are subject to buy back but shall not be paid at termination. Vacation time subject to forfeiture shall be used first.

7.4 **REQUESTING VACATION, USE OF COMPENSATORY TIME, OR PERSONAL LEAVE.** Whenever possible, an employee shall make a request for time away from work through the electronic timekeeping system to his or her supervisor at least five (5) working days prior to the proposed vacation. A Department Head may waive the 5-day requirement at his or her discretion. The supervisor shall grant any reasonable request, but shall also consider the department’s workload, present staffing levels, and other job-related factors when deciding whether to grant the request.

7.5 **VACATION COMPENSATION.** Hourly employees will receive the employee’s hourly base rate of pay at the time of the vacation, multiplied by the number of regular hours the employee would have worked during the vacation. Salaried employees shall receive their salary during the vacation. An employee on vacation will not be compensated for overtime which might have been worked had the employee not taken vacation. Salaried employees shall use vacation time in half-day increments as appropriate. A salaried employee who does not work at least half of his or her regularly assigned shift shall utilize a half-day of leave. A salaried

employee may flex hours worked over the hours of the same workweek as approved by his or her supervisor.

- 7.6 **COMBINING A VACATION WITH A HOLIDAY.** Subject to the approval of the supervisor, an employee may combine accumulated vacation time with a holiday to extend a vacation or reduce the number of accrued vacation hours expended during a vacation.

8 **SICK LEAVE**

- 8.1 **ELIGIBILITY.** Each full-time and part-time regular employee, each full-time and part-time trial period employee, and each unclassified employee is entitled to take sick leave with pay for illness or injury or to care for an ill or injured immediate family member. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son- and daughter-in-law.
- 8.2 **ACCRUAL.** Sick leave benefits accrue from the date of hire. Employees must utilize the employee self-service portal to access accrual balances, pay stubs, and W-2's (if applicable).
- 8.2.1 **Hourly Employees.** Each hourly employee accrues sick leave at the rate of 0.0461 hours of sick leave for each hour actually worked up to forty (40) hours per week for regular employees and up to one-hundred and six (106) hours per pay period for FLSA 106 hour employees (sick leave does not accrue during overtime work), and at the same rate for each hour spent on vacation, compensatory time used, or sick leave; provided, however, accrual of sick leave for regular hourly employees is limited to 1.844 hours each week, and accrual for FLSA 106 hour employees is limited to 4.886 hours each pay period, notwithstanding the number of hours actually worked.
- 8.2.2 **Salaried Employees.** Each salaried employee accrues sick leave at the rate of 1.844 hours for each week worked, and at the same rate for each week spent on vacation or sick leave.
- 8.2.3 **FLSA 106 Hour Employees Accrual Adjustments.** FLSA 106 Hour Employees Accrual Adjustments. See section 7.2.2.
- 8.3 **REQUESTING SICK LEAVE.** Employees who are unable to report to work due to illness or injury are required to notify their supervisor or other designated individual before the scheduled start of the workday.
- 8.4 **PHYSICIAN'S STATEMENT.** If an employee is absent from work for three or more consecutive days due to illness or injury, a physician's statement may be required

to verify the illness or injury, estimate its duration, and/or certify that the employee may safely return to work.

- 8.5 **COMPENSATION WHILE ON SICK LEAVE.** While on sick leave, each hourly employee shall receive the employee's hourly base pay rate at the time of the illness or injury multiplied by the number of regular hours the employee would have worked had the employee not been sick. Each salaried employee shall receive the employee's regular salary during sick leave. An employee on sick leave will not be compensated for overtime which might have been worked. Salaried employees shall use sick leave in half-day increments as appropriate. A salaried employee who does not work at least half of his or her regularly assigned shift shall utilize a half-day of leave. A salaried employee may flex hours worked over the hours of the same workweek as approved by his or her supervisor.
- 8.6 **ABUSE OF SICK LEAVE.** Employees may use sick leave only for legitimate illness or injury. Use of sick leave for other reasons is not permitted. In the event the County has reason to believe that an employee is using sick leave for other reasons, the employee may be required to provide a statement from a physician for each day sick leave is claimed. Abuse of sick leave may be grounds for disciplinary action, up to and including termination.
- 8.7 **DONATION OF SICK LEAVE, VACATION LEAVE, OR COMPENSATORY TIME.** Sick leave, vacation leave, or compensatory time may be donated to another employee as follows:
- 8.7.1 **PURPOSE OF DONATION OF SICK LEAVE, VACATION LEAVE, OR COMPENSATORY TIME.** The purpose of this policy and procedure is to assist an employee who has used all or may use all of his or her own sick, vacation, and personal leave, and compensatory time, and needs additional leave from work for recuperation from a non-work related injury, illness, or pregnancy. Leave from work may also be for the care of an immediate family member as defined in section 8.1. The employee can request a donation of sick leave, vacation leave, or compensatory time from the employees of San Juan County. Donated leave cannot run longer than FMLA leave. Once FMLA leave is exhausted, donated leave will also cease. If an individual qualifies for Short Term Disability benefits, that benefit will run concurrently with the donated leave.
- 8.7.2 **PROCEDURE FOR REQUESTING DONATION OF SICK LEAVE, VACATION LEAVE, OR COMPENSATORY TIME.**
- 8.7.2.1 **STEP 1.** An employee may notify his or her supervisor, or the Benefits Coordinator, that he or she is in need of additional leave, or may need additional leave, and would like to request donation of sick leave, vacation leave, or compensatory time from employees within their own department. If the employee requesting the leave does not receive enough leave to cover the time requested, a memo may be sent out to the rest of the

County's employees asking for donations of leave or compensatory time. The Human Resources Department shall track the leave or compensatory time being donated.

- 8.7.2.2 **STEP 2.** The supervisor shall notify the Human Resources Department of the request. At that time, a formal request form must be filled out and submitted to the Human Resources Department.
- 8.7.2.3 **STEP 3.** Medical certification of the illness or injury must accompany the request. The Human Resources Department shall review the request and doctor's statement to verify that the request meets the requirements. Documentation supporting a request for donated leave shall be confidential and is not a public record for purposes of the New Mexico Inspection of Public Records Act.
- 8.7.2.4 **STEP 4.** The Human Resources Department will send out the request for the donation of sick leave, vacation leave, or compensatory time. Donation of leave or compensatory time shall be on a dollar-for-dollar basis. The Human Resources Department shall track the donation of leave or compensatory time and notify payroll of changes and transfer of leave. Donation of time shall be made in whole-hour increments with a minimum of four hours donated. Donated compensatory time must be available based on payroll records, and a balance of at least 80 hours must be maintained by the donating employee after the donation.
- 8.7.2.5 **STEP 5.** If more leave is donated than is requested, the donated leave will be returned on a last-in-first-returned basis. Unused donated compensatory time will be returned up to the 80-hour limit. Any donated vacation leave not used by the requesting employee by May 1 will be returned and will be subject to the provisions of section 7.4 of this Employee Handbook regarding maximum accumulation and July 1 forfeiture. The Human Resources Department will track the donated leave by either receiving the request via email or by written donation via inter-office mail. If the request is received via, an automatic date/leave stamp is provided. If the request is received via inter-office mail, a date/time stamp shall be manually written on the request form.
- 8.7.2.6 **ELIGIBILITY FOR DONATED LEAVE.** A full- or part-time regular employee must be employed by the County for at least 90 days in order to request donated leave. Work-related injuries or illnesses shall not be considered since they are covered by workers' compensation. While an employee is off work on donated leave, sick time, vacation time, and personal days shall not accrue. Deductions for taxes, insurance premiums, and PERA shall continue.

8.7.2.7 **ANTI-COERCION.** While responding to a request for donated leave, no Department Head, Elected Official, manager, or supervisor shall coerce an employee to either donate or not donate leave. An anti-coercion clause will be included on the request form.

9 HOLIDAYS

9.1 **ELIGIBILITY.** Each regular full-time, regular part-time, full-time trial period, part-time trial period, and unclassified employee is entitled to time off from work with pay during holidays. Holidays are recognized annually by the Board of County Commissioners.

9.2 **COMPENSATION DURING A HOLIDAY.** During a holiday, each full-time hourly employee shall receive the employee's base rate of pay at the time of the holiday multiplied by the number of hours in that employee's regularly scheduled shift up to a maximum of 12 hours. Each regular part-time employee shall receive prorated holiday compensation based on the average number of hours worked in a forty-hour week. An hourly employee on holiday will not be compensated for overtime which might have been earned had the employee worked. Each salaried employee shall receive his or her regular salary during the holiday.

9.3 **WORKING DURING A HOLIDAY.** If an eligible employee works during a holiday, the employee shall be compensated for the time worked during the holiday (including overtime, if applicable; see section 14.3 herein), and shall be entitled to take a holiday on some other day during the same pay period designated by the supervisor. If the holiday cannot be taken within the same pay period, the employee shall be compensated for the missed holiday. During a holiday week, compensatory time may only be earned for hours actually worked in excess of 40.

10 OTHER LEAVE

10.1 **PERSONAL LEAVE.** Each regular full-time, regular part-time, and each unclassified employee shall receive one personal leave day with pay each calendar year. Each trial period employee shall accrue one personal leave day at the completion of the first 90 days of employment but shall accrue only one personal leave day per calendar year. A personal leave day must be scheduled in the same manner as a vacation and may be used in quarter hour increments. Personal leave must be taken no later than the end of the last pay period prior to December 1 of the year of accrual. Personal leave may not be carried over into the following calendar year but instead shall be forfeited if not used.

10.1.1 **DEFINITION.** A personal leave day is defined as an eight-hour day for full-time employees or a four-hour day for part-time employees. A change in full- or part-time status in a calendar year does not add additional personal leave.

- 10.2 **BEREAVEMENT LEAVE.** Each full-time, part-time, unclassified, and trial period employee shall be eligible to receive bereavement leave with pay only in the event of the death of an immediate family member. For purposes of this section, an “immediate family member” is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, step-grandparent, foster child, father-in-law, mother-in-law, son- and daughter-in-law, and brother- and sister-in-law. Bereavement leave does not apply to the death of friends or colleagues. Bereavement leave, to be used at the time of an immediate family member’s death and/or at the time of an immediate family member’s funeral shall not exceed forty (40) hours for full-time hourly employees or five (5) working days for salaried employees. With supervisor’s approval, bereavement leave need not be taken on consecutive days. Bereavement leave available to part-time employees shall be prorated, based on the average number of hours worked in a forty-hour week. An employee may be permitted to extend his or her bereavement leave using accrued vacation time and/or the employee’s personal leave day. An employee shall obtain approval for bereavement leave from his or her supervisor **prior** to taking bereavement leave.
- 10.3 **MILITARY LEAVE.** Each regular full time, trial period, regular part-time, trial period part-time, and unclassified employee who is a member of an organized United States military reserve unit or the National Guard may be granted military leave with pay and benefits for up to fifteen (15) workdays (120 hours) per federal fiscal year (October 1 through September 30) when serving with the United States armed forces pursuant to an order for active duty or training, including travel time to and from the reporting location (travel time to be determined by the most recent edition of the Rand-McNally road atlas which can be found at www.randmcnally.com). The employee may use accrued leave for travel time or after exhausting the fifteen days leave, with the exception of sick leave. If the period of duty exceeds fifteen days, the employee may use accrued vacation leave, the employee’s personal leave day, and/or leave without pay for the duration of the employee’s duty period. Employees utilizing military leave will not be responsible for the County’s portion of the Medical Plan premium.
- 10.4 **COURT DUTY.** Each full-time regular, part-time regular, unclassified, and trial period employee may take Court leave with pay when required to serve as a juror or as a witness in any state or federal court at a time when the employee would normally be working, except in a matter related to the performance of the employee’s duties in which the employee is a litigant. An employee may not take Court leave to litigate against the County. If excused from duty by the Court when four (4) or more work hours remain in the employee’s workday, the employee shall return to work. If an employee elects to take Court leave with pay, any fee paid to the employee as a juror or witness must be paid to the County.
- 10.5 **BOARD OR COMMISSION LEAVE.** An employee who has been appointed or elected to serve on a state, county, city, or non-profit entity’s Board or Commission shall be entitled to forty (40) hours of leave (during their regularly scheduled work

hours) with pay annually to attend meetings or transact business, so long as the appointment has been approved by the Board of County Commissioners and/or the County Manager. This may include service to the Association of Counties and relevant professional groups.

10.6 **ADMINISTRATIVE LEAVE WITH PAY.** An employee may be placed on administrative leave with pay when it is in the best interests of the County to do so. However, administrative leave with pay for a period longer than the remainder of the employee's shift may be authorized only by the supervising Department Head, or Elected Official, after conferring with the Chief Human Resources Officer (or designee) and the County Manager or designee.

10.7 **ADMINISTRATIVE LEAVE WITHOUT PAY.** An employee may be placed on leave without pay when the circumstances and best interests of the County dictate that unpaid leave is appropriate. However, leave without pay may be authorized only by the supervising Department Head or Elected Official after conferring with the Chief Human Resources Officer (or designee) and the County Manager. Unless extended by the County Manager, unpaid leave shall not exceed sixty (60) days in duration. During unpaid leave, an employee shall not accrue any of the benefits described in the Employee Handbook. An employee on unpaid leave shall not receive holiday pay. To the extent permissible by law, the County will not make any of its normal contributions to the employee's retirement, insurance, or benefit program during unpaid leave. Donated leave shall not be available.

10.8 **LEAVE WITHOUT PAY FOR PERSONAL REASONS**

10.8.1 **EXTENDED UNPAID LEAVE.** San Juan County generally discourages the use of unpaid leave for personal reasons. However, the County recognizes that unforeseen circumstances may arise leaving an employee no choice but to request unpaid leave. These circumstances are usually limited to the employee suffering an event which does not qualify for family and medical leave only because the employee has not been employed by the County for at least one year. In any situation where an employee lacks sufficient paid leave to deal with that situation, the employee may request to utilize unpaid leave. To the extent practical, the unpaid leave should be requested in writing and in advance of the anticipated leave. If leave cannot be requested in advance, it should be requested as soon thereafter as is practical. Unless otherwise approved by the supervisor and the County Manager, such leave must be taken in three-day increments and no benefits shall accrue. The employee shall be responsible for payment of the employer portion of any health insurance. Donated leave shall not be available.

10.8.2. **SHORT-TERM UNPAID LEAVE.** An employee who has exhausted all leave and does not meet the requirements of extended unpaid leave shall only be allowed unpaid leave at the supervisor's discretion. If such short-term leave is approved, the employee shall be responsible for payment of the proportional share of the

County's portion of any benefit. This share may be calculated on a daily or hourly basis, based upon the status of the employee. That share shall be deducted from the employee's next paycheck.

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

10.9 FAMILY AND MEDICAL LEAVE. The federal Family Medical Leave Act (FMLA) provides for a leave of absence for a serious health condition, to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child, or to care for a child, spouse, or parent with a serious health condition. An employee should request family and medical leave on a form provided by the Human Resources Department. Each employee is entitled to take up to twelve (12) weeks of family and medical leave each calendar year. Eligibility is determined by reference to federal law and regulations and is assessed on a case-by-case basis. If an employee has questions concerning eligibility, he or she should consult the Human Resources Department. Employees requesting family and medical leave are required to provide a statement from a health care provider concerning the need for such leave. Family and medical leave is unpaid leave. During the unpaid leave, the County will provide major medical benefits, if that coverage has been elected by the employee. The employee will be required to pay to the County the portion of the premium the employee would have had to pay had he or she still been working. Leave benefits, such as vacation, sick leave, or personal days, do not accrue during family and medical leave. Employees on unpaid family and medical leave do not receive holiday pay while on leave, unless using their own accrued leave concurrently with FMLA leave. An employee may choose to use paid leave (sick leave, personal days, or vacation) concurrently with unpaid FMLA leave. If an employee chooses to run paid leave concurrently with FMLA unpaid leave, the employee will accrue benefits during the paid leave.

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

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

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

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

10.11 **VOTING LEAVE.** Employees are encouraged to take advantage of early voting opportunities; however, each employee who works on Election Day and whose workday on Election Day starts less than two (2) hours after the polls open and ends less than three (3) hours before the polls close, is entitled to two (2) hours of paid leave for the purpose of voting. Voting leave may only be utilized on Election Day and for the purpose of the employee casting their vote. Voting leave may not be utilized during an early voting period. This leave also applies to elections of Indian nations, tribes or pueblos for a voter who is enrolled as a member of the Indian nation, tribe or pueblo and is qualified to vote in the election. The employee who wishes to utilize voting leave must make a request to his or her supervisor. Request for leave shall not be denied; however, the supervisor, department head, or Elected Official may specify the hours during which the employee voter may be absent from work, provided that the County will not designate a period that includes an employee's normal lunch period or includes a period either prior to or subsequent to the employee's normal working hours.

10.12 **BENEFITS MANDATED BY LAW.** Employees shall receive any new emergency benefits mandated by federal or state law.

11 GROUP INSURANCE BENEFITS

11.1 **MEDICAL, VISION, DENTAL, LIFE AND DISABILITY INSURANCE.** Each full-time regular, full-time trial period, part-time regular, part-time trial period, and unclassified employee, Elected Official, and their eligible dependents may obtain group medical, dental, vision, life, and short-term disability coverage through State of New Mexico Local Public Body plans. Part-time regular employees may enroll on the same basis as full-time employees. The employee's contribution shall be

made by payroll deduction. If an employee is on military leave as defined in section 10.3, the County shall pay only the employer's portion of the premium, and the employee shall pay the employee's portion of the premium.

11.2 **EMPLOYEE ASSISTANCE PROGRAM.** Any employee of San Juan County may contact the Employee Assistance provider currently under contract with the County to receive matrimonial counseling, psychological counseling, and/or drug and alcohol counseling. The service is provided free of charge for a limited number of sessions per event annually. The number of sessions per event is determined by the Board of County Commissioners based upon contract award or renewal. The service is confidential, unless the employee is referred by a supervisor or the Chief Human Resources Officer, in which case the Chief Human Resources Officer will be informed only whether or not the employee has participated in and satisfactorily completed the counseling. It is the employee's responsibility to seek assistance from the Employee Assistance Program prior to reaching a point where his or her judgment, performance, or behavior has led to disciplinary action. Any referral by the Employee Assistance Program to an outside treatment facility may be covered under the major medical plan (if elected) under the provisions of that plan.

11.3 **HIPAA PRIVACY AND SECURITY RULES.** San Juan County complies with Privacy and Security Rules as outlined in the Health Insurance Portability and Accountability Act (HIPAA). The **HIPAA Privacy Rule** gives an individual rights over how his or her health information may be used or disclosed and protects the unauthorized disclosure of certain medical information known as protected health information (PHI). Private health information relates to the physical or mental health condition of an individual at any time, past, present, or future. The **HIPAA Security Rule** provides guidance on security technologies and methodologies that render protected health information (PHI) unusable, unreadable, or indecipherable to unauthorized individuals.

Supervisors and employees should not share medical information about another employee. If an employee has questions about HIPAA, he or she may contact San Juan County's HIPAA Privacy Officer or the Benefits and Compensation Manager who is located in the Human Resources Department. Or, an employee may reference the benefits website on the County intranet to read the Health Insurance Portability and Accountability Act Notice.

12 **MISCELLANEOUS BENEFITS**

12.1 **WORKERS' COMPENSATION PROGRAM.** Each employee is covered by the New Mexico Workers' Compensation Act. The workers' compensation program provides benefits to an eligible employee who suffers a job-related injury.

12.1.1 **WAITING PERIOD.** Any employee placed on workers' compensation as a result of work-related injury will not receive his or her regular pay or salary during the first full week (7 days) of disability ("waiting period"). An employee may utilize

sick leave or vacation leave during this waiting period and will be required to contribute their regular Group Insurance Contributions through payroll deduction but will not be responsible for the County's portion of the premium when sick leave or vacation is utilized during the waiting week. If approved for Workers' Compensation Leave, the injured worker shall be compensated their weekly indemnity benefit at the rate of sixty-six and two-thirds of his/her pre-injury average weekly wage, but not to exceed the maximum allowed by state statute (§52-1-41 NMSA 1978), for the waiting period only if the injured worker is unable to work for more than four (4) weeks from the date of disability. (§52-1-40 NMSA 1978). The indemnity payment for the waiting period will be issued by the workers' compensation carrier following four (4) full weeks of disability. Any Sick Leave and/or Vacation time used for the waiting period will not be returned to the injured worker.

12.1.2 **WORKER'S COMPENSATION LEAVE.** Compensation for work-related injuries is strictly limited by the Workers' Compensation Act, and nothing herein shall be construed as extending benefits under the County program not explicitly required or approved by the Act. After the waiting week, if approved for Workers' Compensation Leave, an injured worker will be compensated by the County's workers' compensation carrier weekly indemnity benefits at the rate of sixty-six and two-thirds of his/her pre-injury average weekly wage but not to exceed the maximum allowed by state statute (§52-1-41 NMSA 1978) and the County will pay 100% of the employee's group insurance contributions while the injured worker is on approved work comp leave. An employee receiving workers' compensation payments shall not receive holiday pay in addition to workers' compensation. Employees may utilize sick and vacation hours to make up the difference between actual pay and the workers' compensation benefit. An employee on workers' compensation is required to contact his or her supervisor to report any change in work status. Questions concerning workers' compensation should be directed to the County Claims Manager.

12.1.3 **RETURN TO WORK.** Any employee placed on workers' compensation leave who cannot return to work within six (6) consecutive months of the date of the accident or injury which results in the disability shall be released from employment. Any employee who cannot return to his/her pre-injury job, as outlined in the pre-injury job description, within twelve (12) months from the date of the accident or injury shall be released from employment. In either case, if released from employment, the injured worker shall be eligible to re-apply for a position with the County pursuant to the terms of the Workers' Compensation Act.

12.2 **RETIREMENT BENEFITS.** Each eligible employee participates in the County's mandatory retirement program, administered by the Public Employees Retirement Association ("PERA"). Mandatory employee contributions to the plan are made by payroll deduction and forwarded to PERA. Details concerning eligibility and other details of the retirement program are set forth in the New Mexico Statutes

Annotated and the publications of PERA, which are provided to the employee directly by PERA.

12.3 EDUCATIONAL ASSISTANCE. Educational assistance is the reimbursement of tuition, registration fees, and laboratory fees for eligible employees of County government to attend “for credit” courses up to a master’s degree from a regionally accredited institution of higher learning.

12.3.1 ELIGIBILITY. To be eligible for educational assistance, an employee must be a classified employee or unclassified employee and must have completed his or her initial trial period.

12.3.2 FUNDING. Educational assistance will be determined by the availability of funds and limited to a maximum of \$2,000.00 per employee during each fiscal year. All tuition reimbursement consideration shall be based upon the end of course date. In the event a summer course is taken and ends prior to the new fiscal year, the reimbursable allowance is charged for the current fiscal year. However, a summer course ending after July 1 will result in the reimbursement being charged against the new fiscal year.

Funding will be made available for job- or career-related courses, and for courses required for upward mobility within the County. It is the applicant’s responsibility to submit to the Human Resources Department documentation, including receipt of course payment, which substantiates the criteria under which funding will be made. At least one of the following criteria must be met:

- Job- or career-related: studies that are directly related to work performed by the employee.
- Required for upward mobility: studies that enhance employee eligibility for promotion.

Only tuition charges, registration fees, and laboratory fees will be paid unless the course is required by the department. If the applicant is directed to attend class, the County will pay for all associated costs, including texts which will become the property of the County. If an employee registers late, the employee will be responsible for any additional costs beyond the regular registration fee. All tuition charges will be paid directly to the academic institution by the employee. At no time shall a County purchasing card be used toward the payment of tuition. San Juan County will reimburse the employee upon successful completion of the course and the submittal of course grade of an “A,” “B,” or “C.” In the event that a course is offered only on a PASS/FAIL basis, a grade of PASS will be acceptable.

Depending on the availability of funds, educational assistance may be denied, or partial assistance may be considered, to allow for more employee participation.

- 12.3.3 **EDUCATIONAL LEAVE.** With the approval of the Department Head and the County Manager, a full-time employee may be allowed to attend a class during normal work hours. Arrangements must be made to make up the time missed or be deducted from the timecard for an hourly employee. An employee may use vacation or compensatory time if time missed cannot be made up. Part-time employees will not be granted educational leave. A supervisor may choose to deny educational leave when the workload is anticipated to be particularly high. If educational leave is denied by the immediate supervisor, the employee shall have the right to appeal through the chain of command, up to the Chief Human Resources Officer. When educational leave is denied, written documentation detailing the reasons for denial will be provided to the employee and a copy will be forwarded to the Human Resources Department. Educational leave is to be used for actual class attendance and for travel time to and from the institution. It will not be used to provide the participant with study time or to make up missed lunches. Educational leave on any given day may be disapproved because of an emergency or unusual work condition.
- 12.3.4 **EMPLOYEE RESPONSIBILITIES.** Documentation of course completion must be furnished to the Human Resources Department within one week of receipt of the grade. Upon receipt, it will be processed for reimbursement, if applicable, and filed in the employee's personnel file. Acceptable documentation is a copy of the official grade report or an official transcript which includes the course(s) for which educational assistance was granted. An employee who changes his or her course status or withdraws from the institution must inform the Human Resources Department within one week of the action. Completion of class assignments or homework will not be permitted during working hours.
- 12.3.5 **APPLICATION PROCESS.** Applications for educational assistance may be obtained from the Human Resources Department. The employee will complete the application form and obtain the supervisor's approval prior to the class start and the time educational leave is to be granted. The employee will submit the completed application, including receipt, to the Human Resources Department for review, approval, and encumbrance of funds.
- 12.3.6 **PAYMENT.** Upon successful completion of the course(s), the Human Resources Department will process payment paperwork and the employee will be reimbursed for tuition expenses by check through the County's Finance Department. Reimbursable cost will be limited to \$2,000.00 per fiscal year. Employees receiving reimbursement from any outside sources, such as the Department of Veterans Affairs, Pell grants, or scholarships, etc. will not be eligible for reimbursement to the extent of such payment. Employees will not be reimbursed for course charges or fees associated with the course if they voluntarily leave the County or are terminated for reasons other than reduction in force or job elimination. An employee seeking reimbursement for educational assistance must agree in writing to repay the County on a pro rata basis if he or

she leaves the County voluntarily or is terminated within one year from the date of reimbursement.

12.4 **UNIFORM POLICY.** The image that San Juan County employees wish to project to the general public is the major consideration in adopting a Uniform Policy. This is not a dress code policy, but a uniform policy where common sense and good judgment concerning on-the-job appearance will generally meet acceptable standards.

The County, as employer, retains the right to mandate the use of uniforms. Uniforms, distinctive clothing to be worn while on duty, will be provided by San Juan County to designated employees, as per departmental policy, following approval of the County Manager.

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

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

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

12.4.1 **TYPES OF UNIFORMS.** The types of uniforms to be provided to designated employees of San Juan County include:

12.4.1.1 **Identification** shall be provided to employees of San Juan County whose duties require interaction with the general public, as required by departmental policy.

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

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

- Sheriff's Office
- Adult Detention
- Fire & Rescue

- Juvenile Services
- Alternative Sentencing
- Parks and Facilities
- Central Purchasing
- Public Works
- Code Compliance
- Emergency Management

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

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

12.4.1.3 **Coveralls** will be provided for all designated shop personnel, as per departmental policy. Designate employees shall be issued one pair of coveralls for each day in a normal workweek. Coveralls shall be reissued annually or semiannually, as per departmental policy. Coveralls will be dark blue in color and will be available through the Central Purchasing Department.

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

- Public Works
- Fire & Rescue
- Sheriff's Office

Employees are responsible for any damage to coveralls due to neglect. The County will provide the rental clothing and cleaning for all shop personnel. No other cleaning service shall be provided unless otherwise approved by the County Executive Office.

12.4.1.4 **Footwear Allowances** shall be provided to employees of San Juan County whose duties require the use of special footwear. A new employee will receive footwear on the first day of work, or as necessary to accommodate training schedules. After that, an annual footwear allowance will be paid in one payment on March 1 of each year. An employee must have received a footwear allowance prior to January 1 to be eligible. The County requires reimbursement of the footwear allowance by an employee who leaves employment sooner than 90 days. Reimbursement will be made as a deduction from final pay, first from compensation for accrued vacation and sick leave, and then from regular wages or salary. Footwear purchased

must meet department requirements and standards. Failure to wear appropriate safety footwear may affect workers' compensation benefits in the event of an accident. Footwear allowances shall be provided only to designated employees of the following departments:

- Public Works
- Fire & Rescue
- Parks and Facilities
- Adult Detention
- Alternative Sentencing
- Central Purchasing

Sheriff's Office employees who receive a uniform allowance will receive their footwear allowance as part of their uniform process. Juvenile Services employees will no longer receive a footwear allowance. Employees are responsible for any damage done to footwear due to neglect.

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

12.4.2 RETURN OR REIMBURSEMENT OF UNIFORMS. All designated employees shall sign a property checklist upon employment in which the employee agrees to return to the County any issued uniform, or reimburse the County for any uniform, if terminated (voluntarily or involuntarily) before a 90-day probationary period. Reimbursement will be paid upon the following scale:

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

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

12.5 FITNESS ACTIVITIES. Prior to July 1 of each year, the County Manager shall establish such reimbursement program as is appropriate for the next twelve (12) months. The County Manager shall determine what type of wellness activities will be approved for reimbursement, the participation requirements for reimbursement, and the maximum reimbursement available to each employee or employee's family. This reimbursement policy may vary from year to year based on the number of employees participating and the availability of funds to support such program. Reimbursements shall be made no more frequently than quarterly. Reimbursements may be reported to the Internal Revenue Service and may be

subject to both federal and state income tax. Sheriff's Office fitness activities are governed under Resolution No. 21-22-09, included as Appendix I.

13 PERFORMANCE EVALUATION

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

13.2 EVALUATION PROCEDURE

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

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

13.2.3 CONDUCT OF EVALUATION. The performance evaluation shall be completed by the employee's immediate supervisor and then reviewed and approved by the Department Head/Elected Official at the Department Head/Elected Official's discretion. The immediate supervisor will then present the performance evaluation to the employee. Should the evaluation be unsatisfactory, the employee may be placed on a performance improvement plan (PIP) aimed at assisting the employee to meet job performance or behavior goals.

13.2.4 OBJECTING TO A PERFORMANCE EVALUATION. If an employee wishes to rebut a performance evaluation, the employee must complete a rebuttal statement in the space provided on the performance evaluation form or prepare a separate statement. An employee aggrieved by a performance evaluation may request review of the performance evaluation by the Department Head/Elected Official and/or further review by the Chief Human Resources Officer. Neither the Department Head/Elected Official nor the Chief Human Resources Officer is obligated to take any action when asked to undertake such a review.

13.3 EFFECT ON SUBORDINATE OF FAILURE TO EVALUATE. In the event that a performance evaluation is not completed within thirty (30) days of the employee's anniversary date, it will be presumed that the employee's performance and conduct are satisfactory. The Human Resources Department will generate a Personnel Action Form with a step increase, if applicable.

- 13.4 **EFFECT ON DEPARTMENT HEAD/ELECTED OFFICIAL OF FAILURE TO EVALUATE.** The Human Resources Department shall quarterly notify the County Manager of failure of Department Heads/Elected Officials to evaluate subordinates.

14 COMPENSATION

- 14.1 **COMPENSATION SYSTEM.** San Juan County utilizes a “step” and grade compensation system. Under this system, a salary range is adopted for each position. The range establishes a minimum and maximum amount of compensation for each position and establishes graduated salary. Funding for increases must be authorized by the Board of County Commissioners.
- 14.1.1 **ASSIGNMENT TO PAY.** Each new employee and each employee who has transferred to a new position will be assigned upon hiring to a rate of pay within the range established for that position. If the new employee does not meet the minimum qualifications upon hiring, the employee shall be assigned to a salary range below that established as the minimum for the position until necessary qualifications are attained. When an employee is granted a raise, the employee may be assigned to the next grade or grades within the range, or to a larger discretionary merit increase, depending on the level of his or her work performance, if such policy is implemented.
- 14.1.2 **COMPENSATION DURING THE TRIAL PERIOD.** During the employee’s trial period, the employee may be paid up to 5% less than the wage rate assigned upon hiring or transfer while the employee acquires the necessary experience to perform the job. The duration of lesser compensation will normally be limited to the duration of the trial period, after which the employee will be paid the wage rate assigned to the first step of the position for which the employee was hired or transferred. An employee shall not be eligible for a step increase during his or her trial period.
- 14.1.3 **COST-OF-LIVING ADJUSTMENT.** Cost-of-living adjustments may be made by the Board of County Commissioners. Merit increases will take precedence over cost-of-living adjustments to avoid salary compaction.
- 14.1.4 **APPLICATION OF THE COMPENSATION SYSTEM TO STEPPED-OUT EMPLOYEES.** Each employee whose rate of pay equals or exceeds the maximum permissible under the step compensation schedule shall be ineligible for further increases but shall be eligible for cost-of-living increases as approved from time to time by the Board of County Commissioners.
- 14.1.5 **TEMPORARY COMPENSATION FOR PERFORMANCE OF ADDITIONAL DUTIES.** Occasionally, an employee will be asked to temporarily assume duties of a higher paid job classification. In such cases, the employee’s compensation may be temporarily adjusted to reflect the added responsibility. In order to qualify

for a salary adjustment, the employee must assume the full range of responsibilities of the higher classification for 40 consecutive hours or more. After the 40th hour worked, the employee's compensation may be increased to the starting salary of the higher classification or five percent (5%) above the employee's present salary, whichever is greater. The adjustment will not be retroactive. When the temporary assignment is completed, the employee's salary will be readjusted to its previous level.

14.1.6 **STIPEND FOR PERFORMANCE OF ADDITIONAL DUTIES.** Employees may be paid an additional stipend for performance of duties beyond those normally associated with their position. The stipend must be approved by the County Manager and shall not be a part of the employee's base pay and is not subject to inclusion for overtime. The stipend will end when the employee stops performing additional duties. An employee holding a Construction Industries license who assigns that license to the County shall be entitled to additional pay. Merely suspending a Construction Industries license shall not entitle that employee to additional pay.

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

14.1.7.1. **POLICY.** Hourly/non-exempt employees who are required to be on-call or on standby outside regularly scheduled hours shall be compensated as provided by FLSA. Fire & Rescue employees and Sheriff's Office Certified Officers are not covered by this policy and are instead governed by resolutions 20-21-01 and 20-21-02. See appendix J. No additional compensation shall be paid to salaried/exempt employees who are called back to work.

14.1.7.2. **DEFINITIONS.**

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

In addition to the 2 hours of on-call pay, when an on-call employee is called into service, that employee's time on the job shall be compensated as provided in FLSA. These employees will be compensated for a minimum of two hours of time for every call out, beginning from the time they leave their residences until their service is complete. An employee who is able to respond from home will be compensated in 15-minute increments and the two-hour minimum does not apply. Time shall be compensated at one and one-half times (1 ½) for actual hours worked in excess of forty (40) hours for regular employees.

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

- 14.1.8 **MAINTENANCE OF THE COMPENSATION SYSTEM.** The Human Resources Department shall be responsible for the continuous maintenance and administration of the Compensation System. The Chief Human Resources Officer will make periodic recommendations to the County Manager. All pay will be in compliance with State and federal compensation laws.
- 14.2 **WAGE AND SALARY REVIEW.** A review of each employee's wage or salary shall be conducted annually on or about the employee's anniversary date in conjunction with the employee's performance evaluation. A wage or salary increase may be granted if documented by a positive job-related performance appraisal and with the concurrence of the Department Head/Elected Official. If an employee obtains a wage or salary increase, the employee may be moved to the next grade/step, or the employee may receive a higher discretionary merit increase. The increase in wage or salary shall be effective as of the employee's anniversary date. Wage or salary increases of less than a full step are permitted where an employee has received a substantial increase within the last six months or where an extended learning period is required. All wage or salary reviews shall be documented and submitted to the Human Resources Department for processing.
- 14.3 **OVERTIME.** Hourly employees may occasionally be required to work in excess of 40 hours per week. Work in excess of 40 hours per week is paid at a rate of one and one-half times the employee's regular hourly rate. This rate is applied to the actual hours worked in excess of 40 hours per week. To the extent possible, overtime will be offered to employees desiring additional work. Unless it is not practical to do so, all overtime work must be approved *before* it is performed.

Overtime shall not be paid for attendance at social events unless directed to attend by the Department Head with the concurrence of the County Manager. During a holiday week, compensatory time may only be earned for hours actually worked in excess of 40. With Commission approval, the Sheriff's Office and Fire & Rescue may adopt a schedule requiring work of over 80 hours per pay period without overtime, consistent with the Fair Labor Standards Act.

- 14.3.1 **OVERTIME – HOURLY EMPLOYEES OF THE DEPARTMENT OF PARKS AND FACILITIES – SPECIAL EVENTS AT MCGEE PARK.** Hourly employees of the Department of Parks and Facilities shall be compensated for overtime hours worked during events at McGee Park in a different manner than set forth in section 14.3 herein. Each hourly employee of the Department of Parks and Facilities who works an event at McGee Park during a County-observed holiday or on the weekend closest to a County-observed holiday (e.g., a holiday which occurs on a Monday or a Friday) shall be paid, in addition to the employee's regular holiday pay, the rate of one and one-half times their regular hourly rate for each hour actually worked on the holiday or the weekend closest to the holiday.
- 14.3.2 **OVERTIME – HOURLY EMPLOYEES – ELECTIONS.** Hourly employees of the County Clerk's Office and other affected County departments shall be compensated for hours worked in support of an election in a different manner than set forth in section 14.3 herein. Each hourly employee who works in support of an election during a workweek in which a County-observed holiday occurs shall be paid at a rate of one and one-half times their regular hourly rate for each hour actually worked which normally would have been paid at an overtime rate but for the fact that no hours were actually worked during the holiday.
- 14.3.3 **OVERTIME – HOURLY EMPLOYEES – SHERIFF'S OFFICE.** Any Sheriff's Office employee whose regular work schedule requires the employee to take the day of a County-observed holiday off who works a designated special security event during the same holiday workweek shall be paid at a rate of one and one-half times the employee's regular hourly rate for each hour actually worked which normally would have been paid at an overtime rate but for the fact that no hours were actually worked on the holiday itself. The hours described in this paragraph shall not be comped.

Example: A Sheriff's Office Civil Division deputy does not normally work on Labor Day (a County-observed holiday) but receives payment for a 40-hour workweek consisting of 32 hours of regular pay plus 8 hours of holiday pay. This year, however, the employee agrees to work four hours during that holiday workweek at a designated special security event. The employee will receive additional overtime pay for the four hours worked during the holiday week at a rate of one and one-half times the employee's regular hourly rate.

Deputies whose regular work schedule requires them to work a full 40 hours during a holiday week are also paid at one and one-half times their regular hourly

rate for any hours over their regular 40 hours, to include designated special security events.

This provision may not allow for overtime rate pay when an employee has utilized vacation time, compensatory time, or sick leave during the holiday workweek.

14.4 COMPENSATORY TIME. Compensatory time is time worked by an hourly employee in excess of 40 hours per week for which the employee elects to receive time off from work in lieu of overtime pay. For most employees, compensatory time is compensated at the rate of one and one-half hours of time off from work for each hour actually worked in excess of 40 hours per week. Compensation for employees engaged in law enforcement occupations may differ, according to guidelines set forth by the federal Fair Labor Standards Act. An employee must elect to accrue compensatory time in lieu of paid overtime *before* performing the overtime work. Compensatory time off may be accrued, but only to a maximum of 80 hours. If an employee works overtime in excess of 80 hours, the employee will be paid overtime for any overtime work, regardless of any election to the contrary. During a holiday week, compensatory time may only be earned for hours actually worked in excess of 40. Earned compensatory time must be reported on the time sheet for the pay period in which it was accrued. Should a non-exempt hourly employee be reclassified to an exempt position or be transferred or promoted to an exempt position, he or she shall be paid for accrued compensatory time at the rate of the previously held position at the time of reclassification. Part-time temporary employees are ineligible for compensatory time. Questions concerning compensatory time should be directed to the Human Resources Department.

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

14.6 PAY PERIODS, PAY, AND TIMEKEEPING

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

14.6.2 PAY. All employees are required to receive pay electronically, either by direct deposit or pay card. Pay will be issued every other Thursday at a time and place determined by the Department Head/Elected Official. If a holiday falls on Thursday, pay will be issued on Wednesday. In the event of an error in the amount of payment, no correction will occur until the following pay period, if the error was caused by the employee. If the error was not caused by the employee, payment will be issued as soon as reasonably possible. In the event of an

overpayment that cannot be immediately corrected, the overpayment shall be deducted from the next payroll following the date the County becomes aware of the overpayment. No repayment shall result in pay being brought below the minimum wage. The County may span reimbursement over more than one pay cycle when necessary or convenient. Employee reimbursements will be paid via the next scheduled payroll payment date. Advances will be paid according to the current travel policy.

Employees must utilize the employee self-service portal to access accrual balances, pay stubs, and W-2's (if applicable). Employees must notify the Human Resources Department or the Finance Department of any change in bank account information.

14.6.3. **TIME REPORTING.** Time reporting will be done electronically via timeclocks and/or desktop entry or approved mobile app. Hourly employees are expected to clock in/out daily to include any personal leave, including lunch, unless auto-deduct applies to the employee's specific position. For purposes of pay, time worked will be rounded to the quarter hour in seven-minute increments: minutes 1-7 round back to the quarter hour and minutes 8-14 round forward to the quarter hour. Regardless of the rounding rule, the time keeping system will register the actual time clocked in/out and supervisors may use this information to determine tardiness.

14.6.4 **ACCURACY OF TIME REPORTING.** It is the responsibility of each employee to accurately record the daily time spent on the job performing assigned duties. Each employee and supervisor must certify the accuracy of all time recorded. If the employee or supervisor makes any corrections or modifications to the time reporting, the employee and the supervisor must certify the accuracy of the changes. Modifications to time reporting may be made to one previous pay period only.

15 SAFETY AND ACCIDENT PREVENTION

15.1 **SAFETY PROCEDURES.** Certain procedures are required to maintain safe and healthy working conditions for San Juan County employees and members of the public. The Safety and Compliance Manager shall implement and enforce safety procedures in accordance with federal, state, and local laws and regulations.

15.2 **WORKING SAFELY.** Each employee must be informed of and observe established safety practices. Each employee is to take all possible precautions to avoid exposure to injury or illness to themselves or others. Each employee must utilize appropriate personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats. No employee is permitted to remove guards or other protective devices from machinery and equipment. Employees shall refrain from operating, modifying, adjusting, or using equipment in an unauthorized

manner and from working alone. Employees are prohibited from engaging in “horseplay.”

- 15.3 **DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS.** Each employee has the duty to report to his or her immediate supervisor, Department Head/Elected Official, or the Safety & Compliance Manager, in written form, each unsafe working practice or hazardous condition which he or she observes so that the problem can be immediately corrected.
- 15.4 **SUPERVISION.** Each supervisor has the duty to ensure that each employee is acquainted with proper safety practices and applicable safety rules, that safe practices and safety rules are uniformly followed, and that employees are properly outfitted with the proper safety equipment. In the event an accident occurs, the supervisor is required to report the incident, no later than the end of the same business day, complete the *Supervisor’s First Report of Accident*, and forward the completed form to the Claims Manager.
- 15.5 **SAFETY TRAINING.** Each employee is required to attend job-related safety training as determined necessary by the Safety and Compliance Manager and the employee’s supervisor. Any person having supervisory duties shall also obtain proper safety training for the jobs that they supervise, as well as a valid first aid/CPR certification. An employee may be required to obtain additional safety training provided by the County as directed by the Safety and Compliance Manager. Individual departments within the County may provide additional specific safety training beyond that which is offered by the County. In accordance with OSHA standards, a safety trainer within the department must be competent and qualified to conduct the training. A record of each employee’s safety training will be maintained in the Safety and Compliance Manager’s office.
- 15.5.1 **DEFENSIVE DRIVING CERTIFICATE.** All employees who drive a county vehicle, whether regularly or occasionally, in the course of their employment with San Juan County must maintain a State of New Mexico approved Defensive Driving Certificate. Within six months of employment, employees shall obtain the initial six-hour course certificate and shall keep their training up to date by taking a four-hour refresher course at least every four years. Should an employee fail to refresh their certificate at least 30 days before it expires, they may be required to repeat the full six-hour course. San Juan County offers both the initial and refresher courses throughout the year. Should the County’s course offerings be unable to accommodate an employee obtaining or maintaining certification within required time parameters, an employee may, with approval from the Department Head or Elected Official, take an external Defensive Driving Class approved by the County Safety and Compliance Manager, at the County’s expense. Sheriff’s Deputies and Fire Department Employees who take an Emergency Vehicle Operations Course (EVOC) are exempt from this section 15.5.1.

- 15.6 **INJURIES ON THE JOB.** Each employee is required to report all job-related injuries or illnesses to his or her supervisor immediately and assist in any resulting investigation.
- 15.7 **MOTOR VEHICLE ACCIDENTS.** If a County employee is involved in a motor vehicle accident while performing his or her official duties, the employee must assist persons at the scene and request that a law enforcement officer be called. The employee should also request that the parties and properties involved remain at the scene of the accident, if possible, until a law enforcement officer has released them. The Safety & Compliance Manager or Claims Manager must be notified of the accident as soon as possible. The employee shall refrain from making statements regarding the accident with anyone other than the investigating officer(s), County Attorneys, County Claims Manager, or representative of his or her own insurance company, if the employee's privately-owned vehicle is involved. An employee operating a motor vehicle involved in an accident may be subject to drug and alcohol testing pursuant to section 17.3.2 of this policy.
- 15.8 **ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT.** When an accident occurs that raises the possibility of defective equipment, the employee should immediately attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the Safety & Compliance Manager and Claims Manager.

16 **SMOKING**

- 16.1 **SMOKING POLICY.** It is the policy of San Juan County to comply with all federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the wellbeing of its employees. The County recognizes that smoking, including smokeless tobacco, in the workplace can adversely affect employees.
- 16.2 **SMOKING PROHIBITED.** Smoking is prohibited in all County buildings and County vehicles, including electronic cigarettes.
- 16.3 **APPLICATION.** The smoking policy applies to employees during working hours.
- 16.4 **COMPLAINTS.** Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the supervisor.
- 16.5 **VIOLATIONS.** Employees who violate the policy will be subject to disciplinary action.
- 16.6 **NON-DISCRIMINATION.** The County does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the usage occurs during nonworking time and off County premises.

16.7 **SMOKING CESSATION PROGRAMS.** Employees may contact the Human Resources Department for information regarding the availability of smoking cessation programs.

17 DRUG AND ALCOHOL USE

17.1 **DRUG- AND ALCOHOL-FREE WORKPLACE.** San Juan County is a drug- and alcohol-free workplace. Accordingly, no employee may use, possess, distribute, sell, or be under the influence of alcohol or drugs while on the job. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

17.2 **PRESCRIPTION MEDICATION.** The use of prescription medication is permitted on the job so long as such use does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner. It is the employee's responsibility to report to his or her supervisor the use of prescription medication that may impair job performance. If the employee cannot perform his or her duties while taking a prescription medication, the employee may be required to perform other duties or take sick leave until the course of treatment is concluded. A statement from the employee's physician concerning the prescription may be required.

17.3 **DRUG AND ALCOHOL TESTING**

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

17.3.1 **RANDOM TESTING.** Each holder of a Commercial Driver's License (CDL) and each employee in a safety-sensitive position is subject to random drug and alcohol testing. A safety-sensitive position is one in which an employee operates equipment that is potentially dangerous to other employees or citizens of the County, or one in which an employee has access to or carries a firearm.

17.3.2 **POST ACCIDENT TESTING**

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

or another supervisor designated by one of these individuals shall transport the employee for testing.

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

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

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

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

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

17.3.4.3 STEP 3. If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breathalyzer, blood, and/or urine testing. The employee shall be transported by the Claims Manager, the Safety & Compliance

Manager, the Chief Human Resources Officer, the employee's immediate supervisor, or another supervisor designated by one of these individuals, to the testing location. Analysis of any samples collected will be performed by a laboratory selected by the County.

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

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

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

17.3.6 **CONSEQUENCES OF A POSITIVE TEST**

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

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

17.3.6.2 **PARTICIPATION IN A TREATMENT PROGRAM.** An employee who is not terminated after a positive test result may be required to participate in an alcohol or drug treatment program through the Employee Assistance Program or other program as a condition of continued employment. Any employee who participates in such a program as a condition of continued

employment shall be entitled to be paid their regular hourly wage or salary when completing the screening and assessment phase of the program. The employee shall be placed on unpaid leave for the rehabilitation or treatment portion of the program. However, an employee may be permitted to use accrued sick leave, compensatory time, or vacation in lieu of unpaid leave during rehabilitation or treatment. Upon successful completion of an agreed-upon treatment program, the employee shall be permitted to return to his or her position.

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

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

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

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

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

17.3.6.6 **FOLLOW-UP TESTING.** If an employee has had a positive drug test and has not been terminated, the employee may be subject to random testing for a subsequent period of up to two (2) years from the date of the positive test. Such testing will be at the employee's expense.

17.3.6.7 **REGION II TESTING.** Each Deputy Sheriff's Officer assigned to the Region II Narcotics Enforcement Task Force shall be required to undergo drug testing before and after being assigned to that duty, as well as be subject to random testing according to the terms of the Region II drug testing policy during the period of the assignment.

17.4 **DRUG- AND ALCOHOL-RELATED CONVICTIONS.** Any employee who is convicted of a drug- or alcohol-related criminal offense may be terminated. Employees convicted of illegal distribution or sale of drugs may be immediately terminated. If not terminated, the employee may be required to undergo periodic random testing, may be required to complete a course of treatment, or may be required to complete a program through the Employee Assistance Program. Any employee who is convicted of an alcohol-related driving offense shall notify his or her supervisor of the conviction within five (5) days of the date of conviction. Failure to report such convictions may be grounds for discipline, up to and including termination.

17.5 **DRUG OR ALCOHOL DEPENDENCY.** Any employee who suffers from drug or alcohol dependency should immediately seek the assistance of the Employee Assistance Program or the appropriate resources within the community. The employee may also wish to discuss the matter in confidence with his or her supervisor or the Chief Human Resources Officer. Each employee who suffers from drug or alcohol dependency is urged to seek help before being the subject of disciplinary action.

17.6 **MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S/DWI'S**

17.6.1 **PERSONS CHARGED OR CONVICTED OF DUI/DWI.** An employee who is charged with DUI/DWI may have their privilege to operate County vehicles suspended during the pendency of their court case at the discretion of San Juan County. It is the policy of San Juan County that any employee who is convicted of driving under the influence of an intoxicant such as alcohol or drugs shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business) for a period of three (3) years after the date of conviction, subject only to the exception below (San Juan County Resolution 95-96-18).

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

1. Has not been convicted of any traffic violation since the date of conviction;
2. Has a valid driver's license;
3. Has performed satisfactorily in his or her position;

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

The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable. (San Juan County Resolution No. 95-96-18).

- 17.6.3 **TAKE-HOME VEHICLES.** In no event shall a County employee who has been convicted of driving under the influence of alcohol or drugs be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of conviction or driving privileges have been restored pursuant to Section 17.6.2 above. (San Juan County Resolution No. 95-96-18)..
- 17.6.4 **DEFINITION.** For purposes of this policy, the word "conviction" includes pleas of guilty and no-contest regardless if the sentence is deferred or whether or not adjudicated guilty by the Court.

18 HARASSMENT AND DISCRIMINATION

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

18.2 DEFINITIONS.

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

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

18.2.3 **SEXUAL HARASSMENT.** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other offensive verbal or physical conduct that is sexual in nature. This includes jokes of a sexual nature or display

of photos or pin-ups of nude or scantily clad individuals. Quid pro quo sexual harassment is when an employee with supervisory authority makes sexual advance or demand toward an individual and the submission or rejection of this advance results in a tangible employment action.

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

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

18.4 **MAKING A FORMAL CHARGE.** (Employees of the Sheriff's Office shall be subject to the additional terms of the Sheriff's Office internal policy and procedures regarding harassment and discrimination, and investigations will be conducted in accordance with that policy.) Any employee who believes he or she has been subjected to discrimination or harassment by an employee of San Juan County may file a formal charge of harassment with the Chief Human Resources Officer. The employee will be asked at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed shall be immediately investigated by the Chief Human Resources Officer, who shall prepare a report setting forth the facts of the incident and a recommendation for action. The report and recommendation for action shall be transmitted to the County Manager, who may instruct that the recommended action or other appropriate steps be taken. San Juan County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

19 EQUAL EMPLOYMENT OPPORTUNITY

19.1 **EQUAL EMPLOYMENT OPPORTUNITY POLICY.** It is the policy of San Juan County to ensure equal employment opportunity to all persons regardless of their race, religion, color, creed, national origin, age, sex, marital status, sexual orientation, gender identity, or medical disability (unless such disability effectively prevents the performance of essential job functions required by the position). In addition, the County endeavors to comply with state and federal statutes, rules, and regulations pertaining to equal opportunity. Through the procurement process, the County also endeavors to encourage those who do business with the County to practice Equal Employment Opportunity as well.

- 19.2 **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.** In order to implement its policy of equal employment opportunity, the County maintains an Equal Employment Opportunity Program, which consists of the following elements:
- 19.2.1 **PERIODIC REVIEW.** The County periodically reviews each position within the County to ensure that the stated qualifications, salary, fringe benefits, training, and educational opportunities are relevant to the tasks performed. The County examines internal policies and procedures to identify barriers to equal employment opportunity.
- 19.2.2 **TRAINING.** The County also requires that staff and management be provided with training, information, and guidance so that equal employment opportunity is assured.
- 19.2.3 **JOB SATISFACTION / FAIR TREATMENT.** The County actively encourages each employee to increase his or her skills and job potential through training and educational opportunities. The County periodically offers guidance and counseling in developing programs tailored to individual aptitudes and desires. The County works to create and maintain a pool of qualified applicants for positions with frequent turnover to encourage diversity and ensure equal employment opportunity in hiring.
- 19.2.4 **NON-DISCRIMINATORY APPLICATION OF POLICIES.** The County works to ensure that each promotion, transfer, demotion, layoff, and termination of employment is administered in a fair and non-discriminatory way.
- 19.2.5 **COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.** The County complies with applicable laws and regulations relating to equal employment opportunity. In addition, the County carries out its reporting functions required by state and federal laws and furnishes information as required to meet its commitments under Executive Order No. 11246, as amended. The County cooperates in special compliance reviews or in investigations as requested, carries out minority reporting functions as required by state or federal laws, furnishes such information as is required, and maintains an affirmative action file detailing its efforts, with dates, to meet its commitments under Executive Order No. 11246, as amended.
- 19.3 **VIOLATIONS.** Any and all violations of the Equal Employment Opportunity Program must be immediately brought to the attention of the Chief Human Resources Officer.
- 19.4 **EQUAL EMPLOYMENT OPPORTUNITY OFFICER.** Unless otherwise directed by the County Manager, the Chief Human Resources Officer shall serve as the County's Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer shall be charged with the responsibility of administering and enforcing the County's Equal Employment Opportunity Program. The Equal

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

20 COMPUTER, INTERNET, E-MAIL AND CELL PHONE USE

The County's computer equipment, software, operating systems, storage media, network accounts, electronic mail, voice mail, cell phones and Internet browsing are business tools provided to assist employees in the performance of their jobs. Refer to San Juan County's Cyber Policy, attached as Appendix M for rules and procedures.

21 SECURITY CAMERAS AND AUDIO/VISUAL RECORDING

San Juan County uses security cameras with video and/or audio recording throughout secure facilities and in and around many non-secure county properties to promote the safety and security of employees, property, and guests of the County. Employees, detainees, and the public may be captured on these security cameras at any given time. In non-secure facilities where audio recording is taking place, signs will be posted. To ensure compliance with the stated purpose of recording and compliance with state and federal laws, any new camera placements must be approved by the Safety and Compliance Manager and the Legal Department.

22 ADA/ADAAA POLICY

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

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

provider. Use of a service animal is considered an accommodation. In the event that a request for accommodation is denied, an appeal may be made to the County Manager within fifteen (15) days of the date of denial.

23 PETS AND SERVICE ANIMALS

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

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

24 DISCIPLINE AND DISCIPLINARY TERMINATION

24.1 EMPLOYEE CONDUCT. It is the policy of San Juan County to maintain a work environment which is safe for all employees, and to operate in accordance with all laws and regulations. The County expects each person to act in a mature and responsible manner at all times. San Juan County does not tolerate any form of workplace violence. (Refer to Appendix L for the County's Workplace Violence Policy.) Employees who violate the County's Grounds for Disciplinary Action (Section 24.4 as set forth in this Handbook) or any County policy are subject to disciplinary action, up to and including termination.

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

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

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

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

- 24.3 **FORMS OF DISCIPLINARY ACTION.** The County's supervisors are encouraged to follow a process of progressive discipline. For discipline to be progressive, each related event or incident must trigger a response that is more severe. Each "step" in the process more strongly encourages the employee to modify his or her behavior. The County has four types of disciplinary action available when employees fail to meet expected levels of performance or when their conduct is unsatisfactory. **The County has the right to determine what discipline is appropriate; depending upon the seriousness of the misconduct, there may be no standard series of disciplinary steps the County must follow.**
- 24.3.1 **CORRECTIVE COUNSELING.** The purpose of employee counseling is to provide a means to assist employees in changing their performance, attendance, or behavior. This requires that the employees have adequate information about their current performance, attendance, or behavior to make it clear to the employee what he or she was doing wrong and what is required in order to meet the County's expectations.
- 24.3.2 **VERBAL WARNING.** A verbal warning is generally used for minor offenses or to correct minor faults in an employee's performance. The employee should be advised during the verbal warning that any further problem may result in additional disciplinary action up to and including termination.
- 24.3.3 **FIRST WRITTEN REPRIMAND.** A written warning may be issued for an offense of a more serious nature which requires more formal action than a verbal warning. The supervisor and the employee should meet privately and the employee should be given and allowed time to review a formal written warning. Regardless of whether the employee agrees with the contents of the warning, the employee should sign the form indicating the problem has been discussed with them. If the employee refuses to sign the written warning, another supervisor or manager should be called as a witness to observe that the employee has been presented with the warning, indicating the employee has refused to sign it. The written warning may include a statement that if the problem is not corrected, further disciplinary action, up to and including termination of employment, may occur. Employees shall have five (5) working days to respond in writing to a written warning. The written warning and the employee's response shall become a part of the employee's personnel file.
- 24.3.4 **SECOND WRITTEN REPRIMAND.** The same process applies as in 24.3.3; in addition, the employee should be advised that if immediate and sustained improvement is not made evident by the employee, termination of employment may be the next/final step.

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

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

In any case where suspension is considered, the supervisor should contact the Chief Human Resources Officer, or designee, before suspension is enacted. Failure to do so may not affect the suspension but could subject the supervisor to discipline.

In the event an employee is charged with a felony and is not incarcerated, the employee shall be placed on leave with pay, pending preliminary hearing. If preliminary hearing is continued by the employee, the employee may be placed on unpaid leave or offered alternative assignment at the discretion of the County. Failure to accept alternative assignment shall result in being placed on unpaid leave. Leave without pay shall be governed by Section 10.7 of this Employment Handbook. If the Magistrate makes a determination of probable cause on any charge, or if the employee waives preliminary hearing, the employee may, at the discretion of the County Manager, be placed on leave without pay until the case is resolved.

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

24.3.6.1 **DURATION OF SUSPENSION.** The duration of the suspension depends on the conduct which led to the suspension. A suspension for up to two (2) working days may be imposed where an employee commits a minor offense for which the employee has previously received an oral or written warning, or where the employee commits a more serious error or mistake which alone merits a suspension. A suspension of up to five (5) working days may be imposed where the employee commits an infraction of a more serious nature for which termination is not justified, or for committing multiple

violations of minor infractions for which previous discipline has been imposed. A suspension of up to ten (10) working days may be imposed when an employee commits an act or acts which alone justify termination, but for which exist mitigating factors or circumstances. Notwithstanding the foregoing, the duration of any suspension shall be discretionary on the part of the supervisor and shall be commensurate with the severity of the error, mistake, or conduct.

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

24.3.8 **DISMISSAL OF TRIAL PERIOD EMPLOYEES.** A trial period employee may be dismissed without cause and shall not be entitled to utilize the disciplinary process. However, a trial period employee must be given the basis of the termination.

24.3.9 **DISMISSAL FOR CAUSE.** An employee may be terminated for cause for violation of this Employee Handbook, Ordinance, County policies, or for any other inappropriate behavior.

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

1. Continued unsatisfactory performance of duties.
2. Personal conduct which substantially interferes with the performance of duties.
3. Conflict of interest which results in private gain to the employee or detriment to the County.
4. Insubordination.
5. Falsifying official documents or records.
6. Threatening or harassing an employee or Elected Official.
7. Theft or vandalism of County property.
8. Unauthorized use or possession of County property.
9. Continued violation of safety practices.
10. Use of, or being under the influence of, a controlled substance or intoxicant while on duty.
11. Operation of a County vehicle or equipment while under the influence of a controlled substance or intoxicant.
12. Operating a County vehicle or equipment in a reckless or intentionally tortious manner.

13. Accepting a bribe or consideration given with the intent to influence the performance of duty.
 14. Bribery or coercion of, or attempting to bribe or coerce, an employee or Elected Official.
 15. Influencing, or attempting to influence, a Hearing Officer, other than through established grievance procedures.
 16. Conviction of a felony that directly relates to the particular employment, trade, business, or profession.
 17. Job abandonment—unauthorized absence from work for two (2) consecutive work shifts will be considered abandonment of the job.
 18. Excessive unexcused absences.
 19. Abandonment of post if in a safety-sensitive position.
 20. Conduct or behavior which impairs morale or interferes with the work effectiveness of employees.
 21. Knowingly providing false information to a supervisor in the course of an investigation.
 22. Failure to comply with the County's Vehicle Use Policy, Computer Use Policy, Purchasing Card Policy, Travel Policy, On-Call Policy or any other policy adopted by the Board of County Commissioners.
 23. Disclosure of personal health information and/or personal protected information as prohibited in the County's HIPAA Privacy and Security Policies and Procedures.
 24. Clocking in or out for another employee.
 25. Conduct or behavior unbecoming a County employee.
 26. Refusal to submit to drug or alcohol testing.
 27. Failure to disclose family or dating relationship.
- 24.5 **ABUSE OF SICK LEAVE.** Employees may use sick leave only for legitimate illness or injury. Use of sick leave for other reasons is not permitted. In the event the County has reason to believe that an employee is using sick leave for other reasons, the employee may be required to provide a statement from a physician for each day sick leave is claimed. Abuse of sick leave may be grounds for disciplinary action, up to and including termination.
- 24.6 **PROCEDURES FOR DISCIPLINARY TERMINATION.** Before terminating the employment of an employee, the supervisor should review the personnel file and all relevant documents with the Human Resources Department in order to determine if the termination is appropriate.
- 24.6.1 **NOTIFICATION OF PROPOSED TERMINATION.** The supervisor shall notify the employee in writing that he or she is to be terminated through a *Notice of Proposed Termination*. The *Notice of Proposed Termination* shall set out the reason(s) for the proposed termination, and shall give the date, time, and place of the pre-termination hearing, if applicable. The *Notice of Proposed Termination* shall be delivered to the employee within a reasonable time prior to the date set for the hearing. An employee earning wages as of the receipt of the *Notice* shall

be placed on Administrative Leave with Pay until the final decision is made. An employee already on Administrative Leave without Pay shall remain on Administrative Leave without Pay.

24.6.2 PRE-TERMINATION HEARING

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

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

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

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

25 GRIEVANCES

25.1 **DEFINITION: "GRIEVANCE."** A grievance is a complaint by an employee concerning alleged deprivation of a presently-existing property right, including: (1) the employee's working conditions; (2) alleged discrimination against the employee; (3) disciplinary action taken against the employee.

25.2 **GRIEVANCE ELIGIBILITY.** Only regular, non-trial employees are eligible to file a grievance. Employees who are subject to grievance procedures contained in a collective bargaining agreement may not file grievances pursuant to this Employee Handbook.

25.3 **GRIEVANCE PROCESS.** The following steps comprise the normal grievance process. The employee's supervisor or Department Head/Elected Official may waive steps, as appropriate.

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

(2) **STEP 2 – Written Grievance.**

(a) **Written Grievance Required.** If the matter cannot be resolved informally in Step 1, the employee shall submit a written grievance to the Department Head/Elected Official. If a Department Head/Elected Official is also the employee's immediate supervisor with whom the Step 1 grievance had previously been addressed, the employee shall present the written grievance to that person.

(b) **Time to File Written Grievance.** A written grievance must be submitted within five (5) working days of the Step 1 discussion.

(c) **Content of Written Grievance.** Written grievances will be submitted on the established San Juan County "*Report of Grievance*" form. This form will contain a short and concise statement of the action complained of, brief additional facts as appropriate, the relief requested, and the date when the Step 1 discussion occurred. "*Report of Grievance*" forms are available in each County department/office and are also available from the Human Resources Department.

(d) **Response to the Written Grievance.** The Department Head/Elected Official shall promptly respond in writing to the written grievance, but in any event, within ten (10) working days of the receipt of the written grievance. The response shall be mailed to the employee and copied to the Human Resources Department.

(e) **Request for Hearing.** If an employee desires a hearing be conducted, a written request must be submitted to the Human Resources Department within ten (10) working days of receipt of the response.

(f) **Finality.** Unless the employee's grievance concerns the employee's suspension, demotion, or termination, the grievance process concludes with Step 2.

(3) **STEP 3 – Hearing.** If the grievance concerns the employee's suspension, demotion, or termination, a hearing on the grievance will be conducted unless waived by the employee.

- (a) **Scheduling the Hearing.** The Chief Human Resources Officer shall forward a copy of the employee's grievance, the Department Head/Elected Official's response, and the request for a hearing to the Legal Department who shall schedule a hearing before an independent Hearing Officer.
- (b) **Hearing Procedure.** All hearings shall be conducted in accordance with the *County Administrative Procedure for Grievance Hearings*, attached hereto as Appendix K.

26 VOLUNTARY TERMINATION

- 26.1 **RESIGNATION.** An employee may resign from the County by submitting a written letter of resignation to his or her immediate supervisor at least two (2) calendar weeks prior to the effective date of resignation. Employees should give as much notice of resignation to the County as possible, but no less than 2 calendar weeks. The letter of resignation should include the reason for leaving as well as the proposed effective date. Failure to provide the minimum two (2) weeks of notice may cause the employee to be ineligible for rehire.
- 26.2 **RETIREMENT.** An employee may retire from County employment through the County's retirement program so long as the employee meets the requirements of the Public Employees Retirement Association. An employee desiring to retire should contact the Human Resources Department and give his or her supervisor as much notice as possible.
- 26.3 **RETIREMENT AS A RESULT OF DISABILITY.** An employee may resign from County employment in the event an injury or illness renders the employee medically incapable of performing his or her duties. If qualified, the employee may be entitled to claim disability benefits through the Public Employee's Retirement Association and/or the County's medical benefit package. Any employee who feels he or she must resign as a result of a disability should contact his or her supervisor and/or the Chief Human Resources Officer for additional information.
- 26.4 **RE-EMPLOYMENT.** In the event that an employee voluntarily leaves employment with the County and is re-employed within thirty (30) days, his or her previous years of service with the County shall be reinstated for accrual purposes.
- 26.5 **TRANSFER.** Any classified employee is eligible to compete for regular, full-time or part-time positions within the County. Upon submission of an application for a new position, a background investigation may be conducted. In the event an employee accepts a new position within the County, the employee shall begin a new trial period upon starting the new position.
- 26.6 **PROMOTION.** A promotion consists of an increase in duties and an increase in pay for the employee. A regular full-time employee or regular part-time employee

who receives a promotion shall be considered a trial period employee. In the event the employee is unsuccessful in the new position, that employee may apply for any currently open position, subject to the normal hiring procedure.

- 26.7 **RECLASSIFICATION.** A reclassification of position consists of a change in title and/or job description, but not both an increase in pay and increase in duties. A reclassification is done primarily for the County's benefit. If an employee's job is reclassified, the employee will not begin a new trial period.

27 INVOLUNTARY TERMINATION WITHOUT CAUSE

- 27.1 **LAYOFF.** A layoff, or reduction in force, is an involuntary termination of an employee or employees as a result of a shortage of work or shortage of funds. A layoff may be ordered only by the Board of County Commissioners after a plan is submitted to the County Manager and approved by the Board of County Commissioners.

- 27.2 **FURLOUGH.** A furlough is mandatory time off from work without pay for an employee or employees as a result of shortage of work or shortage of funds. A furlough may be ordered only by the Board of County Commissioners after a plan is submitted by the County Manager and approved by the Board of County Commissioners.

- 27.3 **ABOLISHMENT OF POSITION.** The County Manager or Elected Official may abolish a position which is no longer needed within the County work force. A position may be abolished only with the approval of the Board of County Commissioners. If a position is available for which work and funds are available, an employee may accept a demotion or transfer to avoid a layoff, but only if the employee is otherwise qualified for the new position and a position exists. If a position is reestablished, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment.

28 POST-EMPLOYMENT MATTERS

- 28.1 **EXIT INTERVIEW.** When an employee leaves County employment, the employee will be scheduled for an exit interview prior to the last day of work. The exit interview will be arranged by the Human Resources Department. At the exit interview, the employee may comment on his or her employment and may voice suggestions, complaints, and criticisms. The employee will have an opportunity to discuss benefits and benefit conversion privileges. A personal email address must be furnished by the employee, if not already provided. The employee will be asked to return all County property in his or her possession.

- 28.2 **CONTINUANCE OF MEDICAL COVERAGE (COBRA).** Under the federal Consolidated Budget Reconciliation Act (COBRA), eligible employees and/or dependents may elect to continue employee and/or dependent medical insurance

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

28.3 COMPENSATION FOR ACCRUED VACATION AND SICK LEAVE UPON TERMINATION. Upon death, retirement, or termination of employment, each full-time regular, part-time regular, trial period, and unclassified employee will be compensated for accrued vacation time, accrued sick leave time, and accrued compensatory time earned through the last day of work, subject to the limitations on the amount of compensation set forth below. Base rate of pay for purposes of this section is calculated as follows: For hourly employees, the base rate of pay is the employee's hourly rate at the time of termination. For salaried employees, the base rate of pay is computed by dividing the employee's annual salary at the time of termination by 2,080. For FLSA 106-hour employees, the base rate of pay is the employee's FLSA rate for the position held at the time of termination.

28.3.1 AMOUNT OF COMPENSATION – ACCRUED SICK LEAVE. Upon death, retirement, or termination of employment, each full-time regular, part-time regular, trial period, and unclassified employee shall be compensated for accrued sick leave earned through the last day of work. Compensation for accrued sick leave upon termination shall be computed by dividing the accrued hours by three (3) and then multiplying the accrued sick leave hours that result by the employee's base rate as outlined in Section 28.3. The total amount of sick leave which may be reimbursed upon termination shall not exceed 347 hours.

28.3.2 AMOUNT OF COMPENSATION – ACCRUED VACATION. Upon death, retirement, or termination of employment, each full-time regular, part-time regular, trial period, and unclassified employee shall be compensated for accrued vacation up to 320 hours through the last day of work. Vacation accruing prior to January 6, 2013, and the first 320 hours of accrued vacation hours shall be paid at the employee's base rate as outlined in Section 28.3. Any post January 6, 2013, vacation in excess of 320 hours shall be forfeited. Hours in excess of 320 which accrue before July 1 of any year may be used and are subject to buy back but shall not be paid at termination.

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

29 EFFECTIVE DATE

This San Juan County Employee Handbook shall be effective January 4, 2024.

INDEX

Abolishment of Position	57
Absenteeism	6
Accidents	
Involving defective equipment	39
Involving injury	39
Involving motor vehicles	39, 41
ADA/ADAAA	48
Additional Duties	33
Administrative Leave	
With pay	21
Without pay	21
Applicability	1
Assignment to a rate of pay	32
Attendance	6
Background Checks	4, 12, 56
Badges, I.D.	8
Bereavement Leave	20
Board or Commission Leave	20
Boot allowance	29
Breaks	6
Breast Pump, Use of	6
Cameras, security	48
Cellular Phone Use	48
Childcare	7
Children of County employees at work	7
Classified Employee	1
COBRA	57
Commercial Driver's License (CDL)	10, 40, 41, 42
Compensation	32
Compensatory time	36
Cost-of-living adjustment	32
During holiday	19
During the trial period	32
For additional duties	33
Maintenance of the system	34
Overtime	34
Overtime – Elections	35
Overtime – Special events at McGee Park	35
Stepped-out employees	32

Compensatory Time.....	36
Accrual of	36
Compensation for	36
Donation of	17
Election of.....	36
Fair Labor Standards Act.....	36
Salaried employees	36
Consolidated Budget Reconciliation Act (COBRA)	57
Computer Use.....	48
E-mail	48
Internet	48
Social media	12, 45
Conditions of Employment.....	5
Conflict of Interest.....	8, 11, 52
Examples of.....	11
Procurement.....	11
Termination for	11
Contract Employee	2
Conviction, criminal.....	12, 43, 44, 45, 53
Cost-of-Living Adjustment.....	32
County Assessor.....	1
County Clerk.....	1, 35
County Commissioner.....	1
County Property	
Care and Use of	11
Personal Use	11
Telephones.....	11
County Sheriff.....	1
County Treasurer.....	1
Court Duty.....	20
Criminal activity.....	12
Dating	10
Demotion	52
Dental Insurance.....	23
Disability Insurance.....	23
Disciplinary Action	52
Authority to take	49
Employee Conduct	49
Forms of	50
Grounds for	52
Discrimination	45
Definitions of.....	45
Discipline for engaging in	46
Making a formal charge of.....	46

Dismissal	52
For cause	52
Of trial period employees.....	52
Domestic Abuse Leave	23
Donation of Sick Leave, Vacation Leave, or Compensatory Time	17
Dress	7
Driver's Licenses	10
Commercial Driver's License (CDL)	10, 41, 42, 43
Driving under the influence	44
Of drugs.....	44
Operation of County Vehicles.....	44
Restoration of Driving Privileges	44
Drug and Alcohol-related Convictions.....	44
Drug or alcohol dependency.....	44
Drug Testing	40
Driving Privileges.....	3
Post-accident.....	40
Positive Test – Consequences	42
Pre-employment.....	3
Procedure.....	41
Random testing	40
Testing on reasonable suspicion	41
Drugs and Alcohol	40
Prescription medications	40
Treatment.....	42
Educational Assistance.....	26
Application process	27
Eligibility	26
Employee responsibilities	27
Funding	26
Leave.....	27
Payment	27
Effective Date	58
Elected Official.....	1
E-mail.....	48
Employee Assistance Program.....	24, 44
Employee Conduct	49
Employee Orientation	4
Employment Classifications	1
Employment Eligibility Verification Form I-9.....	4
Equal employment opportunity	46
Equal Employment Opportunity Officer.....	47
Equal Employment Opportunity Policy.....	46
Violations of.....	47

Equal Employment Opportunity Program.....	47
Compliance with laws and regulations.....	47
Diversity.....	46
Non-discrimination in policies.....	47
Periodic review of.....	47
Training.....	47
Violations thereof.....	47
Errors in pay.....	36
Exit Interview.....	57
Failure to Evaluate.....	31
Effect on Subordinate.....	31
Effect on Department Head/Elected Official.....	32
Fair Labor Standards Act (FLSA).....	2, 14, 16, 34, 36, 58
Family and Medical Leave	
Eligibility.....	22
Statement of health care provider.....	22
Unpaid leave.....	22
Felony.....	12, 51, 53
Firefighter, Volunteer.....	3
Fitness Activities.....	30
Footwear allowance.....	29
Fraternization.....	10
Full-Time Employee.....	1
Furlough.....	57
Governmental Conduct Act.....	12
Grant Funded Employee.....	3
Gratuities.....	8
Grievance.....	54
Eligibility.....	54
Process.....	55
Harassment.....	45
Defined.....	45
Discipline for engaging in.....	46
Making a formal charge of.....	46
Hatch Act.....	8
Hazardous or unsafe conditions.....	38
HIPAA.....	24, 50, 53
Holidays.....	19
Compensation for.....	19
Compensatory time during.....	36
Eligibility.....	19
Overtime during.....	35
Pay day falls on.....	36

Working during a holiday	19
Hostile Work Environment	46
Hourly Employee	1
Hours of Work	5
I.D. badges	8
Inclement weather	6
Inquiries about employees	13
Intern.....	3
Internet use.....	48
Layoff.....	57
Leave with Pay	21
Leave without Pay	21
Life Insurance	23
Maintenance of the Compensation System	34
Medical Care.....	23
Medical Examination.....	3
Medical Files.....	13
Confidentiality of.....	13
Military Leave.....	20
Nepotism.....	10
On-call pay.....	33
Other Leave	19
Outside employment.....	8, 11
Overpayment of wages.....	37
Overtime	34
Approval Required.....	34
Compensation for	34
Compensation during elections	35
Compensatory time in lieu of.....	36
Salaried employees.....	36
Sheriff's Office	35
Special events at McGee Park	35
Part-time Employee	1
Part-time Regular Employee.....	1
Pay Period	36
Pay.....	36
PERA.....	3, 18, 25, 56
Performance evaluation	31
Conduct of.....	31
Date of.....	31

Effect of Failure to Evaluate	31
Procedure.....	31
Rebuttal of.....	31
Review of.....	31
Personal Appearance	7
Personal Leave.....	19
Personnel Action Form	13
Personnel files	13
Access to.....	13
Review of.....	13
Pets.....	49
Political Participation.....	8
Campaigning	8
Elected political office	8
Voting	8, 23
Pre-employment background check	4
Pre-termination Hearing.....	54
Probate Judge	1
Promotion	56
Public Employees Retirement Association.....	3, 18, 25, 56
Recording, audio/visual.....	48
Re-employment	56
References regarding employees	13
Region II drug testing.....	44
Regular Employee	1
Reimbursement for Training Over \$2000.....	10
Remote Work.....	6
Report to work	5
Reporting of employee criminal convictions.....	12
Reprimand	50
First written.....	50
Second written.....	50
Resignation.....	56
Retirement	25, 56
Contributions	25
Disability Retirement.....	56
Eligibility	25
Public Employees Retirement Association	3, 18, 25, 56
Rounding of time reporting.....	37
Safety.....	37
Defective equipment.....	38
Duty of supervisors.....	38
Hazardous conditions	38
Injuries.....	39
Motor vehicle accidents	39

Training	38
Salaried Employee.....	2
Salary Review.....	34
Service Animals.....	49
Sexual Harassment	45
Short Title	1
Sick Leave	16
Abuse of	17, 53
Accrual	16
Compensation for	17
Compensation for upon termination.....	58
Eligibility	16
Physician's Statement	16
Transferability, Donation of.....	17
Smoking.....	39
Solicitors	8
Standby pay.....	33
Suspension	51
Duration of.....	51
Tardiness	6
Temporary Employee.....	2
Termination.....	54
Final decision	54
Notification.....	54
Pre-termination Hearing	54
Time reporting.....	37
Accuracy.....	37
Rounding.....	37
Timekeeping	36
Transfer	56
Trial period.....	4, 32
Trial Period Employee.....	2
Tuition Assistance.....	26
Unclassified Employee.....	2
Uniforms	28
Vacation.....	14
Accrual	14
Combining with holiday.....	16
Compensation	15
Compensation for upon termination.....	58
Donation of.....	17
Eligibility	14
Incentive programs for the Sheriff's Office.....	15

Maximum accumulation allowed.....	15
Requesting	15
Vacation Earning Schedule	14
Verbal Warning	50
Vision Plan.....	23
Voluntary Termination.....	56
Volunteer	3
Volunteer Firefighter	3
Voting.....	8, 23
Wage and Salary Review.....	34
Workers' Compensation.....	24

APPENDIX

Documents attached in this appendix are not part of Ordinance 34. These policies have been adopted separately by the Board of County Commissioners and are attached here for convenience.

Remote Work Policy and Procedure A

Drug and Alcohol Policy for the Operation of Commercial Motor Vehicles B

Vehicle Use Policy C

Travel Policy and Procedure..... D

Purchasing Policies and Procedures E

Purchasing Card Program F

Governmental Conduct Act..... G

Sheriff’s Office Vacation Incentive Program..... H

Sheriff’s Office Fitness Incentive Program I

On-Call/Stand-By Pay Resolutions J

Administrative Procedure for Grievance Hearings K

Workplace Violence Policy L

Comprehensive Cyber Policy M

San Juan County Remote Work Policy

1. Purpose

To establish requirements for County employees who are permitted to work from a location other than County established offices or who work outside of a County vehicle equipped with a mobile data terminal (MDT). Employees will be held to the same standard of work as if they were physically present.

2. Scope

Only County employees who are deemed remote work eligible, as defined within their job description, can be considered for remote work. This Remote Work Policy is an extension to Section 5.1.3, *Remote Work*, of the employee handbook and supersedes the Temporary Remote Work and Leave Policy and Procedure for COVID-19.

This policy shall be applicable for all permanent and semi-permanent remote work situations including, but not limited to, working from home. Only paragraphs 5 and 8 of this policy also apply to temporary remote work situations such as employees attending an offsite conference or training, meetings not held at a County facility, or exempt employees working off hours away from a County facility, etc.

Remote work shall not be substituted for sick leave unless approved by department head or elected official.

3. Authorization, Duration and Remote Work Agreement

A remote work eligible employee, as defined on their current job description, must be approved for remote work by their elected official or department head. If the timeframe of remote work exceeds 30 days, remote work must be approved by the County Manager. Upon authorization, a remote work agreement shall be executed for a period not to exceed 180 days. Remote work more than 180 days must be re-evaluated, authorized, and a new agreement signed.

The authorization for an employee to remote work can be rescinded by the department head, elected official or County Manager.

4. Limitations

Due to personal income tax implications and requirement for the remote worker be able to physically report to their place of work within a 2-hour window, remote work eligible employees may not work outside of San Juan County, unless extenuating circumstances exist and an alternate location is approved by the County Manager in advance. These limitations are applicable where a remote work agreement is executed.

5. Equipment Necessary to Work Remotely, Reimbursement

In order to work remotely, an employee must be able to provide space, telephone, printing, networking, and/or internet capabilities at the remote work location and shall not be reimbursed by

the County for these or related expenses unless prior arrangements are made with the Employee's elected official or department head for good cause or if remote work was mandatory.

The employee shall have a dedicated workspace to set up their workstation in an ergonomically safe manner specifically meeting OSHA and ADA compliance. The employee may not take County equipment home for use in their remote workspace other than a County issued laptop, unless the department head, elected official, or the IS department deems it necessary for other equipment to be used for remote work. All equipment must be recorded on the signed remote work agreement.

A County issued laptop must be used for all remote work. An employee's personal computer cannot be used to maintain County security protocols.

The County issued laptop must maintain a secure Virtual Private Network (VPN) connection thru an adequate internet connection. All data can be tracked and subject to review upon request of the department head, elected official or County Manager.

In accordance with the County's required multi-factor authentication (MFA), to obtain a connection from outside the County network, the MFA app is required to be installed on a personal device unless the remote worker had previously been issued a County device. Data use cannot be charged to the County.

The Information Systems Department cannot assist with personal equipment or services including, but not limited to, home internet and home printers.

6. Policy Does Not Change Terms of Employment

This arrangement in no way changes the terms and conditions of employment with San Juan County. Remote work is neither an employee benefit nor right and the employee must conform to all County ordinances, state laws, and department regulations regarding employment.

7. Accessibility of Employee During Remote Work; Clocking In

While working remotely, employee will maintain the same level of accessibility by telephone or email during normal work hours as employee would at regular work; check in with the elected official, department head, deputy department head, or designee to discuss status and open issues; be available for teleconferences, scheduled on an as-needed basis; be available within 2 hours to report to the office if a business need arises (unless exempted from this requirement by the department head or elected official due to the nature of the specific remote work agreement); record all hours worked and clock in, either through Executime or an alternate method arranged with Employee's elected official, department head, deputy department head, or designee. Approval to use vacation, sick, or other leave shall be in the same manner as when working at employee's regular work location. Employees' duties, obligations, responsibilities, and conditions of employment with the County remain unchanged except those obligations and responsibilities specifically addressed in this Policy. Job responsibilities and standards of performance remain the same as when working at the regular County work site. The employee shall not clock in at their remote work location and then drive to their physical place of work for the sole benefit of charging the travel time as hours worked. Remote worker, as determined by the department head or elected official, must attend a meeting in the way it was made available (i.e. in person or remotely).

8. VPN Network Access

A VPN is a secured private network connection built on top of a public network, such as the internet. It allows direct access to the San Juan County Network. Approved employees may utilize the benefits of a VPN, which is a "user-managed" service. This means that users are responsible for their internet access. It is the responsibility of the employee with VPN privilege to ensure that unauthorized users are not allowed access to the County's Network. VPN access is controlled using the employee's username and password used to login as if they were working on site. Upon approval of VPN access an email will be sent containing the Username and Password for the VPN service. All traffic while connected to the San Juan County VPN is logged and associated with the user. All traffic will travel across the VPN tunnel.

VPN users will be automatically disconnected from the network after 30 minutes of inactivity. The user can immediately log on again to reconnect to the network.

- Users acknowledge when connected to the VPN all use of personal internet browsing, streaming services, and other services is prohibited.
- Instructions will be provided to employees on how to access the VPN and their virtual desktop environment.
- Information Systems will support the connection during normal business hours of 7am to 5:30pm Monday-Friday. Problems shall be reported thru the County's established ticket system.

9. County Property

The remote work employee will sign a Remote Work Agreement which will include an inventory of all office property used for remote work. The employee shall be responsible for protecting items from damage or theft.

10. Injury Reporting

Injuries sustained by the employee while at the employee's alternative work location and while in the course and scope of employee's regular duties are normally covered by the State of New Mexico's Worker's Compensation Act. Remote work employees are responsible for immediately notifying the employer of such injuries in accordance with the County's procedures. Remote workers shall follow all County policies and procedures to maintain a safe and ergonomic workspace.

11. Overtime

Remote work employees who are not exempt from overtime requirements of the Fair Labor Standards Act will be required to record all hours of actual time worked and shall sign a record attesting to its accuracy. Hours worked in excess of a normal 40-hour workweek will require advance approval by the elected official, department head, deputy department head, or designee. Failure to comply with this requirement may result in disciplinary action. See section 14, *Overtime*, of the Employee Handbook (County Ordinance No. 34).

12. Disputes

Any dispute over the terms of this policy or the remote work agreement will be resolved by the County Attorney or Deputy County Attorney and shall be reviewable under the County's grievance procedures.

13. Violation

Violation of this policy or violation of the executed remote work agreement may result in cancellation of the authorized remote work with disciplinary action up to and including termination.

DOT Drug and Alcohol Policy for Drivers

County Name: San Juan County

Policy Developer/Contact: Stewart Logan, Safety & Compliance Manager

Effective Date: 3/23/2022

Policy Statement: San Juan County is dedicated to the health and safety of its drivers. Drug and/or alcohol use may pose a serious threat to driver health and safety. Therefore, it is the policy of San Juan County to prevent the use of drugs and abuse of alcohol from having an adverse effect on our drivers.

The serious impact of drug use and alcohol abuse has been recognized by the federal government. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require the County to implement an alcohol and controlled substances testing program.

The purpose of the FMCSA-issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

The County will comply with these regulations and is committed to maintaining a drug-free workplace.

It is the policy of San Juan County that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on the County premises, engaged in County business, operating County equipment is strictly prohibited. Disciplinary action will be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or contain the terms of any contract of employment. The County retains the sole right to change, amend, or modify any term or provision of this policy without notice.

Responsibility

In accordance with 49 CFR §382.601(a), the employer shall provide educational materials that explain the requirements in Part 382 and the employer's policies and procedures with respect to meeting these requirements. The employer will ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a safety-sensitive function position (i.e., operating a commercial motor vehicle as defined in §382.107 requiring a CDL).

Each driver hired or transferring into a safety-sensitive function is responsible for reviewing the content of the information presented to drivers. Each driver is responsible for asking questions about the procedures if the content is unclear to him/her. Drivers may pose follow-up questions about the content of this policy and procedures to the County Safety and Compliance Manager.

Drugs and Alcohol Procedures

Regulatory Requirements

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382.

Non-Regulatory Requirements

The Federal Motor Carrier Safety Regulations (FMCSRs) set the minimum requirements for testing. The County's policy may be more stringent in certain instances. This policy will clearly define what is mandated by the FMCSRs and what County procedure is.

Who is Responsible

It is the County's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy. The County will retain all records related to testing and the testing process in a secure and confidential matter.

San Juan County's alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is:

County Safety and Compliance Manager

100 S. Oliver Drive

Aztec, NM 87410

505-334-4514

The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation-established threshold levels while on duty. The driver will not use alcohol within four hours of performing a "safety-sensitive" function, while performing a "safety-sensitive" function, or immediately after performing a "safety-sensitive" function. The driver must submit to alcohol and controlled substances tests administered under Part 382.

All supervisors must make every effort to be aware of a driver's condition at all times the driver is in service of the County. Supervisors must be able to make reasonable suspicion observations to determine if the driver is impaired in some way and be prepared to implement the requirements of this policy if necessary.

Definitions

When implementing and interpreting the drug and alcohol policies and procedures required by the FMCSA, as well as the policies and procedures required by the County, the County incorporates the definitions as enumerated in 382.107 of the FMCSA by reference.

Alcohol Prohibitions

Part 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.

This alcohol prohibition includes:

- Use while performing safety-sensitive functions;
- Use during the four hours before performing safety-sensitive functions;
- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- Use of alcohol for up to eight hours following an accident or until the driver undergoes a post-accident test; or
- Refusal to take a required test.

NOTE: Per FMCSA regulation (§382.505), a driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

The County's Drug and Alcohol policy within the Employee Handbook is also applicable to CDL holders.

Drug Prohibitions

Part 382, Subpart B, prohibits any drug use that could affect the performance of safety-sensitive functions. This drug prohibition includes:

- Use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana or the use of any *Schedule I* drug under state law is not a legitimate medical explanation. Under federal law, the use of marijuana or any *Schedule I* drug does not have a legitimate medical use in the United States.);
- Testing positive for drugs; or
- Refusing to take a required test.

The County's Drug and Alcohol Policy within the Employee Handbook is also applicable to CDL holders.

Conditions for Employment

A driver who has refused a drug or alcohol test, failed a random, reasonable suspicion, post-accident, return to duty, or follow up controlled substance or alcohol test will be considered for employment with San Juan County so long as the driver applicant has completed the return to

duty process and the driver applicant would no longer be subject to follow up testing or any other requirements or restrictions as a result of the positive test.

A driver applicant who has tested positive for drugs during a DOT pre-employment test may reapply for employment with San Juan County after 90 days from the date of the positive test and at that time will be considered for employment only if they have completed the return to duty process.

Circumstances for Testing

Pre-employment (§382.301)

In accordance with §382.301, all driver applicants will be required to submit to and pass a urine drug test as a condition of employment.

Each driver applicant will be asked whether he/she has tested positive, or refused to test, on any DOT pre-employment drug test administered by an employer to which the driver applicant applied for, but did not obtain, safety-sensitive transportation work during the past two years.

If the driver applicant admits that he/she has tested positive, or refused to test, on any DOT pre-employment test, the driver applicant may not perform any safety-sensitive functions for the County until and unless the driver applicant documents successful completion of the return-to-duty process.

Job applicants, who are denied employment because of a positive test under another motor carrier or under San Juan County's DOT pre-employment testing, may reapply for employment after 90 days. The DOT return-to-duty process must be completed prior to operating San Juan County's commercial motor vehicles.

Driver applicant drug testing shall follow the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40.

An employee of San Juan County transferring to a safety-sensitive driving position is also subject to and must pass a urine drug test as a condition of the transfer.

If the employee transferring into a safety-sensitive function does not pass his/her DOT pre-employment drug screen, he/she will not be transferred into the safety sensitive driving position. He/she may reapply after a period of 90 days, if a position is still available, and will be considered so long as he/she has completed the return-to-duty process.

San Juan County will not require a pre-employment drug test if the following conditions are met:

- The driver has participated in a drug testing program meeting the requirements of Part 382 within the previous 30 days;
- While participating in this program, the driver must have either been tested for controlled substances in the previous six months, or participated in a random drug testing program for the previous 12 months; and

- No prior employer of the driver has a record of violations of any DOT controlled-substance-use rule for the driver in the previous six months.

San Juan County must contact the previous employer's testing program prior to using the driver and obtain the following information:

- The name and address of the program (usually the driver's prior and/or current employer);
- Verification that the driver participates or participated in the program;
- Verification that the program conforms with the required procedures set forth in 49 CFR Part 40;
- Verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or drug test;
- The date the driver was last tested for alcohol or drugs; and
- The results of any drug or alcohol test administered in the previous six months, and any violations of the alcohol misuse or drug use rules.

A pre-employment alcohol test will be conducted after the County has made a contingent offer of employment or transfer, subject to the individual passing the pre-employment alcohol test. All pre-employment alcohol tests will follow the alcohol testing procedures outlined in 49 CFR Part 40.

The pre-employment alcohol test will be conducted before the first performance of safety-sensitive functions. An individual may not begin performing safety-sensitive functions until he/she has received a test result that indicates an alcohol concentration of less than 0.04.

Reasonable Suspicion Testing (§382.307)

If the driver's supervisor or another County official designated to supervise drivers believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a drug and/or alcohol test.

The basis for this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The driver's supervisor or another County official will immediately remove the driver from any and all safety-sensitive functions and take the driver or make arrangements for the driver to be taken to a testing facility.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test. Per FMCSA regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just preceding, or after the driver is performing a safety-sensitive function.

Per FMCSA regulation, if the driver tests 0.02 or greater, but less than 0.04 for alcohol, the driver will be removed from all safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the program administrator will prepare and maintain a record stating the reasons why the test was not administered within two hours.

If the test was not administered within eight hours after a reasonable suspicion determination, all attempts to administer the test shall cease. A record of why the test was not administered must be prepared and maintained.

A written record of the observations leading to an alcohol or controlled substance reasonable suspicion test, signed by the supervisor or County official who made the observation, will be completed within 24 hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is first.

A driver awaiting the results of a reasonable suspicion drug test will be placed on paid administrative leave.

Post-Accident Testing (§382.303)

Drivers are to notify either the Claims Manager or the Safety & Compliance Manager as soon as possible if they are involved in an accident.

According to FMCSA regulations (§382.303), if the accident involved the following, the driver will be tested for drugs and alcohol as soon as possible following the accident:

- A fatality,
- Bodily injury with immediate medical treatment away from the scene and the driver received a citation, or
- Disabling damage to any motor vehicle requiring tow away and the driver received a citation

The driver must remain readily available for testing. If the driver isn't readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for eight hours or until testing is completed

If the alcohol test is not administered within 2 hours following the accident the Safety & Compliance Manager will prepare a report and maintain a record stating why the test was not administered within two hours.

If the alcohol test is not administered within 8 hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained.

The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease.

The Safety & Compliance Manager will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

See section 17.3.2 of the Employee handbook for additional post-accident testing procedures.

Random Testing (§382.305)

San Juan County will conduct random testing for all CDL drivers as follows.

San Juan County will use a consortium (Reliance Medical Group). The consortium will use a selection process based on a scientifically valid method, prescribed by FMCSA regulations.

Reliance Medical Group will administer the random testing program, maintaining all pertinent records on random tests administered.

At least 10 percent of the consortium's average number of driver positions will be tested for alcohol each year.

The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.

Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to the assigned collection site.

Random testing will usually take place on County premises by Reliance Medical. If an employee is not immediately available for testing on County premises, they can be directed to go immediately to Reliance Medical and given a time frame in which to arrive for testing.

Return-to-Duty Testing (§382.309)

After failing an alcohol test, a driver must undergo a return-to-duty test prior to performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than 0.02.

After testing positive for a controlled substance, a driver must undergo a return-to-duty test *under direct observation* prior to performing a safety-sensitive function. The test must indicate a verified negative result for drug use

Additional Procedures for restoration of driving privileges are found in section 17.3.6.4 of the Employee Handbook.

Follow-Up Testing (§382.311)

Following the driver's violation of Part 382, Subpart B, the driver will be subject to follow-up testing. Follow-up testing will be unannounced. The quantity and frequency of such follow-up testing will be directed by the SAP and will consist of at least six tests in the first 12 months. Follow-up testing may be done for up to 60 months. Follow-up drug tests must be conducted *under direct observation*.

Additional procedures for participation in a treatment program are found in Section 17.3.6.2 of the Employee Handbook.

Refusal to Submit

According to §382.211, a driver may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the regulations. A driver who refuses to submit to such tests may not perform or continue to perform safety-sensitive functions and must be evaluated by a substance abuse professional as if the driver tested positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine sample for alcohol or drug testing and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample.

Refusal to submit to drug or alcohol testing shall be grounds for termination. See section 17.3.5 of the Employee Handbook.

Dilute Specimens

If the MRO informs the County that a positive drug test was dilute, Reliance Medical will simply treat the test as a verified positive test. The County will not direct the employee to take another test based on the fact that the specimen was dilute. This is in accordance with §40.197.

If the MRO directs the County to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see §40.155(c)), the recollection shall take place *immediately*.

The following provisions apply to all tests that the County sends the driver for under the directive of the MRO:

- The employee is given the minimum possible advance notice that he or she must go to the collection site;
- The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;
- If the result of the retest taken under §40.197(b) is also negative and dilute, the County will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs County to conduct a recollection under direct observation under §40.197(b)(1), the County must immediately do so.
- If the employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of Part 40 and DOT agency regulations.

If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, San Juan County has elected to include the optional retest provision in its County policy. San Juan County will direct the employee to take another test immediately under County policy in accordance with §40.197. Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation (see § 40.67 (b) and (c)).

The following provisions apply to all retests that San Juan County sends the driver for under County policy:

- The employee is given the minimum possible advance notice that he or she must go to the collection site;
- The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;
- If the result of the retest taken under §40.197(b) is also negative and dilute, the County will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs San Juan County to conduct a recollection under direct observation under §40.197(b)(1), the County must immediately do so.
- If the employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of Part 40 and DOT agency regulations.

San Juan County will conduct retests for the following DOT-required tests: Reasonable Suspicion, Post-Accident, Random, and follow-up.

Invalid Results

When the laboratory reports that the test result is an invalid result, the MRO must:

- Contact the employee and inform him or her that the specimen was invalid. In contacting the employee, the MRO uses the procedures set forth in §40.131.
- After explaining the limits of disclosure (see §§40.135(d) and 40.327), the MRO must determine if the employee has a medical explanation for the invalid result. He/she must inquire about the medications the employee may have taken.

If the employee gives an explanation that is acceptable, the MRO must:

- Place a check mark in the "Test Cancelled" box (Step 6) on Copy 2 of the CCF and enter "Invalid Result" and "direct observation collection not required" on the "Remarks" line.
- Report to the DER that the test is cancelled, the reason for cancellation, and that no further action is required unless a negative test result is required (i.e., pre-employment, return-to-duty, or follow-up tests). If a negative test result is required and the medical explanation concerns a situation in which the employee has a permanent or long-term medical condition that precludes him or her from providing a valid specimen, the MRO must follow the procedures outlined at §40.160 for determining if there is clinical evidence that the individual is an illicit drug user.
- If the medical evaluation reveals no clinical evidence of drug use, the MRO must report this to the employer as a negative test result with written notations regarding the medical examination. The report must also state why the medical examination was required (i.e., either the basis for the determination that a permanent or long-term medical condition exists or because the recollection under direct observation resulted in another invalid result for the same reason, as appropriate) and for the determination that no signs and symptoms of drug use exist.
- If the medical evaluation reveals clinical evidence of drug use, the MRO must report the result to the employer as a cancelled test with written notations regarding the results of the

medical examination. The report must also state why the medical examination was required (i.e., either the basis for the determination that a permanent or long-term medical condition exists or because the recollection under direct observation resulted in another invalid result for the same reason, as appropriate) and state the reason for the determination that signs and symptoms of drug use exist. Because this is a cancelled test, it does not serve the purpose of an actual negative test result (*i.e., the employer is not authorized to allow the employee to begin or resume performing safety-sensitive functions because a negative test result is needed for that purpose*).

If the employee does not give a reasonable explanation, the MRO:

- Places a check mark in the “Test Cancelled” and enters “Invalid Result” and “direct observation collection required” on the “Remarks” line.
- Reports to the DER that the test is cancelled, the reason for cancellation, and that a second collection must take place immediately under direct observation.
- Instructs the employer to ensure that the employee has the minimum possible advance notice that he or she must go to the collection site.

If the employee admits to the MRO that he or she tampered with the specimen, the result is reported as a refusal to be tested.

If the employee admits to the MRO that he or she used drugs, the test is cancelled with the reason noted (invalid) and the DER is notified of the admission. The DER has actual knowledge of a violation, and the occurrence is treated the same as a positive result.

When the test result is invalid because the pH is greater than or equal to 9.0 but less than or equal to 9.5 and the employee has no other medical explanation for the pH, the MRO should consider whether there is evidence of elapsed time and increased temperature that could account for the pH value. The MRO:

- Is authorized to consider the temperature conditions that were likely to have existed between the time of collection and transportation of the specimen to the laboratory, and the length of time between the specimen collection, and arrival at the laboratory.
- May talk with the collection site and laboratory to discuss time and temperature issues, including any pertinent information regarding specimen storage.

If the MRO determines that time and temperature:

- Account for the pH value, he or she must cancel the test and take no further action.
- Fail to account for the pH value, he or she must cancel the test and direct another collection under direct observation, as provided at paragraph §40.159(a)(5).

Alcohol Testing Procedures

Alcohol testing will be conducted at Reliance Medical by a qualified breath alcohol technician (BAT) or screening test technician (STT), according to 49 CFR Part 40 procedures. Only products on the conforming products list (approved by the National Highway Traffic Safety Administration (NHTSA)) and Part 40 requirements will be utilized for testing under this policy.

The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

When the driver arrives at the testing site, the BAT or STT will ask for identification.

The driver may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device.

The driver must blow forcefully into the mouthpiece of the testing device for at least six seconds or until an adequate amount of breath has been obtained.

Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form. If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.

When an alcohol screening device (ASD) is used, the screening test technician (STT) must check the device's expiration date and show it to the driver. A device may not be used after its expiration date.

The STT will open an individually wrapped or sealed package containing the device in front of the driver and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.

If the driver declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the driver's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test.

When the device is removed from the driver's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated.

If the procedures listed above can't be successfully completed, the device must be discarded and a new test must be conducted using a new device. Again, the driver will be offered the choice of using the new device or having the STT use the device for the test.

If the new test can't be successfully completed, the driver will be directed to immediately take a screening test using an evidential breath testing device (EBT).

The result displayed on the device must be read within 15 minutes of the test. The STT must show the driver the device and its reading and enter the result on the ATF.

If the reading on the EBT or ASD is less than 0.02, both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to the County's designated employer representative (DER).

If the reading on the EBT or ASD is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.

The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.

If the results of the confirmation test and screening test are not the same, the confirmation test will be used.

Refusal to complete and sign the alcohol testing form or refusal to provide breath or saliva will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.

Drug Testing Procedures

Drug testing will be conducted at Reliance Medical. Specimen collection will be conducted in accordance with 49 CFR Part 40 and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain of custody guidelines.

A drug testing custody and control form (CCF) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.

A collection kit meeting the requirements of Part 40, Appendix A must be used for the drug test.

The collection of specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation of the specimen to a certified laboratory.

When the driver arrives at the collection site, the collection site employee will ask for identification. The driver may ask the collection site person for identification.

The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep his/her wallet.

The driver will then wash and dry his/her hands. After washing hands, the driver must remain in the presence of the collection site person and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

The collection site person will select, or allow the driver to select, an individually wrapped or sealed container from the collection kit materials. Either the collection site person or the driver, with both individuals present, must unwrap or break the seal of the collection container. The seal on the specimen bottle may not be broken at this time. Only the collection container may be taken into the room used for urination.

The driver is then instructed to provide his/her specimen in a room that allows for privacy.

The specimen must consist of at least 45 mL of urine. Within four minutes after obtaining the specimen, the collection site person will measure its temperature. The acceptable temperature

range is 90 to 100 degrees Fahrenheit. If the specimen temperature is outside the acceptable range, the collector must note this on the CCF and must immediately conduct a new collection using direct observation procedures outlined in §40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.

The collection site person will also inspect the specimen for color and look for signs of contamination or tampering. If there are signs of contamination or tampering, the collector must immediately conduct a new collection using direct observation procedures outlined in §40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.

The 45mL sample provided must be split into a primary specimen of 30 mL and a second specimen (used as the split) of 15 mL. The collection site person must place and secure the lids on the bottles, place tamper-evident bottle seals over the lids and down the sides of the bottles and write the date on the tamper-evident seals. The driver then initials the tamper-evident bottle seals to certify that the bottles contain specimens he/she provided. All of this must be done in front of the driver.

All identifying information must be entered on the CCF by the collection site person.

The CCF must be signed by the collection site person, certifying collection was accomplished in accordance with the instructions provided. The driver must also sign this form indicating the specimen was his/hers.

The collector is responsible for placing and securing the specimen bottles and a copy of the CCF into an appropriate pouch or plastic bag.

At this point, the driver may leave the collection site.

The collection site must forward the specimens to the lab as quickly as possible, within 24 hours or during the next business day.

Laboratory Analysis

As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by San Juan County. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

Results

According to FMCSA regulation, the laboratory must report all test results directly to San Juan County' medical review officer (MRO). All test results must be transmitted to the MRO in a

timely manner, preferably the same day that the review by the certifying scientist is completed. All results must be reported.

The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternate medical explanations could account for the test results. The MRO must also give the driver who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the DER.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact the DER instructing him/her to contact the driver. The DER will arrange for the driver to contact the MRO before going on duty.

The MRO may verify a positive, adulterated, or substituted specimen without having communicated with the driver about the test results if:

- The driver expressly declines the opportunity to discuss the results of the test;
- Neither the MRO or DER has been able to make contact with the driver for ten days; or
- Within 72 hours after a documented contact by the DER instructing the driver to contact the MRO, the driver has not done so.

The MRO may verify an invalid test result as cancelled (with instructions to recollect immediately under direct observation) without interviewing the employee, as provided at §40.159 if:

- The driver expressly declines the opportunity to discuss the test with the MRO;
- The DER has successfully made and documented a contact with the driver and instructed the driver to contact the MRO and more than 72 hours have passed since the time the DER contacted the driver; or
- Neither the MRO nor the DER, after making and documenting all reasonable efforts, has been able to contact the driver within ten days of the date on which the MRO received the confirmed invalid test result from the laboratory.

Prescription drug use

When a prohibited drug is detected in a urine specimen, the MRO will verify it is a legally prescribed, non-Schedule I drug and declare the test negative. The MRO will instruct the employee that he or she has five days from the reported negative result to speak with the prescribing physician about getting another prescription that does not make the employee medically unqualified or pose a safety risk.

If the MRO believes there is a medical qualification issue or safety risk — after the five days expire or the issue is not resolved after the driver speaks with the prescribing physician — the MRO will report the possible medical disqualification in accordance with §40.327.

Section 40.327(b) indicates the third parties to whom the MRO is authorized to provide information include the employer, a physician or other health care provider responsible for determining the medical qualifications of the employee under the Federal Motor Carrier Safety Regulations, a Substance Abuse Professional evaluating the employee as part of the return to

duty process, a DOT agency, or the National Transportation Safety Board in the course of an accident investigation.

Split Sample

As required by FMCSA regulations, the MRO must notify each driver who has a positive, adulterated, or substituted drug test result that he/she has 72 hours to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. There is no split specimen testing for an invalid result.

San Juan County will pay for the testing of the split specimen.

If the analysis of the split specimen fails to reconfirm the results of the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DER and the driver.

Specimen Retention

Long-term frozen storage will ensure that positive urine specimens will be available for any necessary retest. San Juan County's designated drug testing laboratory will retain all confirmed positive specimens for at least one year in the original labeled specimen bottle.

Confidentiality/Recordkeeping

All driver alcohol and controlled substance test records are considered confidential (§382.401). For the purpose of this policy/procedure, confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program administrator.

If the program administrator is unavailable, the Safety & Compliance Assistant will have access to the alcohol and controlled substance records.

Driver alcohol and controlled substance test records will only be released in the following situations:

- To the driver, upon his/her written request;
- Upon request of a DOT agency with regulatory authority over the County;
- Upon request of state or local officials with regulatory authority over the County;
- Upon request by the United States Secretary of Transportation;
- Upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
- Upon request by subsequent employers upon receipt of a written request by a covered driver;
- In a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the tests;

- Upon written consent by the driver authorizing the release to a specified individual; or
- As a required submission to the Commercial Driver's License Drug and Alcohol Clearinghouse.

All records will be retained for the time period required in §382.401.

Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse)

Beginning January 6, 2020, a repository created by the FMCSA will collect information on drivers' DOT drug and alcohol violations occurring under a motor carrier's testing program.

Employers and service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Motor carriers, medical review officers, third-party administrators, and substance abuse professionals must provide information when a driver:

- Tests positive for drugs or alcohol;
- Refuses drug and alcohol testing; and
- Undergoes the return-to-duty drug and alcohol rehabilitation process.

The following records will be collected and maintained in the Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by Subpart C of Part 382;
- An employer's report of actual knowledge, as defined at §382.107, including:
 - On duty alcohol use pursuant to §382.205;
 - Pre-duty alcohol use pursuant to §382.207;
 - Alcohol use following an accident pursuant to §382.209; and
 - Controlled substance use pursuant to §382.213;
- A substance abuse professional report of the successful completion of the return-to-duty process; and
- An employer's report of completion of follow-up testing.

The Clearinghouse will aid the County in learning of a driver's need start or continue with the necessary steps in the DOT return-to-duty process (i.e., Substance Abuse Professional (SAP) program) in order to operate a commercial motor vehicle (CMV).

FMCSA requires motor carrier employers to:

- Query the system for information on driver applicants, and
- Search the database annually for current employees.

Before a motor carrier may gain access to the information in the Clearinghouse, the driver must grant consent. Failure to provide consent prevents the motor carrier from using the CDL driver in a safety-sensitive function.

A driver can review his or her report at no cost by registering with the Clearinghouse.

Driver Assistance

Driver Education and Training (§382.601)

All drivers will be given information regarding the requirements of Part 382 and this policy at the time of employment. All drivers will be provided training on this policy within one week of hire or transfer into a safety sensitive driving position by the County Safety and Compliance Manager or the Human Resources Department.

Supervisor Training

According to FMCSA regulation, all employees of San Juan County designated to supervise drivers will receive training on this program. The training will include at least 60 minutes on alcohol misuse and 60 minutes on drug use. The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of alcohol or drugs.

Referral, Evaluation, and Treatment (§382.605)

According to FMCSA regulation, a list of substance abuse professionals will be provided to all drivers who fail an alcohol test or test positive for drugs.

The alcohol and drug program administrator will be responsible for designating the appropriate substance abuse professional (SAP) who, in conjunction with the driver's physician, will diagnose the problem and recommend treatment. In the event a driver violates Part 382, San Juan County will identify (at that time of the violation) who they prefer to contract with for the SAP services.

The employee will pay for the evaluation by the SAP and any treatment required.

According to FMCSA regulations, prior to returning to duty, a driver must be evaluated by a SAP and must complete the treatment recommended by the SAP. Successful completion of a return-to-duty test and all follow-up tests is mandatory. Both return-to-duty tests and follow-up tests must be conducted under direct observation.

A driver who fails to complete an evaluation by the SAP, treatment recommended by the SAP, a return-to-duty test, or a follow-up test will be subject to discipline up to and including termination.

Self-Identification Program

San Juan County will not take disciplinary action against a driver who makes a voluntary admission of alcohol misuse or controlled substance use if:

- The admission is in accordance with the County's voluntary self-identification program (see section 17.5 of the Employee Handbook);
- The driver does not self-identify in order to avoid Part 382 testing;
- The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function; and
- The driver does not perform a safety-sensitive function until the County is satisfied that the driver has been evaluated and has successfully completed education or treatment. .

The driver will be allowed to return to safety-sensitive duties upon successful completion of an education or treatment program, as determined by a drug and alcohol abuse evaluation expert. Also, the driver must undergo:

- A return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or
- A return-to-duty controlled substances test with a verified negative test result.

Discipline

The County may not stand-down a driver before the MRO has completed his/her verification process unless the County has applied for and has received an FMCSA-issued waiver.

According to FMCSA regulation, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following County disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.

Controlled Substance Positive Test Result

Upon notification that a driver has a drug test result of positive, adulterated, or substituted, the driver will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a test of the split sample, the driver will be placed on unpaid administrative leave until the results of a split sample test are obtained.

If the driver doesn't request a split sample test or the split sample test confirms the initial positive, adulterated, or substituted drug test result, the driver will be placed on unpaid administrative leave and may be subject to discipline up to and including termination.

If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated and may be subject to retest.

Refusal to Test

A driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that

obstructs the testing process and is considered a refusal to test. A driver whose conduct is considered a refusal to test maybe terminated.

Failed Alcohol Test Result

Upon notification that a driver has failed an alcohol test (0.04% BAC or greater), the driver will be removed from duty and given the opportunity to enter an SAP

Upon notification that a driver tested 0.02% BAC or greater, but less than 0.04% BAC in initial and confirmatory tests for alcohol, the driver will be immediately removed from duty for a minimum of twenty-four (24) hours and section 17 of the San Juan County Employee Handbook will apply.

Scott Eckstein
Chairman

Jack L. Fortner
Chairman Pro Tem

Wallace Charley
Member

Keith Johns
Member

Margaret McDaniel
Member



100 South Oliver Drive
Aztec, New Mexico 87410-2432
Phone: (505) 334-9481 Fax: (505) 334-3168
www.sjcounty.net

Mr. Kim J. Carpenter
County Executive Officer

APPENDIX C

**SAN JUAN COUNTY, NEW MEXICO
RESOLUTION NO. 16-17-26**

VEHICLE USE POLICY

**ESTABLISHING REGULATIONS GOVERNING THE OPERATION
AND USE OF COUNTY VEHICLES AND PRIVATE
VEHICLES UTILIZED FOR COUNTY BUSINESS**

RECITALS:

1. County vehicles are provided to County employees and authorized volunteers for the purpose of conducting County business or performing duties for San Juan County.
2. The purpose of this policy is to establish standards regulating the safe and appropriate operation of County vehicles and private vehicles utilized for County business.

NOW, THEREFORE, BE IT RESOLVED that the following rules and regulations shall govern the use and operation of County vehicles and private vehicles used for County business:

1. This Vehicle Use Policy applies to all County officers, agents, and employees regardless of their employment classification, including elected officials and volunteers.
2. County employees or other authorized drivers shall utilize County vehicles to conduct business or perform duties for San Juan County unless permitted by the Department Head to utilize a personal vehicle. County employees or other authorized drivers operating a private vehicle to conduct business or perform duties for San Juan County shall also comply with the provisions of this Resolution.
3. (A) Employees to whom County vehicles are assigned may be authorized to drive the County vehicle to and from work under circumstances that comply with IRS regulations. Authorization will be given on a case-by-case basis and granted only by the County Executive Officer. Payroll adjustments for commuting to and from home to work shall be made pursuant to I.R.S. regulations.
(B) (i) The Department Head may grant permission for an employee to take a County vehicle home overnight in preparation for next day, early morning travel for training, seminars, or other out of area required travel.

- (ii) The Department Head may grant permission to an employee to take a County vehicle home if the employee has the vehicle at the end of the workday and it is more convenient to take the vehicle home than to return it to the workplace. The vehicle must be returned the next working day and may be used for no other purpose.
- 4. Use of a County vehicle for personal purposes incidental to official use which do not involve a deviation from an employee's normal route of travel to or from work is permitted.
- 5. County vehicles shall not be used to transport passengers other than authorized persons conducting business or performing duties for San Juan County. An employee may receive permission from a Department Head to take a family member on out-of-town travel.
- 6. Cell phones may only be used in accordance with State and local laws.
- 7. No person other than a County employee or authorized individual shall operate a County vehicle, except as necessary under exceptional and extraordinary circumstances created by an emergency situation. Emergencies must be reported to the employee's Department Head immediately after any such occurrence.
- 8. Each person who operates a County vehicle or a private vehicle to conduct business or perform duties for the County shall possess a current and valid New Mexico driver's license with the proper classification for operation of the vehicle unless waived by the CEO.
- 9. The operator of a County vehicle shall comply with all motor vehicle laws and regulations. Traffic or parking violations leading to citation are the sole responsibility of the operator of the vehicle. A traffic violation citation shall immediately be reported to the Department Head who authorized use of the vehicle.
- 10. An employee whose duties require the operation of a motor vehicle and whose license is suspended or revoked may be subject to termination of employment.
- 11. Each individual who may be authorized to operate a County vehicle must give their written authorization for San Juan County to regularly monitor their driving history. Any person who is not willing to provide written authorization under this provision shall forfeit all driving privileges.
- 12. Any employee who has three (3) at-fault or preventable accidents in any vehicle during a rolling five-year period shall not be permitted to drive any County vehicle for any purpose or any private vehicle for County purposes.
- 13. County vehicles should be used to conduct business or perform duties for San Juan County when travelling out of town. If necessary, a private vehicle may be used with prior approval of the Department Head, County Executive Officer, or Elected Official.

14. Any individual who operates a private vehicle while conducting County business or performing duties for San Juan County must maintain automobile liability insurance in compliance with the State of New Mexico Mandatory Financial Responsibility Act. A copy of the employee's current proof of insurance must be delivered to Risk Management.
15. In the event of a motor vehicle accident involving a County vehicle, the proper authorities should be notified for the immediate safety and assistance of the individuals involved. Notification to the Risk Manager should be made as soon as reasonably possible following the safety and security of those involved.
16. An employee to whom a County vehicle is assigned shall be responsible for providing proper security of the vehicle and for scheduling routine and normal maintenance of the vehicle. All maintenance and repairs should be performed by the County's maintenance shops. It is the responsibility of the Department Head to monitor the maintenance and condition of all vehicles assigned to their department. Failure to do so may result in loss of use of the vehicles.
17. An employee to whom a County vehicle is assigned is responsible for the interior and exterior cleanliness of the vehicle. For shared County vehicles, the authorized operator shall return the vehicle in the same condition as when the vehicle use initiated.
18. Employees and other authorized individuals operating a County vehicle are representatives of San Juan County and shall conduct themselves, and the operation of the vehicle, in a responsible manner at all times. Reports of inappropriate use of the vehicle shall be investigated and, if necessary, disciplinary action may be taken.
19. Any violation of these rules and regulations may result in disciplinary action, including termination of employment.
20. This Resolution supersedes San Juan County Resolution No. 92-93-20.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2016.



Debbie Holmes
 Debbie Holmes, County Clerk

**BOARD OF COUNTY COMMISSIONERS
 OF SAN JUAN COUNTY, NEW MEXICO**

By: *Scott Eckstein*
 Scott Eckstein, Chairman

San Juan County
Travel Policy & Procedure



San Juan County, New Mexico
100 S. Oliver Drive
Aztec, New Mexico 87410
(505) 334-9481

Effective March 1, 2024

APPENDIX D

1. PER DIEM AND MILEAGE ACT

The Per Diem and Mileage Act (NMSA 1978, Section 10-8-1 through 10-8-8) establishes rates for reimbursement for travel for state and local public officers and employees and authorizes the Secretary of Finance and Administration to promulgate rules and regulations for local public bodies for the purpose of carrying out the provisions of the Per Diem and Mileage Act.

2. DEPARTMENT OF FINANCE AND ADMINISTRATION REGULATIONS

Department of Finance and Administration regulations (2.42.2 NMAC) govern payment of per diem rates and mileage and reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies.

3. OBJECTIVE

To establish San Juan County Policy and Procedures to comply with the provisions of the Per Diem and Mileage Act (Act) and the Department of Finance Regulations. In the event of a conflict between the Act and the Department of Finance Regulations, the Act will take precedence as it relates to the specific provision that is in conflict.

4. EFFECTIVE DATE

March 1, 2024.

5. DEFINITIONS

1. “Travel” means being on official business at least 50 miles from the designated post of duty of the public officer or employee.
2. “Designated post of duty” means the address of the public officer’s or employee’s assignment as determined by the County Manager.
3. “Out of State” means beyond the exterior boundaries of the State of New Mexico.
4. “Purchasing Card” means a county credit card assigned to the employee or public officer in his/her name to be used for County purchases. The Purchasing Card Program Policy shall apply in conjunction with this travel policy.

6. PRE-APPROVAL OF TRAVEL

All travel must be pre-approved by the Department Head or Elected Official. The County Manager or Deputy County Manager will approve travel for Department Heads. Elected Officials shall approve their own travel. The governing body of any entity for which the County acts as fiscal agent

APPENDIX D

may designate its chief executive officer as the person to approve travel for officers and employees of that entity. The pre-approved travel method may be based on either per diem or actual expenses. However, where lodging and/or meals are provided the travel must be based on actual expenses and not per diem. If the per diem rate method is used, a copy of the seminar, training, or meeting agenda/schedule should be attached to the travel authorization form. An agenda/schedule is not required for actual expense reimbursement method.

7. USE OF PURCHASING CARD

If the Purchasing Card is used for a meal or lodging, the amount charged to the card will be processed as a travel advance subject to subsection 10.C of this policy for refund of any excess advance.

8. PER DIEM RATE METHOD

Per diem rates shall be paid in accordance with this section, without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the County or another entity, reimbursement must be based on actual expenses per section 9 of this policy and not per diem.

On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. The number of hours in the partial day will be calculated based on the time the traveler initially departed. The return from overnight travel hours are those hours between the last consecutive 24-hour period from the initial departure up to the arrival time. The per diem reimbursement rate shall be established by the Department of Finance and Administration (DFA) and shall be updated annually to the DFA adjusted rate.

9. ACTUAL EXPENSE REIMBURSEMENT METHOD – OVERNIGHT TRAVEL

A. APPLICABILITY:

When overnight travel is required, the official authorizing travel may approve reimbursement of actual expenses in lieu of the per diem rate.

B. LODGING:

A public officer or employee may be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate. Lodging expenses in excess of \$215.00 (including tax and other fees) per night must be pre-approved by the County Manager.

C. MEALS:

Actual expenses for meals are limited by the rates established by the Department of Finance and Administration (DFA) for in-state and out-of-state travel for a 24-hour period. If the travel exceeds 24 hours, the daily maximum may be aggregated over

APPENDIX D

consecutive 24-hour periods. The reimbursement rates shall be updated annually to the DFA adjusted rate.

D. RECEIPTS REQUIRED:

Itemized receipts must be submitted for the actual meal and lodging expenses incurred. Purchases made with the purchasing card must be in compliance with the purchasing card policy and procedures. An affidavit from the employee attesting to certain expenses may be substituted on rare occasions when actual receipts are lost and the denial of reimbursement would create a hardship. The affidavit must accompany the travel reconciliation and include the approval of the County Manager. Affidavits will not be accepted as a normal substitute for receipts.

E. RETURN FROM OVERNIGHT TRAVEL:

On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. The hours calculated between the last consecutive 24-hour period from the initial departure to the arrival time shall constitute the partial day hours for reimbursement.

The reimbursement rate for return from overnight travel shall be established by the Department of Finance and Administration (DFA) and shall be updated annually to the DFA adjusted rate.

10. TRAVEL ADVANCES

- A. Requests for advances must be approved by the authorizing official on the travel authorization form. Requests for advances must be electronically received in the Finance Department no later than one week prior to the travel.
- B. Advances will be made up to 80% of the estimated per-diem amount and mileage cost or 80% of the estimated actual costs of lodging, meals and mileage and be provided to the employee no earlier than one week prior to departure via direct deposit to the employee's primary bank.
- C. Within 10 working days of the return from the trip a travel claim shall be completed. Any excess advance payments as calculated on the travel reconciliation shall be deducted from the employee's next paycheck to the extent it does not bring the employee's gross pay below minimum wage. The employee may choose to refund the County by cash or check; however, payment is required immediately upon completion of the travel reconciliation to avoid payroll deduction.
- D. Any subsequent advances cannot be paid to an employee until the prior advance is fully reconciled and the travel is complete.

11. MILEAGE REIMBURSEMENT/TRANSPORTATION

- A. Privately owned automobile: Employees are expected to use a county vehicle for

APPENDIX D

travel. If a county vehicle is unavailable or authorization is obtained from the County Manager, the Department Head or Elected Official, the employee may take their personal vehicle and mileage will be reimbursed at the standard mileage rate set January 1 of the previous year by the Internal Revenue Service as follows:

1. pursuant to the mileage chart of the official state map published by the New Mexico Department of Transportation for distances in New Mexico and the [electronic](#) mileage calculator as approved by the department of finance and administration for distances outside of New Mexico; or
 2. pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the employee; and,
 - a. the destination is not included on the official state map or on the electronic mileage calculator; or,
 - b. at the destination of the elected official or employee, the elected official or employee was required to use the private conveyance in performance of official duties.
 3. The elected official or employee must comply with the County's Vehicle Use Policy.
 4. In the event the mileage reimbursement set forth in 11(a) above exceeds the IRS mileage rate, the employee will be taxed, as a fringe benefit, the amount in excess of the IRS rate.
- B. Privately owned airplane: Privately owned airplanes will be reimbursed at the statutory rate of \$.88 per aeronautical mile as follows:
1. pursuant to the New Mexico Aeronautical Chart published by the State Highway and Transportation Department, Aviation Division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or,
pursuant to actual air mileage if certification is provided by the pilot or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler and the destination is not included on an air map.
- C. Reimbursement limit for out of state travel: Total mileage reimbursement for out-of-state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been expended for those traveling had they traveled by common carrier.
- D. Rental vehicles: The County carries automobile liability coverage that also covers rental cars, but when renting a car for County business, the employee should obtain the physical damage coverage (which may be called Loss Damage, Collision Damage, or other terms depending on the vendor) offered by the rental car agency. If the employee is transporting valuable cargo, they should also purchase the Personal Protection coverage (also called Content Loss) for the contents of the vehicle.

12. REIMBURSEMENT FOR OTHER EXPENSES

- A. Employees may be reimbursed for certain actual expenses in addition to travel expense reimbursements previously cited in this policy.

APPENDIX D

1. Receipts will be required for all additional expenses.
2. Reimbursement may be made for parking fees, taxis or other transportation fares at the destination of the traveler, gratuities, common carrier travel, rental cars, registration fees, and professional fees or dues.
3. Gratuities are limited to a maximum of 20% on the total bill. Gratuities associated with a cost of \$5 or less is limited to \$1 per transaction.

13. NONEXEMPT EMPLOYEE PAY FOR TRAVEL TIME UNDER FLSA GUIDELINES

- A. The County shall follow 29CFR 785.35 to 785.41 with regard to travel of hourly (non-exempt) personnel.
 1. Same Day Travel: all time spent traveling during the day is worked time, regardless of the employee's regular work hours. Should the employee leave from their home, the time the employee would have spent commuting to his or her regular work location shall be deducted from the total worked travel time.
 2. Overnight Travel (employee is a passenger): Time traveling as a passenger in a vehicle, plane, train, etc. that falls during the employee's normal work hours, regardless of the day of the week the travel takes place, is worked time. Travel as a passenger outside normal worked hours is not paid time.
 3. Overnight Travel (employee is driving): When employees drive themselves or others, all driving time is considered worked time.
 4. Work Performed While Traveling: Any time spent working is considered payable time including time spent during travel as a passenger that would otherwise not be considered worked time.
- B. Supervisors shall ensure each nonexempt employee has enough worked hours to meet a 40-hour workweek should the travel not add to a 40-hour week. This may require additional offsite worked hours.
- C. This section applies to wages paid to the traveler and does not affect the per diem or actual cost reimbursement in accordance with this policy.
- D. Time spent in non-mandated social events or receptions is not compensable for non-exempt travelers.

14. MISCELLANEOUS PROVISIONS

All travel must be pre-approved electronically by the authorizing official within the County's self-service portal or employee expense module of its ERP system. Every attempt shall be made to input and approve travel before the travel occurs, however, at the discretion of the department head or elected official, post-travel electronic approval will suffice under circumstances where time does not allow for this electronic approval before the travel must occur.

- A. Within 10 working days of the return from travel, the travel claim must be completed by the traveler and must be approved by the authorizing official within the County's self-service portal or employee expense module of its ERP system.
- B. Upon completion of the travel claim and review by the Finance Department, it is

APPENDIX D

determined there was an overage of allowable travel expenditures paid by a County purchasing card, overages made shall be deducted from the employee's next paycheck to the extent it does not bring the employee's gross pay below minimum wage. The employee may choose to refund the County by cash or check; however, payment is required immediately upon completion of the travel reconciliation to avoid a payroll deduction.

- C. Travel for Educational Purposes: An employee shall not be reimbursed for more than 30 calendar days of travel expenses in any fiscal year for attending educational or training programs unless prior written approval has first been obtained from the County Manager.
- D. An employee is not permitted to purchase food within 35 miles of return to the employee's designated post of duty.
- E. This Travel Policy and Procedure supersedes all prior San Juan County Travel Policies and Procedures.

Travel Procedure

- Complete the electronic travel authorization completely: The authorization should contain all estimated costs associated with the travel including; airfare, registrations, rental cars, per-diem or meals & lodging. Fill in the estimated travel departure date/time & return date/time. Attach a copy of the seminar/training agenda. Lodging rates in excess of \$215 per night must be pre-approved by the County Manager on the “Lodging Approval Form” which should be attached in the electronic travel authorization Form.
- Obtain electronic authorizations of requested travel: All travel must be pre-approved with a completed, signed and submitted request.
- Travel advances: Travel advances are not guaranteed if the electronic request is received by Finance less than five working days prior to the departure date. Travel advances will be processed weekly. Reimbursements to the employee or County will be deposited or deducted on the next regular pay cycle.
- Make Travel Arrangements: After the travel has been approved, the employee or the department’s designated travel coordinator will make the travel arrangements, including hotel reservations, airfare, registrations, rental cars, etc.
- Completing the travel claim: After the travel is completed, the electronic travel claim must be completed and approved by the authorizing official. The claim should contain all actual costs associated with the travel, as well as the actual departure date/time and return date/time. The claim should be completed, and approved, with required receipts attached, within 10 working days after completion of the travel. For those traveling based on per diem, the claim should state the actual departure date/time and the actual return date/time (receipts are not required for meals/lodging). A paper travel reconciliation may be required to be uploaded with the electronic reconciliation. All final travel claims will deduct the amount received from a travel advance (if applicable).
- Purchasing Card Charges: If the County’s purchasing card was used for any of the travel related expenses, a copy of the complete travel claim with supporting receipts shall be included with the normal monthly electronic P-card reconciliation in accordance to the P-card policy. A travel form should be completed for each employee even if charged to one P-card.

AFFIDAVIT FOR LOST TRAVEL RECEIPTS

I, _____ certify that actual receipts for expenses in the amount of
(print name)

\$ _____ incurred while in the conduct of business for San Juan County were lost and
that the denial of reimbursement would create a hardship.

Below is a listing of all lost receipts:

Travel Date	Lodging Expense	Meal Expense	Other Expense

Traveler Signature

Date

STATE OF NEW MEXICO)

: ss

COUNTY OF SAN JUAN)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

My commission expires _____

Department Head/Elected Official

Date

County Manager

Date

LODGING APPROVAL FORM

RATE IN EXCESS OF \$215 PER NIGHT

(Must be approved prior to travel)

(Cost per night includes tax and other fees)

Traveler: _____

Current Date: _____

Department: _____

Title: _____

Function Attending: _____

Location: _____

Departure Date: _____

Return Date: _____

Hotel Name: _____

Daily Rate: _____

Justification for lodging in excess of \$215 per night:

Approved By:

County Manager

Date: _____

SAN JUAN COUNTY
PURCHASING POLICIES
AND
PROCEDURES

AMENDED September 2021

RESOLUTION NUMBER 21-22-17

SAN JUAN COUNTY

SUBJECT: STANDARD PURCHASING PROCEDURES - Page 1 of 3

EFFECTIVE: SEPTEMBER 7, 2021

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY,
NEW MEXICO - RESOLUTION NO. 21-22-17POLICY

The procurement practices of San Juan County shall adhere to the provisions of the New Mexico Procurement Code, N.M.S.A. 1978, §§ 13-1-1 *et seq.*, as amended (hereinafter "the Procurement Code"). All County procurement shall be subject to the procedures as set forth herein, except purchases whose value has been estimated to exceed the sum of sixty thousand dollars (\$60,000), and for procurement of Professional Services whose value has been estimated to exceed sixty thousand dollars (\$60,000), which shall be governed by the procedures set forth in the Sealed Bid/Proposal Procedure. San Juan County will follow 2CFR 200 Uniform Guidance for purchases that utilize federal funds.

PROCEDURES

1. Requisition: Prior to any procurement, the using department shall submit a complete and accurate (printed or typewritten) purchase requisition to the Central Purchasing Department. The requisition shall include exact specifications for the item(s) to be purchased, suggested vendors, if known, and the source of available funds (by line item). A standing purchase order requisition may be submitted for materials or services to be used on an as-needed basis for up to a twelve (12) month period (PO term cannot exceed fiscal year end date of June 30th), otherwise the requisition shall be prepared for the exact amount of the purchase. If the exact amount of the purchase cannot be accurately determined, the using department shall estimate the amount of the purchase, but the estimate should be as close to the actual amount as possible. Any invoice which exceeds the Purchase Order (excluding applicable taxes by ten percent [10%] or more) will not be paid. An amended PO may be issued upon receipt of a written request from the using department.

2. Review of Requisition: Upon receipt, the purchase requisition shall be logged and reviewed by the Office of Central Purchasing, quotations obtained as needed, existing contracts located and secured, and proper insurance verified. If sufficient funds are not available in the line item identified for the purchase, the requisition will be returned to the requesting department. In addition, requisitions lacking adequate information or support documentation will also be returned to the requesting department. If a separate contract is to be prepared, the document shall be prepared and must be reviewed by both the Central Purchasing Department and the Legal Department prior to being submitted for approval and signature by the County Executive Manager. Following review, the requisition will be finalized with respect to price and vendor and a Purchase Order will be issued.

3. Quotations:

- a. Purchases Not to Exceed \$20,000: For each procurement whose value has been estimated not to exceed twenty thousand dollars (\$20,000) in total value (excluding applicable taxes but including any shipping charges), a direct Purchase Order may be issued based upon the best obtainable price. Although formal quotes are not required, the using department or the Office of Central Purchasing shall obtain the best price for the procurement and shall provide documentation of its efforts to obtain

STANDARD PURCHASING PROCEDURES - Page 2 of 3

the best price in writing. This documentation may be submitted as an attachment or as a notation on the purchase request when submitted.

- b. **Purchases Between \$20,000 and \$60,000:** For each procurement whose value has been estimated to exceed the sum of twenty thousand dollars (\$20,000) but does not exceed sixty thousand dollars (\$60,000), the Office of Central Purchasing or the using department shall obtain a minimum of three (3) bona fide and responsible written quotes, preferably on County Quotation Forms submitted by Central Purchasing, and must be signed by an authorized representative of the firm submitting the quote.
- c. **Purchases Above \$60,000:** All purchases above sixty thousand dollars (\$60,000) must follow the Sealed Bid/Proposal Procedure.
- d. **Procurement of "Small Purchase" Professional Services:** Professional Services having a value **not** exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes, may be procured as defined in the New Mexico State Procurement Code, N.M.S.A. 1978 under Section 13-1-125 B (as amended). The using department or the Office of Central Purchasing shall negotiate a contract for the required services at a fair and reasonable price.
- e. **Procurement of Professional Services:** Professional Services having a value **exceeding** the following limits must follow the Sealed Bid/Proposal Procedure.
 - PA
 - Architectural and Engineering services exceeding sixty thousand dollars (\$60,000) or more; excluding applicable state and local gross receipts taxes.
 - Landscape architectural or surveying services exceeding ten thousand (\$10,000) or more, excluding applicable state and local gross receipts taxes.

"Professional Services" means the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, a management and systems analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, construction managers and other persons or business providing similar professional services, which may be designated as such by a determination issued by the Office of Central Purchasing.

Note: Prior to the issuance of a Purchase Order for Small Purchase Professional Services, a separate contractual agreement or letter agreement shall be prepared based upon best obtainable price, and must be reviewed by both the Central Purchasing Office and the County Legal Office, prior to being submitted for approval and signature by the County Manager.

- f. **Procurement of Used Items:** The Procurement of used items shall be conducted according to Procurement Code Section 13-1-155 which requires a Central Purchasing Office, when procuring used items of tangible personal property the estimated cost of which exceeds five thousand dollars (\$5,000), shall request bids as though the items were new, with the exception of the purchase of County Road Equipment at commercial auction.

4. **Review:** If a using department has obtained its own quotations pursuant to paragraph 7, herein, the Office of Central Purchasing shall, upon receipt of the appropriate documentation/information, determine whether the purchase request appears facially valid. If so, a purchase order number will be given to the using department and a hard copy Purchase Order prepared and issued. Central Purchasing shall have the final approval authority of those written quotations which have been obtained by the using departments or of those written quotations which have been submitted on the vendors quotation form and forwarded by the using department.

5. **Issuance of Purchase Order:** Following the foregoing review, the purchase may, if appropriate, be authorized and a purchase order number issued. Upon issuance of the Purchase Order, the gold receiving copy of the Purchase Order shall be forwarded to the using department for the execution after receipt, inspection and acceptance of the purchase.

6. **Receipt:** The using department shall be responsible for inspecting and accepting or rejecting deliveries. The using department shall determine whether the quantity is as specified in the purchase order or contract and whether the quality conforms to the specifications referred to or included in the purchase order or contract. If inspection reveals that the delivery does not conform to the quantity or quality specified in the purchase order or contract, the using department shall immediately notify the Office of Central Purchasing. The Office of Central Purchasing shall notify the vendor that the delivery has been rejected and shall order the vendor to promptly make a satisfactory replacement or supplementary delivery. If the delivery does conform to the quantity and quality specified in the purchase order or contract, the using department shall immediately certify to the Office of Central Purchasing that delivery has been completed and is satisfactory.

7. **Procurement By A Using Department:** A using department may initiate its own procurement so long as the department adheres strictly to the procedures and requirements set forth herein. All procurements should be based on the best obtainable price.

Note: Procurement requirements shall not be artificially divided so as to constitute a small purchase (i.e. split between multiple Purchasing Card and/or regular Purchase Orders.

* **Reminder:** Placing orders for goods or services for purchases *prior* to submitting a purchase document (Purchase Request/Purchase Order, or P Card) is a violation of the Procurement Code. In such instances, the Office of Central Purchasing may not process requests or issue Purchase Orders when a violation is noted.

(EXHIBIT C) Example of the San Juan County Central Purchasing *Justification Form* for use if and when a special circumstance may occur.

SAN JUAN COUNTY

SUBJECT: SEALED BID/PROPOSAL PROCEDURES - Page 1 of 4

EFFECTIVE: SEPTEMBER 7, 2021

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY,
NEW MEXICO - RESOLUTION NO. 21-22-17POLICY

The bidding practices and acceptance of sealed proposals by San Juan County shall adhere to the provisions of the New Mexico Procurement Code, N.M.S.A. 1978, §§ 13-1-1 *et seq.*, as amended (hereinafter "the Procurement Code"). Bids shall be taken on materials, equipment, construction, or services which have been estimated to exceed sixty thousand dollars (\$60,000) subject to the exceptions to the bidding requirements of the Procurement Code. Sealed Proposals shall be accepted for professional services whose amounts exceed sixty thousand dollars (\$60,000). The County shall not, however, be prohibited from securing bids or proposals when lesser amounts are involved if it is in the best interest of the County to do so. San Juan County's bid and proposal policy shall be revised to reflect any amendments or revisions to the Procurement Code as they may occur. San Juan County will follow 2CFR 200 Uniform Guidance for purchases that utilize federal funds.

PROCEDURE

The following procedure will be followed after determining a purchase has been estimated to exceed the sum of sixty thousand dollars (\$60,000) or for procurement of professional services whose value has been estimated to exceed sixty thousand dollars (\$60,000) and is not otherwise exempted from the bidding or request for proposal requirements of the Procurement Code. When utilizing cooperative purchasing agreements for purchases exceeding sixty thousand dollars (\$60,000) the County will obtain a cooperative procurement agreement approved by the governing bodies named in the agreement.

1. Required Submittal: A Requisition, Bid/Proposal Information Form (**see Exhibit A**) and a complete set of specifications, signed by the Department Head, the Finance Director and the County Manager, shall be submitted to the Office of Central Purchasing. When the County Manager deems it appropriate, said specifications will be presented to the Board of County Commissioners for approval. If this determination is made, it will be the responsibility of the using department to have a representative present at the Commission Meeting to address any questions regarding the specifications.

2. Prepare and Publish Solicitation: When the specifications and budget line item are approved, an Invitation to Bid or Request for Proposal shall be prepared and submitted to the local newspaper to print in the legal section at least ten (10) days prior to the bid opening or proposal deadline (**see Exhibit B**). A Notice of Pre-Bid or Pre-Proposal Conference (if applicable) will also be published at this time. The same legal information will be posted on the County Website under the Central Purchasing Home Page, and the bulletin board in the lobby of the Office of Central Purchasing.

3. Mail Solicitation to Interested Persons: A mailing list will be compiled from the list of suggested vendors submitted by the using department together with any vendors who have previously indicated interest in receiving such solicitations. An Invitation to Bid or a Request for Proposal will
SEALED BID/PROPOSAL PROCEDURES - Page 2 of 4

then be mailed to the persons on the mailing list, the vendors suggested by the using department, and

to each interested supplier responding to the advertisement(s).

4. Amended or Supplemental Solicitations: If, at any time prior to the bid opening or proposal deadline, the Office of Central Purchasing determines that additional information or changed specifications should be furnished to potential bidders or potential respondents, an appropriate amendment shall be prepared and distributed to each person who has submitted an Acknowledgement of Receipt Form, as required, to receive such future communications.

5. Receipt of Bids or Proposals: As sealed bids or proposals are received by the Office of Central Purchasing, they shall be date stamped, the time noted under the date, and initialed by the Office of Central Purchasing employee receiving the bid or proposal. The bid or proposal shall be kept in a secure place until the established opening or deadline.

6. Opening: Bids shall be publicly opened and tabulated at the established time and date in the presence of at least two persons, any of whom may be employees of the Office of Central Purchasing. Proposals shall not be publicly opened and tabulated, but shall be reviewed after the established deadline in the manner established in the Request for Proposals.

7. Evaluation of Bids: Bids shall be evaluated by the using department and the Office of Central Purchasing for compliance with the specifications and requirements. The department's evaluation of the bids and award recommendations shall be submitted to the Office of Central Purchasing for final review/approval. The recommendation shall be detailed and shall address any discrepancies in the bid responses. Final award of the bids shall be made by either the Procurement Administrator or designee, and in some cases, by the Board of County Commissioners.

8. Evaluation of Proposals: Proposals shall be evaluated by an evaluation committee (comprised of San Juan County personnel or representatives appointed by the Central Purchasing Department) as identified in the specifications, according to the evaluation and relative weight factors set forth in the specifications. Discussions and/or negotiations may be conducted with responsible offerors so long as at least one representative from the using department and one representative from the Office of Central Purchasing are present. The evaluation committee's recommendations for award shall be submitted in writing to the Office of Central Purchasing. The recommendation shall be detailed and shall address any discrepancies in the proposal responses. Final award shall be made by either the Procurement Administrator, and in some cases, by the Board of County Commissioners.

9. Confidentiality of Proposals: The contents of any proposal shall be kept confidential until a Contract or Purchase Order is awarded. Following award of a Contract or Purchase Order, all documents pertaining to the proposal shall be open to public inspection, except for any material which is designated by the Offeror as proprietary or confidential. No pages of a proposal which have been designated by the Offeror shall be disclosed to the public or otherwise made public. If a member of the public requests disclosure of data for which an Offeror has designated portions confidential, the Office of Central Purchasing shall examine the Offeror's proposal and make a written determination which specifies which portions of the proposal shall be disclosed in accordance with applicable law. Unless the Offeror takes action to prevent the disclosure, the proposal will be disclosed as recommended in the written report. From that time, the proposal shall be open to public inspection.

10. Issuance of Purchase Order: Following award, and execution of a written contractual agreement, if required, a Purchase Order shall be issued and concerned parties notified. In such cases where a price agreement is established, Purchase Orders may be issued on an as needed **SEALED BID/PROPOSAL PROCEDURES - Page 3 of 4**

when needed basis.

11. Renewal: Prior to the expiration of a contract that has been awarded under a bid or proposal, with an option to renew, the using department shall submit written confirmation to the Office of Central Purchasing that the procurement was satisfactory and renewal of the contract is requested. The Office of Central Purchasing shall request a letter of commitment from the vendor. Upon receipt of said letter and a Purchase Requisition from the using department, a Purchase Order and/or a new contract, reviewed by the Central Purchasing Department and Legal Department and signed by the County Manager, may, if appropriate, be issued to the vendor. Should the using department be dissatisfied with the vendor's performance during the term of the agreement, notification of non-renewal and/or a request for early termination must be submitted in writing to the Office of Central Purchasing.

12. Award: The Office of Central Purchasing shall award all bids and proposals, except those which are specified herein. Award of bids and proposals under one hundred thousand dollars (\$100,000) that are over budget by 10% require County Manager approval prior to award. Award of any bid or proposal for any purchase which has been estimated to exceed the sum of one hundred thousand dollars (\$100,000), or any renewal of a bid or proposal which exceeds that sum, shall be made by the Board of County Commissioners upon recommendation of the Office of Central Purchasing. Award of any bid for a "local public works project" or "construction contract", as those phrases are defined in the Procurement Code, N.M.S.A. 1978, § 13-1-66.1, as amended, shall also be made by the Board of County Commissioners upon recommendation of the Office of Central Purchasing if the value of the project exceeds the sum of one hundred thousand dollars (\$100,000). Notwithstanding anything herein to the contrary, award of any bid or proposal may be made by the Board of County Commissioners if deemed necessary by the County Manager.

13. Record Retention: Records relating to competitive sealed bids or proposal procurements must be retained for three (3) years.

EXCEPTIONS

The following transactions shall be exempt from the procedures set forth herein:

- A. Purchases from a state agency, or another local public body;
- B. Purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;
- C. Purchases of books and periodicals from the publishers or copyright holders thereof;
- D. Procurement under existing contracts as permitted by N.M.S.A. 1978, § 13-1-129 (as amended);
- E. Emergency procurement as permitted by N.M.S.A. 1978, § 13-1-127 (as amended) and as otherwise permitted by the San Juan County Purchasing Procedures (**see Exhibit C**);
- F. Sole source procurement as permitted by N.M.S.A. 1978, § 13-1-125 (as amended) so long as the using department submits a completed *Justification Form* (**see Exhibit C**) and other documentation, if required, which, in the sole determination of the Office of Central Purchasing, adequately provides a basis for its determination that the only source for the service, construction or tangible personal property, goods or services is the vendor **SEALED BID/PROPOSAL PROCEDURES - Page 4 of 4**

suggested; and

- G. Small purchases of materials, equipment, construction or services which have not been estimated to exceed the value set by NMSA 1978, § 13-1-125(A) (as amended July 2005); and
- H. Training materials in printed or electronic format; and
- I. Magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayment is required not exceeding ten thousand dollars (\$10,000); and
- J. Legal subscriptions and research services.

SAN JUAN COUNTY**SUBJECT: EMERGENCY AND SOLE SOURCE PURCHASES – Page 1 of 2****EFFECTIVE: SEPTEMBER 7, 2021****APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY,
NEW MEXICO - RESOLUTION NO. 21-22-17**

POLICY

An emergency condition, as defined by the State Purchasing Act, is a situation which creates a threat to public health, welfare, safety, or property such as may arise by reason of floods, epidemics, riots, equipment failures, or similar events. The existence of such condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal purchasing methods and the lack of which would seriously threaten the functioning of government, the preservation or protection of property, or the health and safety of any person.

A sole source may be awarded without competitive sealed bids or proposals when there is only one source for the required service, construction or item of tangible personal property. The service, construction or item of tangible property personal property is unique and this uniqueness is substantially related to the intended purpose of the contract and other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract. The central purchasing office shall not circumvent this section by narrowly drafting specifications so that only one predetermined source would satisfy those specifications.

The central purchasing department shall use due diligence in determining the basis for sole source or emergency procurement, including reviewing available sources and consulting the using agency and shall include its written determination in the procurement file.

Sole source awards shall be posted on our web site thirty (30) days prior to award. Emergency procurements shall be posted on our web site within three (3) days of award.

San Juan County will follow 2CFR 200 Uniform Guidance for purchases that utilize federal funds.

PROCEDURE

Should a situation as stated above occur during normal working hours (7:00 a.m. to 5:30 p.m. Monday thru Thursday), it is the responsibility of the Department Head or Elected Official to contact the County Manager to obtain permission to make the purchase.

Should a situation occur after normal working hours, it is the responsibility of the Department Head or Elected Official to determine if the purchase meets the criteria as an emergency purchase as stated above. It is then the responsibility of the Department Head or Elected Official to obtain a minimum of three telephone quotes. As soon as the quotes are obtained, and if possible, the Department Head or Elected Official will advise the County Manager, or in his absence, the Assistant County Manager. It is then the responsibility of the Department Head or Elected Official to submit a purchase requisition, with a *Justification Form* (Exhibit C) explaining the emergency, and the approval by the County Manager, to the Chief Procurement Officer on the next regular working day. If the Department Head or Elected Official approves a purchase that does not meet the criteria of the Purchasing Act, that Department Head or Elected Official will be held responsible.

EMERGENCY AND SOLE SOURCE PURCHASES – Page 2 of 2

EXCEPTION

An emergency purchase shall not include the purchase or lease purchase of heavy road equipment.

SAN JUAN COUNTY

SUBJECT: CAPITAL PURCHASES

EFFECTIVE: January 22, 2019

**APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY,
NEW MEXICO – RESOLUTION NO. 18-19-46**

POLICY

Normally any item costing \$5,000.00 or more, with a life span of at least one year becomes a part of the San Juan County Fixed Assets Inventory and is considered capital outlay and must be listed as part of the Capital Outlay Budget.

PROCEDURE

If the item is specifically listed on the Capital Outlay Budget, proceed with the purchase according to the STANDARD PURCHASING PROCEDURES. If there are questions pertaining to the status of the item, please contact the Finance Administrator.

EXCEPTION

If the estimated cost of the capital purchase exceeds \$60,000, proceed according to the section on BIDDING PROCEDURES.

SAN JUAN COUNTY

SUBJECT: INSURANCE ON NEW EQUIPMENT

EFFECTIVE: JULY 1, 2005

**APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY,
NEW MEXICO – RESOLUTION NO. 05-06-01**

POLICY

It is important that we have current information on the purchase of new equipment, vehicles, etc. for insurance purposes. The following procedures are to be used when new equipment or vehicles are purchased, or construction is completed on county owned buildings.

PROCEDURE

Upon receipt of new equipment or vehicles you must forward an inventory control form to the Finance Department describing the item and listing the purchase price, purchase date, serial number and any other information you might think necessary. The Risk Management Department must be advised immediately upon receipt of any vehicles or equipment.

When a vehicle or piece of equipment is purchased the original title, plus a purchase agreement and odometer reading, must be sent to the Risk Management Department immediately. In the case of used vehicles or equipment all the above, plus the bill of sale, must be sent to the Risk Management Department.

In the case of new construction, send a memo with the value of the construction, type of construction, square footage, location of the building and approximate completion date to the Risk Management Department. When construction is completed, advise the Finance and Risk Management Departments.

EXCEPTIONS

None

SAN JUAN COUNTY

SUBJECT: PROFESSIONAL SERVICES - CONSTRUCTION MANAGEMENT - Page 1 of 4

EFFECTIVE DATE: JULY 1, 2005

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY,
NEW MEXICO – RESOLUTION NO. 05-06-01**POLICY**

When a construction or local public works project requires construction management services, for the purpose of controlling time, cost, and quality of a project, the services shall be procured in accordance with the regulations and procedures stated herein (Statutory Authority: Section 13-1-100.1, N.M.S.A. 1978/1 N.M.A.C. 5.8), and in accordance with the provisions of the San Juan County Purchasing Procedures and the New Mexico Procurement Code, N.M.S.A. 1978 (as amended).

OBJECTIVE

To insure fair, uniform, clear, and effective procedures for the utilization of construction management services to assist in the delivery of a quality project for the County, on time and within budget.

DEFINITIONS

1. **Construction Management Services:** "Construction Management Services" means a comprehensive array of management and/or consulting services spanning all phases of the design and construction process from conception to completion of the construction project; that applies appropriate management techniques to project planning, design, and construction for the purpose of controlling time, cost, and quality for the project owner; includes construction manager services, but does not include professional design or professional engineering services or acting in the capacity of contractor, general or subcontractor, for a construction project.

2. **Construction Manager:** "Construction Manager" means a person, properly licensed under the Construction Industries Licensing Act, or any successor agency as applicable, who acts as an agent of the County for a construction project; who coordinates and manages the construction process; who is a member of the construction team with the owner, architect, engineer and other consultants that may be required for the project; and who utilizes his skill and knowledge of general contracting to assist in developing schedules, preparing project construction estimates, studying labor conditions, and advising concerning construction, safety and other issues that may surface which are related to the project and may include, but are not limited to, monitoring progress, payments, changes, and other factors affecting cost or as may otherwise be specified in the RFP solicitation.

3. **Agent:** "Agent" means a person who has been delegated specific authority by the County to act on its behalf and represent its interests throughout all phases of a construction project. The authority delegated by the County shall not include central purchasing authority as defined in the Procurement Code, [Section 13-1-37 N.M.S.A. 1978].

4. **Determination:** "Determination" means the written documentation of a decision of a procurement officer, including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

PROFESSIONAL SERVICES - CONSTRUCTION MANAGEMENT - Page 2 of 4

5. Person: "Person" includes an individual, firm, partnership, corporation, Limited Liability Company or partnership, association, or other organization or any combination thereof, including, but not limited to, a joint venture.

6. Using Department: "Using department" means any County department, office, or associated entity authorized to utilize the services of the County Office of Central Purchasing to acquire services, construction, or items of tangible personal property.

DISCUSSION

1. As used herein "Construction Management Services" is given a broad and general meaning to describe a project delivery method that, for any duration from conception to completion of the construction project, applies appropriate management techniques to project planning, design and construction in order to control time and cost and assure quality for the project owner. Such overall services may include advisory consulting services, reviewing or preparing cost estimates, reviewing or suggesting program requirements or other similar functions. The program of services requested and applied to a particular project should be one which is appropriate to the size, type, and complexity of the project and the needs of the County. The Construction Management process is most effective when employed from the beginning of the project, allowing the Construction Manager, the owner, and the design professional(s) to identify and resolve issues of value and constructability prior to the construction phase of the project.

2. Whereas in this policy, "Construction Manager" is more specific and applies to the necessary professional qualifications and experience of the "person" in order to meet the specified scope of work, goals, and objectives as established by the County and set forth in a competitive solicitation. The Construction Manager's primary task is to represent the interests of the County throughout all phases of the project.

3. When utilizing Construction Manager Services for a construction project, the County, rather than the construction manager, assumes the risk and responsibility for a project.

4. Advisory consulting services such as cost estimating, reviewing, or suggesting program requirements, lighting, and acoustical consulting and other special purpose services may be procured without meeting the specific requirements of these regulations.

DETERMINATION REQUIRED

1. The County may issue a solicitation, through the Office of Central Purchasing, and enter into a construction management services contract, when it first makes a determination that it is in the public's interest to utilize such services. A determination will be supported by a written justification, from the "using department", which will provide the basis for the construction management services requirement. The determination shall include findings of fact to support the decision that:

- a. the construction management services would not duplicate, and would be in addition to the normal scope of separate architect or engineer contracts; and
- b. a detailed description of the complexity or unusual requirements of the project, prompting the need for construction management services.

PROFESSIONAL SERVICES - CONSTRUCTION MANAGEMENT - Page 3 of 4

2. The determination may also include additional findings that:
 - a. the County does not otherwise have sufficient or qualified staff resources to adequately provide construction management services;
 - b. the provision of construction management services would better meet the needs of the County;
 - c. the utilization of construction management services could provide early completion of the public works project is essential; or
 - d. specialized expertise in specified construction areas is desirable for the construction project and may be reflected as an additional criterion.

PROCEDURES FOR SOLICITATION OF CONSTRUCTION MANAGEMENT SERVICES

1. Construction Management Services shall be solicited through a competitive sealed qualification-based request for proposals method of procurement.

2. The County Manager shall appoint a construction management selection committee which shall consist of a procurement manager who manages and administers the procurement and others who are members of the committee and who shall perform the evaluation of offeror proposals. The size of the committee can be any number; however, it should be manageable and include both user and technical support representatives as appropriate.

3. For each proposed construction management contract, the construction management selection committee shall evaluate statements of qualifications and performance data submitted by all responsive businesses in regard to the particular project, and may conduct interviews with, and may require public presentation by, all businesses applying for selection regarding their qualifications, their approach to the project, and their ability to furnish the required services.

4. The construction management selection committee shall select, ranked in the order of their qualifications, no less than three businesses deemed to be the most highly qualified to perform the required services, after considering the following criteria, together with any criteria established by the using department:

- a. specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required;
- b. capacity and capability of the business, including any consultants, their representatives, qualifications, and locations, to perform the work, including any specialized services, within the time limitations;
- c. past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules;
- d. proximity to, or familiarity with, the area in which the project is located;

PROFESSIONAL SERVICES - CONSTRUCTION MANAGEMENT - Page 4 of 4

- e. the amount of design work that will be produced by a New Mexico business within the state;
- f. the volume of work previously done for the County which is not seventy-five percent complete with respect to basic professional design services, with the objective of effecting an equitable distribution of contracts among qualified businesses and of insuring that the interest of the public in having available a substantial number of qualified businesses is protected; provided, however, that the principle of selection of the most highly qualified businesses is not violated; and
- g. price of construction management fees may be considered as criteria in the selection of construction management services. It is recommended that this criterion not exceed ten percent of the overall selection criteria, unless the Office of Central Purchasing makes a determination that the characteristics of the construction management services warrant the designation of a higher percentage.

5. The use of the words "specialized design and technical competence," "design work," and "design services" in the selection criteria refers to such competence, work, and service pertinent to construction and construction management.

6. The County Manager, or his designee, shall negotiate a contract in a manner consistent with the selection criteria, with the highest qualified business at compensation determined in writing to be fair and reasonable. In making this decision, the estimated value of the services to be rendered and the scope, complexity, and professional nature of the services shall take into account. Should the County Manager or his designee be unable to negotiate a satisfactory contract with the business considered to be the most qualified, at a price determined to be fair and reasonable, negotiations with that business shall be formally terminated. The County Manager or his designee shall then undertake negotiations with the second most qualified business. Failing accord with the second most qualified business, the County Manager or his designee shall formally terminate negotiations with that business. Negotiations shall then undertake with the third most qualified business. Should the County Manager or his designee be unable to negotiate a contract with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications, and the County Manager or his designee shall continue negotiations in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new request for proposals is initiated. The Office of Central Purchasing shall publicly announce the business selected for award.

7. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, the construction management selection committee's final ranking and evaluation scores for all proposals shall become public information. Businesses which have not been selected for contract award shall be so notified in writing within fifteen days after an award is made.

8. Any proposal received in response to a solicitation that has been cancelled in accordance with Section 13-1-131 N.M.S.A. 1978 is not public information and shall not be made available to competing offerors.

SAN JUAN COUNTY

SUBJECT: PROFESSIONAL SERVICES - DESIGN AND BUILD PROJECT DELIVERY SYSTEMS - Page 1 of 5

EFFECTIVE DATE: JULY 2, 2013

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, NEW MEXICO – RESOLUTION NO. 13-14-01

POLICY

A design and build project delivery system method of procurement may be authorized for specific construction or local public works projects, under certain conditions, in order to provide a procurement process allowing for design, construction, and delivery of a project under a single contract. The procurement shall be made in accordance with the regulations and procedures stated herein (Statutory Authority: Section 13-1-119.1, N.M.S.A. 1978/1 N.M.A.C. 5.7), and in accordance with the provisions of the San Juan County Purchasing Procedures and the New Mexico Procurement Code, N.M.S.A. 1978 (as amended).

OBJECTIVE

To ensure fair, uniform, clear, and effective procedures for procuring a design and build project delivery system and to assist in the delivery of a quality project, on time and within budget.

DEFINITIONS

1. **Design and Build Project Delivery System**: "Design and Build Project Delivery System" means a procurement process by which County contracts with one firm who has responsibility for the design, construction, and delivery of a project under a single contract with the County.
2. **Design and Build Team or Firm**: "Design and Build Team" or "Firm" as the terms are used herein, are synonymous with one another and, within their broad definition mean any offeror, who may be a person, a legal entity, a consortium of experts, a joint venture, a team of persons who, through partnership, general or limited or other legal entity, corporation, association, other organizations, or any combination thereof, formally organized so that it may submit a qualified offer in response to a request for proposals and, as result, who may be considered for a contract award for a design and build project delivery system by the County. No distinction is made between formally organized design/build firms and a project-specific design/build firm.
3. **Determination**: "Determination" means the written documentation of a decision of a procurement officer, including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.
4. **Project**: "Project" means a construction project undertaken by the County.
5. **Using Department**: "Using department" means any County department, office, or associated entity authorized to utilize the services of the County Office of Central Purchasing to acquire services, construction, or items of tangible personal property.

**PROFESSIONAL SERVICES - DESIGN AND BUILD PROJECT DELIVERY SYSTEMS -
Page 2 of 5**

DETERMINATION REQUIRED

1. A design and build project delivery system, as defined in this rule, may be authorized when the Office of Central Purchasing makes a determination in writing that it is appropriate and in the best interest of the County to use design and build on a specific project. A determination will be supported by a written justification from the "using department", which will provide a basis for use of the design and build project delivery system.

2. The determination shall include consideration of the following criteria:
 - a. the extent to which the project requirements have been, or can be, adequately defined;
 - b. time constraints for delivery of the project;
 - c. the capability, experience and availability of potential offerors familiar with the design and build process;
 - d. the suitability of the project for use of the design and build process as concerns time, schedule, costs, and quality; and
 - e. the capability of the County to manage the project, including experienced personnel or outside consultants, and to oversee the project with persons who are familiar with the design and build process.
3. It is recommended that determination also include consideration of:
 - a. budget constraints;
 - b. the desirability of alternative designs;
 - c. the need or desirability for a single point of accountability;
 - d. the desirability to use specialized services for the project;
 - e. the availability of design and build teams; and
 - f. other factors as may be documented with facts by the County.

**PROFESSIONAL SERVICES - DESIGN AND BUILD PROJECT DELIVERY SYSTEMS -
Page 3 of 5**

SOLICITATION OF DESIGN AND BUILD PROJECT DELIVERY SYSTEMS

1. When a determination has been made by the Office of Central Purchasing that it is appropriate to use a design and build project delivery system, the design and build team shall include, as needed, a New Mexico registered engineer or architect, and a contractor properly licensed in New Mexico for the type of work required.

2. For each proposed design and build project delivery system, the County shall utilize a two phase request for proposal procedure for awarding design and build contracts.

a. During phase one, and prior to solicitation, the following shall occur:

- i. procurement documents shall be prepared for a "request for qualifications based proposal" by an engineer or architect registered in New Mexico;
- ii. such registered engineer or architect may be either an employee of the County or selected in accordance with Section 13-1-120, N.M.S.A. 1978; and
- iii. the documents shall include minimum qualifications, scope of work statement and schedule, documents defining the project requirements, evaluation criteria and a description of the selection process, the composition of the selection committee, and a description of the phase two requirements, program statements for the facility that describe space needs, design goals, and specific objectives so that all responsive offers can be comparably evaluated and meet using department's needs. If the using department desires, it may include complete programming and schematic design including recommended or required building systems, elevations, areas, floor plans and cross sections, all depicted in limited detail for further development by design and build team.
- iv. the document shall also include a description of subsequent management to be provided to bring the project to completion proposed contractual terms and conditions, and a summary of proposed relationships between the design and build team and the owner's specified representatives. It is recommended that a qualified professional be retained, or use the services of a professional employed by the County to assist them in the oversight of the project from the preparation of the documents to completion.
- v. the request shall include all design factors necessary to describe the project and should include, as appropriate, the following:
 - 1) the legal description of the site;
 - 2) survey information, site data and subsoil investigation;
 - 3) interior space requirements;

**PROFESSIONAL SERVICES - DESIGN AND BUILD PROJECT DELIVERY SYSTEMS -
Page 4 of 5**

- 4) special material and quality standards;
- 5) aesthetic considerations and compatibility with existing facilities;
- 6) conceptual criteria for project;
- 7) special equipment and system requirements;
- 8) cost or budget estimates including available funding;
- 9) time schedules;
- 10) quality assurance and quality control requirements;
- 11) site development requirements;
- 12) special codes, regulations, ordinances, or statutes;
- 13) provisions for availability, and responsibility for costs of utilities, parking and landscaping requirements;
- 14) future expansion requirements;
- 15) existing contracts, if any, to be utilized; and
- 16) any other applicable requirements.

3. A selection committee, approved by the Central Purchasing Department, shall evaluate the proposals and select a design and build team in two phases:

- a. In phase one, the selection committee shall evaluate each offeror's experience, technical competence and capability to perform, the past performance of the offeror's team and members of the team, and other appropriate factors submitted by the team or firm in response to the request for qualifications. Design and build qualifications of responding firms shall be evaluated and a maximum of five firms shall be short-listed in accordance with technical and qualification-based criteria. A mandatory pre-proposal conference shall be conducted to allow a short-listed offeror the opportunity to submit questions of clarification. The selection committee should not use any submittal as the basis of retaining any design and build team other than the submitting design and build team.
- b. In phase two, the selection committee shall invite short-listed offerors to submit detailed specific technical concepts or solutions, costs, and scheduling.
 - i. Unsuccessful phase two offerors submitting a responsive proposal may be paid a stipend to cover proposal expenses. It is recommended that criteria be

PROFESSIONAL SERVICES - DESIGN AND BUILD PROJECT DELIVERY SYSTEMS -

Page 5 of 5

developed to determine whether a stipend will be provided to the short-listed firms. For the purposes of this section, a stipulated stipend means using funds, as determined by the County, to cover some expenses likely to be incurred by the short-listed firms.

ii. The selection committee shall evaluate the short listed offerors with selection criteria stated in the RFP including the weight given to each criteria. The selection criteria should include but are not limited to:

- 1) phase one qualification;
- 2) quality of proposed design, including required technical submittals;
- 3) quality of construction approach;
- 4) demonstrated response to program requirements;
- 5) management plan for constructing the project; and
- 6) cost and schedule.

iii. Presentation requirements to properly judge the offers should be stated in the RFP and should include but are not limited to:

- 1) the maximum number and size of drawings and/or technical submittals allowed;
- 2) whether models are allowed or not; and
- 3) types of media that can be used in the presentation.

iv. Upon completion of the evaluation process the selection shall be made and the contract awarded to the highest ranked offeror.

4. Once the proper determination is made, and the evaluation and selection conducted in accordance with the regulations and procedures stated herein, a contract may be awarded regardless of whether the contract falls below, equals, or exceeds ten million dollars.

**“Exhibit A”
CENTRAL PURCHASING
SAN JUAN COUNTY**

BID/PROPOSAL INFORMATION FORM

BID/PROPOSAL NUMBER (Assigned by Central Purchasing): _____

BID PROPOSAL (Type of Request)

TITLE: _____

DEPARTMENT: _____

ITEM(S) AND QUANTITY TO BE PURCHASED: _____

BRIEF NARRATIVE OF NEED OR SCOPE OF WORK: _____

LINE ITEM NUMBER: _____

APPROX. PURCHASE PRICE \$ _____ BUDGETED AMOUNT \$ _____

ARCHITECT/ENGINEER ESTIMATED CONSTRUCTION AMOUNT \$ _____

STATE/FEDERAL WAGE RATES ARE REQUIRED FOR ANY BID INVOLVING LABOR WHICH IS ESTIMATED AT \$60,000 OR MORE. ARE STATE/FEDERAL WAGE RATES REQUIRED? YES ___ NO ___

SUGGESTED PRE-BID/PROPOSAL CONFERENCE DATE: _____ TIME: _____

SUGGESTED BID OPENING/PROPOSAL CLOSING DATE: _____

SUGGESTED VENDORS LIST ATTACHED? YES _____ NO _____

ELECTRONIC/HARDCOPY SPECIFICATIONS ATTACHED? YES _____ NO _____

SPECIFICATIONS PREPARED BY: _____

NOTE: This information form must be completed and approvals (signatures) obtained prior to forwarding the form to Central Purchasing for processing. **The requesting department must submit complete and accurate specifications and identify any suggested vendors before any bid/proposal will be processed.** **NOTE:** A legal advertisement must be submitted to the Daily Times four (4) days prior to the date the legal ad is to be published. The legal advertisement must be published a minimum of ten (10) calendar days prior to the date of the bid opening or proposal closing date.

DEPARTMENT HEAD SIGNATURE: _____ DATE: _____

BUDGET VERIFICATION: _____ DATE: _____

COUNTY MANAGER: _____ DATE: _____

"EXHIBIT B" - EXAMPLE OF BID/PROPOSAL TIME FRAME FOR BIDDING/REQUEST FOR PROPOSAL PROCEDURES

MARCH						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 SEND APPROVED INFORMATION SHEET TO PURCHASING	15	16 LEGAL TO NEWSPAPER	17	18	19
20 BID /PROPOSAL ADVERTISEMENT	21	22	23	24	25	26
27	28	29	30	31		
APRIL						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 BIDS OPENED	6	7	8 PROPOSAL CLOSING	9
10	11	12	13 STAFF SUMMARIES DUE	14	15 RECOMMEN- DATION FOR AWARD ON AGENDA	16
17	18	19 COMMISSION APPROVAL	20 VENDORS NOTIFIED	21	22	23
24	25	26	27	28	29	30

AWARD BY THE OFFICE OF CENTRAL PURCHASING - \$100,000.00 OR LESS

AWARD BY THE COUNTY COMMISSION AT THEIR REGULAR MEETING - OVER \$100,000.00

"EXHIBIT C"

CENTRAL PURCHASING
SAN JUAN COUNTY

JUSTIFICATION FORM

Department: _____; Contact Person: _____; Phone _____

Requisition Number: _____

Justification for: _____ Emergency; _____ Sole Source; _____ Brand Name Only

Detail the reasons for this procurement under special circumstances instead of by routine authorized procedures:

1) Why have you selected this vendor?

2) Identify what steps have been taken to assure the most advantageous price and terms have been obtained?

3) Attach any quotes or other pertinent documentation.

What specific characteristics make this product or service the only acceptable choice?

Department Head/Elected Official Signature: _____ Date: _____
(Required on all Justifications)

County Manager Approval: _____ Date: _____
(Required for Emergency Purchases)

Determination by Central Purchasing: _____ Date: _____

_____ Approved _____ Denied Comments:

SAN JUAN COUNTY

SUBJECT: PURCHASING CARD PROGRAM – Page 1 of 16

EFFECTIVE DATE: DECEMBER 6, 2011

APPROVED BY THE BOARD OF
COUNTY COMMISSIONERS OF SAN
JUAN COUNTY, NEW MEXICO –
RESOLUTION NO. 11-12-24

POLICY

The San Juan County Purchasing Card Program is established for use by *authorized* County employees to allow for purchases of goods and/or services, at the "best obtainable prices" on behalf of their departments, in the amount of One Thousand Five Hundred Dollars * (\$1,500) or less per transaction. All purchases whose value has been estimated to exceed this sum shall be governed by the procedures set forth in the San Juan County's Standard Purchasing Procedures. Use of the purchasing card by County employees shall be subject to San Juan County's Purchasing Card Program Policy and Procedures and the provisions of the New Mexico Procurement Code, N.M.S.A.1978 (as amended).

OBJECTIVE

To provide San Juan County departments with a more timely, efficient and cost effective purchasing method for obtaining specific business related small dollar goods and services.

DEFINITIONS

1. Authorized County Employee: "Authorized County Employee" means an individual receiving a salary or wage from the County, whether elected or not, who has been properly authorized to use the purchasing card.
2. Best Obtainable Price: "Best Obtainable Price" means the lowest possible price for the specified goods and/or services, which meet the applicable quality, quantity and delivery requirements, as required by the County.
3. Cardholder: "Cardholder" means a San Juan County employee who is authorized by his/her department head/elected official to use the purchasing card to execute purchase transactions on behalf of the County department.
4. Billing Administrator: "Billing Administrator" means the individual in San Juan County's Accounting department who coordinates and manages the purchasing card billing, payment, reporting, monitoring, and auditing responsibilities.
5. Capital Purchase Item: "Capital Purchase Item" means any item with a life span of at least one year, costing One Thousand Dollars (\$1,000) or more, and which is listed as part of the County's capital outlay budget.

PURCHASING CARD PROGRAM – Page 2 of 16

6. Card Administrator: "Card Administrator" means the individual in San Juan County's Central Purchasing office who coordinates and manages purchasing card applications, account setups, maintenance, and closure responsibilities.

7. Card Issuer: "Card Issuer" means the financial/banking institution which issues purchasing cards to approved County employees, provides electronic transaction authorization, and bills the County for all purchases made on the purchasing cards.

8. Department Head/Elected Official: "Department Head/Elected Official" means the County official who is responsible for approving and submitting the purchasing card applications for their employees; verifying and/or designating a proper account code for purchases; and reviewing and approving monthly procurement card reconciliation reports in order to verify compliance with the *Purchasing Card Program Policy and Procedures* and other applicable administrative policies, procedures and regulations.

9. FOB Destination: "FOB Destination" means the point of shipment and acceptance for goods or services ordered by the County, i.e., delivered place, price, and ownership point.

10. Gross Receipt Tax: "Gross Receipt Tax" means the governmental sales taxes normally assessed to the individual or company who procures goods or services from a vendor or supplier.

11. Itemized Receipt: "Itemized Receipt" means a charge slip, cash register receipt, invoice, or printout of the web-page transaction confirmation which must include, but is not necessarily limited to, the itemized description of the goods/services purchased, vendor name, transaction date, unit prices, and transaction total.

12. Tangible Personal Property: "Tangible Personal Property" means tangible property other than real property having a physical existence, including but not limited to supplies, equipment, and materials.

13. Vendor: "Vendor" means a merchant or supplier from whom a cardholder is making a purchase.

RESPONSIBILITIES

1. Cardholder: The cardholder must use the purchasing card for legitimate County business purposes only. The purchasing card may not be used for obtaining items or services specifically blocked on the *Listing of Merchant Category Classification Codes*. Misuse of the card will subject the cardholder to revocation of the card and disciplinary action, up to and including prosecution and termination of employment. The cardholder shall:

- a. Utilize the purchasing card for legitimate County business purposes only;
- b. Ensure that all procurements are made in compliance with the County's procurement related policies and procedures;
- c. Maintain the purchasing card in a safe and secure location at all times;
- d. Not allow other individuals to use their purchasing card;

PURCHASING CARD PROGRAM – Page 3 of 16

- e. Adhere to the purchase limits and restrictions of the purchasing card and ensure the total transaction amount of any single transaction does not exceed \$1,500* and a maximum monthly combined charge amount of \$5,000* per card;
- f. Not divide or split a purchase in order to circumvent the purchase credit limit of the purchasing card;
- g. Not utilize the purchasing card to procure any capital purchase item(s) (see capital purchase item definition);
- h. Obtain proper travel or training request approvals prior to utilizing the purchasing card for training seminars, airfare, lodging, and/or meals;
- i. Obtain the best obtainable price for the County whenever the card is utilized for procurement of goods or services;
- j. Ensure that appropriate proof of insurance, as required by the Risk Management division, is secured from the vendor(s) prior to procurement of services or delivery of products to County property;
- k. Ensure that gross receipt tax (sales tax) is not charged to the County when purchasing tangible personal property unless the purchase properly qualifies;
- l. Obtain itemized receipts for all purchase transactions;
- m. Be responsible for obtaining itemized receipt duplicates from vendors whenever originals are lost or misplaced;
- n. Note the department's appropriate billing line item account number on the receipt;
- o. Reconcile the monthly statements to the receipts each month using the *Procurement Card Reconciliation Form*;
- p. Approve by signature and submit the statement and monthly *Procurement Card Reconciliation Form*, reconciled with attached itemized receipts, to the department head/elected official for review and approval;
- q. Attempt to resolve billing disputes directly with the vendor. If unable to resolve the dispute, the cardholder should transmit the required dispute form to the card issuer;
- r. Ensure that an appropriate credit for the reported disputed item or billing error appears on a subsequent cardholder statement;
- s. Not accept cash in lieu of a credit to the purchasing card account;
- t. Immediately report a lost or stolen card to the card issuer;
- u. Immediately notify the department head/elected official and card administrator of a lost or stolen purchasing card at the first opportunity during normal business hours;
- v. Return the purchasing card to the department head/elected official upon transferring to another department or terminating employment with the County;
- w. Contact the card administrator if a vendor refuses to accept the purchasing card;
- x. Report erroneous declines or fraudulent charges to their department head/elected official and the billing administrator during normal business hours.

PURCHASING CARD PROGRAM – Page 4 of 16

2. Department Head/Elected Official: The department head/elected official is directly responsible for overseeing the purchasing card activity of the cardholder. The department head/elected official shall:

- a. Ensure the purchasing card is used for legitimate County business purposes only;
- b. Receive and review the cardholder's monthly statement, *Procurement Card Reconciliation Form* and receipts; compare to electronic and/or paper billing reports; and verify appropriate account line item number is noted for each purchase;
- c. Provide approval by signing the cardholder's monthly *Procurement Card Reconciliation Form* (with attachments) and forwarding it to the billing administrator in a timely manner;
- d. Inform the card administrator by written memorandum whenever the cardholder terminates employment or transfers to a different department;
- e. Inform the card administrator by written memorandum whenever a purchasing card is lost, stolen or misplaced;
- f. Inform the card administrator by written memorandum if a cardholder violates any of the County's policies and procedures as referenced, which may subject the offending cardholder to disciplinary action;
- g. Return purchasing cards to the card administrator for cardholders who have been transferred, no longer need the cards or have left County service.

3. Card Administrator: The Central Purchasing Office will assign a card administrator to be responsible for the over-all purchasing card program. The card administrator shall:

- a. Act as the liaison with the card issuer;
- b. Review approved cardholder applications for completeness of required information;
- c. Submit cardholder applications, change requests, and closure requests to the card issuer;
- d. Provide training and program materials to department head/elected officials and cardholders before issuing a purchasing card;
- e. Require the cardholder to sign a *Purchasing Card Agreement* signifying acceptance of the terms of the purchasing card program;
- f. Retain signed *Purchasing Card Agreements* in a safe and secure location;
- g. Verify that lost or stolen cards have been blocked by the card issuer;
- h. Forward vendor set-up requests to the card issuer when requested.

4. Billing Administrator: The Accounting Department will assign a billing administrator to be responsible for the billing administration of the purchasing card program. The billing administrator shall:

- a. Assist cardholders with erroneous declines, unresolved vendor disputes, and fraudulent charges;
- b. Monitor the card issuer's paper and or electronic reports to review the purchasing card program;
- c. Receive and review the card issuer's statements and reports;
- d. Distribute/receive monthly reports to/from department head/elected officials;

PURCHASING CARD PROGRAM – Page 5 of 16

- e. Analyze exception reports;
- f. Process billing to using departments' proper billing line item accounts.
- g. Prepare and issue payment to the card issuer;
- h. Reconcile the card issuer's statement with the electronic file;
- i. Review monthly cardholder statements and other documentation as required to properly maintain the integrity of the procurement card program.

CONDITIONS AND REQUIREMENTS

1. Cardholder Eligibility: The criteria to receive a purchasing card are as follows:

- a. The applicant must be an employee or elected official of San Juan County;
- b. All applications for a purchasing card must be approved by the employee's department head/elected official and returned to the card administrator;
- c. Each cardholder must receive procurement card training and accept/sign a *Purchasing Card Agreement* prior to receipt of a card.

2. Card Procurement Spending Parameters: The purchasing card shall be used only for the procurement of goods or services for authorized San Juan County business purposes. The cardholder shall be responsible for obtaining the best obtainable price for the County for each purchase. The cardholders' allowable spending parameters for the purchasing card are set at \$1,500* or less per transaction and a maximum monthly combined charge amount of \$5,000* per card. The cardholder shall not divide or split a purchase in order to circumvent the purchase credit limit of the purchasing card.

3. Vendor/Merchant Class Blocking: Certain commodity sales transactions will be blocked at the point of sale for the types of vendors included on the *Merchant Category Classification Code Listing* (see attachment for blocked and unblocked items and services). Changes to the blocking list may be made only by the Central Purchasing Office as demonstrated by sound business need. If there is any question as to whether a transaction is allowed, the cardholder should contact the card administrator.

4. Recommended Purchases/Transactions: The procurement card may be used to obtain the following items/services:

- a. Most office supplies (unless the items are stocked within the County warehouse); **Desk Top Printers, Ink Toners and Cartridges are Prohibited**
- b. Magazine subscriptions;
- c. Conference registrations;
- d. Maintenance and repair items and services;
- e. Official County authorized travel purposes, e.g., airfare, lodging, meals;
- f. Additional products and services as specified on the MCC Code Listing;

5. Prohibited Purchases/Transactions: The procurement card shall not be used to obtain the following items/services:

- a. Personal transactions;
- b. Cash advances;
- c. Liquor/alcoholic beverages;

PURCHASING CARD PROGRAM – Page 6 of 16

- d. All desktop printers, ink toners and cartridges (with the exception of authorized Central Purchasing personnel);
- e. Contract or agreement-based services, e.g., equipment rentals/leases/maintenance;
- f. Monthly recurring expenses, e.g., utilities, internet, etc;
- g. Purchase of automotive fuel within San Juan County;
- h. Travel related fuel in *personal* automobiles;
- i. Additional products and services as specified/blocked on the MCC Code Listing.

6. Use of Purchasing Card for Travel Purposes: The cardholder's use of a purchasing card for travel purposes shall meet with the following conditions:

- a. Cardholders must obtain proper approvals using San Juan County's *Travel and Training Request Voucher* prior to utilizing the purchasing card for training seminars, airfare, lodging and/or meals;
- b. Cardholders traveling "per diem" will receive travel advances and should not charge their lodging and meals on the purchasing card;
- c. Cardholders who have a purchasing card and are traveling based on "actual expenses" will not receive a travel advance. The cardholder must retain and submit itemized receipts for all travel related expenditures;
- d. Original travel receipts shall be attached to the monthly *Procurement Card Reconciliation Form*. Copies of the travel receipts should also be attached to the *San Juan County Reimbursement Voucher*.

7. Gross Receipts Tax: San Juan County is exempt from gross receipt tax (sales tax) for purchases of tangible personal property only. However, the purchases of services and materials to be used in construction projects are not exempt. The vendor is responsible for collecting retail sales tax at the point of sale. The amount of sales tax should be clearly indicated on the itemized receipt.

8. Cardholder Liability: The purchasing card is a corporate charge card, which will not affect the cardholder's personal credit. However, it is the cardholder's responsibility to ensure that the card is used in compliance with the *Purchasing Card Program Policy and Procedures* and in accordance with all other applicable administrative policies, procedures, and regulations. Failure to comply with these policies and procedures will result in notification of the failure to the County Manager, and may result in permanent revocation of the right to use the card as well as further disciplinary action, including possible termination of employment. In addition, the cardholder may be held personally liable for all charges for which the cardholder fails to provide itemized receipts and other appropriate documentation to show that the transaction conforms with New Mexico law, San Juan County policy and the Purchasing Card Agreement.

9. Card Security and Storage: The cardholder should always treat their purchasing card with the same level of care as their own personal credit cards; keep the card safely secured and the account number carefully guarded. The only person entitled to use the card is the person whose name appears on the face of the card. The card shall not be loaned to another person for any reason.

PURCHASING CARD PROGRAM – Page 7 of 16

10. Cardholder Account Closure: Upon written notification by the cardholder's department head/elected official, the card administrator shall close an account if a cardholder transfers to a different department, moves to a new position not requiring a purchasing card, terminates employment, or for any of the following reasons:

- a. The purchasing card is used for personal or unauthorized purposes;
- b. The purchasing card is used to purchase alcoholic beverages or any substance, material, or service which violates County policies;
- c. The cardholder divides or splits a purchase in order to circumvent the purchase credit limit of the purchasing card;
- d. The cardholder fails to provide itemized receipts for all transactions;
- e. The cardholder uses another employee's purchasing card;
- f. The cardholder allows the card to be used by another individual;
- g. The cardholder fails to provide, when requested, information about any specific purchase;
- h. The cardholder accepts a cash refund in lieu of credit to the purchasing card account;
- i. The cardholder does not adhere to the established County policies and procedures.

PROCEDURES**1. Obtaining a Purchasing Card:**

- a. To obtain a purchasing card, the San Juan County employee will be required to complete a *Purchasing Card Application Form* and submit it to the department head/elected official for review and approval;
- b. If approved, the department head/elected official forwards the application to the card administrator;
- c. The card administrator reviews the application for completeness and submits the request to the card issuer;
- d. The purchasing card is issued in the employee's name, with the San Juan County emblem (logo) and tax-exempt number clearly indicated on the card;
- e. Upon receipt of the purchasing card from the card issuer, the card administrator (and billing administrator as required) conducts a training session with the cardholder;
- f. The cardholder must sign the *Purchasing Card Agreement*, signifying acceptance of the terms and conditions of the purchasing card program, prior to receipt of the card.

2. Making a Purchase: A cardholder will be authorized to make a purchase for goods and services for \$1,500* or less directly from vendors without the need to use the regular purchase requisition/purchase order process. Purchases may be made over the phone, computer or in person. When making a purchase in person, the cardholder shall present the card at the point of purchase. The cardholder shall:

- a. Clearly state that the purchase is made on behalf of San Juan County;

- b. Provide the vendor with the cardholder's name, card number, expiration date;

PURCHASING CARD PROGRAM – Page 8 of 16

- c. If products/goods are to be shipped, provide proper delivery address and verify that all items are furnished FOB destination;
- d. Ensure that the purchase is tax exempt when purchasing tangible personal property and provide the County's tax-exempt number as required;
- e. Ensure that appropriate proof of insurance, as required by the Risk Management division, is secured from the vendor(s) prior to procurement of services or delivery of products to County property;
- f. Obtain itemized receipts from the vendor for each purchase. Receipts include charge slips, cash register receipts, invoices, or web-page transaction confirmations. For subscriptions, a copy of a renewal notice or subscription request will be sufficient for a receipt (see itemized receipt definition);
- g. Inspect the goods and/or services to verify proper order accuracy, quality, quantity, and price.

3. Declined Purchases: If a vendor declines to accept the purchasing card, the cardholder should contact the card administrator for assistance. The cardholder will contact the card issuer to determine the reason for the decline and may authorize changes in the card setup if appropriate. If a decline occurs outside of normal County business hours, the employee must find an alternate payment method or terminate the purchase and contact the program administrator during normal business hours.

4. Procurement Card Credits: The vendors shall issue all credits for returned merchandise or services to the individual purchasing card account for any item they have agreed to accept for return. **Under no circumstances should a cardholder accept cash in lieu of a credit to the purchasing card account.**

5. Reviewing/Reconciling Monthly Card Statements:

- a. At the close of the monthly billing cycle, the card issuer will forward a billing statement of all cardholder activity to billing administrator. The administrator will review and then forward the paper and/or electronic statement to the individual cardholder for reconciliation;
- b. The cardholder reconciles the statement against accumulated receipts and other supporting documentation, approves the statement (utilizing the *Procurement Card Reconciliation Form*) as true, complete and accurate, attaches the itemized receipts, and forwards it to the department head/elected official for further review and approval;
- c. The department head/elected official reviews the cardholder's transactions, as included in the card issuer's billing report, and ensures that the cardholder has submitted proper statements and receipts;
- d. The department head/elected official reviews the cardholder's statement and reconciliation form with the itemized receipts for policy/procedural compliance, verifies appropriate billing account numbers, approves the reconciliation form by signature and forwards it to the billing administrator by the 15th of the month;
- e. The billing administrator performs an audit of the statements, reconciliation forms, and receipts to monitor compliance with policy and procedures. The

administrator then forwards all statements to a central storage for the annual audit procedure;

PURCHASING CARD PROGRAM – Page 9 of 16

- f. All transactions will be posted to the designated billing account number associated with the card purchase;
- g. Payment is made to the card issuer within twenty-five (25) calendar days after the close of the billing cycle of the previous month.

6. Procurement Card Billing Errors: The cardholder is responsible for contacting the vendor to resolve any disputed charges or billing errors within thirty (30) days of receiving a statement. If the matter cannot be resolved with the vendor, the cardholder shall:

- a. Contact the card issuer directly for assistance;
- b. Fax a signed *Cardholder Statement of Disputed Item Form* to the card issuer to explain the reason for the dispute;
- c. Contact the billing administrator for assistance if an acceptable resolution is not obtained. If the dispute is resolved in the cardholder's favor, a credit in the amount of the disputed transaction should appear on a subsequent cardholder statement.

7. Lost, Stolen, or Misplaced Procurement Cards: Cardholders are required to immediately report any lost or stolen purchasing card to the card issuer. The cardholder shall also notify his/her department head/elected official and the card administrator about the lost or stolen card at the first opportunity during normal business hours.

8. Card Account Cancellations/Closures: The department head/elected official shall immediately notify the card administrator in writing if employee card accounts should be cancelled or closed. The card administrator will immediately forward the request to the card issuer.

9. Card Purchase Audits/Reviews: The Accounting Department will perform a periodic audit of the procurement card policy and procedures and will select and review monthly cardholder statements and other documentation as required by the County policies and procedures.

EXCEPTIONS

1. Spending Parameters: The standard cardholders' allowable spending parameters for the purchasing card are set at \$1,500 or less per transaction with a maximum monthly combined charge amount of \$5,000 per card. However, authorized Central Purchasing employees' allowable spending parameters for the purchasing card are set at \$5,000 or less per transaction with a maximum monthly combined charge amount of \$15,000 per card.

2. Changes to Program: The following program specifics may be modified and updated upon demonstrated need and as approved by the Central Purchasing Director and the County Manager:

- a. Changes in the allowable maximum monthly combined charge amounts for individual purchasing cards;

- b. Changes to the *Merchant Category Classification Code Listing* to allow additional blocking and/or unblocking of specific vendors, items, and services as required;

PURCHASING CARD PROGRAM – Page 10 of 16

- c. Changes in the purchasing card program's form attachments/exhibits as needed to allow for necessary language and/or style changes and new card issuers/contract holders.

ATTACHMENTS (Program Forms/Exhibits)

1. Purchasing Card Application Form – Attachment A
2. Purchasing Card Agreement – Attachment B
3. Cardholder Statement of Disputed Item Form – Attachment C
4. Procurement Card Assistance / Contact Information – Attachment D
5. Procurement Card Reconciliation Form – Attachment E
6. Merchant Category Classification Code Listing – Attachment F
(Blocked and Unblocked Vendors/Items/Services – Seven Page Exhibit)

PURCHASING CARD PROGRAM – Page 11 of 16
Form Attachment A

SAN JUAN COUNTY PURCHASING CARD APPLICATION FORM

Request for Procurement Card

The individual listed below is seeking authorization to utilize San Juan County's procurement card program. As a San Juan County department head/elected official, you are entrusting, empowering, and delegating authority to the individual to make purchases on behalf of your department.

The purchasing card is to be used only to make purchases for the legitimate business benefit of the San Juan County.

The purchasing card must be used in accordance with the provisions of San Juan County's Purchasing Card Program Policy and Procedures and in accordance with all other applicable administrative policies, procedures, and regulations.

Violations of these requirements may result in revocation of use privileges and/or disciplinary action, up to and including termination of employment. Employees who fail to show that a transaction conforms with applicable law and policy may be personally liable for the charges and costs associated with the transaction.

Individual Requesting Card: _____
 (Cardholder Name-Please Type or Print)

 (Cardholder Signature)

Department: _____

Department Head/Elected Official Approval: _____
 (Type or Print Name)

 (Department Head Signature)

 (Date Approved)

**PURCHASING CARD PROGRAM – Page 12 of 16
Form Attachment B**

<p>SAN JUAN COUNTY PURCHASING CARD AGREEMENT</p>

(Agreement to Accept and Properly Use San Juan County's Purchasing Card)

I _____ hereby acknowledge receipt of the San Juan County purchasing card. I also acknowledge receiving the Purchasing Card Program Policy and Procedures manual, along with the applicable purchasing card training and instruction. I confirm that I have read and understand the terms of the manual. As a cardholder, I agree to comply with the program's policy and procedures and I understand that San Juan County is liable to the card issuer (banking institution) for all *County approved* purchases.

Furthermore, I understand that all procurements shall be made in compliance and in accordance with all other applicable administrative policies, procedures, and regulations. I agree to use the purchasing card for County approved purchases only and agree not to charge personal purchases. I understand that the County will audit the use of the card.

I further understand that improper use of the card will result in a security investigation, which may lead to disciplinary action, up to, and including prosecution and termination of employment. Should I fail to provide itemized receipts and other appropriate documentation to show that the transaction conforms with New Mexico law, San Juan County policy and the Purchasing Card Agreement, I authorize San Juan County to deduct such amount from my salary equal to the total amount of the expenditures. I also agree to allow San Juan County to collect any amounts owed by me even if I am no longer employed by San Juan County. In addition, in the event that the purchasing card is not used as stated herein, I authorize the County to release my last known address and any information relating to my use of the card to the card issuer.

I understand that the County may terminate my right to use the card at any time for any reason. I agree to return the card to San Juan County immediately upon request or upon termination of my employment.

Cardholder's Acceptance of the Terms and Conditions of the Agreement

Signature: _____ Date: _____

Procurement Card Issued: _____

Card Issuance Acknowledgment by Card Administrator

I acknowledge that the above individual has received the San Juan County Purchasing Card and training as referenced.

Signature: _____ Date: _____

**PURCHASING CARD PROGRAM – Page 13 of 16
Form Attachment C**

**SAN JUAN COUNTY
CARDHOLDER STATEMENT OF DISPUTED ITEM FORM**

Card Issuer/Banking Institution
Attn: Commercial Card Services
Phone:
Fax:
San Juan County / Department:
Cardholder Name:
Cardholder's Account Number:

Authorized by: _____
 Cardholder Signature: _____

Statement Date:	Transaction Date:	Merchant Name/Description:
Amount:	Posting Date:	Reference Number:

Check the description most appropriate to your dispute. If you have any questions, contact the card issuer.

- ____ **1. Alteration of Amount:** The amount of the sales draft has been altered from \$ _____ to \$ _____. (Please include copy of sales draft.)
- ____ **2. Unauthorized Mail or Phone Order:** I certify the charge listed above was not authorized by me or any person authorized by me to use this account. I have not ordered merchandise by phone or mail, or received goods and services as represented above.
- ____ **3. Cardholder Dispute:** I did participate in the above transaction, however, I dispute the entire charge, or a portion, in the amount of \$ _____ because: _____.
- ____ **4. Credit Not Received:** The merchant has issued me a credit slip for the transaction listed above; however, the credit has not posted to my account. The date on the voucher is between 30 and 90 days old. (Please include a copy of the credit voucher).
- ____ **5. Imprinting Multiple Slips:** The above transaction represents multiple billing to my account. I only authorized one charge from this merchant for \$ _____. I am still in possession of my card.
- ____ **6. Merchandise Not Received:** My account has been charged for the above transaction, but I have not received this merchandise. I have contacted the merchant.
- ____ **7. Merchandise Not Received:** My account has been charged for the above transaction, but I have since contacted this merchant and canceled the order. I will refuse delivery should the merchandise be sent.
- ____ **8. Merchandise Returned:** My account has been charged for the transaction listed above, but the merchandise has been returned. Provide a description of the circumstances. (Please include postal receipt if applicable.)

____ 9. **Inadequate Description/Unrecognized Charge:** I do not recognize this charge; please supply a copy of the sales draft for my review.

____ 10. I am no longer disputing this charge.
PURCHASING CARD PROGRAM – Page 14 of 16
Form Attachment D

SAN JUAN COUNTY PROCUREMENT CARD ASSISTANCE / CONTACT INFORMATION
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SAN JUAN COUNTY PURCHASING CARD PROGRAM ADMINISTRATORS:

For Procurement Card Setup, Issuance, and Cancellation:

- Card Administrator - Diana Baker
 Central Purchasing Office
 213 South Oliver Drive; Aztec, New Mexico 87410
 Phone: (505) 334-4551
 Fax: (505) 334-4561
 E-Mail Address – dbaker@sjcounty.net

For Procurement Card Billing, Monitoring, Reporting, and Auditing:

- Billing Administrator – Marcella Brashear
 Accounting Department
 100 South Oliver Drive; Aztec, New Mexico 87410
 Phone: (505) 334-4266
 Fax: (505) 334-1633
 E-Mail Address – mbrashear@sjcounty.net

CARD ISSUER – BANK OF AMERICA (VISA CARD):

- **CARDHOLDER'S POINT OF CONTACT:**

To Report Lost or Stolen Cards Call Bank of America Card Services @ 1-800-822-5985 (24-hours a day / 365-days a year)

- **CARD/BILLING ADMINISTRATOR'S POINT OF CONTACT:**

Card Issuer Administrator / Account Specialist – Robbie Rankin
 (8:30 AM to 5:00 PM EST)
 3 Commercial Place; Norfolk, Virginia 23510-2108
 Phone: (757) 533-7275
 Fax: (704) 719-5269
 E-Mail Address – roberta.rankin@baml.com

SAN JUAN COUNTY PROCUREMENT CARD RECONCILIATION FORM

SAN JUAN COUNTY PROCUREMENT CARD RECONCILIATION FORM

Cardholder's Name:
Department:
Activity Summary Date:

DATE	VENDOR	PURPOSE / REASON	LINE ITEM #	ITEM / SERVICE PURCHASED	AMOUNT	ITEM REC'D
PURCHASES MADE:					\$0.00	
PAYMENTS & OTHER CREDITS:						
TOTAL DUE:					\$0.00	

I HEREBY CERTIFY THAT THE CHARGES LISTED ON THIS DOCUMENT WERE MADE ON MY COUNTY PROCUREMENT CARD BY ME FOR COUNTY PURPOSES ONLY AND THAT THEY ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I ALSO CERTIFY THAT THE ITEMS HAVE BEEN RECEIVED* AS NOTED, THAT THEY MEET SPECIFICATIONS, AND THAT PAYMENT MAY BE MADE TO THE VENDOR.

CARDHOLDER'S SIGNATURE:	DATE:
<i>* Unless prepayment is permitted under NMSA 1978, Sec. 13-1-98</i>	

REVIEWED & APPROVED BY DEPARTMENT HEAD/ELECTED OFFICIAL:	
DATE: _____	(BY SIGNATURE) _____

PURCHASING CARD PROGRAM – Page 16 of 16
Form Attachment F (Eight Page Exhibit)

SAN JUAN COUNTY
LISTING OF MERCHANT CATEGORY CLASSIFICATION CODE
(BLOCKED AND UNBLOCKED VENDORS/ITEMS/SERVICES)

BLOCK?	MCC	GROUP I – CONTRACTED SERVICES
		ALL CONTRACTED SERVICES (0742-2842)
X	0742	Veterinary Services
X	0763	Agricultural Cooperatives
	0780	Horticultural and Landscaping Services
	1520	General Contractors Residential and Commercial
	1711	Air Conditioning, Heating, Plumbing Contractors
	1731	Electrical Contractors
	1740	Insulation, Masonry, Plastering, Stonework, Tile
	1750	Carpentry Contractors
	1761	Roofing and Siding, Sheet Metal Work Contractors
	1771	Concrete Work Contractors
	1799	Contractors, Special Trade (not elsewhere classified)
	2741	Miscellaneous Publishing and Printing
	2791	Typesetting, Plate Making and Related Services
	2842	Specialty Cleaning, Polishing
		GROUP II – TRAVEL AND ENTERTAINMENT
		ALL AIRLINES (3000-3299)
		ALL RENTAL AGENCIES (3351-3440)
		ALL HOTELS (3501-3744)
X		ALL ENTERTAINMENT PROVIDERS (7829-7999)
	7829	Motion Picture and Video Tape Production
	7832	Motion Picture Theaters
	7841	Video Tape Rental Stores
	7911	Dance Halls, Schools and Studios
	7922	Theatrical Producers Ticket Agencies
	7929	Bands, Orchestras and Misc. Entertainers (not elsewhere classified)
	7932	Billiard and Pool Establishments
	7933	Bowling Alleys
	7941	Athletic Fields, Commercial Sports, etc.
	7992	Gold Courses, Public
	7994	Video Game Arcades/Establishments
	7995	Betting
	7996	Amusement Parks, Carnivals, etc.
	7997	Clubs, Country Clubs, Membership, etc.
	7998	Aquariums, Dolphinariums and Seaquariums
	7999	Recreation Services (not elsewhere classified)
BLOCK?	MCC	GROUP III – TRANSPORTATION, VEHICLE AND REPAIR
		TRANSPORTATION (COMMUTER/PUBLIC) (4011-4789)
	4011	Railroads

	4111	Transportation Commuter Passenger
	4112	Passenger Railways
X	4119	Ambulance Services
	4121	Limousines and Taxicabs
	4131	Bus Lines
	4214	Motor Freight Carriers, Trucking
	4215	Courier Services – Air and Ground, Freight Forwarders
X	4225	Public Warehousing
X	4411	Cruise Lines
X	4457	Boat Leases and Boat Rentals
X	4468	Marinas, Marine Service/Supplies
	4511	Air Carriers, Airlines
	4582	Airports, Airport Terminals, Flying Fields
	4722	Travel Agencies and Tour Operators
X	4784	Bridge and Road Fees, Tolls
X	4789	Transportation Services (not elsewhere classified)

		VEHICLE AND REPAIR (MISCELLANEOUS)	(7531-7699)
	7531	Automotive Body Repair Shops	
	7534	Tire Retreading and Repair Shops	
	7535	Automotive Paint Shops	
	7538	Automotive Service Shops (non-dealer)	
	7542	Car Washes	
	7549	Towing Services	
	7622	Electronic Repair Shops	
	7623	Air Conditioning and Refrigeration Repair Shops	
	7629	Appliance Repair Shops, Electrical and Small	
X	7631	Clock, Jewelry and Watch Repair Shops	
	7641	Furniture Re-upholstery and Repair, Refinishing	
	7692	Welding Repair	
	7699	Miscellaneous Repair Shops and Related Services	

		TRANSPORTATION (PERSONAL)	(5511-5599)
	5511	Automobile and Truck Dealers	
	5521	Automobile and Truck Dealers (used only) Sales	
	5531	Auto Store, Home Supply Stores	
	5532	Automotive Tire Stores	
	5533	Automotive Parts, Accessories Stores	
	5541	Service Stations (with or without ancillary services)	
	5542	Fuel Dispenser, Automated	
X	5551	Boat Dealers	
X	5561	Camper Dealers, Recreational and Utility Trailers	
	5571	Motorcycle Shops and Dealers	

BLOCK?	MCC	GROUP III – TRANSPORTATION, VEHICLE AND REPAIR (continued)
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		TRANSPORTATION (PERSONAL) (continued)	(5511-5599)
X	5592	Motor Home Dealers	
X	5598	Snowmobile Dealers	
	5599	Miscellaneous Automotive, Aircraft and Farm Equipment Dealers (not elsewhere classified)	

		GROUP IV – SERVICES	
		SERVICES (UTILITIES)	(4812-4900)
	4812	Telecommunication Equipment	
X	4814	Telecommunication Service	
X	4815	Master Phone Telephone Service	
	4816	Computer Network/Information Services	
X	4819	Telecommunications	
X	4821	Telegraph Services	
X	4829	Wire Transfer, Money Orders (WTMO's)	
X	4899	Cable and Other Pay Television Services	
X	4900	Utilities – Electric, Gas, Sanitary, Water	

		SERVICES (PROVIDERS)	(6010-7033)
X	6010	Financial Institutions Manual Cash Disbursements	
X	6011	Financial Institutions Automated Cash	
X	6012	Financial Institutions Merchandise and Services	
X	6051	Non Financial Institutions	
X	6211	Securities Brokers/Dealers	
X	6300	Insurance Sales, Underwriting and Premiums	
	7011	Lodging – Hotels, Motels, Resorts	
X	7012	Timeshares	
X	7032	Recreational and Sporting Camps	
X	7033	Campgrounds and Trailer Parks	

		SERVICES (PERSONAL CARE)	(7210-7299)
	7210	Cleaning, Garment and Laundry Services	
	7211	Laundry Services – Family and Commercial	
	7216	Dry Cleaners	
	7217	Carpet and Upholstery Cleaning	
X	7221	Photographic Studios	
X	7230	Barber and Beauty Shops	
X	7251	Hat Cleaning Shops, Shoe Repair, Shoe Parlors	
X	7261	Funeral Service and Crematories	
X	7273	Dating and Escort Services	
X	7276	Tax Preparation Service	
X	7277	Debt, Marriage, Personal Counseling Service	
	7278	Buying/Shopping Clubs, Services	
X	7295	Babysitting Services	
	7296	Clothing Rentals – Costumes, Uniforms	
X	7297	Massage Parlors	

BLOCK?	MCC	GROUP IV – SERVICES (continued)	
		SERVICES (PERSONAL CARE) (continued)	(7210-7299)

X	7298	Health and Beauty Spas
X	7299	Other Services (not elsewhere classified)

		SERVICES (BUSINESS)	(7311-7523)
	7311	Advertising Services	
X	7321	Consumer Credit Reporting Agencies	
	7333	Commercial Art, Graphics, Photography	
	7338	Quick Copy, Reproduction and Blueprint Services	
X	7339	Stenographic and Secretarial Support Services	
	7342	Exterminating and Disinfecting Services	
	7349	Cleaning and Maintenance, Janitorial Services	
X	7361	Employment Agencies, Temporary Help Services	
	7372	Computer Programming, Data Processing	
X	7375	Information Retrieval Services	
	7379	Computer Maintenance, Repair and Services	
	7392	Consulting, Management and Public Relations	
X	7393	Detective Agencies, Protective Agencies	
	7394	Equipment Rental, Leasing, Furniture, Tool Rental	
	7395	Photo Developing, Photofinishing Laboratories	
	7399	Business Services (not elsewhere classified)	
	7511	Truck Stop Transactions	
	7512	Automobile Rental Agency	
	7513	Truck and Utility Trailer Rental	
X	7519	Motor Home and Recreational Vehicle Rental	
	7523	Automobile Parking Lots and Garages	

		SERVICES (PROFESSIONAL/ORGANIZATIONS)	(8011-8999)
X	8011	Doctors (not elsewhere classified)	
X	8021	Dentists, Orthodontists	
X	8031	Osteopathic Physicians	
X	8041	Chiropractors	
X	8042	Optometrists, Ophthalmologists	
X	8043	Opticians, Optical Goods and Eyeglasses	
X	8049	Chiropodists, Podiatrists	
X	8050	Nursing and Personal Care Facilities	
X	8062	Hospitals	
X	8071	Dental and Medical Laboratories	
X	8099	Health Practitioners, Medical Services	
X	8111	Attorneys, Legal Services	
X	8211	Schools – Elementary and Secondary	
	8220	Colleges, Universities, Professional Schools	
	8241	Schools – Correspondence	
	8244	Schools – Business and Secretarial	
	8249	Schools – Trade and Vocational	
	8299	Schools and Educational Services	

BLOCK?	MCC	GROUP IV – SERVICES (continued)
		SERVICES (PROFESSIONAL/ORGANIZATIONS) (cont) (8011-8999)

X	8351	Child Care Services
X	8398	Organizations – Charitable and Social Service
	8641	Associations – Civic, Social and fraternal
	8651	Organizations – Political
X	8661	Organizations – Religious
X	8675	Associations – Automobile
	8699	Organizations – Membership
	8734	Testing Laboratories (non-medical)
	8911	Architectural, Engineering and Surveying Service
X	8931	Accounting, Auditing and Bookkeeping Services
X	8999	Professional Services (not elsewhere classified)

		SERVICES (GOVERNMENT)	(9211-9402)
X	9211	Court Costs including Alimony and Child Support	
X	9222	Fines	
X	9223	Bail and Bond Payments	
X	9311	Tax Payments	
X	9399	Government Services (not elsewhere classified)	
	9402	Postal Services – Government ONLY	

		GROUP V – RETAIL STORES	
		RETAIL STORES (MISCELLANEOUS)	(5013-5499)
	5013	Motor Vehicle Supplies and New Parts	
	5021	Office and Commercial Furniture	
	5039	Construction Materials (not elsewhere classified)	
	5044	Office, Photographic, Photocopy	
	5045	Computers, Computer Peripheral Equipment, Software	
	5046	Commercial Equipment (not elsewhere classified)	
	5047	Dental/Laboratory/Medical/Ophthalmic	
	5051	Metal Service Centers and Offices	
	5065	Electrical Parts and Equipment	
	5072	Hardware Equipment and Supplies	
	5074	Plumbing and Heating Equipment	
	5085	Industrial Supplies (not elsewhere classified)	
X	5094	Precious Stones and Metals, Watches and Jewelry	
	5099	Durable Goods (not elsewhere classified)	
	5111	Stationery, Office Supplies, Printing	
	5122	Drugs, Drug Proprietors and Druggists Sundries	
	5131	Piece Goods, Notions and Other Dry Goods	
	5137	Men's, Women's and Children's Uniforms	
	5139	Commercial Footwear	
	5169	Chemicals and Allied Products	
	5172	Petroleum and petroleum Products	
	5192	Books, Periodicals and Newspapers	
	5193	Florists Supplies, Nursery Stock and Flowers	

BLOCK?	MCC	GROUP V – RETAIL STORES (continued)	
		RETAIL STORES (MISCELLANEOUS) (continued)	(5013-5499)
	5198	Paints, Varnishes and Supplies	
	5199	Nondurable Goods (not elsewhere classified)	
	5200	Home Supply Warehouse	
	5211	Building Materials, Lumber Stores	
	5231	Glass, Paint and Wallpaper Stores	
	5251	Hardware Stores	
	5261	Lawn and Garden Supply Stores	
	5271	Mobile Home Dealers	
	5300	Wholesale Clubs	
	5309	Duty Free Stores	
	5310	Discount Stores	
	5311	Department Stores	
	5331	Variety Stores	
	5399	Miscellaneous General Merchandise	
	5411	Grocery Stores, Supermarkets	
	5422	Freezer, Locker Meat Provisioners	
X	5441	Candy, Nut and Confectionery Stores	
	5451	Dairy Products Stores	
	5462	Bakeries	
X	5499	Miscellaneous Food Stores	

		RETAIL STORES (CLOTHING)	(5611-5697)
	5611	Men's and Boy's Clothing and Furnishings Store	
	5621	Women's Ready to Wear Stores	
	5631	Women's Accessory and Specialty Stores	
	5641	Children's and Infant's Wear Stores	
	5651	Family Clothing Stores	
	5655	Sports Apparel, Riding Apparel Stores	
	5661	Shoe Stores	
X	5681	Furriers and Fur Shops	
	5691	Men's and Women's Clothing Stores	
	5697	Alterations, Mending, Seamstresses, Tailors	

		RETAIL STORES (OTHER)	(5698-5999)
X	5698	Wig and Toupee Shops	
	5699	Accessory and Apparel Stores – Miscellaneous	
	5712	Equipment, Furniture and Home Furnishings Stores	
	5713	Floor Covering, Rug and Carpet Stores	
	5714	Drapery, Upholstery and Window Coverings Stores	
	5718	Fireplace, Fireplace Screens and Accessories Stores	
	5719	Miscellaneous House Furnishing Specialty Shops	
	5722	Household Appliance Stores	
	5732	Electronics Sales	
	5733	Music Stores	
	5734	Computer Software Stores	

BLOCK?	MCC	GROUP V – RETAIL STORES (continued)
		RETAIL STORES (OTHER) (continued) (5698-5999)
X	5735	Record Shops
	5811	Caterers
	5812	Eating Places, Restaurants
X	5813	Bars, Cocktail Lounges, Discotheques, etc.
	5814	Quick Payment Service Fast-Food Restaurants
	5912	Drug Stores, Pharmacies
X	5921	Package Stores, Beer, Wine, Liquor
	5931	Second Hand Stores, Used Merchandise Stores
X	5932	Antique Shops – Sales, Repairs and Restoring Services
	5933	Pawn Shops
	5935	Wrecking Yards
X	5937	Antique Reproduction Stores
X	5940	Bicycle Shops Sales and Service
	5941	Sporting Goods Stores
	5942	Book Stores
	5943	Office, School Supply and Stationery Stores
X	5944	Clock, Jewelry, Watch and Silverware Store
	5945	Game, Toy and Hobby Shops
	5946	Camera and Photographic Supply Stores
	5947	Card, Gift, Novelty and Souvenir Shops
	5948	Leather Goods and Luggage Stores
	5949	Fabric, Needlework, Piece Goods and Sewing Stores
X	5950	Crystal and Glassware Stores
X	5960	Direct Marketing – Insurance Services
X	5961	Mail Order Catalogs (non US)
X	5962	Direct Marketing – Travel Related Arrangement Services
X	5963	Door-to-Door Sales
	5964	Direct Marketing – Catalog Merchants
	5965	Direct Marketing – Combination Catalog and Retail Merchants
	5966	Direct Marketing – Outbound Telemarketing Merchants
	5967	Direct Marketing – Inbound Teleservices Merchants
	5968	Direct Marketing – Continuity/Subscription Merchants
	5969	Direct Marketing – Other Direct Marketers (not elsewhere classified)
	5970	Artist Supply Stores, Craft Shops
X	5971	Art Dealers and Galleries
X	5972	Stamp and Coin Stores – Philatelic and Numismatic
X	5973	Religious Goods Stores
X	5975	Hearing Aids Sales, Service and Supply Stores
X	5976	Orthopedic Goods – Artificial Limb Stores
X	5977	Cosmetic Stores
	5978	Typewriter Stores – Rentals, Sales, Service
	5983	Fuel Dealers – Coal, Fuel Oil, Liquefied Petroleum
	5992	Florists
X	5993	Cigar Stores and Stands
X	5994	News Dealers and Newsstands

BLOCK?	MCC	GROUP V – RETAIL STORES (continued)
		RETAIL STORES (OTHER) (continued) (5698-5999)
	5995	Pet Shops – Pet Food and Supplies
X	5996	Swimming Pools – Sales and Supplies
X	5997	Electric Razor Stores – Sales and Service
	5998	Tent and Awning Shops
	5999	Miscellaneous and Specialty Retail Stores

BLOCK?	MCC	GROUP VI – INTERNATIONAL
X		ALL INTERNATIONAL (UK) (9751-9752)
	9751	UK Supermarkets, Electronic Hot File
	9752	UK Petrol Stations, Electronic Hot File

APPENDIX

GOVERNMENTAL CONDUCT ACT

§ 10-16-1. Short title

Chapter 10, Article 16 NMSA 1978 may be cited as the "Governmental Conduct Act".

§ 10-16-2. Definitions

As used in the Governmental Conduct Act:

- A. "business" means a corporation, partnership, sole proprietorship, firm, organization or individual carrying on a business;
- B. "confidential information" means information that by law or practice is not available to the public;
- C. "contract" means an agreement or transaction having a value of more than one thousand dollars (\$1,000) with a state or local government agency for:
 - (1) the rendition of services, including professional services;
 - (2) the furnishing of any material, supplies or equipment;
 - (3) the construction, alteration or repair of any public building or public work;
 - (4) the acquisition, sale or lease of any land or building;
 - (5) a licensing arrangement;
 - (6) a loan or loan guarantee; or
 - (7) the purchase of financial securities or instruments;
- D. "employment" means rendering of services for compensation in the form of salary as an employee;
- E. "family" means an individual's spouse, parents, children or siblings, by consanguinity or affinity;
- F. "financial interest" means an interest held by an individual or the individual's family that is:
 - (1) an ownership interest in business or property; or
 - (2) any employment or prospective employment for which negotiations have already begun;
- G. "local government agency" means a political subdivision of the state or an agency of a political subdivision of the state;
- H. "official act" means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority;
- I. "public officer or employee" means any elected or appointed official or employee of a state agency or local government agency who receives compensation in the form of salary or is eligible for per diem or mileage but excludes legislators;
- J. "standards" means the conduct required by the Governmental Conduct Act;
- K. "state agency" means any branch, agency, instrumentality or institution of the state; and
- L. "substantial interest" means an ownership interest that is greater than twenty percent.

§ 10-16-3. Ethical principles of public service; certain official acts prohibited; penalty

- A. A legislator or public officer or employee shall treat the legislator's or public officer's or employee's government position as a public trust. The legislator or public officer or employee shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.
- B. Legislators and public officers and employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.
- C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.
- D. No legislator or public officer or employee may request or receive, and no person may offer a legislator or public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of [Section 31-18-15 NMSA 1978](#).

§ 10-16-3.1. Prohibited political activities

A public officer or employee is prohibited from:

- A. directly or indirectly coercing or attempting to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose;
- B. threatening to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities; or
- C. violating the officer's or employee's duty not to use property belonging to a state agency or local government agency, or allow its use, for other than authorized purposes.

§ 10-16-4. Official act for personal financial interest prohibited; disqualification from official act; providing a penalty

A. It is unlawful for a public officer or employee to take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of [Section 31-18-15 NMSA 1978](#).

B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.

C. No public officer during the term for which elected and no public employee during the period of employment shall acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.

§ 10-16-4.1. Honoraria prohibited

No legislator, public officer or employee may request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. For the purposes of this section, "honorarium" means payment of money, or any other thing of value in excess of one hundred dollars (\$100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service, or payment or compensation for services rendered in the normal course of a private business pursuit.

§ 10-16-4.2. Disclosure of outside employment

A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in by the officer or employee other than the employment with or service to a state agency or local government agency.

§ 10-16-4.3. Prohibited employment

It is unlawful for a state agency employee or local government agency employee who is participating directly or indirectly in the contracting process to become or to be, while such an employee, the employee of any person or business contracting with the governmental body by whom the employee is employed.

§ 10-16-6. Confidential information

No legislator or public officer or employee shall use or disclose confidential information acquired by virtue of the legislator's or public officer's or employee's position with a state agency or local government agency for the legislator's, public officer's or employee's or another's private gain.

§ 10-16-7. Contracts involving public officers or employees

A. A state agency shall not enter into a contract with a public officer or employee of the state, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest unless the public officer or employee has disclosed through public notice the public officer's or employee's substantial interest and unless the contract is awarded pursuant to a competitive process; provided that this section does not apply to a contract of official employment with the state. A person negotiating or executing a contract on behalf of a state agency shall exercise due diligence to ensure compliance with the provisions of this section.

B. Unless a public officer or employee has disclosed the public officer's or employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process, a local government agency shall not enter into a contract with a public officer or employee of that local government agency, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest.

C. Subsection B of this section does not apply to a contract of official employment with a political subdivision. A person negotiating or executing a contract on behalf of a local government agency shall exercise due diligence to ensure compliance with the provisions of this section.

§ 10-16-8. Contracts involving former public officers or employees; representation of clients after government service

A. A state agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

(1) represented personally in the matter by a person who has been a public officer or employee of the state within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee; or

(2) assisted in the transaction by a former public officer or employee of the state whose official act, while in state employment, directly resulted in the agency's making that contract or taking that action.

B. A former public officer or employee shall not represent a person in the person's dealings with the government on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.

C. A local government agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

(1) represented personally in the matter by a person who has been a public officer or employee of that local government agency within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by the public officer or employee; or

(2) assisted in the transaction by a former public officer or employee of that political subdivision of the state whose official act, while in employment with that political subdivision of the state, directly resulted in the agency's making that contract or taking that action.

D. For a period of one year after leaving government service or employment, a former public officer or employee shall not represent for pay a person before the state agency or local government agency at which the former public officer or employee served or worked.

§ 10-16-9. Contracts involving legislators; representation before state agencies

A. A state agency shall not enter into a contract for services, construction or items of tangible personal property with a legislator, the legislator's family or with a business in which the legislator or the legislator's family has a substantial interest unless the legislator has disclosed the legislator's substantial interest and unless the contract is awarded in accordance with the provisions of the Procurement Code, except the potential contractor shall not be eligible for a sole source or small purchase contract. A person negotiating or executing a contract on behalf of a state agency shall exercise due diligence to ensure compliance with the provisions of this subsection.

B. A legislator shall not appear for, represent or assist another person in a matter before a state agency, unless without compensation or for the benefit of a constituent, except for legislators who are attorneys or

other professional persons engaged in the conduct of their professions and, in those instances, the legislator shall refrain from references to the legislator's legislative capacity except as to matters of scheduling, from communications on legislative stationery and from threats or implications relating to legislative actions.

§ 10-16-11. Codes of conduct

A. By January 1, 1994, each elected statewide executive branch public officer shall adopt a general code of conduct for employees subject to his control. The New Mexico legislative council shall adopt a general code of conduct for all legislative branch employees. The general codes of conduct shall be based on the principles set forth in the Governmental Conduct Act.

B. Within thirty days after the general codes of conduct are adopted, they shall be given to and reviewed with all executive and legislative branch officers and employees. All new public officers and employees of the executive and legislative branches shall review the employees' general code of conduct prior to or at the time of being hired.

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act and the general codes of conduct for all executive and legislative branch public officers and employees that are peculiar and appropriate to the function and purpose for which the agency or institution was created or exists. The separate codes, upon approval of the responsible executive branch public officer for executive branch public officers and employees or the New Mexico legislative council for legislative branch employees, govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct. All codes shall be filed with the secretary of state and are open to public inspection.

D. Codes of conduct shall be reviewed at least once every four years. An amended code shall be filed as provided in Subsection C of this section.

E. All legislators shall attend a minimum of two hours of ethics continuing education and training biennially.

§ 10-16-11.1. State agency or local government agency authority

Nothing in the Governmental Conduct Act shall be construed to preclude a state agency or local government agency from adopting and publishing ordinances, rules or standards that are more stringent than those required by the Governmental Conduct Act.

§ 10-16-13. Prohibited bidding

No state agency or local government agency shall accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of a state agency or local government agency shall exercise due diligence to ensure compliance with this section.

§ 10-16-13.1. Education and voluntary compliance

A. The secretary of state shall advise and seek to educate all persons required to perform duties under the Governmental Conduct Act of those duties. This includes advising all those persons at least annually of that act's ethical principles.

B. The secretary of state shall seek first to ensure voluntary compliance with the provisions of the Governmental Conduct Act. A person who violates that act unintentionally or for good cause shall be given ten days' notice to correct the matter. Referrals for civil enforcement of that act shall be pursued only after efforts to secure voluntary compliance with that act have failed.

10-16-13.2. Certain business sales to the employees of state agencies and local government agencies prohibited

A. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to an employee supervised by the public officer or employee. A public officer or employee shall not receive a commission or shall not profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to an employee supervised by the public officer or employee. The provisions of this subsection shall not apply if the supervised employee initiates the sale. It is not a violation of this subsection if a public officer or employee, in good faith, is not aware that the employee to whom the goods, services, construction or items of tangible personal property are being sold is under the supervision of the public officer or employee.

B. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property, directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to a person over whom the public officer or employee has regulatory authority.

C. A public officer or employee shall not receive a commission or profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to a person over whom the public officer or employee has regulatory authority.

D. A public officer or employee shall not accept from a person over whom the public officer or employee has regulatory authority an offer of employment or an offer of a contract in which the public officer or employee provides goods, services, construction, items of tangible personal property or other things of value to the person over whom the public officer or employee has regulatory authority.

§ 10-16-13.3. Prohibited contributions; financial service contractors

A. A business that contracts with a state agency or local government agency to provide financial services involving the investment of public money or issuance of bonds for public projects shall not knowingly contribute anything of value to a public officer or employee of that state agency or local government agency who has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects in the state.

B. A public officer or employee of a state agency or local government agency that has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects in the state, shall not knowingly accept a contribution of anything of value from a business that contracts with that state agency or local government agency to provide financial services involving the investment of public money or issuance of bonds for public projects.

C. For the purposes of this section:

(1) "anything of value" means any money, property, service, loan or promise, but does not include food and refreshments with a value of less than one hundred dollars (\$100) consumed in a day; and

(2) "contribution" means a donation or transfer to a recipient for the personal use of the recipient, without commensurate consideration.

§ 10-16-14. Enforcement procedures

A. The secretary of state may refer suspected violations of the Governmental Conduct Act to the attorney general, district attorney or appropriate state agency or legislative body for enforcement. If a suspected violation involves the office of the secretary of state, the attorney general may enforce that act. If a suspected violation involves the office of the attorney general, a district attorney may enforce that act.

B. Violation of the provisions of the Governmental Conduct Act by any legislator is grounds for discipline by the appropriate legislative body.

C. If the attorney general determines that there is sufficient cause to file a complaint against a public officer removable only by impeachment, he shall refer the matter to the house of representatives of the legislature. If within thirty days after the referral the house of representatives has neither formally declared that the charges contained in the complaint are not substantial nor instituted hearings on the complaint, the attorney general shall make public the nature of the charges, but he shall make clear that the merits

of the charges have never been determined. Days during which the legislature is not in session shall not be included in determining the thirty-day period.

D. Violation of the provisions of the Governmental Conduct Act by any public officer or employee, other than those covered by Subsection C of this section, is grounds for discipline, including dismissal, demotion or suspension. Complaints against executive branch employees may be filed with the agency head and reviewed pursuant to the procedures provided in the Personnel Act. Complaints against legislative branch employees may be filed with and reviewed pursuant to procedures adopted by the New Mexico legislative council. Complaints against judicial branch employees may be filed and reviewed pursuant to the procedures provided in the judicial personnel rules.

E. Subject to the provisions of this section, the Governmental Conduct Act may be enforced by the attorney general. Except as regards legislators or statewide elected officials, a district attorney in the county where a person resides or where a violation occurred may also enforce that act. Enforcement actions may include seeking civil injunctive or other appropriate orders.

§ 10-16-17. Criminal penalties

Unless specified otherwise in the Governmental Conduct Act, any person who knowingly and willfully violates any of the provisions of that act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both. Nothing in the Governmental Conduct Act shall preclude criminal prosecution for bribery or other provisions of law set forth in the constitution of New Mexico or by statute.

§ 10-16-18. Enforcement; civil penalties

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the Governmental Conduct Act, the secretary of state shall refer the matter to the attorney general or a district attorney for enforcement.

B. The attorney general or a district attorney may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).

John T. Beckstead
Chairman

Terrl Fortner
Chairman Pro-Tem

GloJean Todacheena
Member

Michael Sullivan
Member

Steve Lanier
Member



Mike Stark
County Manager

Jim Cox
Deputy County Manager

APPENDIX H

100 South Oliver Drive
Aztec, New Mexico 87410
Phone: (505) 334-4271 Fax: (505) 334-3168
www.SJCounty.net

RESOLUTION NO. 21-22-08

A RESOLUTION ESTABLISHING A VACATION INCENTIVE PROGRAM FOR LATERAL TRANSFERS FOR THE OFFICE OF THE SHERIFF

WHEREAS, San Juan County Ordinance No. 34 established the San Juan County Employee Handbook, which was last amended on July 1, 2020; and

WHEREAS, Section 7.2 of said Ordinance sets vacation accrual rates for San Juan County employees based on years of eligible service of the employee; and

WHEREAS, current economic conditions in San Juan County have affected the ability of the San Juan County Sheriff's Office ("SJCSO") to maintain deputy staffing levels; and

WHEREAS, the SJCSO has found that many qualified lateral transfer applicants are hesitant to transfer to the SJCSO since they lose the vacation accrual rates earned with their current employer and begin at lower accrual rates at the SJCSO; and

WHEREAS, an incentive program allowing lateral transfers to earn vacation at accrual rates based on their total years of service when they transfer employment to the SJCSO would lead to more lateral transfers to the SJCSO.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Juan County, New Mexico:

1. Effective August 17, 2021, the SJCSO will begin offering an incentive program to lateral transfers from other law enforcement agencies.
2. Upon commencement of active duty with the SJCSO, the lateral transfer deputy will begin accruing vacation pursuant to the Employee Handbook, Ordinance No. 34, Section 7 based on the lateral transfer deputy's cumulative time of service as a certified/licensed peace officer. For example, if the deputy has worked as a law enforcement officer for 5 years, the deputy will accrue vacation at the "5 thru 9 years inclusive" accrual rate of 120 hours maximum accrual per year.
3. Lateral transfers will continue to accrue vacation at their initial placement level rate until they attain the next vacation rate level based on years of service with the San Juan County Sheriff's Office.

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF AUGUST, 2021.



**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

By: 
John T. Beekstead, Chairman


Tanya Shorby, County Clerk

John T. Beckstead
Chairman

Terri Fortner
Chairman Pro-Tem

GloJean Todacheene
Member

Michael Sullivan
Member

Steve Lanier
Member



Mike Stark
County Manager

Jim Cox
Deputy County Manager

APPENDIX I

100 South Oliver Drive
Aztec, New Mexico 87410
Phone: (505) 334-4271 Fax: (505) 334-3168
www.SJCounty.net

RESOLUTION NO. 21-22-09

A RESOLUTION ESTABLISHING A VACATION INCENTIVE PROGRAM FOR MAINTAINING PHYSICAL FITNESS LEVELS AT THE OFFICE OF THE SHERIFF

WHEREAS, physical fitness is a vital component of effective law enforcement; and

WHEREAS, an incentive offering compensatory or vacation time to San Juan County Sheriff's Office ("SJCSO") employees who demonstrate continued physical fitness would boost morale and encourage and reward physical fitness at the SJCSO.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Juan County, New Mexico that:

1. Effective August 17, 2021, the SJCSO will begin offering a physical fitness incentive program to SJCSO certified deputies.
2. Certified deputies who choose to participate will be given a physical fitness strength and endurance test each year identical to the academy exit-level fitness test required by the State of New Mexico for entry level peace officer certification.
3. Hourly deputies who pass the fitness test will receive two (2) days (16 hours total) of compensatory time. Accruals that put the employee's total hours of compensatory time over 80 hours will be forfeited.
4. Salaried deputies who pass the examination will receive two (2) days (20 hours total) of vacation time. Accruals over 320 hours vacation are subject to forfeiture pursuant to Section 7.4 of the Employee Handbook.
5. The examination shall be administered annually.

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF AUGUST, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

By: 
John T. Beckstead, Chairman




Tanya Shelby, County Clerk

Jack L. Fortner
Chairman

Jim Crowley
Chairman Pro-Tem

GloJenn Todacheens
Member

Michael Sullivan
Member

John T. Beckstead
Member



Mike Stark
County Manager

Fran Fillerup
County Administrative Officer

Jim Cox
Chief Financial & Strategy Officer

APPENDIX J

100 South Oliver Drive
Aztec, New Mexico 87410
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STATE OF NEW MEXICO
SAN JUAN COUNTY
RESOLUTION NUMBER 20-21-01

**A RESOLUTION AUTHORIZING ON-CALL/STAND-BY PAY
FOR CERTAIN SAN JUAN COUNTY FIRE DEPARTMENT EMPLOYEES**

WHEREAS, the Board of County Commissioners of San Juan County (Board) is the governing body of San Juan County, New Mexico, and

WHEREAS, the San Juan County Fire Department requires two division chiefs be on-call at one time during each week, each serving an area covering one-half of the County, to monitor and respond to calls as needed year-round, and

WHEREAS, the San Juan County Fire Department has one mechanic on-call each week, year-round, covering the entire County, and

WHEREAS, the weekly shift for division chiefs and mechanics normally runs from Tuesday morning starting at 7:00 am through the next Tuesday at 7:00 am, and

WHEREAS, there are times when, due to unforeseen circumstances, a division chief or mechanic cannot complete his or her entire shift, resulting in another division chief or mechanic covering the remaining shift, and

WHEREAS, since the variability in shift coverage makes it possible that another employee will be required to cover an unscheduled shift, the Fire Department will pay each FLSA employee wages for one half-hour per weeknight of coverage and one hour for every weekend day or holiday that the FLSA employee is on-call or stand-by, regardless of whether the employee is called in to cover a shift. This equates to wages for four and a half hours of work per employee, per week, unless there is a holiday, in which case the number of hours paid may be higher, and

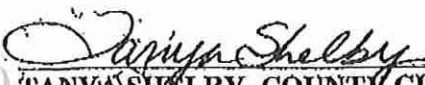
WHEREAS, on-call/stand-by time is compensated as overtime unless the employee has not worked 40 hours in the week where on-call/stand-by time is added, in which case the rate is then compensated at the employee's regular rate of pay, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners ratifies the current on-call/stand-by pay policy for certain San Juan County Fire Department employees as outlined above and this Resolution shall be an addendum to the current San Juan County Employee Handbook and shall remain in effect until modified or cancelled by the Board.

PASSED, APPROVED, ADOPTED, AND SIGNED THIS 7TH DAY OF JULY, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS SAN JUAN
COUNTY, NEW MEXICO


TANIKASHELBY, COUNTY CLERK


JACK L. FORTNER, CHAIRMAN

Jack L. Fortner
Chairman

Jim Crowley
Chairman Pro-Tem

GloJean Todacheone
Member

Michael Sullivan
Member

John T. Beckstead
Member



Mike Stark
County Manager

Fran Fillorup
County Administrative Officer

Jim Cox
Chief Financial & Strategy Office

APPENDIX J

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STATE OF NEW MEXICO
SAN JUAN COUNTY
RESOLUTION NUMBER 20-21-02

A RESOLUTION AUTHORIZING ON-CALL PAY
FOR CERTAIN SAN JUAN COUNTY SHERIFF'S OFFICE CERTIFIED OFFICERS

WHEREAS, the Board of County Commissioners of San Juan County (Board) is the governing body of San Juan County, New Mexico, and

WHEREAS, the San Juan County Sheriff's Office has ten detectives who are on-call, on a rotating basis, for one full week consisting of seven days each pay period, and will be compensated for up to two hours for time spent on-call, and

WHEREAS, the San Juan County Sheriff's Office has four Region II Deputy Sheriffs who are on-call, on a rotating basis, for one full week consisting of seven days each pay period, and will be compensated for up to nine hours for time spent on-call, and

WHEREAS, if these certified officers respond to an on-call situation, they will also be compensated for their response time worked according to the Fair Labor Standards Act (FLSA), and

WHEREAS, the on-call hours are compensated as overtime unless the certified officer has not physically worked 40 hours in the week where on-call is added, in which case the rate is then compensated at the certified officer's regular rate of pay, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners ratifies on-call pay for certain San Juan County Sheriff's Office certified officers as outlined above and this Resolution shall be an addendum to the current employee handbook and shall remain in effect until modified or cancelled by the Board.

PASSED, APPROVED, ADOPTED, AND SIGNED THIS 7TH DAY OF JULY, 2020.



TANYA SHELBY, COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS SAN
JUAN COUNTY, NEW MEXICO

JACK L. FORTNER, CHAIRMAN

SAN JUAN COUNTY

RESOLUTION NO. 96-97-13

ADMINISTRATIVE PROCEDURE FOR GRIEVANCE HEARINGS

1. SCOPE OF RULES.

These rules govern the procedure in all grievance hearings under the San Juan County Personnel Ordinance and the San Juan County Personnel Handbook.

2. NOTICE OF HEARING.

2.1 When a hearing is authorized by the Personnel Ordinance and a written request for hearing has been filed, a hearing shall be scheduled before an independent hearing officer. The county shall notify the party requesting the hearing, and all interested parties, by certified mail, return receipt requested, of the hearing.

2.2 The notice shall include the name of the hearing officer, time, place, date and nature of the hearing, which time shall be not less than five nor more than sixty days from the date of filing of the request for hearing, provided that the hearing officer may for good cause or upon stipulation of the parties set the hearing for a later date.

3. HEARING; CONDUCT; RECORD.

3.1 Testimony at the hearing shall be taken under oath and recorded by tape or otherwise. Upon the request of any party, testimony shall be transcribed, provided that all costs of transcribing shall be paid by the party so requesting.

3.2 Opportunity shall be afforded all parties to appear and present evidence and argument on all issues involved. A party may be represented by counsel and may conduct cross-examination for a full and true disclosure of the facts.

3.3 The hearing officer shall administer oaths or affirmations to witnesses, determine the credibility of such witnesses, determine the admissibility of evidence and the weight of such evidence, and decide the law and the facts of the case.

3.4 The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be generally followed; however, when it is necessary to ascertain facts not reasonably susceptible of proof under these rules, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to

evidentiary offers may be made and shall be noted in the record.

3.5 The hearing officer shall control the conduct of all parties and all other persons present in the hearing room. The hearing officer may, under the appropriate circumstances; (1) remove any person from the hearing room; (2) close the hearing to the general public; (3) exclude all witnesses until they are called to testify; (4) continue the hearing to a later time and date; and (5) take any other action the hearing officer determines is necessary to insure orderly proceedings and conduct a fair and impartial hearing.

3.6 The hearing officer shall make a record of the hearing, which shall include:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of the matters officially noticed;
- (4) offers of proof, objections and rulings thereon;
- (5) any proposed findings submitted; and
- (6) the decision by the hearing officer.

4. FINDINGS AND CONCLUSIONS; DECISION.

4.1 The hearing officer may announce his decision verbally at the conclusion of the hearing or by written communication to the parties or their attorneys mailed to their last known address not later than three (3) days after the hearing.

4.2 The hearing officer shall allow counsel a reasonable opportunity, not to exceed five (5) days after the hearing officer announces his decision, to submit requested findings of fact and conclusions of law which shall be served on opposing counsel prior to submission. Service upon an attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address.

4.3 A final decision by the hearing officer shall include findings of fact and conclusions of law, separately stated. Within ten (10) days after receipt of requested findings of fact and conclusions of law, the hearing officer shall serve upon each party of record, or his attorney, a written copy of the final decision by mailing it to that person's address of record. All parties shall be deemed to have been served on the third day following the mailing.

4.4 If the hearing officer determines that the grievance is valid, the hearing officer may require the county to take such affirmative action as the hearing officer determines is necessary to rectify the action complained of, including, but not limited to, hiring, reinstatement, promotion, suspension for a lesser period, and award or no award of back pay, but the hearing officer shall not have the authority to award damages (other than back pay) or attorney fees.

5. SUBPOENAS; INSPECTION OF RECORDS; DISQUALIFICATION.

5.1 Subject to the rules of privilege and confidentiality recognized by law, the hearing officer may require the furnishing of information, the attendance of witnesses, and the production of books, records, papers or other objects necessary and proper for the purposes of the proceeding.

5.2 The hearing officer may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter in question in the proceeding. The form of the subpoena shall adhere, insofar as is practicable, to the form used in the district court.

5.3 Any party to the proceeding shall be entitled to subpoenas in the name of the county. The subpoena shall show upon its face the name and address of the party at whose request the subpoena was issued. Unless otherwise required by law, the parties shall not be required to pay fees for attendance and travel to witnesses summoned by a party. The hearing officer, upon written motion filed by a party, may modify or vacate a subpoena for any reason that justice requires.

5.4 A subpoena issued under these rules shall be served in the same manner as subpoenas issued by the district court.

5.5 In case of disobedience to any subpoena issued and served under these rules, or for the refusal of any person to testify regarding any matter for which he may be lawfully interrogated, the hearing officer may apply to the district court in the county of the person's residence for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony. If the refusal or disobedience is found to be unlawful, the district court shall enter an order requiring compliance in full or as modified. Disobedience of the court order shall be punished as contempt of the district court in the same manner and by the same procedure as provided for like conduct committed in the course of judicial proceedings.

5.6 A hearing officer shall recuse himself or withdraw from any proceeding in which he cannot accord a fair and impartial hearing or decision. Any party may request a disqualification of a hearing officer on the grounds of the person's inability to be fair and impartial by filing a motion and an affidavit promptly upon the discovery of the alleged grounds for disqualification, stating with particularity the grounds upon which it is claimed that the person can not be fair or impartial. The burden shall be upon the moving party to show by clear and convincing evidence the hearing officer's inability to be fair and impartial. The Board of County Commissioners shall make the final determination concerning disqualification of a hearing officer.

6. JUDICIAL REVIEW.

Any party who is adversely affected by final order or decision under these rules is entitled to judicial review thereof pursuant to Rule 1-075 of the Rules of Civil Procedure for the District Courts of the State of New Mexico (SCRA 1986).

7. PRIOR RULES SUPERSEDED.

This resolution supersedes all prior resolutions establishing administrative procedures for grievance hearings.

8. PURPOSE OF RULES; LIBERAL CONSTRUCTION.

The Board of County Commissioners declares the purpose of this resolution is to promote uniformity with respect to administrative procedure, to insure that such procedure is fair and equitable to all who participate in the proceedings and to provide for judicial review of administrative decisions. These rules shall be liberally construed to carry out this purpose.

PASSED, APPROVED AND ADOPTED this 24th day of September, 1996.

BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO

By: Sherry L. Galloway
Sherry L. Galloway, Chairman

ATTEST:

Carol Bandy
Carol Bandy, County Clerk

**SAN JUAN COUNTY
WORKPLACE VIOLENCE POLICY**

San Juan County prohibits all forms of workplace violence and will not tolerate any form of workplace violence committed by employees, supervisors, or third parties (e.g., vendors, patrons, residents, visitors). While no employer is immune from workplace violence and no employer can totally prevent it, the County will make reasonable efforts to prevent workplace violence and will take appropriate disciplinary action against any employee or supervisor who violates this policy. The County will also seek the criminal prosecution of those employees or third parties who violate the law by committing acts or threats of violence against San Juan County employees.

Workplace

For purposes of this policy, the workplace is defined as any location where County work is authorized and is being performed. This policy, however, is not applicable to conflicts between household members and the employee occurring at the employee's home while the employee is working under a remote work agreement.

Prohibited Conduct

For purposes of this policy, workplace violence includes but is not limited to:

Making threatening remarks (through any means) that would cause a reasonable person to fear for their safety or the safety of others. This includes suggestions or insinuations that violence is appropriate to solve a workplace problem.

Physical attacks, hitting, fighting, pushing, throwing objects, or any unconsented physical contact which is likely to cause fear or emotional distress in a reasonable person.

Intentionally destroying or threatening to destroy property owned, operated, or controlled by the County or a County employee.

Behavior that would cause a reasonable person emotional distress or creates a reasonable fear of injury, such as stalking, shaking a fist at an individual, closing distance and intentionally invading an individual's personal space.

This list is illustrative only and not exhaustive. No form of workplace violence will be tolerated.

Prohibited Weapons

All County employees, with the exception of full-time Deputy Sheriffs, Detention Transport Officers while engaged in transportation of federal detainees, and those employees who possess valid New Mexico Concealed Carry Permits or who qualify to carry concealed under the Federal Law Enforcement Officers Safety Act (LEOSA), are prohibited from carrying handguns or firearms into County buildings, County vehicles, or any other spaces employees may be assigned to work while engaged in work duties for the County, even if not on County-owned property. Employees who possess valid New Mexico Concealed Carry Permits or who qualify to carry concealed under the Federal Law Enforcement Officers Safety Act (LEOSA) are permitted to carry firearms concealed on their persons only and in compliance with the conditions, rules, and regulations associated with their permit and applicable law. Employees who qualify and choose to concealed carry shall take all precautions necessary to ensure their firearm is secure at all times while on county property.

Unless specifically required by the employee's County job description and except as provided in the preceding paragraph, employees are prohibited from possessing any weapons that are restricted under State or Federal law or regulations at the workplace or while engaged in work duties for the County.

Protective or Restraining Orders

County employees who have been granted court-ordered protection which extends to the workplace must notify their supervisor and the Human Resources Department (HR) in a timely manner and as soon as practical, who will work together to develop a plan to implement safety measures and aid in understanding County benefits or leaves applicable to the situation.

Reporting Workplace Violence

San Juan County is committed to enforcing this policy against all forms of workplace violence. However, the effectiveness of our efforts depends on employees telling us about all incidents of workplace violence, **including threats of violence**. Reporting procedures:

- **IF THE INCIDENT OR THREAT PRESENTS AN IMMEDIATE RISK OF INJURY, LAW ENFORCEMENT MUST BE CONTACTED AT ONCE BY DIALING 911**, and then contact HR once it is safe to do so.
- Otherwise, employees who witness or experience any workplace violence or learn of threats should report it immediately to HR or by contacting their direct supervisor. Employees are encouraged to submit a “Workplace Violence Incident Report” [available on-line on E-Connector at the HR offices.] as soon as possible.
- If reported to the supervisor, the supervisor must relay the report to HR without delay followed by submittal of the “Workplace Violence Incident Report,” within twenty-four (24) hours of an alleged workplace violence infraction.
- Employees are encouraged to complete the Workplace Violence Incident Report.
- In addition, if an employee feels that the employee or someone else may have been subjected to conduct that violates this policy, the employee should likewise report it.

Investigation and Discipline

San Juan County will thoroughly investigate all complaints of workplace violence. Acts of workplace violence are among the most serious forms of misconduct and will result in discipline commensurate with the severity of the misconduct, up to and including immediate termination.

Employee Assistance Program

San Juan County provides an employee assistance program (EAP) for all employees and their eligible dependents. The EAP is designed to help individuals manage personal problems that can impact their well-being and work performance. Treatment is confidential (unless an EAP counselor is required by law to disclose information, such as child abuse) and will not become a part of an employee's personnel records. For more information about the EAP, contact HR.

No Retaliation

County employees are encouraged to report workplace violence. San Juan County prohibits any form of discipline, reprisal, intimidation, or retaliation for good faith reporting of incidents of workplace violence of any kind, pursuing a workplace violence complaint, or cooperating in related investigations.

Administration of this Policy

The Human Resources Department is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about workplace violence that are not addressed in this policy, please contact the Human Resources Department.

San Juan County
Comprehensive Cyber Policy

TABLE OF CONTENTS

Computer and Internet Use Policy - Page 2

Password Protection and Construction Policy – Page 5

Data Classification and Protection Policy – Page 7

Data Breach Response Policy – Page 10

Mobile Device Purchasing and Management Policy – Page 12

Software Installation Policy – Page 14

APPLICABILITY

Throughout this policy the term “Employee” is defined as including all classifications of employees including, but not limited to, Full and Part-time, Trial and Non-trial period, Elected Officials, Unclassified, Volunteers, Temporary, Contract, Grant Funded, and Interns. Non-compliance with this policy may subject an employee to suspension or revocation of use of County Information Systems resources. Employees, except for Elected Officials, who violate this policy may also be subject to discipline up to and including termination. Department Heads and Elected Officials will work cooperatively with the CIO and CISO to ensure employees of their respective departments are abiding by these policies and impart appropriate discipline for violations.

Computer and Internet Use Policy

1. Purpose

To establish guidelines for acceptable use of San Juan County computer systems, internet, and email to ensure a secure and productive computing environment.

2. Overview

The use of San Juan County's technology resources should always be job-related and not for personal gain. The County's computer equipment, software, operating systems, storage media, network accounts, electronic mail, voice mail, and Internet browsing are business tools provided to assist employees in the performance of their jobs. Electronic messages and files, created, sent and received, are County property. Consequently, employees should not expect privacy. All messages created, sent, or retrieved over e-mail or the Internet should be considered public information. The County reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. All communications, including text and images, can be disclosed without prior consent. This policy outlines the standards for acceptable use of these resources.

3. Scope

This policy applies to all employees, contractors, vendors, and agents of San Juan County using County resources (computers, tablets, cell phones, network, email, etc).

4. Policy

4.1. Prohibited Activities – These activities are not allowed while using County-owned resources

- Harassing, insulting, or attacking others (cyber-bullying).
- Sending, displaying, or intentionally accessing or possessing intimidating, hostile, offensive, or hate-related material (including racial or sexual comments or jokes, obscene language, and sexually explicit or pornographic material).
- Using the County's equipment or network for non-County related purposes such as personal, or commercial ventures.
- Using County resources to provide unauthorized, non-work-related services (i.e., research, map printing, etc.) to another individual or entity.
- Creating or forwarding chain letters.
- Using the network for non-County related bandwidth-intensive activities such as network games and the downloading or streaming of music or video files or serving as a host for such activities.
- Participating in forums, chat rooms, or exchanges except to conduct official San Juan County business, or to gain technical or analytical advice.

- Installing or distributing “pirated” or other software that is not appropriately licensed for use by San Juan County.
- Using County equipment or Internet service to download entertainment software, games, screen savers, coupon downloaders/sharing software, registry cleaners, system accelerator or optimizer software, or any internet toolbar that causes unnecessary bandwidth consumption.
- Downloading and installing anti-spyware or anti-virus software that is not supported and approved by the IS Department.
- Sharing of any passwords or authorization codes.
- Using proxy accounts.
- Activities that would subject the County or the individual to criminal, civil, or administrative liability.
- Anything prohibited by law.

4.2. Authorization Required – These activities require prior authorization from the appropriate resource (i.e. Elected official, Department Head, County Manager’s Office, or I.S. Department)

- Sending an e-mail to “All Users”
- Granting access to use County resources to non-County personnel
- Downloading or installing personal, properly licensed software, on County-owned resources without authorization from both the Elected Official/Department Head and the I.S. Department.
- Using automatic inbox forwarding of emails

4.3. Email and Internet Use

As a general rule, all employees are expected to use common sense and sound judgment when utilizing the e-mail system and the Internet. Users should respect the rights and sensitivities of recipients and potential recipients or viewers. They should ensure that all e-mail messages and Internet usage reflect the professional image that San Juan County wishes to portray. E-mail signature lines cannot be altered and must contain the disclosure that has been approved by the Legal Department. An individual employee’s e-mail signature may not contain any type of slogan. Departmental mottos and logos are permitted. San Juan County has software and systems in place to monitor e-mail and Internet usage. Users should know that e-mail messages and Internet usage are not private and will be monitored. Employees must be aware that all messages, whether sent, received, or stored, are subject to review by San Juan County as directed by the Chief Human Resources Officer and the County Manager. Such messages also may be subject to disclosure to outside third parties, including the court system, law enforcement agencies, and the public. Deleted messages can be retrieved. Employees should not send e-mail messages or visit Internet sites they would not want to have seen by persons other than the intended recipients and/or want to remain private.

4.4 Personal Use of Equipment and Resources

The County permits limited personal use of equipment and resources by employees, provided such use does not include activities prohibited by any part of this policy, reduce the productivity of the employee or co-workers, or use an excessive amount of County resources.

5. Policy Compliance

The I.S. department in conjunction with the County Manager's office and in compliance with I.S. policy will verify compliance through various methods, including but not limited to, business tool reports, internal and external audits, and feedback from users.

6. Employee Rights Under This Policy

This Computer, Internet, and E-mail Use Policy is not intended to limit an employee's rights under any applicable federal, state, or local law, including those rights under the National Labor Relations Act, to engage in protected concerted activities with other employees to improve or discuss conditions of employment, such as wages, working conditions, or benefits.

Password Protection and Construction Policy

1. Purpose

To establish a standard for creation of strong passwords and the protection of those passwords.

2. Overview

Passwords are an important aspect of computer security and must be secured, confidential, and protected. A poorly chosen password may result in unauthorized access and/or exploitation of our resources. All staff, including contractors and vendors with access to San Juan County systems, are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

3. Scope

This policy applies to employees, elected officials, contractors, consultants, temporary and other workers, including all personnel affiliated with third parties. This policy applies to all passwords including but not limited to user-level accounts, system-level accounts, web accounts, e-mail accounts, screen saver protection, and local router logins.

4. Password Creation

4.1. Strong passwords are long, the more characters you have the stronger the password. We require a minimum of 12 characters in your password unless there are specific federal or state guidelines. In addition, we highly encourage the use of passphrases, passwords made up of multiple words. Examples include *"It's time for vacation"* or *"block-curious-sunny-leaves"*. Passphrases are both easy to remember and type yet meet the strength requirements. Poor, or weak, passwords have the following characteristics:

- A. Contain less than 12 characters.
- B. Contain personal information such as birthdates, addresses, phone numbers, or names of family members, pets, friends, and fantasy characters.
- C. Contain number patterns such as aaabbb, qwerty, zyxwvuts, or 123321.
- D. Are some version of "Welcome123" "Password123" "Changeme123".

4.2. In addition, every work account should have a different, unique password. To enable users to maintain multiple passwords, we highly encourage the use of 'password manager' software that is authorized and provided by the organization.

4.3. San Juan County requires the use of multi-factor authentication on systems that support it, such as e-mail, SharePoint, VPNs, etc.

4.4. Users are strongly discouraged from using any work-related passwords for their own personal accounts.

5. Password Changes

- 5.1. Passwords should be changed only when there is reason to believe a password has been compromised or if there are specific federal or state guidelines that mandate periodic password changes.
- 5.2. Password cracking or guessing may be performed on a periodic or random basis by IS or its delegates. If a password is guessed or cracked during one of these scans, the user will be required to change it to comply with the guidelines.

6. Password Protection

Passwords must not be shared with anyone, including supervisors and coworkers. All passwords are to be treated as sensitive, confidential San Juan County information. Information Systems recognizes that legacy applications do not support proxy systems in place. Passwords may be shared with IS personnel in cases where there is extreme need.

7. Compliance Measurement

The IS team will verify compliance with this policy through various methods, including but not limited to, periodic walk-throughs, video monitoring, business tool reports, internal and external audits, and feedback to the policy owner.

8. Exceptions

Some systems, both internal and external may require a password that cannot be constructed according to this policy. In those cases, the user must follow the guidance of that application to create the most secure password possible. If the system has a password meter the password must be constructed to a strength of "Excellent" or its equivalent. Any other exception to the policy must be approved by IS in advance.

Data Classification and Protection Policy

1. Purpose

To provide a basis for protecting access and release of San Juan County data by:

- A. Providing uniform guidance to San Juan County Employees and Elected Officials on data classifications and responsibility of data protection.
- B. To act in accordance with federal, state, and local laws and regulations, grant and contract terms and conditions, privacy considerations, and other legal obligations.
- C. To regulate sharing of data inside and outside of San Juan County.

2. Data Classification Categories

County Data falls into one of four distinct data categories below:

Category 4 - Controlled Data:

Data protected by federal statute, executive order, or regulation defined as critical to the nation's interest or government operations. Data that may be designated as proprietary through grants, contracts, or NDAs.

Examples:

- A. NCIC/CJIS/FBI Data
- B. Law Enforcement Data
- C. Classified Information

Category 3 - Regulated Data:

Data that is required by state/federal law or regulation to be protected that does not fall into Category 4 Controlled Data or data that could result in significant harm (civil, reputation, etc.) to San Juan County if released.

Examples:

- A. Protected Personal Information (PPI)
- B. Social Security Numbers
- C. Driver's License Numbers
- D. Bank Account Numbers
- E. HIPAA Protected Information

Category 2 - Internal Data:

Any data that is not explicitly protected by state/federal law or regulation but could pose a security risk or civil action if released to unauthorized individuals.

Examples:

- A. Account credentials
- B. Budget/Payroll/Employee Information not explicitly referenced in state/federal law or regulation
- C. Systems and Networking Information and Diagrams

Category 1 - Public Data:

Any data that does not fit in the other three categories. This data does not propose any risks to the organization if distributed. Public data would encompass any data that would be publicly accessible; however, that does not mean it has to be out for public access.

Examples:

- A. Web site and Published Data
- B. Data created by employees that may not be strictly business related (EAC fliers, retirement announcements, etc.)
- C. Marketing Material

3. Roles and Responsibilities

Data Owners:

A data owner is a County Employee or Elected Official who creates, manages, and stores County electronic data. Data owners are responsible for the data they have created and understand what category the data applies to. A data owner should not release data internally or externally to unauthorized individuals as defined by the classification. A data owner should consult with their supervisor and/or appropriate County department (Manager's Office, Legal, HR) if they are unsure who the data can be shared with. All Public Records requests should be forwarded to the County Legal Department for review, unless specific procedures are already approved and in place for routing public records requests such as police reports for criminal case review by trial.

Data Users:

A data user is a County Employee or Elected Official who has access to County Data. Data users are responsible for understanding what data classification the data they are accessing belongs to. Data users should not share data internally or externally to unauthorized individuals.

Data Security Committee:

The San Juan County Data Security Committee is a committee consisting of employees from various departments that meet periodically to discuss data gathered by the Information Systems (IS) department. The committee will review data that has been monitored and curated to ensure compliance of proper data security and privacy standards.

County Employee and Elected Official Responsibility:

All County Employees and Elected Officials are responsible to insure proper data storage, creation, and release. Any County Data must be created and edited from County Systems (Office 365, VDI/Laptop/Workstations, County Issued Mobile Devices, etc.). No County Data should be transferred, created, edited, or stored on unauthorized devices or outside of authorized County "Cloud" Hosted Applications (Office 365, MUNIS, etc.). Any County Data classified in categories 2-4 should not be released outside of the County internal operations before consulting with a supervisor or appropriate County Department (County Manager's Office, Legal, HR, etc.).

4. Monitoring and Review

Information Systems (IS) will monitor and periodically review data contained on County Systems. All data is monitored via automated systems that attempt to automatically classify data. Reports will be generated from the automated system and be reviewed by IS periodically for accuracy and then be compiled for review by the Data Security Committee.

5. County Electronic Device Disposal

To insure complete and proper data security no County electronic device (cell phones, laptops, desktop computers, etc.) will be sold directly to any County Employee. All County Electronic Devices will be disposed of following establish procedures separate of this policy.

Data Breach Response Policy

1. Purpose

- 1.1. To establish the goals and the vision for the county's breach response process. This policy will clearly define to whom it applies and under what circumstances. It will include the definition of a breach, staff roles and responsibilities, standards, and metrics (e.g., to enable prioritization of the incidents), as well as reporting, remediation, and feedback mechanisms. The policy shall be well publicized and made easily available to all personnel whose duties involve data privacy and security protection.
- 1.2. The policy will protect San Juan County's employees, partners, and its vendors from illegal or damaging actions by individuals, either knowingly or unknowingly.

2. Background

Any individual who suspects that a theft, breach or exposure of Protected data or San Juan County Sensitive data has occurred must immediately provide a description of what occurred via e-mail to support@sjcounty.net or by calling the CIO or Deputy CIO, or if located in the Sheriff's office e-mail to helpdesk@sjcso.com or by calling the Sheriff's IS personnel. These contacts are monitored by IS security staff. The IS teams will investigate all reported thefts, data breaches and exposures to confirm if a theft, breach, or exposure has occurred.

3. Scope

This policy applies to all who collect, access, maintain, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle personally identifiable information or Protected Health Information (PHI) of San Juan County members. Any agreements with vendors will contain similar language that protects County data accessible or stored by them.

4. Confirmed theft, data breach or exposure of County Protected data or County Sensitive data

- 4.1. As soon as a theft, data breach or exposure containing County Protected data or County Sensitive data is identified through the use of logs and tools, the process of removing all access to that resource will begin.
- 4.2. The CIO and CISO will chair an incident response team to handle the breach or exposure. The incident response team will meet weekly until incident closure.

4.3. The team will include members from:

- IS
- Manager's Office
- Finance (if applicable)
- Legal/Risk Management
- Human Resources
- The affected unit, department, or elected office that uses the involved system or output or whose data may have been breached or exposed
- Additional departments based on the data type involved
- Additional individuals as deemed necessary by the County Manager
- Additional regulatory bodies as deemed necessary by State or Federal mandates

5. Work with Forensic Investigators

As provided by San Juan County cyber insurance, the insurer will need to provide access to forensic investigators and experts that will determine how the breach or exposure occurred; the types of data involved; the number of internal/external individuals and/or organizations impacted; and analyze the breach or exposure to determine the root cause.

6. Develop a communication plan

Work with the County's Public Information Officer, Legal, Manager's Office, and Human Resource departments to decide how to communicate the breach to:

- Internal employees
- The public
- Those directly affected

7. Non-compliance

Any County personnel found in violation of this policy may be subject to disciplinary action, up to and including termination of employment as determined by the Incident Response Team. Any third-party partner company found in violation may have their network connection terminated.

Mobile Device Purchasing and Management Policy

1. Purpose

To provide guidance on cell phone and tablet purchases and services provided by San Juan County.

2. Scope

This Mobile Device Purchasing and Management Policy applies to all San Juan County employees and elected officials currently possessing or purchasing new or replacement cell phones/tablets. The scope of this policy does not include laptop computers. IS refers to both County Administrative and Sheriff's Office Information Systems staff, please refer to the department that manages your phones.

3. Policy

- 3.1. Cell Phones and tablets purchased through a San Juan County Account are defined as mobile devices that perform many of the functions of a computer, typically having a touchscreen interface, Internet access, and an operating system capable of running downloaded applications. This excludes "flip phones" and phones that are not capable of running Android, Apple IOS, or Windows Mobile.
- 3.2. IS orders and maintains wireless service contracts. All cell phones using San Juan County services must be reviewed and purchased by the IS department.
- 3.3. Tablets must be reviewed and purchased by the IS department.
- 3.4. Employees leaving San Juan County may be able to take their cell phone number with them by coordinating with IS. Devices will not be sold directly to employees.
- 3.5. All smart devices must run Apple IOS and be enrolled in the San Juan County Apple Device Enrollment Program. This program registers the device as a San Juan County owned device and allows us to ensure devices that are lost or stolen are not usable by people who are not employed by San Juan County. Android and Windows Mobile devices are not allowed.
- 3.6. All mobile devices must be shipped directly to IS as it must be provisioned by either San Juan County IS staff, or if a Sheriff's Office employee, Sheriff Office IT Staff.
- 3.7. Mobile Device Management software will be installed during provisioning. This allows County IS staff to locate lost/stolen devices, securely lock lost/stolen devices, and remotely remove data from lost/stolen devices if determined to be necessary. Removal of the Mobile Device Management software is prohibited.
- 3.8. Employees may not purchase services or software using County funds. Work related apps will be managed by IS.
- 3.9. To ensure safety and security of County networks, some apps may be blocked.
- 3.10. Employees are allowed to purchase and install personal apps with their own funds.
- 3.11. Unauthorized modifications to devices are not allowed and will be restricted from accessing County resources. User will be responsible for expenses incurred to the fullest extent of the law.
- 3.12. The cost of County issued cell phones cannot exceed \$100 per phone. To protect and conserve public funds exceptions must be approved by the County Manager.

- 3.13. Lost and stolen devices must be reported by the user of the device to their supervisor within 24 hours. The supervisor must alert IS staff immediately so steps to recover or secure the device can be made.
- 3.14. Mobile devices that do not comply with this policy will not be allowed to connect to County provided services, be supported by IS departments, or paid for with County funds.
- 3.15. Mobile devices that are no longer in use or that belonged to an employee that has left employment must be returned to the County IS department. IS will securely erase these phones. IS staff must be alerted when a new user is assigned the phone. Phones that have not been reissued within 90 days may be issued to another department or elected office.

Software Installation Policy

1. Purpose

To outline the requirements around installation software on County computing devices excluding mobile phones and tablets.

2. Overview

Allowing employees to install software on company computing devices opens the organization up to unnecessary exposure. Conflicting file versions can prevent programs from running, the introduction of malware from infected installation software, unlicensed software which could be discovered during audit, and programs which can be used to hack the organization's network are examples of the problems that can be introduced when employees install software on company electronics.

3. Scope

This policy applies to all County employees, contractors, vendors, elected officials, and agents with County owned devices. This policy covers all computers, servers, and other computing devices operating within San Juan County.

4. Policy

- 4.1. Employees and elected officials may not install software on County's computing devices operated within the County network except those vetted by and approved by the IS department.
- 4.2. Software requests must first be approved by the requester's supervisor and then be made to IS via Help Desk ticket or email.
- 4.3. Software must be selected from an approved software list, maintained by the IS department.
- 4.4. The IS department will obtain and track the licenses, test new software for conflict and compatibility, and perform the installation, unless otherwise coordinated with the Department Head or Elected Official.
- 4.5. Software should be periodically upgraded as those upgrades become available and determined appropriate by IS. This will be based on software support timelines from the vendor and for performance, compatibility, and security on County systems.
- 4.6. IS will periodically review software installed on County systems to ensure that it meets the functionality and security needs of the County.

5. Policy Compliance

The IS team will verify compliance with this policy through various methods, including but not limited to, periodic walk-throughs, business tool reports, internal and external audits.